

DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Friday 12 January 2024 at 1.30 pm**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors L Brown and J Griffiths

Also Present:

Mrs G Proud – Legal Advisor

Ms H Johnson – Licensing Team Leader

Mrs N Anderson – Senior Licensing Enforcement Officer Community Protection, Durham County Council (Applicant)

PCSO Mr B Donnelly – Durham Constabulary

Mr A Tomlinson - Solicitor on behalf of the Premises Licence Holder (Popleston Allen Solicitors)

Mr J Harvey – Solicitor on behalf of the Premises Licence Holder (Popleston Allen Solicitors)

Mr J Maizels – Company Director (FB Taverns FH Ltd.)

Mr A Burns – Area Manager (FB Taverns FH Ltd.)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations on interest.

4 Application for the Review of a Premises Licence - The Top House, 103 Front Street, Stanley, County Durham

The Chair welcomed everyone to the meeting and introductions were made.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change to consider and determine an application to review the premises licence in respect of The Top House, 103 Front Street, Stanley, County Durham (for copy of report, see file of minutes).

A plan showing the location of the premises was circulated.

On 14th November 2023, an application was received from Mrs Anderson of Durham County Council Licensing Enforcement Team (Responsible Authority) asking for a review of the premises licence for The Top House, 103 Front Street, Stanley, County Durham.

The current premises licence holders are FB Taverns FH Limited.

During the consultation period the Licensing Authority received one representation in support of the review application from Durham Constabulary.

The Durham Safeguarding Children Partnership and the Home Office Immigration Enforcement Team both responded to the consultation with no representations.

Meetings had subsequently taken place between the Premises Licence Holders, Mrs Anderson and Durham Constabulary to discuss the contents of the review application.

As a result of these discussions, on the 18 December 2023 the premises licence holder's legal representative submitted some background information and an action plan to address the concerns. All parties had approved the action plan.

The Licensing Team Leader provided Members with details of the action plan and advised Members that the premises had been closed since November 2023.

Members were provided with details of the options open to the Sub-Committee.

There were no questions of the Licensing Team Leader.

The Licensing Enforcement Officer indicated that a lot of work had been carried out prior and since the review application and they have worked with the Licence Holder to come to an agreement as set out in the report.

Durham Constabulary agreed with the proposals put forward and stated that they were looking forward to welcoming the new owners once the premises was re-opened.

The Premises Licence Holder's Solicitor indicated that they were grateful to Durham Constabulary and the Licensing Authority for working with them. There had been some substantial difficulties with the premises and they were pleased to confirm that those difficulties were a chapter that was a history of the premises. He confirmed that the premises had been closed since 4 December 2023 and were not in a position to reopen yet but would be within a reasonable timeframe.

He then referred to the action plan and hoped that they could see some wisdom in the action plan. In terms of their submission, they invited the committee to resolve to reduce the opening hours and proposed the condition at item 4 of the action plan.

Councillor L Brown asked the Applicant's Solicitor for some reassurance regarding the weekend hours giving the history of the premises where there was a lot of trouble after midnight.

The Premises License Holder's Solicitor reassured Members that a new operator had been identified for the premises who had a history of operating the premises at a time when it was not a cause for concern. He continued that Members could have confidence that an experienced well respected Designated Premises Supervisor was intending to take on the premises that would be operated in a manner not to cause any concerns. He stated that with the recent history of concerns there would be a significant amount of attention on these premises.

In response to a further question from Councillor L Brown it was confirmed that the use of Door Supervisors was a condition on the licence.

Councillor D Brown sought clarification of the operating hours and asked if they would accept a reduction in the operating hours.

The Premises Licence Holder's Solicitor responded that they would ask for no reduction in the operating hours due to difficulties faced by many operators within the hospitality sector. He indicated that none of the incidents reported related to late night trading and would not have been prevented by an earlier terminal hour.

He stated that Members would have confidence that there would be vigorous scrutiny of the premises going forward and if there were any concerns they would be acted upon positively and swiftly. He asked Members to give them an opportunity to demonstrate that the plan put forward was workable.

All parties were given the opportunity to make a closing statement.

The Council's Solicitor reminded Members that if there were any further issues with the premises, there was an opportunity to bring it back to the Sub-Committee for a review.

At 1.50 pm Members **Resolved** to retire to deliberate the application in private. All parties were asked to leave.

At 2.00 pm all parties returned and the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader, the verbal and written representations of the Applicant, Premises Licence Holder and the Responsible Authority – Durham Constabulary. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the following action plan be agreed and the condition be added to the Premises Licence:

1. The closure of the premises until at least 1 January 2024 and a refurbishment to take place prior to the premises re-opening in due course.
2. The appointment of a new Designated Premises Supervisor to ensure proper management of the premises.
3. The reduction to the hours for licensable activities currently listed on Premises Licence Number DCCC/PLA0178 Sunday to Thursday so the hours for all activities finish at 23:00, with the premises to close at 23:30. Friday and Saturday hours for licensable activities and opening hours to remain as currently listed on Premises Licence Number DCCC/PLA0178.
4. The addition of a condition to the Premises Licence Number DCCC/PLA0178 as follows:

The Designated Premises Supervisor and Operations Manager will hold quarterly meetings to discuss any relevant issues or concerns. These meetings should be minuted and minutes produced to Durham Constabulary and Licensing Officers on request.

