

# **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Thursday 30 July 2020 at 9.30 am**

## **Present:**

**Councillor C Carr in the Chair**

## **Members of the Committee:**

Councillors J Blakey, A Hopgood, K Liddell and J Maitland

## **Also Present:**

C Hazell (Council's Solicitor)

H Johnson (Licensing Team Leader)

P Lawson (Secretary, Consett Station Club & Institute Ltd) (Applicant)

T Martin (Other Person)

## **1 Apologies for Absence**

There were no apologies for absence.

## **2 Substitute Members**

No substitute members were in attendance.

## **3 Declarations of Interest (if any)**

There were no declarations of interest.

Prior to business, the Chair advised that although five Sub-Committee members were present to hear the application, only three of those members would make the decision. The Council's Solicitor explained that, under the Licensing Act 2003, only three members were permitted to make the decision. The additional members were present to hear the application in order that, in the event that a member had to retire due to unforeseen consequences, one of the additional members could participate as a substitute, thereby avoiding the necessity to rearrange the hearing.

The Council's Solicitor outlined the procedure for the hearing.

#### **4 Minutes**

The minutes of the meeting held on 9 July 2020 at 1.30 pm were confirmed as a correct record and would be signed by the Chair.

#### **5 Application for the grant of a Premises Licence - Consett Station Club & Institute Limited, 18 East Parade, Consett**

The Licensing Team Leader, H Johnson, presented the report and recommendations (for copy see file of minutes).

In her presentation, the Licensing Team Leader outlined the premises licence application and explained that the club had held a club premises certificate since November 2005, permitting the supply of alcohol and the provision of regulated entertainment to the club's members and their guests, from 11am until midnight. Additional information in support of the club's application which was circulated by the Applicant, to residents of East Parade, Consett on 7 April 2020, was included in the report at Appendix 4. During the consultation period, 7 objections were received, 2 of which were withdrawn, 5 objections therefore remained.

The Licensing Team Leader read an email received from Mr and Mrs Carroll, in objection to the application. Mr and Mrs Carroll referred to the location of the club being mid-terrace, in a residential area for young families, children and pensioners. They pointed out that the club is in close proximity to a home for adults with special needs which is located at the end of the terrace. Cars parked on footpaths, on both sides of the road, are a safety issue and Mr and Mrs Carroll were of the opinion that an extension of the operating hours would increase the risks and concerns regarding traffic. Mr and Mrs Carroll stated that people regularly congregate on the street, using their mobile phones, smoking and discarding cigarettes. They expressed concern that, if the hours were extended, there would be a risk that people, on their way home from the club, after midnight, would display anti-social behaviour. Mr and Mrs Carroll explained that when they bought their property, the club closed at 10pm on weekday evenings, and, on a weekend, the club opened only on a Sunday afternoon between the hours of 12 noon and 2pm, adding this was very different to the proposed opening hours.

The Licensing Team Leader informed the Sub-Committee that no comments in respect of the application had been received from Environmental Health, the Fire Authority or Durham Safeguarding Children Partnership.

Mrs Martin (Other Person) noted Mr and Mrs Carroll representations had been read to the Sub-Committee and she confirmed she had no questions for the Licensing Team Leader, adding that she was in attendance to hear the application, and, to represent those residents who were unable to attend the remote meeting.

The Applicant, Mr Lawson, raised no questions in respect of the Licensing Team Leader's report.

In response to a question from the Chair, the Licensing Team Leader confirmed that the premises licence application sought to extend the current licensable hours.

The Chair invited Mrs Martin to present her representations. Mrs Martin explained that her concerns were outlined in the written information previously submitted to the Sub-Committee (Appendix 5), however, as a representative of the residents, she would like to add that the proposed change to the licensing hours, to serve alcohol from 9am was concerning. The Chair requested Mrs Martin to feedback to the residents that their concerns regarding parking issues would be a matter for the planning team. Mrs Martin responded that the residents' main concern was the proposal to open the club at 9am, which would exacerbate parking problems in an already busy area, used by those visiting the nearby shops and Medical Centre.

In response to the Chair's question to Mrs Martin as to whether she had said all she wished to say, Mrs Martin agreed, adding that she had put her points forward and she was satisfied that the Sub-Committee had listened to the concerns of the residents, including those submitted by Mr and Mrs Carroll.

Acknowledging the residents' concern regarding the proposal to open the club at 9am, Councillor Maitland asked Mrs Martin whether residents also had concerns regarding the 00.30 hrs. closing time. Mrs Martin responded that some residents did have concerns in this regard, in particular regarding noise disturbance after midnight.

The Applicant, Mr Lawson, Secretary of Consett Station Club & Institute Limited presented his representation. He explained that he decided to apply for a premises licence following a meeting with Michelle Williamson (former PCSO, Durham Constabulary), during a site visit, when it was suggested that a premises licence could be applied for, in addition to the club premises certificate currently in place. The Applicant made it clear that he had no intention of opening the club from 9am until 00.30 hrs. every night and he commented that although the existing club premises certificate allows opening from 11am until midnight, the club did not operate those hours as the demand does not exist.

He explained the reason for the extension of hours is to cover one-off events, which, at present, would require an application for a temporary event notice. He gave the example of club trips which pick up from the club at 9am. If the premises licence was granted, this would enable customers to have a drink, prior to leaving on the trip. The Applicant added the club has recently seen an increase in early morning funeral wakes due to the current pandemic and the early opening hours would enable alcohol to be served at the wakes.

The Applicant reiterated that he had no intention of moving away from the current opening hours, and he hoped he had addressed that in his letter to the residents. He commented that if the application was granted, residents should not notice any change as the change to the opening hours would be to cover one-off events, which were few and far between at approximately one per month. The Applicant also commented that the granting of the premises licence would be financially advantageous as it would enable the club to become a private members club, as opposed to a CIU affiliated club.

The Licensing Team Leader asked the Applicant if his intention was for the premises licence, if granted, to run alongside the club premises certificate. The Applicant confirmed that was his intention. The Licensing Team Leader explained that clubs find themselves in situations where they are limited to members and their guests, therefore, if events are to include the general public, a temporary event notice must be applied for and the Licensing Team have advised clubs in the past that they may wish to apply for a premises licence to cover functions of that nature.

Mrs Martin agreed with the Applicant that the letter he sent to residents fully explained his intentions, adding that if the letter had been circulated to the residents before the application had been lodged, this may have alleviated some of their concerns. However, the residents were also concerned about the future opening hours, if the club changed hands. The Applicant responded that he understood their concerns, however, over recent years the club had in fact reduced the opening hours due to a lack of trade, adding that this may well continue in the future. He pointed out that, at present, the club opens only on Fridays, Saturdays and Sundays.

Cllr Maitland referred to the club trips leaving at 9.30am and asked, if the club was to open at 9am, would this be for the customers to have a drink before they leave at 9.30am, when the club would then close and reopen at 11am. The Applicant confirmed that was correct.

The Licensing Team Leader clarified that if the club changed hands in the future, there would be the opportunity to address any potential problems through working with the Licensing Authority, to mediate or review the licence. She explained that any person is able to apply for a review of the licensing objectives, if it is considered that the objectives are being breached.

The Licensing Team Leader explained the licensing objectives include the prevention of crime and disorder; the prevention of a public nuisance; public safety; and, the protection of children from harm. The Chair emphasised the importance that any potential breaches should be evidenced through diary entries, in order to support the view that the licensing objectives are being breached.

Councillor Hopgood asked the Applicant whether he would consider amending the hours for the sale of alcohol from 9am, to 11am. The Applicant responded that 9am would be preferable as this would enable the club to sell alcohol prior to race trips and at funeral wakes, however, he would be prepared to consider the compromise.

The Chair pointed out that the Applicant may apply for a temporary event notice to cover the one-off events. The Applicant responded that a premises licence would be advantageous as it would be all-encompassing, he added that one-off events are often arranged at short notice and a premises licence would bring peace of mind, knowing that he was covered for those eventualities without having to apply for a separate temporary event notice.

Councillor Blakey asked for clarification on the proximity of the club to the home for adults with learning disabilities and the Applicant stated the home was close to the club, approximately four doors away, at the end of the terrace.

In response to a question from the Council's Solicitor as to why the application requests an extra half an hour, to serve alcohol until 00.30 hrs., the Applicant stated that would be to cover events such as New Year's Eve. The Chair pointed out that this goes beyond the County Council's recommended licensing hours of Monday to Thursday until midnight, with Friday and Saturday until 00.30 hrs. The Applicant responded that he applied for the hours following discussions with the PCSO, however if it was problematic, he would be agreeable to retain the hours set out in the current club premises certificate to end at midnight, with an extension to 00.30 hrs. for New Year's Eve.

All parties confirmed the hearing had been conducted in an open and transparent manner.

Mrs Martin confirmed that she had nothing further to add in summing-up.

In summing up, the Applicant said he wished to alleviate the neighbours' concern as outlined in his letter to the residents. He emphasised the granting of the premises licence would remove the restrictions of being a club under the CIU and the extended opening hours would be to cover one-off events.

The Chair asked if it would help if residents were notified when one-off events were taking place. Mrs Martin replied that as she worked during the day, the impact on her was minimal, during the day. She added that she could not speak for other residents.

The Chair thanked the parties for their attendance and added that he, and, Councillor A Hopgood and Councillor K Liddell would retire to deliberate the application in private and the parties would be notified of their decision later that day. The decision would be made available to view on the Council's website. At 10.15am, the Sub-Committee retired to deliberate the application in private.

In reaching a decision, the Sub-Committee took into account the report of the Licensing Team Leader, and, the oral and written representations of Mr Lawson and Mrs Martin. The Sub-Committee were mindful that 'other persons' objecting to the application were not in attendance and gave appropriate weight to the written representations which were read out at the meeting. The Sub-Committee also took into account the provisions of the Licensing Act 2003 relating to the grant of a premises licence, together with the Section 182 guidance and the Council's Statement of Licensing Policy.

**RESOLVED:**

That the application for a premises licence be granted as follows:

<b>Licensable Activities</b>	<b>Days and Hours</b>
Supply of alcohol (consumption on the premises)	Sunday- Thursday 1100 hours to 0000 hours Friday- Saturday 1100hours- 0030hours New Year's Eve 1100 hours to 0130 hours
Plays, films, indoor sporting events, live music, recorded music, performance of dance and entertainment of a similar description (all indoors)	Sunday-Thursday 1100 hours to 0000 hours Friday- Saturday 1100hours – 0030hours New Year's Eve 1100 hours to 0130 hours
Late night refreshment (indoors)	Sunday- Thursday 2300 hours to 0000 hours Friday- Saturday 2300hours – 0030 hours New Year's Eve 2300 hours to 0130 hours
Opening hours	Monday to Sunday 0900hours to 0100hrs New Year's Eve: 0900hours to 0130hrs

The Licence will be subject to the conditions that are consistent with the operating schedule.