

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Friday 4 December 2020 at 1.30 pm**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors P Atkinson, J Blakey, D Brown and M Wilson

1 Apologies

Apologies for absence were received from Councillor D Hicks.

2 Substitute Members

Councillor J Blakey was present as substitute for Councillor Hicks.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 29 October 2020 were agreed as a correct record to be signed by the Chair.

5 Application to Vary a Premises Licence - Bar 1, 28-30 Front Street, Consett

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change with regards to an application to vary a premises licence for Bar 1, 28-30 Front Street, Consett, Co Durham, DH8 5AQ (for copy see file of minutes).

The Licensing Team Leader presented the report and all parties were given the opportunity to ask questions.

The Applicant sought an additional 30 mins for Supply of Alcohol (on the premises), Recorded Music and an additional one our open to the public. In

addition they had also requested to remove the condition regarding the use of Polycarbonate glasses from the Licence.

Sergeant C Dickinson addressed the Sub-Committee on behalf of Durham Constabulary to outline the reasons for the referral as outlined in the report.

Sgt Dickinson confirmed that she had agreed the current hours at the time of the application and she confirmed that the 3am closing time had been applied for to replicate the former licence, however Durham Constabulary were not satisfied and it was due to go to a hearing, before the agreement had been made.

The Licence Holder noted that the removal of the polycarbonate glasses had not been mentioned in the report and Sgt Dickinson confirmed that there had been three serious incidents when the bar had been operating under the previous owner and it had been operating under new management for long enough to prove that there would be no more incidents.

The Councils Solicitor acknowledged that the bar had only been open for a few months since the licence had been granted in October 2019 and operating for only a few months due to COVID-19 and Sgt Dickinson confirmed that it had been ran well during the time it had been open.

The Solicitor referred to the representations which queried whether the bar was going to operate as a late bar or a nightclub and Sgt Dickinson recognised that there was no distinction under the Licensing Act 2003 but explained that they had described and advertised themselves as a nightclub but could not operate as one due to the COVID-19 restrictions, instead remodelling to provide seating and remove the dance floor.

Sgt Dickinson confirmed that when the application was first applied for it was described as a nightclub, however under COVID-19 restrictions the premises could not operate as a nightclub and it had to be remodelled to provide seating.

The Licence Holder addressed the Committee to confirm that polycarbonate glasses had been a condition of the previous licence which had been carried over. They had strictly followed the conditions of their licence but were the only bar that was required to use polycarbonate glasses and this was impacting on the sale of bottles and draught pints, and there was a log of wastage in kegs. It was impacting on the customer experience and if people wanted to celebrate, they could not toast using plastic glasses.

With regards to the reason for the additional 30 minutes, the Licence Holder confirmed that many of the customers arrived late and were not ready to leave at the current closing time. The Licence Holder understood the impact

on residents and noise, but there was a nearby bar across the street that was open until 4.30am so customers were more likely to go outside and go there. The additional half an hour would stagger the leaving time, many of those who now left to go to the other bar, would go straight home, instead of congregating in the street. There was another nearby bar which had been sold during lockdown and would be reopening with a close of 4.30 am. Sgt Dickinson confirmed that there were a significant number of additional conditions attached to the premises licence.

The Licence Holder confirmed in order to remove the concern that people may sit in the street and consume alcohol, they were prepared to remove the sale of alcohol for consumption off premises.

Sgt Dickinson asked the Licence Holder to confirm the level of door supervision and the Licence Holder confirmed that there were two door staff working at all times and an additional member of staff on standby. She added that on quiet nights, the bar would not stay open.

Following a number of questions from Sgt Dickinson, it was established that the former Licence Holder still leased the building and then sub-leased it to the Licence Holder. He carried out maintenance on the building and was also employed as a Door Supervisor, despite assurances that he would have nothing to do with the business at all.

The Chair asked whether the Licence Holder had raised an issue with the condition with regards to polycarbonate glasses at the time of submitting the original application and she confirmed that professional advice at the time had been for it to remain in order for the licence to be granted, however they had asked previously for it to be removed and this had been rejected. This was the only bar in Consett that had to use polycarbonate glasses and it had resulted in the loss of a few customers.

In summing up, Sgt Dickinson confirmed that there had been an application in February and some of the more stringent conditions were removed, but she was unaware that they had asked for the removal of the polycarbonate glass condition.

Sgt Dickinson went on to confirm that when the application had been made both parties were aware of the concerns with regards to the previous licence holder being involved in the business and they were adamant that he would not so she was extremely concerned to hear during the hearing that he was employed as a door supervisor. She would have great concerns removing the condition after finding out that he was involved. The Licence Holder replied that he did not have anything to do with the business and reiterated that he was the Landlord who carried out maintenance, occasionally working

on the door, and she confirmed that there had been no incidents since they had been granted a Licence.

In response to a question from the Licensing Team Leader, the Licence Holder confirmed that they had reopened when restrictions had been lifted in July and had been complemented on how the business was being operated.

Sgt Dickinson confirmed that there had been no serious issues, like all bars there had been minor incidents of antisocial behaviour, fights and drugs which had needed police attendance on 3, 7, 9 and 31 August and 12 and 16 September, in addition to routine visits.

The Licence Holder summed up, and stated that to run the business effectively they did need the extra time and they also needed the removal of the condition for polycarbonate glasses. All of the incidents which had been mentioned were outside of the bar and removing drugs from customers showed that the bar was not tolerating this type of behaviour. One of the incidents the Police referred to had been due to refusing to allow someone entry to the premises, this alluded that the business was operating in a positive way.

Resolved:

That the Licence be amended as follows:

Sales of alcohol on the premises from 12:00 to 02:30
Recorded music (indoors) from 12:00 to 02:30
Opening hours from 12:00 to 03:00

The Sub-Committee acknowledged that the Applicant removed the request for off-sales from their Application during the hearing.

The Sub-Committee refused to remove the condition on the licence relating to the use of Polycarbonate glasses at the venue on the basis that they have only been operating for five months and this was not long enough to reassure the Sub-Committee that it was safe to remove the condition at this stage.