

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 7 June 2021 at 1.30 pm**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors J Blakey and L Brown and D Stoker

Also Present:

Helen Johnson – Licensing Team Leader
Sarah Grigor – Solicitor, DCC
Victoria Walton – Applicant
Sarah Blackburn – Village Hall Association Secretary
Mark Newby – other person
Craig Bottomley – other person
Sean Quinn – other person

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 of interest.

4 Application for the Grant of a Premises Licence - Quaking Houses Village Hall, Second Street, Quaking Houses, Stanley

Consideration was given to the report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Quaking Houses Village Hall, Second Street, Quaking Houses.

A copy of the application and supporting information had been circulated to all parties. The Licensing Team Leader presented the report, and questions were invited of the Officer.

Mr Newby, other person asked about the location of the marquee, and was informed by the applicant that this was not a permanent structure and would be hired in for events following consultation with DCC Safety Advisory Group.

Mr Quinn, other person asked if a feasibility study of vehicles parked in the back lane had been carried out. Reference was also made that the car park was very small and vehicles parked on land that was used by children for playing.

The Solicitor, DCC reminded all parties that this was an opportunity to ask questions of the presenter, not to make statements.

The Chair invited the objectors to address the Sub-Committee.

Mr Newby stated that access along the lane was already difficult for residents and emergency vehicles. Because of parking outside residents' homes, access was very tight and if the road usage increased the problems would be exacerbated.

He asked where the car park would be located as there was a play area in the vicinity.

In terms of noise he appreciated that there had been some concession but he felt that this did not go far enough to protect people from harm caused by noise.

Mr Newby also referred to the safeguarding obligations of the applicant, citing an occurrence at a youth group when parents weren't asked about any allergies their children had.

Mr Bottomley was invited to speak and stated that Mr Newby had addressed his concerns.

Mr Quinn stated that he had a works vehicle and was concerned that if access was blocked by vehicles attending the premises, it may prevent him from getting to work. He felt that the peace and quiet in the village would be spoilt if the application was granted. The village had a long back lane of half a mile and noise was not an issue they had to live with now but may have to. There was already a perfectly good club in the village.

He was not against people having a good time. Anti-social behaviour closely followed alcohol consumption. In conclusion he stated that access in and out of the village was his main concern.

Questions were invited of the objectors. The applicant stated that she had no questions but would take on board the safeguarding comment of Mr Newby with the youth worker.

Councillor Blakey asked what the traffic was like when the village hall was currently in use.

Mr Newby replied that it was very tight with vehicles parked on both sides of the lane. There were problems for emergency vehicles and quoted an incident where fire and ambulance vehicles had struggled to attend an incident on the Fell. The houses in the village weren't built to accommodate two cars per dwelling. When exercise classes had been held in the hall prior to the pandemic, there had been inconsiderate parking by the hall users on Council-owned land.

The Solicitor, Sarah Grigor reminded all parties to focus on licensing issues.

At this point the applicant was invited to address the Sub-Committee. Victoria Walton stated that the purpose of the application was to be able to offer additional events in the community. There would not be an open bar, being used only during functions. The venue would continue to be used as a village hall. They hoped to host one function per month indoors, such as pie and pea suppers and race nights.

In terms of parking on the playing field, she advised that there were five fields in the locality so even if one was used for parking there would be lots of space for children to play. She had submitted an expression of interest to DCC to address the problems of parking and were awaiting an outcome.

Questions were invited of the applicant.

Mr Quinn referred to a 100th birthday party in the hall the previous year when half the hall was filled and it had taken him 20 minutes to leave his home as people were leaving the function. When the Zumba club met he had to time when he came home or left home to avoid the traffic. It was an extremely long back lane and there would be a bottleneck. The village was already catered for and did not need a further 18/20 events.

Mr Newby referred to the safeguarding issue, DBS checks of hirers and non-compliance of covid restrictions, and was reminded that these were not matters for determination by the Sub-Committee.

Councillor L Brown asked the capacity of the premises and the number of events proposed in a year. The applicant responded that the Fire Officer had stated a capacity of 309 standing and 210 at a dining event, however these numbers weren't expected. They had 8-10 ideas for evening events and there would be an opportunity to hire the hall for private functions but realistically she could not envisage more than one or two functions per month.

Following a question from the Chair, the Sub-Committee was informed that the hall was managed by 9 Committee members and 4 volunteers, and was a charity. The Chair also queried the hours the hall was open to the public, noting it was from 6.00am to 11.30pm, and was informed that the hall was sometimes hired to private exercise groups who held early morning classes.

Councillor Stoker referred to access for emergency vehicles and the extent of any difficulty they had in getting to the hall. The applicant advised that the village was one way in and one way out. Cars parked either side of the street. The village hall was off a side street opposite Second Street which had no parking problems, and although there had never been an emergency vehicle called to the hall, she did not envisage any issues with access. An emergency vehicle could get to the hall without problem.

The Licensing Team Leader asked how the applicant would manage to ensure that underage drinking did not occur when the hall was hired out for private functions, such as 18th or 21st birthday parties, and if there was a hire agreement and safeguards in place. The Officer was advised that there would be village hall staff operating the bar and they would operate Challenge 25. 18th and 21st birthday parties would not be held because of the risk of underage drinking, and they did not want the hassle. They expected that local residents would use the hall due to the isolated location of the village.

Mr Newby questioned the rationale of Miss Walton's statement regarding the parking on Second Street, which had off-street, in yard and on-street parking. The field was not a field for visitors to park safely, it was a place for children to play safely. It would be impossible to safely access the building and he reiterated his comments regarding safeguarding.

The applicant had been ambiguous stating that there would be six functions per year, more than six had been mentioned. He asked if key holders were checked, and in terms of opening at 6.30am for exercise classes, he asked if the applicant had assurances in place regarding first aid training and safeguarding.

The Licensing Team Leader clarified that a fitness class was not a licensable activity but for Mr Newby's benefit asked what measures were in place. The

applicant replied that when the hall was privately hired out users were required to sign a hire agreement, provide proof of professional accreditation insurance, and key holders had to have first aid training.

Mr Newby concluded by referring to the safeguarding matter and the covid non-compliance investigation which was ongoing; the applicant was not fit to hold a Premises Licence.

All parties were invited to sum up.

Mr Newby asked the Sub-Committee to take on board the comments made by the objectors.

The Chair thanked everyone for their attendance and **Resolved** to retire in private to deliberate the application. Councillors D Brown, J Blakey and L Brown retired to make the decision.

In reaching their decision, the Sub-Committee had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant, together with the written and verbal representations of the other persons. The Sub-Committee also took into account the written representations submitted in support of the application. Members had also considered Durham County Council's Statement of Licensing Policy and Guidance issued Under Section 182 of the Licensing Act 2003.

Resolved: That the Premises Licence be granted as follows:

Licensable Activity	Days and Hours
Supply of Alcohol (consumption on the premises)	Monday to Thursday 08.00 to 23.00hrs Friday and Saturday 08.00 until 23.30 Sunday 09.00 to 23.00hrs An additional hour on New Year's Eve
Live Music, Recorded Music and anything of a similar description to music or dance (indoors)	Friday and Saturday 08.00 to 23.30 hrs An additional hour on New Year's Eve
Live Music and Recorded Music (outdoors)	No more than six events in any calendar year and no events are to occur on consecutive 24 hr days. Shall cease at 21.00 hrs on any night
Open to the public	Monday to Thursday 06.00 to

	23.30hrs Friday and Saturday 06.00 to 00.30hrs Sunday 08.00 to 23.30hrs An additional hour on New Year's Eve
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The Sub-Committee in addition agreed to accept the following conditions that were added following a mediation with Durham Constabulary:

- The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- The premises shall maintain an incident book which will detail any incidents that occur at the premises and any action taken. This shall be made available to the Police and authorised officers of the local authority upon request.
- A CCTV system will be installed and in operation at all times, the premises are being used for licensable activity. It must be operated by properly trained staff. All public areas will be covered, including entrances, exits and outside area.
- CCTV recordings will be retained for a minimum of 28 days.
- The premises will ensure that at least one trained member of staff is available to operate the system at all times the premises are open.
- The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premises in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licensed premises. These documents will be made available to officers and responsible authorities when requested
- A full risk assessment must be completed prior to all events and made available to Police or authorised officers of the council on request.
- A notice must be displayed at all entrance and exit points asking patrons to be leave quietly

- Children under the age of 16 years must be accompanied and supervised at all times by a responsible adult.