

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 31 August 2021 at 9.30 am**

Present:

Councillor L Brown (Chair)

Members of the Committee:

Councillors J Blakey, D Brown, E Peeke and E Waldock

Also Present:

Helen Johnson – Licensing Team Leader

Stephen Buston – Solicitor, DCC

Stewart McDonald – Applicant and Premises Licence Holder

Gary Young - Manager

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 Minutes of the Meeting held on 14 June 2021

The Minutes of the meeting held on 14 June 2021 were agreed as a correct record and were signed by the Chair.

5 Application to Vary a Premises Licence - Horden Labour Club, Davaar House, Sunderland Road, Horden

The Committee considered the report of the Licensing Team Leader regarding an application to vary a Premises Licence in respect of Horden Labour Club, Sunderland Road, Horden (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to all parties. The Licensing Team Leader advised that with the exception of the objections of Mr Naisbett and Mr and Mrs Rigby, all representations had been withdrawn.

The Chair asked if the premises also had a club premises certificate. The Licensing Team Leader advised that this had been surrendered some time ago. The Applicant Mr McDonald confirmed that the premises ceased operating as a club 6 years ago, and was owned by a private company as a public house. He was the Premises Licence Holder. The previous two owners were also private companies.

Stephen Buston, the Legal Adviser to the Sub-Committee noted that the Police had withdrawn their objections and asked if they had made comment on their reasons for the withdrawal. The Licensing Team Leader advised that the Police were satisfied that the amendments to the application had alleviated their concerns.

The Chair noted that the objectors were not in attendance and advised that the Sub-Committee would take into account their written representations.

The Applicant was invited to address the Sub-Committee and responded to the concerns of the objectors in their letters of representation. One representation had related to glasses left on walls. Mr McDonald explained that they did not permit any glassware outside the front door. Glassware from one of the two other pubs in the locality was brought into the Club, and then left outside. He had attempted to raise this matter on a number of occasions.

Two CCTV cameras were positioned at the front door.

He was not aware of any issues with neighbours. In 18 months he had received only one concern from a resident of the bungalows opposite, and this related to pricing.

He did not envisage that the extra hour would cause problems; the amended application included the employment of door supervisors and would bring off-sales back to the present licensed hours.

Following a meeting with the local Police Officer who had raised concerns that VIBE in Peterlee closed at 3am, and the potential implications on Police resources, the application had been amended to withdraw the extra hour on Bank Holidays to stagger the closing times. Horden Labour Club was a very different type of premises to VIBE. The Labour Club was a live music venue, with open mic nights, busker nights and entertainment from students of performing arts. The current hours were not enough and they were losing customers. A 2am closing time would allow two live acts per evening.

He refuted the complaints regarding underage drinking. Challenge 25 was in operation, and they did not accept ID in the form of driving licences or mobile phone photo ID.

Residents would benefit from having a venue such as Horden Labour Club. He appreciated that the premises were surrounded by residential properties but a lot of residents who were unable to travel looked to local premises for entertainment.

Children would be permitted in the downstairs bar until 7.00pm and 11.30pm upstairs for events that were suitable for young people.

There were only two objections to the application remaining. The regular meetings proposed with the Police, the Council and local residents could resolve any issues.

Following a question from Councillor Blakey, Mr McDonald advised that there was one room in the venue where children under 9 years of age were not allowed. They used their skills to determine whether entertainment was suitable for children. A children's party would not be allowed until 11.30pm. He had recently held an event under a TEN until 12.30am where children were in attendance and there had been no issues.

Councillor Blakey noted that Mr McDonald had referred to discussions with nearby premises regarding the problem of glassware. Mr McDonald stated that he had raised this with the Licensing Authority and the PCSO. He did not wish to raise it as an issue with the Licence Holder.

Following a question from Councillor D Brown regarding the catchment area of the premises, Mr McDonald advised that his customers were in the main local residents of Horden, Blackhall, Easington and Peterlee. There were no other live music venues in East Durham.

Councillor D Brown asked where the objectors lived in relation to the premises. Mr McDonald stated that although it was difficult to answer as he did not know their precise addresses he advised that Malt Crescent was not immediately next to the premises and Sunderland Road was one and a half miles long. The Club owned the flat next door which was unoccupied, and there was a public house on either side. There was one residential property above the fish and chip shop, and directly opposite were bungalows. None of the residents of the bungalows had objected.

There was a bus stop directly outside the premises which could cause problems as customers left the three pubs and congregated there. He did not allow any of the Club's customers to congregate.

Councillor D Brown noted that taxis had been mentioned as an issue in the representations. Mr McDonald advised that four or five taxi companies operated in Horden, and there were no issues. Notices were displayed in the foyer asking people not to congregate outside and to leave quietly. There was an element of noise when people had a drink but the Club had been there for 60 years, as had the bungalows, and no problems had been reported.

They got on with their residents who were on board with the premises being a live venue. The premises had a bad reputation in the past but he did not run his business that way and never would. He had elderly parents so understood the concerns residents may have. If the premises became a nuisance with the extra hour he would listen to the residents, and would not continue with anything that had a detrimental effect on them.

Councillor L Brown asked about the pavement licence. Mr McDonald stated that this was granted during covid restrictions and was not used now. No complaints were received during the time it was in use.

Following a question from the Legal Officer regarding the frequency of live entertainment, Mr McDonald explained that at the moment events were held twice monthly on Saturdays, but he hoped that this would become weekly. It was very rare to have live music on Fridays which tended to be booked for private parties. No live music events were held during the week.

After inviting all parties to sum up, Councillors L Brown, J Blakey and D Brown **Resolved** to retire to deliberate the application in private with all parties to be notified of the decision later in the day.

In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, the written representations of other persons Mr and Mrs Rigby and Mr Naisbett, and the verbal and written representations of the Applicant Mr McDonald. The Sub-Committee also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

RESOLVED:

That the application to vary the Premises Licence be granted as follows:

Activity	Days & Hours
Opening Times	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 - 02:00 hrs Sunday: 12:00 - 00:30 hrs Extra hour on New Years' Eve
Supply of alcohol (for consumption on and off the premises)	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 - 02:00 hrs (on sales) Friday and Saturday: 11.00 - 01.00 hrs (off sales) Sunday: 12:00 - 00:30 hrs Extra hour on New Years' Eve
Live Music, Recorded Music and Performance of Dance (Indoors only)	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 - 02:00 hrs Sunday: 12:00 - 00:30 hrs Extra hour on New Years' Eve
Plays, Indoor Sporting Events (Indoors only)	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 - 02:00 hrs Sunday: 12:00 - 00:30 hrs
Late Night Refreshment (Indoors only)	Sunday to Thursday 23:00 - 00:30 hrs Friday and Saturday: 23:00 - 02:00 hrs Extra hour on New Years' Eve

The following conditions to be attached to the Premises Licence:

- 1) To allow children into the upstairs function room until 23.30 hrs.
- 2) To reduce the time children may stay in the downstairs bar from 21.30 hrs to 19.00 hrs.
- 3) To keep the off sales to the present licensed hours, removing the concerns from residents regarding customers drinking in the street after closing.
- 4) To offer bi-monthly meetings at the premises with local residents, the police and the council to discuss any issues or concerns.
- 5) To not offer 18th birthday parties at the venue.

- 6) To employ licensed door staff from 19.30 hrs until at least thirty (30) minutes after closing times on Fridays, Saturdays and any day that large events are held such as bank holiday Sundays and New Years' Eve.
- 7) Door staff to disperse any crowds that may occur around the premises at closing time.
- 8) To actively discourage smoking from the front of the premises and encourage smokers to use the rear smoking area.