

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Thursday 28 April 2022 at 1.30 pm**

### **Present:**

**Councillor J Blakey (Chair)**

### **Members of the Committee:**

Councillors L Brown, D Sutton-Lloyd and E Waldock

### **Also Present:**

Karen Robson – Senior Licensing Officer

Stephen Buston – Solicitor, DCC

John Hayes – Environmental Health

Joe Dixon – Environmental Health

Stewart MacDonald – Licence Holder, Horden Labour Club

Peter Garvey – Entertainment Manager, Horden Labour Club

### **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 5 November 2021**

The Minutes of the meeting held on 5 November 2021 were agreed as a correct record and were signed by the Chair.

### **5 Consideration of a Temporary Event Notice - Horden Labour Club, Sunderland Road, Horden**

The Sub-Committee considered a report of the Senior Licensing Officer regarding an application for a Temporary Event Notice (TEN) in respect of

Horden Labour Club, Sunderland Road, Horden (for copy see file of Minutes).

A copy of the report and supporting information had been circulated to all parties.

Karen Robson, the Senior Licensing Officer presented the report and responded to questions. Stephen Buston, Solicitor sought clarification that the application was for an additional 1hr 30 on Sunday 1 May 2022 until 2.00am, and noted that the premises was licensed for the sale of alcohol until 2.00am on Fridays and Saturdays. Karen Robson confirmed this to be the case.

John Hayes, Environmental Health outlined their objection to the TEN which mainly related to cumulative impact of three nights in a row which would be unreasonable for local residents. He appreciated that the premises could already open until 2.00am for two nights across the weekend but a third night would be unreasonable.

Mr MacDonald stated that he had attempted to contact Environmental Health via e-mail and voicemail to discuss what was planned and he believed that if they had discussed the proposals a Sub-Committee may not have been necessary.

Mr Hayes confirmed that he had received the e-mail but that it did not seek a response and that unfortunately he had not received the voicemail message in time.

Mr MacDonald asked if Environmental Health had received any complaints from residents regarding the premises. Mr Hayes confirmed that they had not but that the Police had raised issues around an incident in February. Environmental Health did not wait until a complaint was received before taking action; the emphasis was on prevention. Environmental Health's main concern was the impact of three consecutive nights on sensitive receptors close by.

Mr MacDonald addressed the Sub-Committee and commenced by stating that since the premises had been operating until 2.00am there had been no issues. He assured the Sub-Committee that he was not afraid to take action if there were problems; three customers had been barred for life, were put on Pubwatch for five years and had been named and shamed. Horden Labour Club was a venue which people could attend safely and which was not a nuisance to residents and the community.

Meetings were organised by the premises which residents could attend and raise any concerns. Only the Police and local Councillors had attended the last meeting.

The premises operated a strict no violence policy.

There was a lack of available taxis in the locality at around midnight and the 2.00am closing time helped with this, avoiding the need for people to wait outside the premises and potentially cause problems for local residents.

Mr Hayes had referred to Environmental Health's objection being about the prevention of nuisance and he assured the Sub-Committee if he had received any complaints, events such as this would not be held. His premises licence was the most important thing he had. He had invested more than he had paid for the premises and because of his lack of experience had brought in experienced staff, three of whom were trained on door supervision and first aid.

Mr MacDonald noted that Mr Hayes had not objected to a TEN for an event the premises held two weeks earlier. He felt that there was no clarification for him as a licensee about what was acceptable.

The issue referred to in February had occurred inside the premises and in two years he had made three calls to the Police. To put this into perspective his daughter's primary school had made six calls to the Police in two years.

As part of the Government's levelling up agenda he believed that premises such as the Labour Club should be invested in to keep people local. Since the train station in Horden had re-opened people were going out of the area. He had applied for two TENs, one of which was not objected to. The TEN was for upstairs only, the downstairs bar would close. Four door supervisors would be employed instead of two.

The Senior Licensing Officer noted that the application did not specify that the event would be upstairs only.

Councillor Brown asked if functions were proposed on the Friday and Saturday nights. Mr MacDonald confirmed that the same type of licensable activities would take place on Friday and Saturday evenings.

Following further questions from Councillor Brown, Mr MacDonald confirmed that the Sunday event would not be ticketed. Customers would be expected to pay at the door and would be screened and given a hand stamp. The room capacity was 250 but for this event the limit would be 180.

Councillor Blakey asked if the premises had noise limiters. Mr MacDonald confirmed that it did not but doors and windows would be closed in accordance with the conditions on the Premises Licence.

Mr Hayes noted that when Mr McDonald had applied for the variation to the Premises Licence last year he had pulled back the hours requested. Mr MacDonald stated that he had offered this, not the Police or Environmental Health.

Following a further question from Mr Hayes, Mr MacDonald confirmed that he had his contact details but had not sought advice as Environmental Health had not objected to the last TEN. However he would do so in future.

Mr Hayes asked about the arrangements for the Friday and Saturday evenings, and Mr MacDonald confirmed that those evenings would be policed in the same way as the event on Sunday.

All parties were invited to make a closing statement.

Mr MacDonald stated that when he had made application he had stated that on the advice of the Police all the conditions in place for Friday and Saturday evenings would be applied. He was aware that this was a 'gentlemen's agreement' but he would do so, and this included having four door supervisors instead of two.

At 2.00pm Councillors Jan Blakey, David Sutton-Lloyd and Emma Waldock **Resolved** to retire to deliberate the application in private. After re-convening at 2.20pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Senior Licensing Officer, together with the written and verbal representations of Environmental Health and the Applicant. Members 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 be granted with all the conditions from the existing premises licence attached. The Sub-Committee noted that the event would be upstairs with additional door supervisors in place.