

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Friday 16 December 2022 at 9.30 am**

### **Present:**

**Councillor D Brown (Chair)**

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

Councillors C Bihari, E Peeke and A Watson

### **Also Present:**

Yvonne Raine – Senior Licensing Officer

Catherine Hazell – Solicitor, DCC

Adam Shanley – Clerk to Durham City Parish Council, the Applicant

Mark Anslow – Environmental Health

Janet George – Secretary of St Nicholas Community Forum

Matt Foster – representing the Premises Licence Holder

### **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**

The Minutes of the meeting held on 5 September 2022 were agreed as a correct record and were signed by the Chair.

## **5 Application for the Review of a Premises Licence - The Woodman Inn, 23 Gilesgate, Gilesgate, Durham**

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the review of a Premises Licence in respect of The Woodman Inn, 23 Gilesgate, Durham (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to the Sub-Committee, together with additional information regarding mediation that had taken place between the parties. A further e-mail from Ms Janet George of St Nicholas Community Forum highlighting three corrections to information contained in the report had been circulated to the parties the previous day and to the Members at the hearing.

In presenting the report Yvonne Raine, Senior Licensing Officer, confirmed that all the parties had reached agreement to the proposed conditions and the draft noise management plan, as outlined in the additional information.

The Senior Licensing Officer also referred the Sub-Committee to the conditions regarding live and recorded music which were not regulated between the hours of 08:00 and 23:00 where there was an audience of less than 500. Section 182 Guidance stated that on a review of a premises licence or club premises certificate, Section 177A of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music, provided that a statement was included that S177A did not apply to the condition.

Adam Shanley, on behalf of the Applicant stated that the Parish Council wanted The Woodman Inn to continue to operate as a public house, which was an Asset of Community Value, following a successful bid by the Parish Council for the status. It had operated as a pub for over 200 years and was very popular. The Parish Council was very pleased when it had re-opened in June 2022 but had to act upon information received from residents it represented. The Parish Council wished to thank all parties who had worked closely together to reach agreement and thanked Mark Anslow from Environmental Health in particular, who had worked tirelessly with everyone on this.

In conclusion Adam Shanley asked if the Committee was minded to agree the additional conditions, when these would come into force. Mr Shanley was later informed of the process for the issue of the Decision and the period within which there was a right of appeal, after which any conditions imposed would come into effect.

Other person, Janet George of St Nicholas Community Forum thanked all the parties for their hard work and advised that the residents were very happy with the outcome of the mediation. All they wanted was a quiet neighbourhood.

Matt Foster was invited to address the Sub-Committee on behalf of the Licence Holder. Mr Foster stated that running pubs could be challenging and this process had been a lesson learnt for the Licence Holder. Working with the Parish Council, St Nicholas Community Forum and Environmental Health to reach mediation had been great, and he echoed the Parish Council's comments regarding Mark Anslow. The outcome was a pub which could still operate in the community with some flexibility and therefore being able to remain viable. There was still work to do on the Noise Management Plan and the proposed condition allowed 28 days to complete this, however he expected the Plan to be finalised earlier than this.

At 9.55am the Chair and Councillors Bihari and Watson resolved to retire to deliberate the application in private. After re-convening at 10.05am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer, additional information provided by the Licence Holder and the final agreed conditions between the parties, together with the written and verbal representations of the Applicant, St Nicholas Community Forum and the Licence Holder's representative at the hearing. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**RESOLVED:**

That

a) the following conditions agreed between the parties be added to the existing Premises Licence:

1. Use of the rear outside area (including any structures) shall cease at 10pm on weekdays (Sunday to Thursday) and 11pm on weekends (Friday and Saturday), excepting any Designated event as per condition 3. The use of the outdoor smoking area directly to the rear of the premises shall be permitted during all opening hours of the premises.
2. With the exception of the designated events allowed by condition 3, music played in the rear outside area will be at a background level only, not exceeding 71dB(A) at the monitoring point denoted in the approved NMP ref section 8.8. After 10pm (Sunday to Thursday) and 11pm (Friday and Saturday), all music in the rear outside area shall

cease other than within the smoking area (As defined in the noise management plan referred to at condition 6). After these hours music arising in the smoking area shall be inaudible at the boundary of the nearest noise sensitive receptor. Section 177A of the Licensing Act 2003 does not apply to this condition.

3. A maximum number of 12 Designated Events shall be allowed in any one calendar year where live and/or recorded music may be played in the outside area at a noise level of up to 88 dB(A) prior to 9pm and 81 dB(A) between 9pm and 11pm at the monitoring point denoted in the approved NMP ref section 8.8. Designated events shall only occur on a Friday, Saturday, Sunday preceding a Bank Holiday and Bank Holidays. Notice of all designated events shall be emailed to the Parish Council, St Nicholas Community Forum and the Environmental Health Department at Durham County Council a minimum of 2 weeks prior to the event. Section 177A of the Licensing Act 2003 does not apply to this condition.
  4. Staff must be trained in the management of complaints from members of the public.
  5. A direct complaints contact telephone number for the Premises is to be made available in an easily accessible location on the premises website.
  6. A noise management plan, shall be agreed with Durham County Council's Environmental Health Team, within 28 days from the date of hearing. The agreed document shall be adhered to at all times that the outside area is in use.
- b) the following conditions in the existing Premises Licence under Prevention of Public Nuisance, be retained:
1. A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration of neighbours.
  2. When amplified musical entertainment is taking place inside the premises at a volume likely to be audible and intrusive at nearby residential properties, windows and doors, save for entrance and exit purposes, will be kept shut. Section 177A of the Licensing Act 2003 does not apply to this condition.