

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 17 January 2023 at 9.30 am**

Present:

Councillor L Brown (Chair)

Members of the Committee:

Councillors R Adcock-Forster, C Hampson and E Peeke

1 Apologies for Absence

Apologies for absence were received from Councillor E Waldock.

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 31 October 2022 were agreed as a correct record and were signed by the Chair.

5 Application to Review the Club Premises Certificate - The Tythe Barn, The Hallgarth, Durham

The Chair welcomed everyone to the meeting and introductions were made. It was noted that four Sub-Committee Members were present to hear the application however only three Members were required to make the decision. The Council's Solicitor then outlined the procedure for the hearing.

The Licensing Team Leader presented a report of the Corporate Director of Neighbourhoods and Climate Change, for the application to review the club premises certificate for The Tythe Barn (Durham Prison Officers Club), The Hallgarth, Durham (for copy of report, see file of minutes).

The Licensing Team Leader indicated that both parties had mediated and agreed to the conditions as outlined at Appendix 4 of the report, that would be appropriate to resolve the issues set out in the review application.

During the consultation period no representations had been received in support of the review application. Durham Constabulary, the Fire Safety Authority and the Planning Authority had all responded to the consultation with no representations.

With no questions being asked from Members or either parties, at 9.40 am Councillors L Brown, E Peeke and R Adcock-Forster **Resolved** to retire to deliberate the application in private. After re-convening at 9.50 am, the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change, together with the written representations from the Applicant and the Club Premises Certificate Holder. Members also took into account the Councils Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the following conditions agreed between the parties be added to the existing Club Premises Certificate:

1. Ensure all doors and windows serving the main hall are kept shut whilst recorded or live music played at a level likely to be audible at residential properties.
2. Live or recorded music within the venue shall not be played at a level in excess of 90dBA LAeq (5 mins) at a position no more than 2m from the forward facing speaker position. A measurement shall be taken every hour and the results recorded and provided at the request of Durham County Councils Environmental Health Team. Bass type noise shall be minimised, and checks will be undertaken to ensure it is not intrusive at the nearest noise sensitive receptors. On the instruction of Durham County Councils Environmental Health Team, following receipt of a valid complaint and completion of an appropriate investigation, a noise impact assessment will be undertaken and a noise limiter provided to ensure that the break out of music noise is managed.
3. The beer garden to the front of the premises shall only be used between the hours of 10am-9pm Sunday, Thursday and 10am-10pm Friday-Saturday. Whilst the beer garden is in use, regular checks shall be carried out to ensure behaviour of patrons does not lead to a noise level likely to be intrusive to residential properties.