

DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Monday 7 August 2023 at 9.30 am**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors T Duffy, C Hunt and M Wilson

Also Present:

H Johnson – Licensing Team Leader

V Evans – Licensing Officer

C Hazell – Durham County Council Solicitor

Mr Harper – Applicant

1 Apologies for Absence

There were no apologies.

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 - 40 Winks Guest House, 40 South Street, Durham DH1 4QP

The Chair welcomed everyone to the meeting and introductions were made. The Council's Solicitor outlined the procedure for the hearing.

The Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the grant of a Premises Licence for 40 Winks Guest House, 40 South Street, Durham, DH1 4QP (for copy of report, see file of minutes).

The Licensing Team Leader informed the Committee that the applicant had applied for a Premises Licence for the sale of alcohol to guests. During the consultation period, the Licensing Authority received one objection from Ms

Hume. Responses had been received from Durham County Council's Environmental Health, County Durham and Darlington Fire and Rescue Service, Planning and Public Health Departments that confirmed that they had no comments to make regarding the application.

Following mediation with Durham Safeguarding Children Partnership and Durham Constabulary the applicant agreed to include additional conditions to the application.

All parties were given the opportunity to ask questions of the Licensing Team Leader.

The Licensing Team Leader read out the objection to the application on behalf of Ms Hume and this was noted by the Committee.

Mr Harper addressed the Sub-Committee and explained that the premises had been a guest house for three to four years and it was for residents only. It was not open to the public and the premises doors were kept locked. However sometimes nearby residents did pop in for a coffee and a chat. He confirmed the intention for the premises licence was only to serve wine to guests on a Friday and Saturday and not for the Guest House to operate as a fully licensed bar serving cocktails. At present if guests wanted alcohol they would need to purchase this from the local shops and consume in their room.

Mr Harper understood the objection that no one wished to live next to a bar but he described his clientele as high profile who wished for privacy and discretion during their stay. There was no parking outside the guest house with guests either dropping their luggage off and parking elsewhere or travelled by train and uber to the premises.

The Licensing Team Leader had the opportunity to ask questions. Councillor D Brown asked how long the Guest House had operated as a business. Mr Harper responded that he had operated as a business for approximately two and a half years.

Mr Harper replied to Councillor D Brown's query that the maximum number of guests was eighteen. Councillor D Brown also asked how long guests generally stayed. Mr Harper stated that some guests stayed one to two nights and others stayed between three to ten nights. All guests were encouraged to explore the area.

Councillor D Brown reiterated that if guests wanted alcohol they had to go to a nearby shop or brought their own. Mr Harper confirmed this and mentioned that the guest house did operate an honesty bar where guests helped themselves to alcohol with no charge to appease their requests for

wine on an evening. He was unsure what the previous owner had done but he had inherited two £10,000 wine fridges with the premises.

Councillor D Brown requested what the applicant's attitude was towards students walking past the guest house. Mr Harper indicated that students did walk past the guest house but caused no trouble. He did not foresee students using the facilities as they would not be attracted to the premises, the prices would be too high and he thought they would only be present if accompanied by their parents for breakfast who would be paying guests. He stated that the street was cleaned outside the guest house every day to ensure there was no litter and was in keeping with the tidy nature of the area.

Councillor D Brown queried if mediating with the Police had caused any difficulties. Mr Harper replied that most of the conditions listed by the Police were already in place.

The Solicitor was given the opportunity to ask questions of the applicant. All parties had the opportunity to sum up. Mr Harper felt that the premises licence if granted would discourage guests from drinking in excess as there would not be the need to purchase alcohol elsewhere. He also thought the objector had the wrong assumption of the type of guest who stayed at the property as in his opinion the guests were nice, very discreet and did not cause any disturbances.

At 9.50 am The Committee consisting of Councillor D Brown, Councillor C Hunt and Councillor T Duffy **Resolved** to retire to deliberate the application in private. After re-convening at 9.57 am the Chair delivered the Sub-Committees decision.

In reaching their decision the Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change, written representation from Ms Hume, verbal and written representations from the Applicant and responses from the responsible authorities listed in the report. Members also considered the Councils Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application for the Premises Licence be granted subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003 and the mediated conditions.