

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 8 October 2024 at 1.30 pm**

Present:

Councillor L Mavin (Chair)

Members of the Committee:

Councillors J Blakey, I McLean and A Watson

Also Present:

S Buston (Councils Solicitor)

Y Raine (Principal Licensing Officer)

E Cassie (Premises Licence Holder)

C Mills (Other Persons)

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 meetings held on 5 September 2023, 28 November 2023 and 23 January 2024 were agreed as a correct record and signed by the Chair.

5 Application to Vary a Premises Licence - Thomas Wright House, High Street, Byers Green, Spennymoor, County Durham DL16 7PF

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 Principal Licensing Officer presented the report of the Corporate Director of Neighbourhoods and Climate Change, to determine an application for the

variation of a premises licence for Thomas Wright House, High Street, Byers Green, Spennymoor County Durham. A copy of the application, plan and photos showing the location of the premises had been circulated together with details of the representations received and additional information received from the Applicant (for copy see file of minutes).

The application requested:

- To extend the terminal hour for the sale of alcohol by one additional hour, until 00:00 hrs Monday to Sunday;
- To extend the terminal hour for the sale of alcohol by one additional hour, until 02:00 hrs on New Years Eve.

Following mediation with Durham Constabulary, the applicant added additional conditions to the application.

Responses were received from the Fire Safety Authority, the Durham Safeguarding Children Partnership and the Planning Authority confirming they had no comments to make regarding the application.

During the consultation period, the licensing authority received one representation in opposition to the application from a local resident. On the 20 September 2024, the applicant provided additional information in response to concerns raised by Mr Mills.

The Applicant also provided further additional information in the form of a petition signed by thirty local residents who were happy to support the extended hours. The Principal Licensing Officer advised that she had only been able to contact thirteen residents to verify their support.

All parties were given the opportunity to ask questions of the Principal Licensing Officer.

Following queries from the Councils Solicitor, the Principal Licensing Officer confirmed that Environmental Health were included in the consultation, however no representations were received. It was also confirmed that no complaints had been received in relation to disturbances from the premises and there were another two licenced premises in the vicinity.

Mr Mills was invited to address the Sub-Committee. He acknowledged that some residents were in support of the application, however they were all from a specific area of the village and not directly in the vicinity of the premises. He was concerned that residents in the immediate area of Thomas Wright House would be disturbed with vehicle traffic, increase in antisocial behaviour and would create disturbance through the village later at night if the licensable active were to be extended.

All parties were given the opportunity to ask questions of Mr Mills.

The Applicant commented that Byers Green Club was 528 feet away from Thomas Wright House and was licenced until 1.00 am.

Responding to a query from Councillor Blakey, Mr Mills clarified that his concerns were in relation to the extension of the sale of alcohol which would also extend departure time creating further noise disturbance from intoxicated customers leaving the premises.

The Councils Solicitor asked Mr Mills if he had previous issues or reported any complaints. Mr Mills confirmed he had no cause for complaints regarding the current licence and licence holder, however highlighted there had been issues 10 years ago with a previous licence holder and was concerned that those issues would arise again if the licensable hours were to be extended. He added that music could be heard late at night at the other side of the village in Greenhills which was once a quiet peaceful neighbourhood.

It was noted that there were no objections to the application from other persons from the Greenhills area.

In response to a question from the Chair regarding any issues from the Working Men's Club that was licensed until 1.00 am, Mr Mills advised that the Club was usually closed by 11.00 pm.

Councillor Watson referred to antisocial behaviour concerns and asked if the Durham Constabulary were objecting to the application. It was noted that the Durham Constabulary had no objections, however Mr Mills commented that the police would receive complaints if intoxicated customers caused a nuisance late at night and questioned why 11.00 pm was not late enough for licensable activity.

Miss Cassie, Applicant was invited to address the Sub-Committee. She reiterated that Byers Green Club was 528 feet away from Thomas Wright House and was licenced until 1.00 am. She explained that the reason she was requesting the extra hour was for business development to create flexibility to allow customers attending weddings and special occasions to stay until midnight. There was no intention to serve alcohol until midnight fifty-two weeks a year. She highlighted that they had been licensed for a period of eight years with no complaints and they received good reviews on all the review websites.

The Applicant confirmed that the extended licensable activity would be limited to Thursday, Friday, Saturday and Sunday and explained that she ticked every day purely for ease.

All parties were given the opportunity to ask questions of the Applicant.

The Principal Licensing Officer clarified that Byers Green Club were licensed Sunday to Thursday until 12.30 am and Friday and Saturday until 1.00 am. The Royal Oak were licenced until 11.00 pm everyday.

All parties were given an opportunity to make a final statement.

At 1.55 pm, Councillors L Mavin, J Blakey and A Watson **Resolved** to retire in private to determination the application. After re-convening at 2.05 pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Principal Licensing Officer and the verbal and written representations from Mr Mills together with the written and verbal representations from 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 to vary the Premises License be granted as follows:

Licensable Activity	Days and Hours
Sale of Alcohol (consumption on the premises)	Monday to Sunday 11.00 – 0.00 hrs
	New Years Eve 11.00 – 02.00 hrs
Opening Hours to non-residents	Monday to Sunday 11.00 – 00.00 hrs (open 24 hours to residents)
	New Years Eve 11.00 – 02.00 hrs

The following conditions agreed with Durham Constabulary be attached to the licence at Annex3:

- Children under the age of 18 will not be allowed entry to or remain on the premises after 22.00, unless attending a private function or staying as an overnight guest.
- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of

operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the council upon request.

- The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff. All public areas will be covered, including entrances, exits and outside area.
- Recordings will be retained for a minimum of 28 days.
- It is the responsibility of the DPS to supply all footage on a USB or DVD disc.
- The premises will ensure that at least one trained member of staff is available to operate the system at all times the premises are open and download any images requested by an authorised officer and provided within 7 days.
- A notice must be displayed at all entrance and exit points asking patrons to leave quietly.