

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Friday 13 April 2012 at 10.00 am**

Present:

Councillor D Marshall (Chair)

Members of the Committee:

Councillors D Brown and K Holroyd

Apologies:

Apologies for absence were received from Councillor M Williams

Also Present:

S Grigor (Legal Officer)
K Monaghan (Senior Licensing Officer)
J Lennox and her Solicitor (Applicant)
A Mellenthin (Interested Party)
I Dobson (Interested Party)
Cllr B Arthur (Interested Party)
Cllr D Mayers (Interested Party)
A Dobie (Responsible Authority – Planning)
Cllr C Walker (Ward Member)
A Jones (Observer)

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes of the Meeting held on 24 January 2012.

The Minutes of the meeting held on 24 January 2012 were agreed as a correct record and were signed by the Chair subject to the duplication of Councillor Arthur being omitted from the minutes of the meeting.

3 Application for the Grant of a Premises Licence - North Pier Lodge, 3-5 Tempest Road, Seaham.

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the grant of a Premises Licence in respect of North Pier Lodge, Seaham (for copy see file of minutes).

A plan showing the location of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from Responsible Authorities and Interested Parties.

The Acting Team Leader circulated to Members additional information which had been received from Mr and Mrs Woods (Interested Party) who were unable to attend the meeting.

Prior to hearing the submissions of both parties, consideration was given to the acceptance of additional information from the applicant.

Members retired at 10.20 am to discuss the submissions made and re-convened at 10.45 am. The Chair advised that the Sub-Committee had agreed to accept the submissions but they would carry little weight.

The Acting Team Leader presented the report and advised the Sub-Committee that a revised application had been received which had been circulated prior to the meeting. She also advised the Sub-Committee that a successful mediation had taken place with Durham Constabulary which had resulted in additional conditions being attached to the licence, details of which had been circulated.

Members sought clarification if Seaham Police Station had been consulted in the negotiations.

The Acting Team Leader advised the Sub-Committee that the response was from a central unit and she would assume that Seaham Police Station had been consulted. The applicant indicated that Jim Lincoln from Durham Constabulary was at the mediation meeting.

Alan Dobie, Principal Planning Officer attended the meeting on behalf of Barry Gavillet and provided members with the planning background for North Pier Lodge, Seaham. He advised members that there was a condition attached to the planning permission which the use of the premises was for guests only to prevent a public facility. He also sought clarification on whether the premises application included members of the public which would require planning permission. The plan also showed a beer garden to the front of the premises, which was not part of the planning permission and would raise objections against.

The Chairman indicated that planning was separate to licensing but the background was useful.

Councillor Arthur nominated Councillor Walker to speak as an Interested Party which the applicant's solicitor objected to. Councillor Walker agreed not to speak on the application.

Councillor Arthur an Interested Party indicated that he concurred with the other objectors and that he had known facilities been open until 5.00 am, but these were away from residential areas. He would object to the application as it could have a detrimental impact on the residents and create highway problems.

Councillor Myers an Interested Party indicated that he was speaking as a local objector living in the area. He objected to the application as it would have a detrimental impact on the residential area, and a public house in the middle of a terrace would be inappropriate in a conservation area. He also indicated that there were empty properties towards the city centre which had been developed. He was not against the sale of alcohol just not in this area.

Mr Mellenthin an Interested Party indicated that he had lived at Tempest Road for over 40 years. He indicated that it would have a detrimental impact to him and his neighbours and referred to amended Guidance in relation to public nuisance.

Mr Dobson an Interested Party indicated that he was a resident at Tempest Terrace for the last 33 years and he concurred with the objections given by Mr Mellenthin. He advised the Sub-Committee that his property was currently up for sale and was objecting on behalf of the new residents who have small children. He stated that the property was a hotel but was never operated as it was never completed and that Tempest Road was the start of residential properties, which should not be used as retail/commercial premises.

The Applicant's Solicitor stated that her client had submitted the original application without any legal assistance. She had tried to obtain a copy of the planning permission but was unable; however they agreed that they would still submit a revised application. They are now aware that the planning permission was for guests only and a planning application would need to be submitted to allow members of the public.

She referred to the objections which were made on the original application which had now been revised so that alcohol was limited but the objections still stood. She also referred to the property next door which was for sale which also included a commercial unit and that the area was for tourists so it was appropriate to have a hotel which would bring money into the local economy. She also referred to commercial units within the area in particular a Snooker Hall which was open until 1.00 am and that it was appropriate to have a Hotel next to the sea front.

The premises previously had a premises licence which had lapsed due to the owner going into liquidation and her client sought the same licence as before. The premises currently had planning permission as a hotel and her Client had agreed with the police to install CCTV and operate Challenge 25. Guests would expect a Hotel to be licensed.

She referred to the objections made by Mr Mellenthin and indicated that the first 3 bullet points were not relevant to the licensing objectives and notices were displayed correctly and an article was placed in the press. Bullet point 5 had been addressed with the revised application and that the safety aspect had been dealt with in the application form. Her client would adhere to all the conditions and signage would be installed to remind residents to be quiet. Recorded music would be the only activity as the application for entertainment had now been withdrawn.

The Hotel had 8 spaces on site which was adequate and on street parking was also permitted and there was a car park on the sea front but parking was outside of the licensing objectives.

Councillor Myers referred to the parking and indicated that parking was only a small area in the back yard and the front area was a garden which had been paved and a wall separated them. The previous owner used this area for tables. He asked for further clarification on adequate parking.

The Applicant's solicitor explained that planning required 8 spaces to be provided and that they could not operate until this condition had been achieved. The Applicant advised members that there were 2 spaces at the rear of property No.3, 3 spaces at the rear of property No.5 and there was also a garage to the rear, which could accommodate 3 vehicles.

A Dobie advised the Sub-Committee that planning permission required parking for 6 vehicles.

Mr Dodds stated that the garage could not accommodate 3 cars and that the Snooker Club faced the sea front which was away from properties. The commercial unit advertised with his property was a shop which was no longer used and was an external building. He also stated that the property was not soundproof as he could hear his neighbours and referred to the display of notices which had not been carried out correctly.

The Acting Team Leader advised the Sub-Committee that the applicant had fully complied with the requirement to display notices.

Councillor Myers indicated that if the application was approved for Tempest Road then this would be the beginning of urban sprawl.

Mr Millenthin stated that there were already 40 plus public houses in Seaham and there was no need for a further public house in this area.

The Solicitor sought clarification from the Applicant's Solicitor if the application still included public which would require planning permission.

The Applicant and her Solicitor withdrew from the meeting to discuss this. The Applicant's Solicitor sought clarification on some points then confirmed that 'public' could be deleted from the application.

In summing up, Councillor Myers indicated that he was not against night time economy if it was in the right place to support the Town Centre. He was against this application which would start urban sprawl and would be a public nuisance.

A Dobie stated that the night time area was south of the site and they were happy to see development in this area. This property was adjacent to residential properties and nothing had been said which would change the planning Officers recommendations.

The Applicant's solicitor referred to the planning officers comments which were focused on planning and not the licensing objectives. Her client wanted to run a family friendly Hotel and not a public house, she had been granted planning permission and she had amended her premises application to address some concerns from interested parties and access to the public was not an issue until planning permission was granted to allow this.

The Applicant advised members that she had purchased 2 building which had been stood empty for 2½ years; she wanted to keep her residents happy and be part of the community not an outsider.

The Acting Team Leader sought clarification on Page 18 of the amended application in relation to the supply of alcohol not being 24 hours. The applicant responded that 24 hours was required for mini bars, which was standard practise and other times were for general bar sales.

Members sought clarification on the beer garden and if the building was one property internally. Members were advised that the beer garden was located on the plans but there were no proposals for a beer garden and that the properties linked together internally.

The Applicant was advised that as this area was located on the plan then alcohol consumption could take place in this area.

The hearing was adjourned to allow Members to deliberate the application in private at 12.35 pm.

Members re-convened at 12.50 pm, prior to the Chair delivering the Sub-Committee's decision the Applicant's Solicitor indicated that they would like to delete any reference to the Beer Garden. The Chairman agreed to this request.

RESOLVED

That the application for a Premises Licence be granted as follows subject to the following conditions:-

Opening hours of the premises	Sunday to Thursday 11:00 to 23:30 Friday to Saturday 11:00 to 01:00
f) Recorded Music (indoors and outdoors)	Monday to Sunday 12:00 to 23:00
l) Late night refreshment (indoors and outdoors)	Monday to Sunday 23:00 to 01:00
m) Sale of alcohol (indoors) General bar Sales	Sunday to Thursday 11:00 to 23:00 Friday to Saturday 11:00 to 24:00
m) Sale of alcohol (indoors) Mini bar Sales – resident of hotel	Monday to Sunday 00:00 to 00:00

- i) The premises shall be fitted with a digital CCTV system which has a recording facility to keep data for 28 days.

- ii) The sale of alcohol to the public will cease at midnight with 30 minutes drinking up time.
- iii) Challenge 25 will be used in the premises.

4 Application for the Variation of a Premises Licence - Co-operative Group Foods Ltd., Newhouse Road, Esh Winning.

The Acting Team Leader advised the Sub-Committee that the applicant had withdrawn the application.