

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Wednesday 19 April 2017 at 10.00 am**

Present:

Members of the Committee:

Councillors A Batey, J Hart and B Kellett

Also Present:

Councillor P May

S Buston (Council's Solicitor)

Y Raine (Senior Licensing Officer)

McColls Brewery

D McColl (Applicant)

Councillor H Smith (Other Person)

D Green (Other Person)

A Agar (Other Person)

J Stephenson (Other Person)

J Welsh (Other Person)

O Wright (Other Person)

13 Fore Bondgate

D Rivera (Applicant/Licence Holder)

J McFarland (On Behalf of the Applicant/Licence Holder)

Councillor J Hart (in the Chair)

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 Application for the Grant of a Premises Licence - McColls Brewery, Unit 4, Randolph Ind. Estate, Evenwood, Bishop Auckland

Consideration was given to the report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of McColls Brewery, Randolph Industrial Estate, Bishop Auckland (for copy of report, see file of minutes).

A copy of the application form and supporting documents had been circulated to Members.

Additional information had been received from the Applicant, Councillor Smith and Mr Green immediately prior to the meeting, copies of which had been provided to Members at the meeting.

Councillor Smith the local Ward Member speaking also on behalf of Councillor Turner indicated that they were not opposed to a Brewery in Evenwood as they wanted to encourage businesses and employment in the area but they had concerns of some of the proposals contained in the application.

They were concerned of the ability to play live and recorded music, plays and the sale of alcohol off the premises.

The premises were located on an industrial estate and they felt that it would change to a pub located in an industrial estate which was in close proximity to the residents in Manor Court Bungalows. The premises were only 10 metres from the bedroom windows of 1 and 2 Manor Court and they were concerned that residents would suffer from noise nuisance. Alcohol sales was another concern as they did not want mass alcohol consumption which they felt would increase anti-social behaviour.

Councillor Smith referred to the circulated press article which was in relation to a teenage gang that had taken over Evenwood and how they were concerned about the sale of alcohol and asked how robust the policies were.

They also had concerns of parking and access to the Brewery as the road was currently used by HGV vehicles all day and night and there was limited parking spaces which could result in Saddler Lane been used for parking which would cause problems for HGV vehicles. Security for other units on the Industrial Estate was also a concern.

In summing up, Councillor Smith indicated that they were in favour of the Brewery but had concerns regarding the sale of alcohol and entertainment, the unit was too close to residential properties and there was potential obstructive parking and an increase in anti-social behaviour.

The Applicant had no questions of Councillor Smith.

The Chairman sought clarification if the industrial estate was built after the bungalows and why they thought there would be an increase in anti-social

behaviour as Durham Constabulary had not raised any objections to the application.

Members were advised that the bungalows belong to a Housing Association and that the industrial estate was built after the bungalows. Youths congregated around the area and they were concerned about the noise. They already suffered from traffic and the noise from the pub in the vicinity, although this was only once a week on a Saturday evening.

Councillor Smith indicated that the premises was only 10 metres away from the bedroom windows of the bungalows and would be intrusive.

Mr Green speaking on behalf of the residents of Manor Court indicated that he supported Councillor Smith and confirmed that Manor Court was built prior to the industrial estate. The premises was on an industrial estate and was not a place for entertainment. He liked a beer himself but not a place of entertainment which was located too close to residential properties. One of the units was previously rented for the storage of wine but after several burglaries and attempted burglaries they decided to move.

Councillor Batey sought clarification on the type of businesses in the other units on the industrial estate.

Members were advised that there was a fudge factory, electrical company, woodcraft and a recovery depot which created noise and traffic from HGV vehicles.

In response to questions from Members, the objectors advised that the recovery depot which was adjacent to the units created noise all night but the units closed 4.30 pm/5.00 pm and the gates to the industrial estate were locked at 5.00 pm. There were currently two units vacant and the working men's club had existed since the village was built and pre dated the bungalows.

Mr McColl, the Applicant spoke on the application and indicated that he was happy to reduce the hours and remove amplified music from the application to alleviate the concerns of the objectors.

He did not believe that anti-social behaviour would be exacerbated as staff would be fully trained, challenge 25 would be in place and CCTV and they would not allow youths to purchase alcohol.

Mr Green asked why the Brewery needed to sell alcohol on the premises.

Mr McColl responded that they wanted to sell alcohol direct to their customers which would allow the business to grow. They had an open door policy and wanted to show off the Brewery and allow customers the opportunity to purchase their products.

The Objectors raised concerns that members of the public could walk into the Brewery and purchase alcohol and asked why he required music.

Mr McColl indicated that he had ticked every box on the application but he was happy to amend the application.

The Chairman asked Mr McColl if he envisaged live music at the Brewery. Mr McColl responded that it was a local establishment and people would come to see the Brewery and they wanted to give people a sample of the products at the end of the tour and an opportunity to purchase products. He did not have any plans for live music and the licence was until 9.00 pm but he did not envisage that they would be open to that time.

Discussions took place on soundproofing and the Applicant advised that he was waiting for the results of the noise report and he would soundproof as necessary to comply and that the condenser could be fully soundproofed if required.

The Council's Solicitor advised the objectors that if there were any noise issues this could be dealt with under the Environmental Protection Act.

Councillor Smith indicated that she did not have any issues with the tour of the Brewery but she had difficulty with a bar in an industrial unit and sought reassurances that people would not over indulge.

Mr McColl responded that as the Licence Holder he was responsible and would ensure that people were not over indulging and would go out of his way to enforce this. He did not see the bar as a traditional bar it was more a point of sale and not a congregation point, he did not envisage regular customers but customers who had pre ordered a ticket for the tour of the Brewery and not a place for people to meet and stand at the bar to consume alcohol for hours.

The objectors sought reassurance that there would be no discos. Mr McColl gave reassurance that there would be no live music events.

Mr Green indicated that alcohol as part of the tour was fine but he had concerns of people just turning up from 12.00 noon to 9.00 pm.

Mr McColl responded that he envisaged the premises closing at 5.00 pm most days, he just wanted flexibility for events and it was not his intention to open as a bar every day and he was happy to confirm this in writing.

The Chairman referred to parking and that there was insufficient parking spaces for 50 people even though he was aware that this was a planning matter.

Mr McColl indicated that he was happy to amend this figure as he did not envisage 50 people in the brewery in one afternoon as there was only 2 people currently working, 20 people would be the maximum. There were 3 official parking bays to the front of the unit but they could get 6 cars comfortably parked outside.

Members referred to the application which had raised concerns for residents but they had been reassured that there was alternative protections to cover their concerns. They had concerns of the close proximity of the bungalows to the premises, the Applicant clarified that it would be organised tours and not just people

turning up and that they were off the beaten track so there would be no passing trade. It was a gated industrial estate and there was only 2 members of staff so people would have to be turned away as they did not have the staff to deal with high numbers. The training of staff was relevant and Members sought clarification on the Applicants experience in the area.

The Council's Solicitor advised Members that the training of staff was already a condition of the licence.

In response to questions from Members, Mr McColl advised that they would have CCTV in place, staff would be trained and full access would be given to responsible authorities, they would also have challenge 25 in place and he hoped that it would be a sophisticated establishment. The shaded area on the plan would be the only accessible area which was a further 2 to 3 metres away internally from the bungalows but again indicated that he was happy to remove amplified music from the application. He had previously worked in a Brewery but had only obtained his personal licence early this year.

In summing up, Mr Green indicated that he would like to see live music removed from the application, he was happy for a radio but not amplified music.

In summing up, Mr McColl referred to the objections and indicated that he hoped he had offered reassurances to alleviate their concerns.

At 11.00 am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.10 am the Chair delivered the Sub-Committee's decision. In reaching their decision, Members had taken into account the written and verbal representations of the Applicant and Other Persons. Members also considered the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the application for a premises licence be granted as follows:-

Activity	Days and Hours
Sale of Alcohol (on and off sales)	Monday to Sunday: 12:00 to 21:00 hours
Films, Live Music and Recorded Music, Similar Entertainment (indoors only)	Monday to Sunday: 12:00 to 21:00 hours
Plays and Performance of Dance (indoors only).	Friday to Sunday: 12:00 to 21:00 hours

The Sub-Committee considered the conditions suggested within the Operating Schedule of the application and believed it was necessary and proportionate to impose the following condition upon the licence:-

- (i) The brewery actively discourages mass volume consumption of alcohol and will not tolerate this as a sole purpose to visit the premises. The brewery bar is there as an addition to the brewery for events held but not solely as a drinking venue. Where possible we will educate on all aspects of alcohol consumption and we will only offer beer for sale (not wine, cider or spirits). The brewery is a family friendly venue and welcomes accompanied children, and will operate a Challenge 25 policy.
- (ii) Security alarms are fitted on all exits to secure the property when closed. All staff quarters and work areas will be closed to the public. Internal and external lighting is provide at the premises along with multiple points of exit. All staff have been made aware of our security policy and the licensing objectives, including the challenge 25 policy, with an incident log book available. If drinking is to be undertaken outside the premises plastic glassware will be provided. We operate a zero tolerance on drugs and anyone in the possession of will be refused entry.
- (iii) Mass volume consumption of alcohol is discouraged and will not be tolerated. Only beer will be for sale (not wine, cider or spirits). Limited hours will be operated for the sale of alcohol. Only a limited amount of people will ever be present at the brewery (maximum 50 people). The necessary signs including issues of enforcement will be clearly displayed.
- (iv) A full risk assessment is in place for the premises and a first aid box and log book are present. The premises are limited to a maximum of 50 people. Smoke alarms and fire extinguishers are present along with fire escape doors, signs and lighting, along with adequate internal and external lighting. Drink driving is actively discouraged.
- (v) Restricted hours are in place to reduce the hours of potential nuisance. Music will be limited within these hours along with the sale of alcohol. The premises are limited to a maximum of 50 people but every step will be taken to disperse people at different times from the premises. All necessary signs and warnings will be in place to reduce noise and nuisance levels.
- (vi) The brewery will operate a family friendly policy. As above the brewery will operate a Challenge 25 policy, which all staff will be made aware of (with a refusals book available). All policies will have the necessary signs displayed. All people under the age of 18 must be accompanied by an adult at all times.
- (vii) Authorised staff employed by Durham Police shall have free access to all parts of the licenced premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

- (viii) Initial staff training to be carried out by the Designated Premises Supervisor or approved member of staff to ensure no alcohol is sold to anyone under age and refresher training to be carried out every six months.
- (ix) Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
- (x) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
- (xi) Cameras shall encompass the inside and outside of the entrances/exits to the premise and all areas inside the premise where the sale/supply of alcohol occurs.
- (xii) Equipment must be maintained in good working order, be correctly times and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days and handed to the police/local authority within a reasonable time frame agreed between officers and DPS/authorised person.
- (xiii) The Premises Licence Holder must ensure at all times a Designated Premises Supervisor or appointed member of staff is capable and competent at downloading CCTV footage in recordable format, either disc, hard drive or memory stick to the police/local authority within a reasonable time frame agreed between officers and DPS/authorised person.
- (xiv) The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the Designated Premises Supervisor or other responsible named individual.
- (xv) An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings action taken are to be recorded.
- (xvi) The only forms of identification we will accept are a current passport, a photo driving licence and 'PASS' hologram I.D.
- (xvii) A refusal register will be kept and endorsed after every sale refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales).
- (xviii) Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

5 Application to Vary a Premises Licence - 13 Fore Bondgate (formerly Bella Italia), Bishop Auckland

Consideration was given to the report of the Senior Licensing Officer regarding an application to vary a Premises Licence in respect of 13 Fore Bondgate (formerly Bella Italia), Bishop Auckland (for copy of report, see file of minutes).

A copy of the application form and supporting documents had been circulated to Members.

The Senior Licensing Officer presented the report and advised Members that the deadline for receipt of objections had been extended due to the blue notice not been displayed correctly.

The objectors had indicated that they were unable to attend the meeting but had asked for their written representations to be taken into consideration.

A planning application had been submitted to bring the opening times of the premises in line with licensable activities.

The Applicant advised Members that planning permission had been granted and that the premises was sound proof with fire doors and they had recently purchased a noise reduction device.

J McFarland, speaking on behalf of the Applicant advised Member that she had spoken to Mr Harrison, an objector and invited him to the premises to talk about his concerns which resulted in his objection been withdrawn. She did not know the other objector so was unable to talk to her.

She went on to advise Members that they only intended to have background music and that they had a door to the rear of the premises where there was no residential properties and they were happy to ask people to leave by this door so that they did not disturb residents.

The Chairman sought clarification if they envisaged any live music.

Members were advised that they only intended for background music as they were more of a wine bar. Live bands would be too noisy and the premises next door and over the road currently provided live music.

The Chairman indicated that the licensing hours to 2.00 am were outside of the framework and asked the Applicant to justify why the Sub-Committee should consider granting a variation outside of these hours.

The Applicant responded that customers did not come to the area until about 11.00 pm, in view of this they would like to open until 2.00 am or 1.30 am on a Friday and Saturday which would coincide with other premises in the area.

The Chairman advised that only one of the premises in the area was open until 2.00 am and this licence was granted prior to the revised policy, which was why it was outside of the framework.

Councillor Batey sought clarification on the type of food that would be served at the premises.

Members were advised that the food would be Italian/pub food and that they had previously had a restaurant. The premises would consist of booths in the bar area and the restaurant would be mostly tables with the kitchen on the first floor and the cellar in the basement.

They envisaged that people would have a drink and eat when ready. Bishop Auckland now had a lot of visitors to the castle and the wine bar would be a venue for visitors. Bishop Auckland was an up and coming area and they were hoping for a licence until 2.00 am.

At 11.35 am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.40 am the Chair delivered the Sub-Committee's decision. In reaching their decision, Members had taken into account the written and verbal representations of the Applicant and written representations of Other Persons. Members also considered the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the application for a premises licence be granted as follows:-

Activity	Days and Hours
Opening Hours	Sunday to Thursday: 12.00 to 00:00 hours Friday and Saturday: 12:00 to 01:00 hours Sundays before a Bank Holiday and New Year's Eve: 12:00 to 01:00 hours
Sale of Alcohol (for consumption on the premises only) and Recorded Music	Sunday to Thursday: 12:00 – 00:00 hours Friday and Saturday: 12:00 – 01:00 hours Sundays before a Bank Holiday and New Year's Eve: 12:00 – 01:00 hours

The Sub-Committee considered the conditions suggested within the Operating Schedule of the application and believed it was necessary and proportionate to impose the following condition upon the licence:

- (i) We will hold the four objectives in high regard and will strive to keep staff fully trained on all of our policies and procedures. All training records will be made available to officers when requested.
- (ii) Alcohol will not be served to anyone who appears drunk. Disorderly conduct will not be permitted on the premises. Proof of age Challenge 25 will be utilised.
- (iii) Full initial staff training to be carried out by the Designated Premises Supervisor to ensure no alcohol is sold to anyone under age and refresher training to be carried out every six months.
- (iv) Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
- (v) CCTV is installed covering all areas and aspects of the premises, all doors in and out.
- (vi) CCTV coverage will be kept and made available to any police or courts as requested. Staff will be trained about the sale of alcohol. All staff training records will be kept for inspection.
- (vii) CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exists to the premises, where the sale/supply of alcohol occurs.
- (viii) The majority of staff will be trained to operate the CCTV system; this is to include viewing and downloading of the system. Regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by police or other relevant officers of a responsible authority.
- (ix) All footage will be kept on the system for at least 28 days and will be made available to officers and responsible authorities when requested to do so. The Licensee and Designated Premises Supervisor must ensure that SIA Door Supervisors will be employed (X2) Friday, (X2) Saturday from 22:00 hours to closure. SIA Door Supervisors will also be employed on Bank Holidays (X2) from 20:00 to closure. Provision of door staff on a risk assessment basis all other days.
- (x) Safety signage will be in place for fire exits. Fire exits and equipment to be clearly marked.
- (xi) Safety at work signage will be in place for insurance certificates, incident log and will be in place for staff and public.
- (xii) Members of staff to be first aid trained and aware of health and safety requirements.

- (xiii) First aid facilities will be in place and up to date.
- (xiv) Groups of people will be discouraged from congregating outside the premises.
- (xv) Signage will be displayed encouraging customers to leave quietly.
- (xvi) A rubbish bin will be placed outside of the front of the premises and customers will be encouraged to use it. At the end of business staff will ensure that litter is collected from the front of the premises and the immediate vicinity.
- (xvii) Bottle bins to be emptied on a morning.
- (xviii) A cigarette bin to be available outside the premises.
- (xix) A challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photo card driving licence and PASS accredited identification card i.e. ID4U.
- (xx) A refusal register will be kept and endorsed after every sale refused. This should be maintained and will be produced to a relevant officer of the police or other relevant officer of a responsible authority upon request. This is also to include over 18's purchasing alcohol and passing it on to under 18's (proxy sale).
- (xxi) No under 18 events to be held at these premises.
- (xxii) No adult themed entertainment.