

DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Friday 7 September 2018 at 10.00 am**

Present:

Councillor J Maitland (Chairman)

Members of the Committee:

Councillors D Bell, J Blakey and G Darkes

Also Present:

G Proud (Council's Solicitor)

Y Raine (Senior Licensing Officer)

M Jolley (General Manager)

R Lee (Operations Director)

J Taylor of Parker Barras

A Fisher of Parker Barras

M Carr (Other Person)

P Swindale (Other Person)

Councillor G Wills on behalf of Sedgefield Town Council (Other Person)

The Cornerhouse

S Gallimore, Senior Public Protection Officer, Environmental Health Authority
(Responsible Person)

T Wilkes (Applicant/Licence Holder)

S Wright (Other Person)

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 meeting held on 22 May 2018 were agreed as a correct record and were signed by the Chair.

5 Application to Vary a Premises Licence - The Cornerhouse, 1 High Street, Sedgefield

Councillors J Blakey, G Darkes and J Maitland

The Committee considered a report of the Senior Licensing Officer regarding an application to vary a premises licence in respect of The Cornerhouse, 1 High Street, Sedgefield (for copy see file of Minutes).

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

Members were advised that seventeen representations had been received including one from a Responsible Authority, namely Environmental Health. One representation from an Other Person had been withdrawn after receiving clarification of the details of the variation application. The remaining sixteen representations remained which related to the four licensing objectives, copies of which had been circulated with the report.

Additional information had been received from Environmental Health which had been circulated to all parties prior to the meeting and the Officer was in attendance to play the recordings referred to in the report.

Mrs Gallimore, Environmental Health Officer addressed the Sub-Committee and indicated that the playing of films outside would cause a public nuisance.

She referred to a film event which was held on 2 August 2018 where she carried out some noise monitoring. She arrived at 6.55 pm and the movie started at 8.00 pm. The soundtrack to the movie was played on a loop for an hour and 5 minutes before the start of the movie. The first recording played was taken in the rear bedroom with the windows closed then the windows open. Recording three was then played which was taken inside the rear bedroom of a property on North End with the windows open which was the soundtrack to the movie played on a loop.

Mrs Gallimore believed that it was unreasonable for residents to have to hear this 12 times a year. She believed that the events would take place over the summer months and therefore the 12 film events would be over a relatively short period of time which would interfere with the residents use and enjoyment of their home and suggested that the films be played indoors only.

Councillor Darkes sought clarification on the decibel levels. Mrs Gallimore responded that the decibel levels were shown in the table of the report, but the clip shown was 42.8 decibels. Mrs Gallimore was asked if the noise levels were acceptable. Mrs Gallimore responded that the World Health Organisation recommend that 40 decibels inside would cause annoyance.

Mrs Gallimore confirmed that the recordings were taken 6 metres from the boundary of The Cornerhouse.

Mrs Gallimore was then asked to play recording one again and she confirmed that the bass could be heard during the recording and that the film finished at 9.40 pm. Mrs Gallimore explained that if these events were allowed to happen she believed it would be a statutory nuisance. She went on to explain that she would firstly have to decide whether the noise associated with the showing of the film was a nuisance and if it was, she would then serve an abatement notice.

The Applicant asked Mrs Gallimore what the decibel reading was when the windows were closed. Mrs Gallimore confirmed that it was 38.8 decibels but it was audible in every room in the house, and 40 decibels was a guideline and was not the only measure of noise nuisance.

The Applicant referred to washing machines being able to reach 48 decibels which was louder than the film.

Mrs Gallimore was asked if an individual's quality of life in the house would be affected and if the noise from the film was similar annoyance to a washing machine. Mrs Gallimore responded that a washing machine would not go on for an hour and forty minutes so they could not be compared.

Mr Carr an Other Person thanked the Sub-Committee for the opportunity to speak. He indicated that The Cornerhouse was a Grade II listed building in a conservation area in the centre surrounded by old properties. Mr Carr then referred to the plan of the premises and the outside area to the front of the building which was a change of use.

The Council's Solicitor advised Mr Carr that he could refer to the plan and raise concerns but consent of use was not for consideration during the hearing today but no objections were raised to him circulating the additional photographs.

Mr Carr circulated a copy of the photographs to the Applicant and Members of the Sub-Committee and indicated that it was a busy road junction and was unsuitable for drinking at night. He referred to the photographs submitted in support of his representation which showed people leaving at late hours on various dates and times indicated in the papers.

Mr Carr indicated that he assumed the tables would not be there but the Applicant had included the area to the front in his application. He was concerned that there would be more activity into early in the morning and that the tables were still there this morning. He concluded by wishing the Applicant success with his business.

Mrs Wright an Other Person indicated that she did not live right next to the public house but on the 2 August 2018 the noise from the film was audible in every room in her house with the windows open and closed which caused a nuisance.

She referred to the seats to the front of the public house which were a public nuisance and she was concerned that school children use the pathway while patrons are sat outside having a drink. Patrons used filthy language and it was intimidating to walk past and if you said anything you get a mouthful of abuse.

She then referred to a bad experience with patrons herself but this was under different management. Mrs Wright referred to the 25 August 2018 when a resident had to call the police due to loud music as there was no telephone number to contact the premises direct unless you physically went to the premises, so they had no choice but to telephone the police. The noise doesn't stop when the premises close as patrons walk past her house and say goodnight and arrange for lifts or taxis, they urinate in the village and on the police station steps, she could see this happening as she lived opposite. She felt that she could not challenge patrons as they were under the influence of alcohol and were abusive and aggressive which was a big concern.

There had been a couple of incidents where they heard noise which was unacceptable as they could hear the noise all around their home which was affecting the quality of their lives.

Mrs Wright continued that the Environmental Health Officer mentioned quality of life and she stated that their quality of life would suffer, and they were suffering as her husband was ill and went to bed early and did not want to listen to the noise of films and patrons leaving the premises. She felt there was no consideration for residential properties in the area. People were not well, and some have children who live on the door step of where the entertainment happens which filled them with dread of 12 outdoor events in the summer months. The films were shown when they wanted to be in their gardens and another concern was that she believed that house prices would deteriorate if the variation was granted. It was a pretty village and people took pride in their homes. It is fine to say it is about regeneration and to make it nice for people to come to the village, but it was difficult to see this when it was to the detriment of residents and people's health in some cases.

She referred to the noise levels and it should not matter if the windows are open or closed and they should not have to close their windows when an event was taking place as some residents liked to leave their windows open all day and night.

The Chairman asked the Licensing Officer if Durham Constabulary had made representations regarding the application. The Senior Licensing Officer confirmed that there was nothing from Durham Constabulary.

Councillor Wills speaking on behalf of Sedgfield Town Council stated that she had been a resident in Sedgfield for over 40 years. Sedgfield have a lot of entertainment and they supported new enterprises.

She indicated that the Cornerhouse is adjacent to and adjoins residential properties and some of the properties butt up to the beer garden. She also indicated that some properties were across the road, but they could still hear the noise but not as intense.

The lady that Mrs Gallimore dealt with was very close to the premises and there were lots of reasons why noise was a public nuisance and it was not just about decibels. The licence as it stands is very generous and the applicant was now seeking outdoor use, Environmental Health had submitted a report expressing concerns and no one had written in support of the application and the Town Council

did not support the application. The new plan of the premises shows an additional area which is the courtyard and the beer garden which had previously not been part of the premises. The application did not make it clear whether the area is to be used for the variation only or whether for off-sales. This information should appear on the form as the guidance states that the application should be clear.

Councillor Wills continued by stating that the outdoor area was already used for films and the showing of sporting events without permission and cheering could be heard at the other end of the village half a mile away. She firmly endorsed the report of Environmental Health, but this was based on a film event only and the televisions could be just as loud. There were also televisions in the shelters in the beer garden which were fixed as there was nothing which applies to the use of televisions outdoors.

The Applicant had not made any attempts to try and control the use of noise and the consumption of alcohol and the Applicant should offer measures to minimise the impact which they had not seen and was why the variation application should be refused due to public nuisance, noise and unsocial behaviour.

The Senior Licensing Officer advised the Sub-Committee that there were no outdoor activities on the current licence and that televisions were not regulated entertainment so were not part of the premises licence.

Mrs Gallimore confirmed that the use of television is not a licensable activity but residents could make a complaint regarding the noise levels and Environmental Health could then establish whether it was a statutory nuisance via monitoring.

Mrs Swindale, an Other Person stated that what the Applicant was doing was fun for Sedgefield but the business model was not right. She could see the commercial benefits so it was not all negative but there was a lack of engagement and the residents had to suffer the consequences. She was disappointed that the Police had not raised concerns as the residents of Sedgefield had suffered anti-social behaviour. She acknowledged that The Cornerhouse had inherited 'riff raff' and the Applicant was trying to do a good job to address this but the 'riff raff' remained. The seating area to the front was intimidating to walk past and there were children and elderly residents in the area and more needed to be done.

She then referred to transport in Sedgefield which was an issue on an evening and there was a lack of taxis which meant that people were wandering around Sedgefield. She thought keeping noise in house would be a more favourable option. The premises does have a place but noise outside the premises does not have a place, they do need entertainment but outside the premises was not the best way forward.

Councillor Blakey sought clarification on the location of the outside screen to show the films. The Applicant confirmed that the screen was located on the right hand side next to the play area.

Mr Wilkes, the Applicant then addressed the Sub-Committee in relation to the variation of the premises licence. He stated that the site had over £200,000

investment which had created 14 jobs and they wanted to work with residents. The premises did have an historical issue with patrons which had diminished and they worked closely with the Police. The Police had recently undertaken a raid on all premises in Sedgefield and nothing was found in both of his premises.

He then referred to the structures in the beer garden which were temporary and he did not wish to upset residents due to noise and affect their quality of life. They had submitted a previous application which they withdrew after consultation then re-submitted with amendments. The Applicant indicated that they could reduce the times in the beer garden and the showing of films could be by the use of headphones. He explained that the beer garden does contain patrons and if everyone went to the front of the premises for a cigarette this would create problems in that area. He then referred to the noise associated with the bins and advised that following feedback, they now emptied the bins during the day. All drinks outside were served in polycarbonate containers and they were happy to reduce the hours for the beer garden to 10.00 pm and the use of headphones for the showing of films. He advised the Sub-Committee that the film that was recently shown was under a temporary event notice and that the premises did have a telephone and the residents could be furnished with the number. With regard to noise from regulated entertainment he indicated that he was happy to install a noise limiter device.

Councillor Blakey sought clarification if children were allowed in the beer garden on an evening. The Applicant confirmed that children are allowed in the restaurant until 9.00 pm, after 9.00 pm children under 19 were asked to leave.

Councillor Blakey then referred to the noise when the world cup was on and commented that you could not have earphones for a sporting event.

The Applicant responded that the world cup was a large sporting event and that noise was part of the experience but the volume would not be at the same level as films. This was their first event and they were learning and they propose to use headphones for films in future to alleviate concerns.

Councillor Darkes referred to the temporary sheds and sought clarification on their capacity. The Applicant advised that each shed held eight people which had a table for food and a television which was used not just for sport but the likes of 'CBeebies' which could be shown and some people watched the royal wedding in the sheds.

The Chairman asked if smoking was permitted in the beer garden and children's play area. The Applicant confirmed that there was no smoking in these areas. They wanted the premises to be a family friendly pub which was taking time as there was still issues but more and more families were coming to the pub and they were getting to where they wanted to be. They had taken a huge step forward and the residents were using the pub.

Councillor Blakey asked how they dealt with bad language. The Applicant responded that they are not saying that it did not happen but they were monitoring it and had barred a number of patrons and they were continuously trying to keep the

standards high. They had concentrated internally but would look at outside and would manage it as part of the day to day running of the business. If there were school children walking past on a Friday and this was happening, they would look into this and manage it. He also commented that they could furnish residents with their telephone number.

Councillor Blakey asked if they worked with local residents to try and mediate. The DPS stated that they currently had 28 people barred for illicit substance abuse and a further 25 to 30 under serious caution and they had a zero-tolerance policy. They worked closely with the Police and had handed over some information and they were pushing for a family friendly environment and they did not encourage anti-social behaviour.

One of the residents indicated that there had been issues over the years but the last couple of years it had eased but she had noticed an increase in anti-social behaviour in the last couple of months, hence their concerns. They could not control what patrons did but they had to put up with it and some patrons couldn't walk straight.

The DPS took the comments on board and reiterated that 40 people were under caution and they did their utmost to control patrons. He would ensure that it doesn't happen again and that 90% of the patrons were acceptable but they did not serve anyone that was intoxicated. He referred to an incident on Saturday evening where they refused to serve an intoxicated man who had been to another establishment in the village. The Applicant indicated that they could only control their venues.

Councillor Blakey asked if they were part of 'Pubwatch'.

The Applicant confirmed that they were part of Pubwatch which met the first Thursday of every month.

Mrs Wright reiterated her concerns to the Applicant and stated that the increase in anti-social behaviour had occurred in the last few months.

The Applicant stated that they now have people who want to come to their premises and be social and any bad behaviour they intervene. It was difficult to define where the patrons had come from and the Cornerhouse staff would have refused them service. The Applicant suggested that they could take any information to the Police at the Pubwatch meetings.

Mr Carr stated that there had been an increase in noise and disturbance between 12.00 midnight and 12.30 am, details of which he had submitted with his objection to the variation. He stated that the tables and facilities to sit on and climb on were a big problem and Durham County Council had issued an order for the removal of the tables and chairs by 30 August 2018, but the tables were still in situ this morning.

The Council's Legal Officer advised Mr Carr that this information had not been raised before today and was not to be referred to.

The Applicant confirmed that he had received the letter from the Council and he had a meeting yesterday to discuss the issue. He stated that they had inherited the tables and chairs and they had just re-painted them. He advised the Sub-Committee that they would be taking down the tables and chairs and submitting a planning application to have collapsible tables and chairs so there would be no street furniture in situ at the end of the night.

Mr Carr responded that he had not submitted the email from the Highways department prior to the hearing as he thought the tables would have gone. He stated that he was not aware that they were going to be removed but this was good news.

The Applicant was asked to clarify if the televisions in the sheds had restricted volume. The residents then stated that anti-social behaviour in the village and the lack of action had caused some of the residents to suffer with depression. The Applicant was asked how he could assure residents that they can get the balance right so that it was great to live in Sedgfield but the lights were out at a certain time and that the volume on the televisions needed to be limited.

The Applicant responded that house prices, the statistics showed that where there was no public houses, house prices diminished, he then referred to the refurbishment of the Pickled Parsons and he hoped that house prices would have increased. He then referred to anti-social behaviour and 200 youths on the green which resulted in The Cornerhouse losing money, prior to the incident they were just breaking even, so they needed the anti-social behaviour to be resolved. They needed to attract people to enable the business to thrive and have facilities to attract people, but he accepted that there was a balance.

The parties were then invited to sum up.

Mrs Gallimore indicated that she had already addressed the issues regarding noise.

Councillor Wills commented that this was a very good open debate and stated that unless any measures were put into place to control the issues then it would not get any better. She had not seen any attempt to put measures in place, so did residents have to wait and allow things to continue until someone had suffered before something could be done and indicated that prevention was the best medicine. She indicated that even with the use of headphones there was still going to be people shouting so her view had not changed.

Councillor Blakey asked the Environmental Health Officer if she was happy with the proposal to use headphones.

The Environmental Health Officer responded that it was not part of the application, but the use of headphones would minimise the impact, people would be listening through the headphones but there would still be some noise from people shouting. She indicated that she would carry out some monitoring if a further event was held. She then referred to some venues offering silent discos where people wear headphones, but she was not aware of how successful these were in reducing noise and if patrons had the same experience.

The Chairman sought clarification on the 10.00 pm finish. The Environmental Health Officer confirmed that after 10.00 pm this would have a negative impact on residents due to the proximity of the beer garden to the houses which was reasonable as there were other outdoor areas.

The DPS responded that they already had precautionary measures in place where they shut down the beer garden at 9.00 pm to reduce the space for staffing purposes and only have the court yard open to help staff enforce the rules.

Councillor Blakey asked if they had a physical barrier to close off the beer garden.

The Applicant confirmed that it was a chain and notices.

Councillor Wills commented that this area was not part of the licence and could be changed so there was no safeguard.

The Applicant indicated that they would be willing to have a condition for the use of headphones and the beer garden to close at a certain time.

Mr Carr stated that the Applicant had indicated that they would restrict the use of the beer garden to 9.00 pm but noise was still generated externally as patrons moved to the court yard which created just as much noise, so it was just moved from one area to another. Noise echoed and most outdoor areas were prohibited after 10.00 pm.

The Applicant stated that the courtyard was already licensed and in response to a question from the Council's Legal Officer confirmed that the courtyard was used as a smoking area with 3 or 4 picnic benches.

The Applicant then stated that he was more than happy to reduce the hours of the beer garden and for the use of headphone during films and for a noise limiter to be installed for any regulated entertainment.

At 11.45 am the Sub-Committee Resolved to retire to deliberate the application in private. After re-convening at 12.30 pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and additional information, and the written and verbal representations of the Applicant, Responsible Authorities and other persons. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the Premises Licence be varied to include the Provision of Films as a licensable activity as follows:-

Activity	Days & Hours
The Provision of Films Indoors and Outdoors with no more than 12 outdoor Films per year. Outdoor films will only be shown with the use of headphones.	Monday to Sunday 10:00-22:00

The Sub-Committee considered the conditions suggested within the Operating Schedule of the application and believed it was appropriate and proportionate to impose additional conditions upon the licence as follows:-

- a) Outdoor films will only be shown with the use of earphones.
- b) Indoor and Outdoor films will finish by 22:00 hours.
- c) The admission of children to films is to be restricted in accordance with the recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification (BBFC)).
- d) Patrons must vacate the beer garden by 21.30 hours.
- e) A noise limiter will be installed on the premises for any regulated entertainment.
- f) The volume control on the televisions will be restricted to prevent noise nuisance.
- g) Bins and bottle bins shall not be emptied between 9pm and 8am each day.
- h) Children under the age of 18 will be off the premises by 9pm.

The Sub-Committee did not impose a condition relating to the access to the beer garden after 21.30 hours, but recommended that the Applicant fit a more appropriate barrier or gate, to prevent patrons jumping the barrier and accessing the beer garden after this time.

The Sub-Committee also recommended that the Applicant should get together with the residents to discuss issues as they arise, rather than allowing them to escalate.

The Applicant was reminded that the Environmental Health Team has offered to work with the Licence Holder to resolve the issues regarding noise levels.

The meeting adjourned for a 5 minute comfort break

6 Application to Vary a Premises Licence - The Pickled Parson, 1-2 The Square, Sedgefield

Councillors D Bell, J Blakey and J Maitland

The Committee considered a report of the Senior Licensing Officer regarding an application to vary a premises licence in respect of The Pickled Parson, 1-2 The Square, Sedgefield (for copy see file of Minutes).

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

The Senior Licensing Officer advised Members that the application was to extend the current hours for the sale of alcohol, regulated entertainment and late-night refreshment to 12.00 Midnight and to amend the premises plan due to internal layout changes.

Representations had been received from fourteen people during the consultation period, one in support of the application and the remainder from other persons objecting to the application. One of the objectors had withdrawn their objection after receiving clarification of the details of the variation application. The remaining twelve objections related to the four licensing objectives.

Responses were received from Durham Constabulary, Planning Authority, Durham Local Safeguarding Children Board, Fire Safety Authority and Environmental Health Authority confirming that they had no comments to make on the variation.

Mr Carr an Other Person, wished to object to the extension of the hours and area of sales applied for. He stated that the premises was a grade II listed building in a residential conservation area with an elevated position that created an echo. He referred to the late evening and night disturbance and he had photographs to show where the premises were located in relation to the residential properties and that his property adjoined The Pickled Parson. Alcohol was currently served up to midnight which would be consumed less than one metre from his window. The external area for the consumption of alcohol was a public footpath which could probably cause an accident.

Mr Carr then referred to the change of use for the existing internal areas which does not mention external areas on the application, yet it shows that they propose to serve alcohol to the external area of the building. He indicated that this is disturbing him and he referred to the latest premises guidance that requires an application to describe the premises, the type of premises, general layout and other relevant information and any areas they intend to use for the consumption of alcohol such as outside areas. He presumed the Applicant was intending to sell alcohol outside the building but the application was for indoors only which was confusing.

Mr Taylor on behalf of the Applicant confirmed that they had not applied for anything next to Mr Carr's property.

Mr Carr then queried if the plan had changed as the plan in the papers included a shaded area next to his property.

Mr Taylor explained that the first application was withdrawn and when it was resubmitted, a new plan was included with the application.

The Senior Licensing Officer confirmed that the plan that was submitted with the application was the plan in the report pack and that there were no licensable activities to take place outdoors. The Applicant was asked to provide a copy of the plan he was referring to, a copy of which was provided to all parties at the hearing.

The two plans were compared and the plan the Applicant had provided included a blue shaded area outside the premises, however, this area was included within the licensable activities taken place on the premises. The Applicant was advised that their application only related to licensable activities indoors and therefore the area should be the boundary of the building as set out on the plan in the report pack.

The Applicant agreed that the application was for indoor only and agreed to revert to the plan in the report. All parties were advised to use the plan in the report but ignore the blue shaded area in front of the bay windows as this was no longer part of the outside area.

Councillor Darkes sought clarification if there was late night entertainment outside. The Applicant confirmed that there was no external activities just the consumption of alcohol.

Mr Carr continued with his representations and stated that he understood that it was public knowledge that Sedgefield Town Council owned the area of land outside the premises. The Town Council had requested the Applicant to remove the benches and seats 6 months ago and had taken legal advice.

The Applicant responded that the land had previously belonged to the premises. A letter had been sent to the premises when it was closed regarding the land ownership and if no response was received the land would be transferred. As the premises were closed no response was provided so they were currently taking legal action to have the land reverted back to the pub.

The Council's Solicitor advised the Sub-Committee that the land ownership was a separate matter and was not for the licensing authority to determine today.

Mr Carr then continued that the Applicant was wanting to extend the licence to midnight but what it does not do is stop people leaving at 12.30 am or 1.00 am which would cause more late night disturbance. They already suffer from late night disturbance with bin bottles being carried across the road as they run two premises in conjunction, which he believed they were going to address.

He then referred to the house across the square who had submitted a representation about the noise levels. Residents were complaining about the noise with the licence at 11.00 pm and where the premises is situated around the square made it difficult for residents.

Mr Carr stated that the residents of number 16 were having more problems than him and that they were also attached to the premises. He then referred to public transport which was limited so taxis and cars were using the access road which was causing noise and disturbance late at night. If the application was granted, then 11.00 pm would be 12.00 midnight and the noise would be even later and indicated that this was referred to in one of the letters of objection. There had been noise issues in the past when the premises had tried other types of music which they also wished to extend. His property was attached to the premises and Environmental Health had previously been involved as they were advised that the noise was a statutory nuisance and any extension to the hours would increase the noise problems.

Mr Carr stated that Councillor Makepeace said that historically the premises had enjoyed an appropriate licence whereas Mr Carr stated that they should leave the hours as they are. Staff come with their own transport and the guidelines recommended that the Applicant should only apply for the hours they intended to operate so he was concerned they would operate 7 days a week up to midnight.

Mr Carr wished the Applicant well and indicated that he had no objection to a Sunday to 10.30 pm and midnight on a Friday and Saturday but they wanted to extend the hours for the rest of the week. He was concerned that they served outside the premises, he showed the plan of the areas so that Members could see how close the houses were to the premises and that there was an issue with taxis.

Mrs Swindale an Other Person addressed the Sub-Committee and referred to the beer garden and sought clarification on what time people will stop being served alcohol outside.

The DPS responded that they currently stopped serving outside at 9.30 pm and generally people don't sit outside any later.

Mrs Swindale then referred to the location which is lovely but there was a risk of a congregation from one pub to another and the residents were currently bothered by noise. She would like to see conditions on the outside area to prohibit the use after a certain time as voices and noise does travel and there were a number of older residents. She did object to the outdoor area and needed to be more assured, they were not a bunch of whiners, but they needed to get the balance right. She indicated that they served beer, but the public could not moderate. They were affected by the Cornerhouse and the Impeccable Pig so they needed some safeguarding and restrictions on people sitting outside.

The Chairman indicated that the application for discussion today was for indoors only.

The Council's Legal Officer advised the Sub-Committee that the outdoor area was not licensed but people could consume alcohol outside.

The DPS indicated that it was not a designated beer garden but people go outside to smoke.

Mrs Swindale responded that patrons were drinking outside so you can't disconnect the outside from the inside.

The DPS responded that it was difficult to Police the outdoor area and there was a suggestion that a condition be imposed to restrict drinks outside.

Councillor Wills speaking on behalf of Sedgefield Town Council indicated that there was no mention of external changes so drinking outside was irrelevant as there were no licensable activities outside and as they had off sales people could go outside to drink alcohol.

She referred to the number of objections against and the one in favour which stated that the premises had always enjoyed an appropriate licence, therefore she questioned what the point of changing the licence was and she objected to the extension of the hours.

She objected to the extension as the premises were raised which echoed sound as there was nothing around to stop it acoustically. Unlike the Cornerhouse The Pickled Parson was in the centre of the village with attached dwellings and all the lofts were interlinked and didn't have any divisions and the noise travelled. She indicated that unless there were measures put into place to soundproof then noise would travel. She then referred to the Impeccable Pig who had looked to stop the noise travelling so it was worth looking into soundproofing to help the situation as noise would continue to transfer and it was a worry that the noise was up to 11.00 pm and the approach should be one of prevention. It was about people living in the area and what they could do before the licence is granted as they would not do anything once the extension had been granted, she was also concerned of the alcohol variation on and off the premises which would be used in other parts of the village. There were five or six other places where alcohol could be purchased in the village and she could see issues in the village again.

She maintained that she did not agree to any changes, noise limitation or sound proofing could help and would be a good gesture as what happened with the Impeccable Pig. She suggested that the Sub-Committee consider no more than eight sessions of live music including Christmas and New Year's Eve as agreed with the Impeccable Pig.

Mr Taylor (on behalf of the Applicant) then addressed the Sub-Committee and indicated that they had spoken to Mr Carr about soundproofing the wall which adjoined the pub which had been carried out. Mr Carr confirmed that this had been carried out and was successful except he could still hear every single chair that moved. The Applicant stated that he would look at putting rubber feet on the chairs to alleviate this problem.

The Applicant then referred to the neighbour on the other side of the premises and indicated that there was a fire escape and a 2 metre gap between the premises but he was more than happy to remind patrons to respect neighbours and was happy to install a noise limiter device. He was only asking for an additional 30 minutes on a Friday and Saturday and the issue with the bins had already been rectified.

In response to a question on the opening hours the Applicant confirmed that the premises were currently 11.00 pm for the sale of alcohol with the premises closing at 11.30 pm and they proposed to close at 12.00 midnight.

The DPS stated that the extension was for Friday and Saturday only and they did not intend to have parties as they had hotel rooms with business men it was to allow an extra glass of wine before bed. They had already added sound limiters on the televisions in the guest rooms to contain the noise. It would not be commercial to staff the business until 12.00 midnight during the week, it was simply for allow business men to consume the last glass of wine.

Mr Carr expressed concern that if the licence was granted to midnight they might run the business correctly but there was nothing to stop this licence being passed on to another person. He referred to The Cornerhouse which had the licence for alcohol to 12.00 midnight and close at 12.30 am but people did not come out at 12.30 am and this was his concern as there was nothing in place to stop it happening.

Councillor Blakey sought clarification of how many off sales they had.

The Applicant responded that people usually purchased alcohol from the shop as it was more expensive to buy from The Pickled Parson.

Mrs Swindale stated that she was not convinced about the outside area, The Pickled Parson had a good reputation, and in the winter months they supplied blankets to make it more comfortable to sit outside and people did sit outside drinking, wrapped in blankets, so you can't discount the indoor and outdoor area. She was not opposed to people sitting outside but there needed to be a cut off time.

The Applicant responded that he could not stop people leaving and sitting outdoors. The Council's Solicitor indicated that a condition could be imposed that drinks were not allowed to be taken outdoors after a certain time.

Mrs Swindale indicated that there should be a condition that the outdoor area is only used for smoking.

The Applicant responded that they currently had off sales as part of the licence.

Mrs Swindale responded that the land was not in the ownership of The Pickled Parson and there needed to be a happy medium as the off sales affected the outdoor area.

The Applicant indicated that they would have signs to ask patrons to respect the neighbours.

Mr Carr stated that people were encouraged to take drinks outside until midnight which did happen as people sit outside with wine glasses and blankets and there were no restrictions to stop this.

Councillor Darkes asked why they had tables outside when they did not own the land.

The Applicant advised the Sub-Committee that they were in dispute over the land and the legal advice was to leave the seats in situ and to keep using the land. The Operations Director stated that she was from the area and there had always been benches outside.

The Applicant continued that they had carried out some sound proofing and they were happy to install sound regulator devices and were more than happy to erect signs next to exits to ask patrons to be quiet and respect neighbours. They had already addressed the issues with the bins.

Councillor Blakey asked if the benches had created anti-social behaviour with the previous owners of The Picked Parson.

The Applicant indicated that they could remove the benches when the premises was closed to stop people sitting outside all night.

The Council's Legal Officer asked if the Applicant would consider no drinking outside after a certain time. The Applicant responded that this would be difficult to manage with off sales.

Mr Carr indicated that the co-op was open until 10.00 pm so there was no need for off-sales. The Applicant indicated that they already had a licence for off-sales but they were happy for off sales to be restricted until 11.00 pm instead of midnight.

Mrs Swindale said that the outside areas needed to be managed and restricted to a certain time to give assurance to residents. She noted that they can't control the people out and about, she did think they were trying to manage the Cornerhouse but they needed assurance that staff know who they are giving plastic glasses to and there had to be a cut off time, she appreciated they could not control the off-sales but they had a responsibility for the premises.

At 1.50 pm the Sub-Committee Resolved to retire to deliberate the application in private. After re-convening at 2.20 pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and the written and verbal representations of the Applicant and other persons. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the Premises Licence be varied to include the Provision of Films as a licensable activity as follows:-

Licensable Activities	Days & Hours
Provision of Live Music, Recorded Music Performance of Dance,	Monday to Sunday, Good Friday and Christmas Day 10:00 until 00:00 hrs.

Similar Entertainment (All Indoors)	From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. (Remove the condition which prevents regulated entertainment on Good Friday and Christmas Day)
Late Night Refreshment (Indoors)	Monday to Sunday 23:00 until 00:00 hrs. New Year's Eve 23:00 until 05:00 hrs.
Sale of Alcohol (on the premises)	Monday to Sunday, Good Friday and Christmas Day 10:00 until 00:00 hrs. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
Sale of Alcohol (off the premises)	Monday to Sunday, Good Friday and Christmas Day 10:00 until 23:00 hrs.
Proposed Opening Times	Monday to Sunday, Good Friday and Christmas Day 10:00 until 00:00 hrs. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

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

- a) No off-sales after 23:00 hours each night.
- b) No drinks to be taken outside after 23:00 hours each night.
- c) Benches to be removed each night when the premises are closed.
- d) Children will be out of the bar area by 21:00 hours each night.
- e) Bins and bottle bins shall not be emptied between 9pm and 8am each day.
- f) A noise limiter will be installed for regulated activities.