

LICENSING SUB-COMMITTEE
20th September, 2005

PRESENT – Councillors Nutt, Stenson and J.C. Vasey. (3)

APOLOGIES – None.

ALSO IN ATTENDANCE – Councillor Maybrey. (1)

LS30. ELECTION OF CHAIR – RESOLVED – That Councillor J.C. Vasey be appointed Chair for this meeting only.

LS31. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LS32. PREMISES LICENCE APPLICATION – VARIATION – BANNATYNE HOTEL -
The Director of Environment submitted a report (previously circulated) giving details of a contested application from Bannatyne Hotels Limited in relation to the Hotel Bannatyne, Southend Avenue, Darlington to vary its Premises Licence.

Mr. John Price, the applicant addressed the meeting, accompanied by his Solicitor, Mr. Derek Walker and Mr. George Norton, Licensing Manager, Bannatyne Group and responded to Members' questions. The applicant also responded to the 'points of clarification' highlighted in the submitted report. Mr. and Mrs. Ruddick, who had objected to the application also addressed the meeting and responded to the 'points of clarification' and Members' questions.

The Sub-Committee considered the views of the objectors and the applicant in accordance with the "Licensing Sub-Committees – Full Hearing Procedure for Applications for Personal Licences Where Representations Have Been Received.

RESOLVED – That the application be granted to vary the hours for the sale of alcohol between the hours of 11.00 a.m. and 11.00 p.m. on Tuesdays, 11.00 a.m. and 12 midnight on Mondays and Wednesdays, 11.00 a.m. to 12.30 a.m. on Sundays and 11.00 a.m. to 1.00 a.m. on Thursdays to Saturdays inclusive and regulated entertainment (live and recorded music, performances of dances, provision of facilities for making music and for dancing) to from 11.00 a.m. to 1.00 a.m. on Sundays to Wednesdays and from 11.00 a.m. to 1.30 a.m. on Thursdays to Saturdays, and include the licensable activity of late night refreshment until 12.00 midnight on Mondays to Wednesdays until 1.00 a.m. on Sundays and until 1.30 a.m. on Thursdays to Saturdays, subject to the following conditions :-

- (a) That the capacity of the premises shall not exceed 80 persons in Maxines Bar/Restaurant and 150 in the Wilbur Suite and that all admissions and entries to the premises is at all times monitored to ensure that overcrowding does not occur.
- (b) That noise from the premises shall not give rise to levels of 5db(A) or more above the background noise level, measured in accordance with BS4142 at the nearest affected residential premises.
- (c) That the sale and supply of intoxicating liquor after 11.00 p.m. is ancillary to the provision of substantial refreshment.

- (d) That this licence is subject to all of the former embedded conditions and restrictions of the Licensing Act 1964 save those amended by virtue of this application.
- (e) That this licence is subject to all of the former general conditions attached to the Public Entertainment Licence which was in existence up to 24th November, 2005.
- (f) A CCTV system shall be maintained in proper working order, to the satisfaction of the Licensing Authority and Durham Police and all recordings shall be properly stored and retained for a minimum of 28 days.
- (g) That a minimum of two personal licence holders will be employed at the premises at all times, one of whom will be on duty when licensable activities are taking place.
- (h) That on-going training is provided for all staff in relation to all licensing legislation.
- (i) That Evacuation plans and public risk assessments are provided and maintained and audited by external Health and Safety Consultants every 12 months.
- (j) That conspicuous and legible signage will be prominently displayed within the premises at each exit requesting that patrons leave the establishment in a quiet and orderly manner.
- (k) That all windows and doors in the function room will remain closed at all times when regulated entertainment is taking place, except for normal ingress and egress.
- (l) That adequate lighting is provided and maintained to all exterior areas of the premises.
- (m) That the Applicant Company maintains and uses air conditioning units in the function room to ensure the comfort of its patrons.
- (n) That all children under the age of 18 years will be admitted to the licensed areas only when accompanied by an adult.
- (o) That proof of age identification will be requested at point of entry and at all bars from all patrons who appear to be under the age of 21 years.
- (p) That no person under the age of 16 years is to be employed on the premises.

In making its decision the Sub-Committee took into account :-

- (a) That the variation in hours was minimal and that this was a long established residential hotel on the periphery of the Town Centre and not a public house or a nightclub.
- (b) There have been no previous formal complaints made by the interested parties.
- (c) There have been no police objections made to the application.
- (d) There have been no other objections from the numerous local residents.

