

**LICENSING SUB-COMMITTEE**  
**11th October, 2005**

**PRESENT** – Councillors Flowers, Hartley and Maybrey. (3)

**APOLOGIES** – Councillor Newall.

**ALSO IN ATTENDANCE** – Councillor Foster. (1)

**LS54. ELECTION OF CHAIR – RESOLVED** – That Councillor Hartley be appointed Chair for this meeting only.

**LS55. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**LS56. PREMISES LICENCE APPLICATION – GRANT – THE BRINKBURN** - The Director of Development and Environment submitted a report (previously circulated) giving details of a contested application from Spirit Group Limited in relation to the Brinkburn, Lady Kathryn Grove to grant its Premises Licence.

Mr. Kevin Walker, Business Development Manager of the Spirit Group and Mr. and Mrs. Davies, the Managers of the Brinkburn, represented by their solicitor, Claire Johnston, addressed the meeting and responded to Members' questions. The applicant's representatives also responded to the 'points of clarification' highlighted in the submitted report.

The applicants advised the Licensing Sub-Committee at the commencement of the hearing that they were amending their application from the hours originally requested to the hours of 11.00 a.m. to 11.00 p.m. Sunday to Thursday, and 11.00 a.m. to 12.00 midnight Friday and Saturday for the sale of alcohol on and off the premises.

Mr. Stephen Todd, Environmental Health Manager who made representations addressed the meeting and responded to the 'points of clarification'. There were also a number of representations made from residents of Lady Kathryn Grove and Brawton Grove and Mrs. Taylor, Mr. Gall, Ms. Weston, Mr. Smith, Mr. Pinkney and Mr. Crawley spoke on behalf of the residents and responded to the 'points for clarification' by the interested parties.

In addition, a petition was presented to the Members from residents of Lady Kathryn Grove, Brinkburn Road.

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 in part as below :-

- (a) Approved the sale of alcohol on and off the premises as a licensable activity.
- (b) Refused to permit such sales for the hours requested but allow sales (for consumption on and off the premises) from 11.00 a.m. to 11.00 p.m. Mondays to Sundays inclusive.

- (c) Granted the application to provide regulated entertainment (recorded music, live music and anything similar and dancing) between the hours of 11.00 a.m. and 11.00 pm. Monday to Sundays inclusive.

all of the above subject to the following conditions :-

- (i) That the CCTV system (internal and external) shall be maintained in proper working order, all recordings shall be properly stored and retained for a minimum of 28 days and produced on request to the police and Authorised Officers of the Council.
- (ii) That clear 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. Announcements are to be made to this effect from 11.00 p.m. onwards.
- (iii) That all windows and doors to the premises will remain closed (except for normal ingress and egress) when regulated entertainment is offered within the premises.
- (iv) That staff check the outside of the premises every hour when entertainment is taking place to ensure that noise levels do not disturb local residents.
- (v) That regular staff training is provided for all staff members in health and safety, licensing and all other relevant legislation and that such training is to be documented.
- (vi) That there will not be any irresponsible drinks promotions including “all you can drink” for an admission fee, “2 for the price of one”, low priced offers or similar promotions and that the premises will sign up on an annual basis to Darlington Borough Council’s Responsible Drinking Code.
- (vii) That there will be in place a drugs policy approved by the Licensing Authority and Durham Constabulary, which will be complied with by all staff and patrons.
- (viii) That an incident log book must be kept and all incidents entered immediately after the event. This book is to be produced on request of a Police Officer or Authorised Officer of the Council.
- (ix) That no adult entertainment of any type will be offered.
- (x) That any person who appears to be under the age of 21 years will be required to produce photographic evidence of identity (passport or DVLA driving licence) at the point of sale of alcoholic beverages.
- (xi) That persons under the age of 18 years will not be permitted onto any part of the premises unless accompanied by an adult and at all times supervised by an adult.

- (xii) That all children under the age of 18 years will be required to leave the premises at 9.00 p.m.

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

- (a) The representations made by the Interested Parties particular in relation to the licensing objective concerned with the prevention of Public Nuisance
- (b) Members acknowledged that the premises were not a Town Centre venue and were situated in a residential area.
- (c) Members believed that an 11.00 p.m. terminal hour for licensable activities was reasonable for this type of area.