

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Tuesday 27 October 2020 at 9.30 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors C Hampson, A Hopgood, L Kennedy and M Wilson

Also Present:

Mrs G Proud (Council's Solicitor)

Ms H Johnson (Licensing Team Leader)

Sgt C Dickenson (Durham Constabulary)

Ms C Madeley (Applicant/Premises Licence Holder)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

Councillor L Kennedy declared an interest in the Application to Vary the Premises Licence to Specify an Individual as a Designated Premises Supervisor at The New Westlea, Seaham and withdrew from the meeting during consideration thereof.

4 Minutes

The minutes of the meetings held on 31 July 2020, 7 September 2020 and 18 September 2020 were agreed as a correct record and would be signed by the Chair.

5 Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor

The Chair welcomed everyone to the meeting and explained that only three Members would be deliberating the application.

Mrs G Proud, the Council's Solicitor explained why only three Members deliberated the application and ran through the procedure for the meeting.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application from Ms Carol Madeley, the premises licence holder to vary the premises licence for The New Westlea, 5 West Grove, Seaham to specify an individual as the Designated Premises Supervisor (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with details of the representation received from Durham Constabulary.

The Licensing Team Leader, Ms H Johnson, was in attendance to present the report and outlined the recommendations contained in the report.

Ms Johnson then advised the Sub-Committee that she had been made aware that sensitive information in relation to an individual would be discussed at today's hearing and asked if the public could be excluded from the hearing.

The Council's Solicitor advised that Regulation 14 of the Licensing Act 2003 (Hearings) Regulations indicated that hearings should take place in public, however, there was provision under Regulation 14(2) that the licensing authority may exclude members of the public from all or part of the hearing where it considered that the public interest in doing so outweighed the interest of the hearing taken place in public.

From the brief information given, it appeared that the information to be discussed was information in relation to an individual and would be exempt under paragraph 1 of Schedule 12A of the Local Government Act 1972. It was a matter for the Sub-Committee to determine whether to exclude the public from the hearing when it considered that the public interest in so doing outweighed the public interest in the hearing.

The Sub-Committee considered the request and Councillor A Hopgood moved and Councillor M Wilson seconded that the public be excluded from the meeting.

Accordingly, at 9.45 am the meeting moved to in private under Regulation 14 of the Licensing Act 2003.

There were no questions of the Licensing Team Leader.

Sgt C Dickenson on behalf of Durham Constabulary addressed the Sub-Committee in relation to the matters detailed in her report. Members, Officers and the Applicant were given the opportunity to ask questions of the Officer.

The Applicant was then invited to address the Sub-Committee and responded to questions from Members and Officers.

The Chair thanked everyone for their attendance and at 10.10 am the Sub-Committee Resolved to retire in private to deliberate the Applicant's Suitability to become a Designated Premises Supervisor at The West Lea, Seaham.

In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant and the written and verbal representations of Durham Constabulary. Members had also considered Durham County Council's Statement of Licensing Policy and Guidance issued Under Section 182 of the Licensing Act 2003.

Resolved: That the application to vary the premises licence to specify an individual as Designated Premises Supervisor be rejected for the promotion of the crime prevention objective.