

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Wednesday 13 January 2021 at 1.30 pm**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors J Blakey, C Hampson (substitute for P Atkinson), K Liddell and J Maitland

Also Present:

Ms S Grigor (Council's Solicitor)
Ms H Johnson (Licensing Team Leader)
Sgt C Dickenson (Applicant – Durham Constabulary)
Mr J Hayes (Environmental Health)
Ms C Madeley (Premises Licence Holder)

1 Apologies for Absence

Apologies for absence were received from Councillor P Atkinson.

2 Substitute Members

Councillor C Hampson was present as a substitute for Councillor P Atkinson.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meetings held on 4 and 9 December 2020 were agreed as a correct record and would be signed by the Chair.

5 Application for the Review of a Premises Licence - The New Westlea, 5 West Grove, Seaham

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

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 for the review of the premises licence at The New Westlea, 5 West Grove, Seaham (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated.

Additional information from Durham Constabulary had been circulated to all parties prior to the meeting.

The Licensing Team Leader presented the report and outlined the recommendations and advised the Sub-Committee that there was still no Designated Premises Supervisor (DPS) listed for the premises.

The Licensing Team Leader then advised the Sub-Committee that Durham Constabulary had asked that the public be excluded from the hearing due to an ongoing case in relation to the premises.

The Council's Solicitor advised that Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 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. This was a matter for the Sub-Committee to determine whether it was in the public interest to exclude the public from this part of the hearing.

The meeting adjourned at 1.40 pm to allow members to consider in private the request under Regulation 14 to exclude the public from the hearing.

At 1.45 pm the meeting re-convened and the Chair advised that the Sub-Committee determined that under Regulation 14 of the Licensing Act 2003, the public be excluded from the meeting for the remaining items of business on the grounds that they involved the likely disclosure of exempt information and they considered that the public interest in doing so outweighed the interest of the hearing taken place in public.

The public part of the meeting was ended, and the rest of the meeting took place in private.

Exclusion of the Public

Members and Officers were given the opportunity to ask questions of the Licensing Team Leader.

The Licensing Team leader advised Members that a late submission had been received from the Licence Holder. All parties agreed to accept the additional information and were advised to give due weight to the submission as it had not been verified.

The Licensing Team Leader read out the contents of the late submission from the Licence Holder.

Sargant C Dickenson on behalf of Durham Constabulary then addressed the Sub-Committee in relation to the matters detailed in her report. All parties were given the opportunity to ask questions.

Mr J Hayes on behalf of Environmental Health addressed the Sub-Committee and responded to questions.

The Licence Holder was then invited to address the Sub-Committee and responded to questions from Members and Officers. The Licence Holder provided the Licensing Team Leader with a document from her Solicitor that the Licensing Team Leader read out.

After all parties were given the opportunity to sum up. The Chair thanked everyone for their attendance and at 3.20 pm the Sub-Committee Resolved to retire in private to deliberate the Review Application for The West Lea, Seaham. Councillors Crathorne, Blakey and Maitland retired to make the decision.

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, Licence Holder and Environmental Health. 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 Premises Licence be revoked.