

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 4 October 2021 at 1.30 pm**

### **Present:**

**Councillor L Brown (Chair)**

### **Members of the Committee:**

Councillors C Hampson, I McLean, R Potts and M Wilson

### **Also Present:**

S Grigor (Council's Solicitor)

H Johnson (Licensing Team Leader)

S Adamson (Applicant)

R Dunbar (Applicant's Business Partner)

### **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 Application for the Grant of a Premises Licence - Artisan Corner, 8-10 The Bank, Barnard Castle, County Durham**

The Chair welcomed everyone to the meeting and introductions were made.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the grant of a premises licence for the Artisan Croner, 8-10 The Bank, Barnard Castle (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with details of the representations received.

The Licensing Team Leader was in attendance to present the report.

The Officer advised Members that the Applicant already held a premises licence for No.8 The Bank and the new application covered Nos 8-10 The Bank so that No.10 The Bank could also be utilised as a shop to permit off-sales of alcohol. If the application was granted, then the existing premises licence for No.8 The Bank would be surrendered.

During the consultation period, the Licensing Authority received two representation from other persons in relation to the application, who were unable to attend the meeting.

The Fire Safety Authority, Environmental Health, Durham Safeguarding Children Partnership and Durham Constabulary all replied to the consultation with no objections.

The Planning Authority provided comments that were passed onto the Applicant.

Additional Information had been submitted by the Applicant that was circulated to all parties prior to the meeting. Five letters of support had been provided by the Applicant prior to the meeting that were circulated to Members.

The Licensing Team Leader outlined the options open to the Sub-Committee.

All parties were given the opportunity to ask questions of the Licensing Team Leader.

The Applicant was then invited to address the Sub-Committee and Mr Dunbar indicated that the areas of contention with regard to the application were around the courtyard area. He asked Members to note that that they had not applied for this area to be included in the premises licence.

He then indicated that he had provided his written submission answering each of the respondent's issues that he believed were clear. The additional information submitted today was letters of support from some of their concerned customers. The issue of the application had arisen in a local newspaper and they had felt concerned enough to come and see them and offer a letter of support.

He went on to advise Members that they had received information at the weekend from the son of their landlord, who had provided a letter of support

and provided information to confirm that the flats above did not have access to the courtyard and was not a shared access area. The doorways from both the properties into the courtyard were locked and had been locked from when the residents of the flats had taken residence. Any issues of them having access to the courtyard as a means of escape, the fire authority would not allow as it was a fully enclosed area, so this was not going to be an issue.

The Licensing Team Leader clarified that the plan for the premises that accompanied the premises licence application did not show the courtyard as part of the application, but they had an outside seating to the front of the premises, that was under a café pavement licence.

In response to questions, the Applicant confirmed that they intended to have off sales and the shop would be open 6 days a week and the Bistro/Café 5 days a week with opening hours of 10.00 am to 5.00 pm. On occasions they may wish to have a late licence for private dining or a special occasion.

The Applicant then confirmed that there was one window looking onto the courtyard that did not open and had a film over the top half of the window for privacy purposes for both themselves and the residents of the flats. They did have a doorway to the courtyard that was locked, and they were unlikely to consider using this door.

The Chair thanked everyone for their attendance and at 1.55 pm Councillors L Brown, I McLean and M Wilson **Resolved** to retire to deliberate the application in private with all parties to be notified of the decision later in the day.

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 representations of Other Persons. Members had also considered Durham County Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**Resolved:** That the Premises Licence be granted as follows:

| <b>Licensable Activity</b>                              | <b>Days and Hours</b>                    |
|---|--|
| Supply of Alcohol (consumption on and off the premises) | Monday to Sunday: 9.00 am until 11.00 pm |
| Open to the public                                      | Monday to Sunday: 9.00 am until 11.00 pm |