

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Thursday 5 May 2022 at 1.30 pm**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors R Adcock-Forster, C Hunt and E Peeke

Also Present:

Mrs C Hazel (Council's Solicitor)
Mrs Y Raine (Licensing Officer)
Mr S Kanapathi, Arka (Applicant's Representative)
Sergeant C Dickenson (Durham Constabulary)
PC I Robertson (Durham Constabulary)
J Alder (Durham Constabulary)
J Carter (Durham Constabulary)
Mrs C Heshanth (Other Persons)
Mr T Heshanth (Other Persons)

1 Apologies for Absence

An apology for absence was received from Councillor A Batey.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meetings held on 7 February 2022 were confirmed as a correct record and signed by the Chair.

5 Application for the grant of a Premises Licence - Go Local, 2 Osborne Terrace, Ferryhill

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

The Council's Solicitor advised that she had been informed that the Applicants Representative would like to make a request for an adjournment of the meeting.

The Applicants Representative addressed the Sub-Committee and requested that the meeting be adjourned to seek legal advice due to the serious nature of the CCTV footage provided by Durham Constabulary.

Sergeant Dickenson, Durham Constabulary advised that the CCTV footage was made available to the Applicant on the 26 April 2022. She added that the matter relating to the CCTV footage had been dealt with resulting in the Applicant and his wife receiving fixed penalty notices on the 31 December 2021 and requested that the hearing go ahead.

Mrs C Heshanth, other person indicated that the application was submitted in February 2022 therefore the Applicant had enough time to prepare for objections and indicated that matter had been ongoing since December 2021 and should not be delayed further.

The Applicants Representative reiterated the serious nature of the CCTV footage that shows underage children and there was other CCTV footage after the event that the Applicant could provide. He was concerned about the impact and issues relating to data protection as underage children were shown in the footage. He requested that the meeting be adjourned for 2 weeks to seek legal advice.

Sergeant Dickenson advised that they would be requesting that the application be considered in private in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to protect the identity of the people shown in the CCTV footage so there would be no issue with regards to data protection.

The meeting adjourned at 1.57 pm for the Sub-Committee to deliberate in private the request to adjourn the meeting.

After reconvening at 2.05 pm, the Sub-Committee decided that the request for adjournment be refused.

The Council's Solicitor explained the procedure.

The Applicants Representative advised that as the adjournment request had been refused, he wished to withdraw the application.

The Licensing Officer asked that the request to withdraw the application be made in writing.

Sergeant Dickenson asked for clarification with regards to Regulation 9 as she was under the impression that the meeting could only be dispensed if all parties agreed. The Council's Solicitor clarified that if an application was withdrawn, the Sub-Committee have nothing to determine.

The meeting adjourned at 2.13 pm for the Applicants Representative to consult with the Applicant and make the request to withdraw the application in writing which was received and signed by the Applicant at 2.47 pm.

Resolved:

That the application be withdrawn.