

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 1A , County Hall, Durham on **Friday 1 April 2022 at 9.30 am**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors D Brown, C Hunt and E Peeke

Also Present:

J Kemp (Council's Legal Representative)

H Johnson (Licensing Team Leader)

Sgt C Dickenson (Durham Constabulary)

J Gilliead (Emag Licensing Services Ltd – Applicants Agent)

J Carr (Applicant)

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 - Warden Lodge, Durham Road, Wheatley Hill

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 to determine the application for the grant of a Premises Licence for land at Warden Lodge, Durham Road, Wheatley Hill, Durham (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 and advised Members that the application was received from Emag Licensing Services Ltd on behalf of the applicant Mr Carr that had been subject to a 28-day consultation period that ended on 7 March 2022.

Members were provided with details of the application.

Mr Carr was also named within the application as the proposed Designated Premises Supervisor and Members were advised by the Applicant's Agent that the application for a personal licence had been submitted.

The Team Leader advised Members that following mediation with Environmental Health the applicant had amended his application that included a condition that the number of patrons attending at any one time be restricted to 120 in total and only patrons with pre-issued tickets would be allowed into the premises.

During the consultation period the Licensing Authority initially received two objections, one from Durham Constabulary and one from Wheatley Hill Parish Council. The representation from Wheatley Hill Parish Council was withdrawn as the amendments to the application alleviated their initial concerns.

During the consultation period, the Planning Authority provided comments for information only that were forwarded onto the applicant. The Fire Safety Authority had responded that they had no objections to the application.

Additional information had been submitted by Durham Constabulary that was circulated to all parties prior to the meeting. Part of the additional information was bodycam footage that would be shown to the Sub-Committee.

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

In response to a question from Sergeant Dickenson, the Licensing Team Leader responded that the occupancy levels were determined by the fire authority and was not replicated in the licence unless Members determined that a condition be added to the premises licence.

Durham Constabulary were then invited to address the Sub-Committee.

Sergeant Dickenson requested that the application be considered in private in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

Members considered the request and determined that the public be excluded from the hearing on the grounds that the public interest in doing so outweighed the public interest in the hearing taking place in public.

Members heard the representations of Durham Constabulary and viewed the bodycam footage. All parties were given the opportunity to ask questions of Sergeant Dickenson.

The Applicant's Agent was then invited to address the Sub-Committee. She indicated that she would be referring to the evidence submitted by Durham Constabulary.

In view of this, Members agreed to continue the meeting in private.

Members heard the representations of the Applicant. All parties were given the opportunity to ask questions of the Applicant and his agent.

The meeting adjourned at 11.05 am to allow the Legal Adviser to address Members in private.

After the meeting reconvened at 11.15 am, all parties were invited to sum up.

At 11.25 am Councillors J Blakey, C Hunt and E Peeke **Resolved** to retire to deliberate the application in private. After re-convening at 11.35 a.m. the meeting moved to in public and the Chair delivered the Sub-Committee's decision.

In reaching their decision the Committee had considered the report of the Corporate Director of Neighbourhoods and Climate Change and the verbal and written representations of the Applicant and Durham Constabulary. The Committee had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the application for a Premises Licence be refused.