

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Monday 31 October 2022 at 1.30 pm**

### **Present:**

**Councillor L Brown (Chair)**

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

Councillors R Adcock-Forster, C Bihari and M Wilson

### **Apologies:**

Apologies for absence were received from Councillors W Stelling

### **Also Present:**

Karen Robson – Senior Licensing Officer

Sarah Grigor – Solicitor, DCC

Mrs Lesley Edmenson – Applicant

### **1 Apologies for Absence**

An apology for absence was received from Councillor W Stelling.

### **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 4 April 2022 were agreed as a correct record and signed by the Chair.

### **5 Application for the grant of a Premises Licence for Mess Charcuterie and Bar, 6 North End, Sedgefield**

The Chair welcomed everyone to the meeting and introductions were made. It was noted that four Sub-Committee Members were present to hear the application however only three Members were required to make the decision. The Council's Solicitor then outlined the procedure for the hearing.

The Senior Licensing Officer presented a report of the Corporate Director of Neighbourhoods and Climate Change, to determine an application for the grant of a Premises Licence for Mess Charcuterie and Bar, 6 North End, Sedgefield (for copy see file of minutes).

The Sub-Committee noted that following mediation with Durham Constabulary and Durham Safeguarding Children Partnership, the applicant amended the requested hours and added an additional conditions relating to the CCTV and to work with the police to minimise the risk of proxy provision/ proxy sales.

It was reported that during the consultation period, the Licensing Authority received three objections from local residents which were attached at Appendix 7 of the report. In response to the objections received, the Applicant added an additional condition that 'children shall not be admitted to the premises after 7.00pm', however the applicant had since withdrawn this condition.

The Chair invited questions from all parties.

The Chair asked if Durham Safeguarding Children Partnership had been informed that the condition relating to children had been withdrawn. It was explained that the condition was not included when Durham Safeguarding Children Partnership made their representation, it was an additional condition that the applicant added later in response to objections from local residents.

Responding to a query regarding CCTV, the Applicant clarified that CCTV footage would be retained for 60 days.

Members noted the objector's written representations and invited the Applicant to address the Sub-Committee.

The Applicant advised they had owned the property for 9 years which had previously been leased as a greengrocer. Unfortunately, the business had not been viable and the leaseholder did not renew the lease. She added that she had a background in the hospitality industry and took the opportunity to establish a restaurant/cafe rather than have the property empty. The applicant advised that it was a small property offering meat/cheese platters and made the application to be able to offer fine wine pairings.

The Chair invited questions from all parties.

Responding to questions regarding selling alcohol without food and the size of the premises, the Applicant explained that objectors have misunderstood the application. Permission had previously been granted to operate as a restaurant/café, the application was to offer alcohol such as fine wine, with the emphasis being on food. She added that the premises 42sqm and could

accommodate 7 tables with approximately 24-28 people. She advised that there would be an experienced manager on site, and she would be an extra member of staff to provide cover.

The Applicant confirmed that take away alcohol would not be sold from the premises. She felt that there had been misinterpretation regarding her application and confirmed that she was not involved in the Lost Robot premises. She asked that objections be dismissed as there were not relevant to the application. The Senior Licensing Officer added that the application was for on premises sales only, and representations that were not relevant to the application would be disregarded.

The Solicitor asked for clarification regarding the condition that was withdrawn. The applicant advised that she added the additional condition to appease local residents. However, on reflection, she withdrew the condition as the Licensing Act does not prohibit children from having access to licensed premises and the condition was in relation to a public house, not a restaurant which would have a negative impact on the business if families having a meal had to leave at 7.00 pm. The Senior Licensing Officer clarified that the request from Durham Safeguarding Children Partnership was in relation to proxy sales so the condition that the applicant volunteered would not have any reflection on the safeguarding request.

At 1.50pm Councillors L Brown, C Bihari and M Wilson **Resolved** to retire to deliberate the application in private. After re-convening at 2.00pm, the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change, together with the representations from the Applicant and written representations from objectors. Members also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**Resolved:**

That the application for the licensed premises be granted as follows, in line with the mediated agreement:

<b>Licensable Activity</b>	<b>Days and Hours</b>
Supply of alcohol (for consumption on the premises)	Monday to Wednesday 17.00-22.30hrs Thursday to Saturday 12.00-22.30hrs Sunday: 12.00-21.00hrs Extension until 23.45hrs on New Years Eve

Open to the Public	Monday to Wednesday -10.00-23.00hrs Thursday to Saturday 10.00-23.00hrs Sunday 10.00-21.30hrs New Years Eve 10.00hrs until 00.30hrs on New Years Day
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The following conditions shall be attached to the licence at Annex 3:

- A CCTV system be installed and in operation at all times, the premises are being used for licensable activity. CCTV recordings will be retained for a minimum of 28 days;
- To minimise the risk of proxy sales, the DPS will work with the police to minimise the risk of proxy provision / proxy sales.