



# SEDFIELD TOWN COUNCIL



Minutes of the proceedings of the **August  
SPECIAL Meeting** of the **Council** held at **6 p.m.**  
in the **Council Offices**, Sedgefield, on  
**Monday 13<sup>th</sup> August 2018**

## MINUTES

**Present**                    **Cllr. Mel Carr (Chairman)**  
**Cllr. Gloria Wills (Vice-Chairman) and**  
Cllrs. David Brown, Mark Cant, Ann Carr, Alf Walton and Mavis Wayman

**Officer**                    Dr Jane Ayre (Town Clerk)

**1. Apologies:**

Cllrs. Vanessa Carmichael, Alda Hummelinck, Chris Lines, Julie Towler and Fiona Warrant.

**2. Declaration of interest:**

None.

Cllr Mel Carr reported that since the production of the meeting's agenda a further new premises licence application had been requested by The Manor House. The Clerk had duly circulated all related correspondence to all Cllrs and this matter needed to be discussed at this meeting in order that a response can be submitted, if required, before DCC's deadline date. Cllr Mel Carr advised Cllrs that this additional item would be considered under agenda item 7 with other agenda items then being renumbered 8 and 9 respectively.

**3. Public Participation:**

The Chairman, Cllr Mel Carr, closed the meeting whilst the public gave their views and comments.

Ms Bowman expressed her personal concerns and experiences regarding The Corner House as her property is situated 10 metres away from the beer garden. Ms Bowman had experienced excessive noise and foul language from the licenced premise which on many occasions has made her have to retreat into her property. Recently she had walked past the front of The Corner House in the middle of the afternoon and witnessed a security officer turning away from the property a drunken person, an incident which she had found to be intimidating. Ms Bowman said that all of these experiences were not something which was

wanted in a residential area.

Mr Howard Smith said he had noted that an item was to be discussed at the meeting relating to the central village greens. Mr Smith commented that he had listened to comments from Cllrs over many recent meetings and he could view this matter from both sides of the argument. Mr Smith had noted that a Cllr had previously commented that they liked to sit outside The Pickled Parson at night and enjoy a drink. He commented that prior to The Pickled Parson's existence there had been benches located outside The Crosshill and on numerous occasions these benches were then moved during the night by young people and scattered around the green. Mr Smith said that in his personal opinion he could not see the harm in the current benches as at least they were secured to the building but reiterated that he could see this matter from both sides of the argument.

Cllr Mel Carr thanked the public for their comments and re-opened the meeting.

#### **4. Central Village Green Issues Update Report by Town Clerk:**

Prior to the meeting the Clerk had circulated to all a Central Village Green Issues Update Report. This report provided Cllrs with an update of the current situation following the Town Council's agreement on 16<sup>th</sup> July 2018 for the Council's solicitor to issue a letter to The Pickled Parson's owner via their representative Parker Barras. A copy of this letter issued on 17<sup>th</sup> July 2018 was attached for the report for Cllrs information along with an email from the Council's solicitor dated 30<sup>th</sup> July 2018 informing the Clerk that no response had been received other than an email from Mr Aaron Fisher of Parker Barras on 26<sup>th</sup> July 2018 confirming receipt of the Solicitor's letter and that it had been forwarded immediately to their client who had not been in touch with them as a result. The Clerk reported that on 8<sup>th</sup> August 2018 the Council's Solicitor had again emailed Mr Fisher to make him aware of the Council's concern that his client had not responded or acted on the letter dated 17<sup>th</sup> July 2018. The Council's Solicitor had informed Mr Fisher that a Special Town Council meeting was to take place on 13<sup>th</sup> August 2018 and the Council would be considering what action it would now need to take in the absence of his client responding to the Council's reasonable request for all property to be removed from the village green. The Council's solicitor had stated that it was disappointing that this situation has been reached, however, due to the cavalier attitude of Mr Fisher's client this was leaving the Town Council with no alternative other than to take appropriate steps to protect their position. The Clerk read out to all an email received from the Town Council's Solicitor dated 30<sup>th</sup> July 2018 in which he suggested that it may well be worth speaking to the local Police as this use of the village green is illegal under the Highways Act and it might be possible that if the Police spoke to the premises owner and asked them to remove all their property that this request would be accepted thereby avoiding the need for the Town Council to issue formal proceedings. The Solicitor had stated that whilst he appreciated the Council might be reluctant to issue formal proceedings and instead try to resolve matters amicably it did appear that proceedings may

well be the only way forward.

Cllr Alf Walton commented that whilst benches had been located on the village green by others in the past these had also not been approved by the Town Council and requests had been made for them to be removed as the area of land upon which they were situated were designated areas of village green. He also commented that whilst the trees and benches erected by The Pickled Parson may look aesthetically pleasing that does not make the owner's actions correct and if the Town Council did not address this matter it would be setting a very dangerous precedent for the future use of village green areas right across the Town.

Cllr Mark Cant said that it was important the Town Council followed the advice of its solicitor as the owner of The Pickled Parson was not abiding by the rules and was instead encroaching on village green without permission.

Cllr Gloria Wills said that she understood a lot of people liked the look of the area outside The Pickled Parson but the actual issue for the Town Council as custodians of the village green is to ensure that it fulfils its duty to preserve these areas across the Town and that the same rules are applied to all in accordance with legal compliance to the Commons Act and Enclosures Act. Cllr Wills said that it was clear from the legal advice received that the actions of The Pickled Parson's owner are illegal, a public offence due to trespass where there is no agreement. It was disappointing that despite previous requests from the Town Council that the owner of The Pickled Parson had not met with Cllrs to discuss this matter and for this reason it is now important that the Town Council takes appropriate action as such items cannot be located on an area of village green without appropriate licence from the Town Council with conditions relating to issues such as the upkeep of the trees, tidying up requirements, litter etc.

Cllr Mel Carr said the advice from the Town Council's solicitor was clear and that the Council must take action now. Cllr Walton agreed and said that it was difficult to believe that the owner of The Pickled Parson and Cornerhouse was not adhering to the law in relation to the requirements of village green and Conservation Area yet was expecting to proceed with variations to premises licences for both properties.

Cllr Mavis Wayman expressed her sadness at this situation and the need to resort to legal action to get this matter resolved as this situation did not feel like Sedgefield. Cllr Wayman understood the anger that people felt and the danger of setting a precedent but felt that all of this could have been avoided if the owner of The Pickled Parson had instead agreed to the Town Council's offer to talk about these matters directly. Cllr David Brown agreed with Cllr Wayman and felt that it would now be better to try to settle the situation through mediation rather than the legal process. Cllr Brown reminded all Cllrs that each year the Mayor of

Sedgefield does seek the active support of local businesses when undertaking their charity fundraising. Cllr Brown said that the number of pubs were diminishing nationally and any such legal action by the Town Council would be further handicapping local business. Cllr Wills reiterated that the Town Council is the legal custodian of the village green areas and asked how mediation could be expected to work when the premises owner is unwilling to accept the Town Council's offer to meet and is not responding to correspondence from the Council's solicitor?

The Clerk suggested that the Town Council's solicitor could be asked to write a further letter to The Pickled Parson's legal representative requesting a face to face meeting and if this was refused then legal proceedings could be issued. Cllrs disagreed with this suggestion as they believed that enough opportunities had been extended to The Pickled Parson's owner for such a meeting.

**RESOLVED:**

**i) The Town Council will take action against The Pickled Parson for its illegal use of the village greens.**

**ii) The Clerk will write to Inspector Sarah Honeyman and Sgt Alex Clarke of the local Neighbourhood Policing Team to request, in accordance with the Town Council's Solicitor's suggestion, making them aware of The Pickled Parson's illegal use of the village green under the Highways Act and request that they speak to the owner to remove all their property from the village green area.**

**iii) If the Police will not speak to the owner of The Pickled Parson then the Clerk to instruct the Town Council's solicitor to issue formal proceedings.**

**5. Consideration of Revised Licence Variation Application by The Pickled Parson Report by Town Clerk:**

Cllr Mel Carr welcomed Mr Steven Drabik of Durham Constabulary to the meeting. Mr Drabik is an Architectural Liaison Officer and had been invited to attend the meeting in order to explain his role and provide any information from a Police perspective in relation to agenda items 5, 6 and 7. He explained that his role is to look at planning applications across County Durham and Darlington and consider their impact from a policing perspective so as to try to design out crime as much as possible. Durham Constabulary are currently trying to encourage DCC as the Planning Authority to take more interest in controlling licensed premises. Currently DCC have a separate Licensing Authority that concentrates on individual licensed premises but there is no strategic perspective given to the overall density of such premises, their combined operating hours etc and their cumulative effect on areas. With regards to the variations being considered under agenda items 5 and 6 both these premises are already licensed so there are no change of use issues. Mr Drabik recognised that the Police are trying to be more proactive in trying to influence the control of such premises but this does have to be done within the remits of various legislation and policies.

Since the smoking ban there has been a significant increase in the number of premises with outdoor beer gardens as these also provide an area in which people can smoke. With regards to Sedgefield, Mr Drabik confirmed that the Police are aware of the Town Council's concerns and that if the situation is not managed carefully then licensing could become unregulated and as the Town grows it finds that it has a night time economy which requires regular policing. Cllr Mel Carr thanked Mr Drabik for his introduction and Cllrs moved to consider The Pickled Paron's Revised Licence Variation request.

The Clerk commented that prior to the meeting she had circulated to all a Consideration of Revised Licence Variation Application by The Pickled Parson report. This report included the Town Council's objections to the previous variation application submitted, an email from Ms Yvonne Raine of DCC dated 23<sup>rd</sup> July 2018 making us aware of the latest request, objections from Cllrs Ann Carr and Mel Carr plus notes produced by Cllrs Gloria Wills and Mel Carr following their viewing of the actual licence request at Meadowfield. Cllr Alf Walton said that it was ridiculous that the Town Council, as an elected representative body, could not be given a copy of the actual licence variations being requested but instead had to make and then send representatives to Meadowfield to view and make notes. Cllr Mel Carr reported that in essence the main changes were the extension of the licensed areas to include the village green surrounding the property and the extension of hours to midnight. These changes together would mean that people were allowed to drink outside beyond midnight. Cllr Mel Carr said that several residents had contacted him directly to express their concerns regarding this matter. It was clear that if these variations were being applied for then they would be used and those variations would stay with the premises regardless of whether the owner changed hands.

Cllr Gloria Wills commented that the Town has seen instances of anti-social behaviour recently and this had been very difficult to control. The variations in this licence would mean that people could drink, and order, right up until midnight and then take those drinks outside and remain there for as long as they wanted. She was concerned about the closing time effect when in many instances people purchase several drinks or doubles which could then lead to anti-social behaviour. Once people were drinking outside the property Cllr Wills asked how this area would be policed? She believed that accepting these proposed variations would set a dangerous precedent in the Town and if these went ahead and other licensed premises followed then the cumulative effect would be huge. Cllr Wills said the issue of off-sales would exacerbate the situation and lead to something which could not be controlled. Everyone agreed that they did not want to see future alcohol problems in the town but for all to have the freedom to enjoy the Town safely.

Cllr Alf Walton noted that from the proposed extended licenced area that the owner of The Pickled Parson was anticipating that there would be seating in this area when this was not the case. Cllr Walton expressed his frustration that licences are applied for with agreed

conditions and then almost immediately variations are submitted and in many instances can be approved by DCC Officers with delegated powers without any notification to those in the actual locality.

Cllr Mavis Wayman expressed her view that all licensed premises in the Town should have the same hours of trading and conditions to ensure there was consistency and a clear understanding from all.

Cllr Mel Carr had noted that DCC's Licencing Policy did request that such applications where premises are located in highly residential areas must take into consideration the needs of those residents.

Mr Drabik reported that as the Police do not have any evidence of problems within this locality they cannot object to the licence variation being sought. Cllr Wills reminded all Cllrs that there had been for many years a long-standing noise issue with the Hardwick Hall Hotel and its impact upon residents in certain areas of the Town. This matter could only be addressed once there was clear evidence of noise disturbance and then actions be demanded. Whilst a very sad set of circumstances unfortunately this was the law in which we all needed to operate. Mr Drabik relied that the presumption is always in favour of granting a licence which is also a great source of frustration for the Police and why evidence is so important when objections are to be made. Cllr David Brown confirmed that any objections from the Police go carry weight in determining such matters.

**RESOLVED:**

**i) The Town Council object to The Pickled Parson's Revised Licence Variation Application.**

**ii) The Clerk to update the original variation objection representation submitted to DCC on 18<sup>th</sup> June 2018 to include concerns regarding off-sales, the locality within a highly residential area and concerns that the displayed outdoor seating area is not part of the licensed premise and is land upon which the owner is currently illegally trespassing upon and submit this to DCC by 15<sup>th</sup> August 2018.**

**iii) Cllr Gloria Wills to represent Sedgfield Town Council at any future DCC Licensing Committee meeting relating to this application.**

**6. Consideration of Revised Licence Variation Application by The Corner House Report by Town Clerk:**

The Clerk commented that prior to the meeting she had circulated to all a Consideration of Revised Licence Variation Application by The Cornerhouse report. This report included the Town Council's objections to the previous variation application submitted, an email from Ms Yvonne Raine of DCC dated 23<sup>rd</sup> July 2018 making us aware of the latest request, objections from Cllrs Ann Carr, Mel Carr and Mavis Wayman plus notes produced by Cllrs

Gloria Wills and Mel Carr following their viewing of the actual licence request at Meadowfield.

Cllr Mel Carr expressed his concern that the area at the front of The Cornerhouse adjacent to the main road is now being included in the licensed area when this is in fact DCC adopted highway without any form of pavement/table licence in place.

Cllr Ann Carr expressed her concerns, and first hand experiences, of excessive noise late at night emanating from the beer garden at this premise and her concern that this would be even worse with longer licensing hours and screening of films. It is well recognised that due to the layout of the Town that noise does carry over a considerable distance.

Mr Steve Drabik said that he would check with the Planning Authority regarding the DCC land. If this land was part of the adopted highway, and tables were to be there permanently, there would need to be planning permission granted as this would represent a change of use.

Cllr Mark Cant urged members of the public with concern regarding any licencing application to put their comments in writing directly to DCC. The Clerk confirmed that in several instances this advice has been given to residents who thought that the Town Council could process such objections on their behalf. Cllr Wills asked members of the public present at the meeting if they would be willing to share any of their written objections with her so that these could be used as part of an argument presented to a future Licencing Committee.

Cllr Mel Carr concluded that the Town Council would like to see Sedgefield thrive whilst retaining its character through careful control of licenced premises so that businesses and residents could live in harmony.

**RESOLVED:**

**i) The Town Council object to The Cornerhouse's Revised Licence Variation Application.**

**ii) The Clerk to update the original variation objection representation submitted to DCC on 18<sup>th</sup> June 2018 to include concerns regarding off-sales, the lack of a licence from DCC to use the land adopted as highways, the locality within a highly residential area and concerns regarding noise nuisance from showings of films and and submit this to DCC by 15<sup>th</sup> August 2018.**

**iii) Cllr Gloria Wills to represent Sedgefield Town Council at any future DCC Licensing Committee meeting relating to this application.**

**7. Licensing Act 2003 – Applications Received – New Premises Licence – The Manor House (email from Mr Steve Ragg, CDALC dated 7<sup>th</sup> August 2018):**

Prior to the meeting the Clerk had circulated to all an email received from Mr Steve Ragg of CDALC dated 7<sup>th</sup> August 2018 informing the Town Council that an application for a New Premises Licence has been submitted by The Manor House in Sedgfield. The deadline date for representations is 3<sup>rd</sup> September 2018.

Cllrs expressed their frustration that again the information provided from DCC, via CDALC, does not provide the detail of what is actually being requested in this new premises licence application. Cllrs noted that the timings detailed were of a shorter timescale than those being requested by The Pickled Parson and The Cornerhouse for both regulated entertainment and sale of alcohol. Cllr Mark Cant pointed out this particular building has large Georgian windows through which sound could escape and impact upon neighbours. Cllr Mel Carr believed the property did have secondary glazing to mitigate such an issue.

**RESOLVED:**

**i) Cllrs Mel Carr and Gloria Wills to make an appointment to attend DCC's Offices at Meadowfield to view this application in detail and if anything of concern is found this will be shared electronically in order that a representation can be submitted to DCC by 3<sup>rd</sup> September 2018.**

Mr Drabik thanked the Town Council for the opportunity to attend this meeting and to hear comments regarding licensing matters. Mr Drabik said that he would liaise with his fellow colleagues to see if there was any way in which the Police could share with the Town Council full licensing applications directly so that all information was provided to enable full consideration. Cllr Mel Carr thanked Mr Drabik for his time.

**8. Cheques For Approval After 9<sup>th</sup> July 2018:**

Prior to the meeting the Clerk had circulated to all a list of cheques for approval numbers 109328 to 109346. An updated list was circulated which included additional cheques for approval numbers 109347 to 109350.

**RESOLVED:**

- i) All cheques and invoices were approved for payment.**
- ii) Cllrs Mel Carr and Gloria Wills plus the Town Clerk to duly sign the cheques.**

**9. Consideration of Current Planning Applications:**

A schedule of the current planning applications had been circulated prior to the meeting. Each application was then considered and the following comments were made (Note: number refers to the number on the circulated list):



1. **DM/18/01776/FPA – installation of 6 no. CCTV cameras to dwelling and 1 no. pole mounted CCTV camera on land to rear, Mordon House, Mordon:**  
Cllrs did not have any objection to this application.
2. **DM/18/01994/FPA – replacement front porch and windows, North End, Bradbury:**  
Cllrs did not have any objection to this application.
3. **DM/18/02001/FPA – erection of solvent store within existing bin store, relocation of bin storage to cycle store and relocation of cycle rack to e-bike store, Discovery 1, William Armstrong Way, NETPark, Sedgefield:**  
Cllrs requested that the Clerk seek clarification from the appropriate DCC Planning Officer that all necessary health and safety conditions would be assigned to this application. If this was to be the case then Cllrs did not have any objection to this application.
4. **DM/18/02148/FPA – conversion of existing office to residential use and incorporation with existing 2 no. dwellings to form 1 no. single large dwelling, The Granary, Cote Nook Farm, Sedgefield:**  
Cllrs did not have any objection to this application.
5. **DM/18/02253/FPA – lean to existing grain store, East Close Farm, Sedgefield:**  
Cllrs did not have any objection to this application.
6. **DM/18/02273/TPO – crown thin (20%) and reduction of Cherry Tree (T34), crown thin (30%) and reduction of Laburnum (T35) and crown thin (25%) and reduction of Yew subject to TPO SBC-13-2004, 19 Pasture Field, Sedgefield:**  
Cllrs did not have any objection to this application.

**RESOLVED:**

**The comments on planning applications 1-6 above to be submitted to DCC Planners.**

The Clerk circulated to all details of the following planning applications which had been published earlier that day by DCC:

DM/18/01969/LB – external repainting, Hardwick Arms Hotel, 1 North End, Sedgefield

DM/18/02319/FPA – change of use from residential dwelling house (Class C3) to offices (Class A2) and rear dormer window, 4 Church View, Sedgefield

DM/18/02327/FPA – change of use from an opticians to a beauty salon (Class Sui Generis), 10 High Street, Sedgefield

DM/18/02421/FPA – single storey rear extension, 9 Greenside Close, Fishburn

**RESOLVED:**

- i) **All Cllrs to consider the above applications and to forward to the Clerk by no later than 29<sup>th</sup> August 2018 their comments.**
- ii) **The Clerk to forward details of all the above planning applications to all Cllrs not present at the meeting and request their comments by no later than 29<sup>th</sup> August 2018.**
- iii) **Upon receipt of Cllrs comments the Clerk to collate and if required to submit comments to DCC Planners.**

The Chair thanked everyone for attending and closed the meeting at 7.37pm.