



Statutory Licensing Sub-Committee

Date Thursday 16 February 2012
Time 10.00 am
Venue Council Chamber, Council Offices, Chester-le-Street

Business

Part A

1. Declarations of Interest (if any)
2. Minutes of the Meetings held on 29 November 2011, 13 December 2011 and 19 December 2011 (Pages 1 - 12)
3. Application for the Grant of a Premises Licence - Biddick Hall, Lambton Park, Chester-le-Street
4. Application for the Grant of a Premises Licence - The Raceground, Lambton Park, Chester-le-Street
5. Application for the Grant of a Premises Licence - The Estate Office, Lambton Park, Chester-le-Street
6. Application for the Grant of a Premises Licence - Lambton Castle, Lambton Park, Chester-le-Street
7. Application for the Grant of a Premises Licence - The Riverside and Walled Garden, Lambton Park, Chester-le-Street
8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

8 February 2012

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors B Arthur, B Graham, K Holroyd and J Shiell

Contact: Jill Errington

Tel: 0191 370 6250

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 29 November 2011 at 10.00 am**

Present:

Councillor B Arthur (Chair)

Members of the Committee:

Councillors E Bell and J Hunter

Other Members:

Councillors B Alderson and J Wilkinson

Also Present:

DCC

H Johnson – Licensing Team Leader

S Grigor – Legal Officer

Interested Parties

Councillor B Bainbridge

D Briggs

P Walsh

C Walsh

Mr Franklin

Applicants

I Woodcroft

T Reid

G Johns

S Shipley

S Sutcliffe

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Application for a Premises Licence, Savers, Front Street, Chester-le-Street

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Premises Licence in respect of Savers, Front Street, Chester-le-Street (for copy see file of Minutes).

Councillor B Bainbridge stated that she objected to the application under the Licensing Objectives 'Protection of Children from Harm' and 'Prevention of Public Nuisance'.

Statistics showed that County Durham had problems directly related to excessive alcohol consumption, including underage drinking, violent crime, domestic abuse and teenage pregnancies. The County was ranked 315 out of 326 for under 18 hospital admissions and the total cost of alcohol misuse in County Durham was high. She outlined to Members initiatives that were in place to attempt to tackle these problems.

There were 2 schools within 600m of the premises and around 150-200 school children had access to the shops on a lunchtime. In her opinion Chester-le-Street had reached saturation point; within the area there were 192 licensed premises, 68 of which were in the town centre.

Mr D Briggs, Chester-le-Street Central Residents Association advised that the town experienced problems with anti-social behaviour and this was directly related to excessive alcohol consumption. Litter was also a problem.

As with all businesses in the town, residents wanted Savers to continue to be successful but they did not want the store to sell alcohol. Chester-le-Street had a number of nightclubs which attracted a large number of young people to the town and he believed that an additional outlet selling alcohol would exacerbate problems further.

Theft was a problem for shops in the town centre which increased during school holidays and he felt that Savers would also be a victim of increased theft, if alcohol was sold.

He asked Savers to withdraw their application. Other stores had done so and if this licence was granted he considered that it would encourage these premises to re-apply.

Mr I Moorcroft, the applicant's Solicitor addressed the Sub-Committee and responded to Mr Briggs' comments. The company currently held a number of Premises Licences in stores and they had not experienced any problems. This was a carefully considered application and the sale of alcohol would be consistent with the company's current mode of operation to buy branded products and sell them at discount prices.

He appreciated the concerns of residents but he noted that none of the responsible authorities had offered objections to the application.

85-90% of the alcohol purchased in their stores was wine, not beer or cider and additional conditions had been offered to discourage children. These included preventing the sale of single cans and limiting the strength of beer or cider to an ABV of 5.5%.

He outlined the systems and procedures the company had in place. This included its own accredited training, mystery shoppers, 6 monthly audits of the refusals register, the maintenance of an incident book and Challenge 25. They had also offered the additional conditions outlined in Appendix 5 and the CCTV system had been recently upgraded.

The shoplifting rate in their stores was below average and he referred Members to the conditions offered regarding the location of the alcohol display which would be adjacent to or in line of sight from the till points.

He did not consider that the store would contribute to the problems associated with the nightclubs in the town as alcohol would only be sold up to 6pm, other than an extension applied for during the 14 days prior to Christmas.

In response to questions from Members, the Manager stated that the store did not experience the volume of children over a lunch-time as other shops in the town because a lot of their products were sold as multi-packs. However Mr Moorcroft advised that they would be prepared to include a condition which would limit the number of schoolchildren allowed in the store to two at any one time. Details of the training programme provided to all staff in relation to alcohol sales was outlined to Members.

Members retired to determine the application at 10.37am. The applicants offered the Sub-Committee a copy of their 'due diligence' information to assist with their deliberations.

The Sub-Committee returned at 10.45am and the Chair delivered the Sub-Committee's decision.

In determining the application, Members considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with the verbal representations of Councillor Bainbridge and Mr Briggs, interested parties, and the applicant's Solicitor, Mr Woodcroft.

RESOLVED

That the application for a Premises Licence be granted as follows:-

Opening Hours of the premises	<p>Monday to Saturday – 08.30 to 18.00 Sunday 10.00 to 17.00 Finish time 22.00 on Monday to Saturday on the 14 days prior to 25 December Sunday Trading Law will be adhered to if hours restrictions (no more than 6 hours between 10.00 and 18.00) apply</p>
Supply of Alcohol (off the premises)	<p>Monday to Saturday – 08.30 to 18.00 Sunday 10.00 to 17.00 Finish time 20.00 on Monday to Saturday on the 14 days prior to 25 December Sunday Trading Law will be adhered to if hours restrictions (no more than 6 hours between 10.00 and 18.00) apply.</p>

In addition, the following conditions be added:-

- a) No more than 3 linear metres to be used for the display of alcohol.
- b) No alcohol shall be sold in single cans
- c) No beer or cider may be sold with an ABV above 5.5%
- d) No alcohol to be displayed nearer than 8 metres from the entrance/exit doors
- e) Alcohol display will be adjacent to or in line of sight from the till points
- f) The CCTV system to be maintained and in full working order.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - Council Offices, Spennymoor on **Tuesday 13 December 2011 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors B Alderson, D Brown, P Charlton and A Hopgood

Other Members:

Councillors B Alderson and P Charlton

Apologies:

Apologies for absence were received from Councillor D Marshall

Also Present:

S Buston (Solicitor), H Johnson (Licensing Team Leader) and P Nicholson (Committee Services Officer)

PCSO Sam Levell (Durham Constabulary) and Sgt Tim Robson (Durham Constabulary), Harpreet kaur (Premises Licence Holder), Tony Johan, Mr and Mrs Dhesi (Landlords)

1 Declarations of Interest (if any)

There were no declarations of interest.

2 Minutes of the Meeting held on 10 November 2011

The Minutes of the Meeting held on 10 November 2011 were confirmed as a correct record and signed by the Chairman.

3 Application for the Review of a Premises Licence - One Store/Ambers, Seaham

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a review of a premises licence in respect of One Store/Ambers, Seaham, which was currently licensed for the sale of alcohol for consumption off the premises, copies of which had been circulated.

The request for a review had been received from Durham Constabulary asking the Authority to determine the action necessary to secure and promote the licensing objectives in relation to the Prevention of Crime and Disorder and the Protection of Children from Harm. They asked that consideration be given to the suspension of

the licence pending measures been implemented details of which were included in the report.

The Licensing Team Leader presented the report and explained that the Sub-Committee was required to determine the application made by Durham Constabulary for the review of a Premises Licence. Copies of the Premises Licence, plans showing the location, the application for review and supporting documents had previously been circulated.

Sergeant Tim Robson of Durham Constabulary gave the background into the One Store/Ambers and outlined the reasons for the grounds for review. He went on to say that evidence had been produced which showed that alcohol had been sold to under age persons and that Durham Constabulary had made an application for a licensing review but had withdrawn representations as a result of successful mediation with the previous owners in 2010, where it was agreed that a police approved CCTV system would be put in place, the introduction of a quality training programme for all staff and that the Personal Licence Holder was present on the premises on a Friday, Saturday and Sunday.

Sergeant Tim Robson advised the Sub-Committee that these measures had not been implemented and that alcohol continued to be sold to under age persons and that there was a large number of recorded criminal incidents in or around Fox Street involving young people gaining access to alcohol unlawfully and asked that the Sub-Committee consider suspending the licence until these measures had been put in place to protect the welfare of the public.

With the agreement of Mrs Kaur the Premises Licence Holder, Sergeant Tim Robson circulated a copy of a letter from Durham and Darlington Fire and Rescue Authority which requested that appropriate risk assessments be carried out at the premises in order for it to comply with fire safety regulations. Mrs Kaur confirmed that she had received the letter and was in the process of having the work implemented.

The Licensing Team Leader advised the Sub-Committee that these measures were not included in the conditions of the Licence as they were agreed as a result of mediation between Durham Constabulary and the previous owners.

The Premises Licence Holder indicated that any incidents that had taken place while the shop was in the ownership of the previous family should not be taken into consideration and that she had passed all Police spot checks. She indicated that they were trying to work with the police and they had recently received a quotation for the installation of new CCTV equipment and that she had registered with a company for external training to be given to staff and had undertaken some internal training and that a register was in place. She also indicated that she was not aware that the Police had requested certain items to be carried out until she met with them six weeks ago.

The Chairman went through the Grounds for Review document with the Premises Licence Holder to clarify points, a copy of the document was included in the circulated papers.

Durham Constabulary indicated that the premises had a history under the previous family who still owned the building and that reassurance was given that the new owner would remedy the issues. Concerns were raised that staff had not been properly trained, there was no register in place and new CCTV equipment had not been installed. The area suffered from anti social behaviour and the store was selling alcohol to under age people. They urged that a suspension be given pending the requested items been implemented.

The Premises Licence Holder gave reassurances that she would personally ensure that CCTV was installed and that staff would be trained once a course was available and that she would be at the store on a weekend or someone who was suitable and that challenge 25 would be implemented.

At 11.15 am all parties were asked to retire and Members deliberated the application in private. After reconvening at 11.35 am the Chair delivered the Sub-Committee's decision.

In considering the information submitted, the Sub-Committee had taken into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance and the Council's Licensing Policy.

The Sub-Committee also took into account the written and verbal representations of Durham Constabulary and the Premises Licence Holder.

Resolved: That the licence for the sale of alcohol from these premises be suspended until 13 February 2012 or upon compliance with the following terms (whichever arises the sooner):

1. The premises shall be fitted with a Police approved CCTV system which is fully operational inside and outside of the premises and complies with Data Protection requirements and to Home Office guidelines. The system should have a recording facility available to keep data for 28 days.
2. The system shall be maintained in good working order and footage shall be made available within 48 hours of a request by the Police or any other responsible authority.
3. Challenge 25 will be used in store. Any person believed to be under the age of 25 must be asked to provide photo identification (via a passport, driving licence or 'PASS' hologram ID card) confirming their age. If identification is requested and refused then no sale of alcohol will take place.
4. Staff training will be implemented and recorded – the requirement of a quality training programme for all staff, preferably at NVQ Level 1 as an award in responsible alcohol retailing.
5. Training and re-training shall take place on a regular basis, at least every three months, by the Designated Premises Supervisor. Training should be

recorded, such records to include any remedial action taken to rectify incidents or misunderstandings within the licensing regime.

6. A refusals register, incident log and training record shall be maintained with all records to be signed by staff as appropriate and viewed regularly by the Designated Premises Supervisor. Such records shall be made available to all responsible authorities upon request.
7. A Designated Premises Supervisor or a Personal Licence Holder shall be present on the premises on a Friday, Saturday and Sunday evening from 4.00 pm to close of business.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Monday 19 December 2011 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors K Holroyd and J Wilkinson

Other Members:

Councillors B Arthur and P Charlton

Apologies:

There were no apologies for absence

Also Present:

C Greenlay (Legal Officer), H Johnson (Licensing Team Leader) and K Monaghan (Senior Licensing Officer)

PCSO Sam Levell (Durham Constabulary) – Observer
Mr Fakir Guamir (Applicant) and Mr Hasann

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes of the Meeting held on 14 November 2011

The minutes of the meeting held on 14 November 2011 were confirmed as a correct record and signed by the Chairman.

3 Application for the Grant of a Premises Licence - Pizza Time, 4 Friar Street, Shotton Colliery

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the grant of a premises licence in respect of Pizza Time, Shotton Colliery, copies of which had been circulated.

Plans showing the location and the layout of the premises and a copy of the application had been circulated to Members together with copies of representations which had been received from Interested Parties and the Planning Authority.

The Licensing Team Leader presented the report and advised the Sub-Committee that the applicant had proposed steps, which they intended to take in order to promote the four licensing objectives, these were outlined under Part P of the circulated application form.

Mr Guamir the Applicant advised the Sub-Committee that the parking problems were generated by his neighbours and that he only had one vehicle. He did not want to upset the residents as he had invested a lot of money into the business and required the additional hours to enable his business to survive.

Members sought clarification from the applicant that he would be prepared to pick up litter on a daily basis. The Applicant confirmed his agreement to this.

The Chairman advised the Applicant that if the application was approved he would still be required to obtain the necessary planning permission.

At 10.45 am the Sub-Committee left to deliberate the application in private. After reconvening at 11.05 am the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with the verbal representations of the Applicant. They also took into account the written representations of the Planning Authority and Interested Parties.

RESOLVED

That the application for a premises licence be granted as follows and subject to the following conditions:-

Activity	Days & Hours Granted
Late Night Refreshment (Indoors and outdoors)	Thursday – from 23.00 to 00.00 Friday & Saturday – from 23.00 to 01.00 Sunday – from 23.00 to 00.00
Hours premises open to the public	Thursday – from 23.00 to 00.00 Friday & Saturday – from 23.00 to 01.00 Sunday – from 23.00 to 00.00

Subject to the following condition:-

1. The Premises Licence Holder shall ensure that a digital CCTV system is installed in the premises to the satisfaction of Durham Constabulary and in respect of which the following conditions shall apply
 - a) It must be of such a quality that individuals are readily identifiable from recordings made.
 - b) It must cover all public entrances, points of sale and other areas to which the public have admission.
 - c) It must be operated by properly trained staff.

- d) It must be in operation at all times that the premises are being used for licensable activities.
 - e) Recordings must be kept secure where they cannot be tampered with and retained for a period of no less than thirty (30) days or such other period as shall be specified by Durham Constabulary.
 - f) Recordings must be available on request to the Licensing Authority and/or Durham County Constabulary or other responsible authority as defined in the Licensing Act 2003 and be provided within 7 days of any such request.
2. The Premises Licence Holder shall ensure that litter from the premises is collected from outside the premises each day.
 3. The Premises Licence Holder shall ensure that drivers used to deliver food made by the premises are aware of the need to respect residents and ensure that they do not cause excessive noise.

The Licensing Sub-Committee also warned the Applicant that the granting of this licence in the terms outlined above did not remove the need for him to secure the correct planning permission.

This page is intentionally left blank