

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had been sold to under age persons and that Durham Constabulary had made an application for a licensing review but had withdrawn representations as a result of successful mediation with the previous owners in 2010, where it was agreed that a police approved CCTV system would be put in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.