

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Friday 31 May 2013 at 11.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors B Alderson, E Bell, J Lee and L Marshall

Also Present:

Karen Monaghan – Senior Licensing Officer

C Greenlay – Legal Officer

Everyday News

Mr B Seymour – Applicant

Mr S Trevor – Applicant's nominated person

Mr J Leadbitter – other person on behalf of Sherburn Parish Council

Ms A Leary – other person

Ms K Allott – other person

Golden Pizza

Mr E Teymouri – Applicant

Ms M Boyles – Applicant's nominated person

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Minutes

The Minutes of the meeting held on 27 February, 26 March, and 9 and 23 April 2013 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest (if any)

There were no declarations of interest.

5 Application for the Grant of a Premises Licence - Everyday News, 19a Front Street, Sherburn Village

Chairman: Councillor C Carr
Councillors B Alderson and J Lee

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 Everyday News, 19a Front Street, Sherburn Village (for copy see file of Minutes).

Members had been provided with a copy of the application and location plan, together with representations from other persons and Sherburn Parish Council.

Successful mediation had taken place between the applicant and Durham Constabulary, and a copy of the Mediation Agreement had been circulated.

Mr B Seymour, the applicant addressed the Sub-Committee and, in accordance with the Mediation Agreement, advised what steps were proposed or were already in place to promote the four Licensing Objectives:-

Prevention of Crime and Disorder

A CCTV system was installed in the shop with cameras which covered all public areas, together with an additional camera located at the rear entrance of the Lambton Arms Public House from which the back entrance to the shop was visible.

He intended to implement Challenge 25 and together with his wife would become a member of the local Pubwatch/Shopwatch scheme.

The property next door was now occupied and surplus stock would be kept to a minimum. Any alcohol not on display would be locked in a store room.

Public Safety

Fire extinguishers had recently been serviced, a new emergency light had been installed and the premises had recently passed an electrical inspection.

In accordance with the Mediation Agreement an incident book was maintained and a record kept of any instances of disorder.

Prevention of Public Nuisance

During busy periods or in the event of problems the number of youths allowed into the shop at any one time would be limited, and the CCTV cameras would help to prevent proxy sales.

With regard to the car parking issues referred to by the Parish Council, with the agreement of all parties Mr Seymour circulated photographs which showed the availability of parking in the village. A photograph also showed the position of one of the external CCTV cameras.

All alcohol would be marked with a UV pen and would be kept behind the counter. He already picked up litter outside his premises and would continue to do so.

Protection of Children from Harm

As previously stated Challenge 25 would be introduced accepting photo ID only in the form of PASS logo card, passport or driving licence. To deter adults from purchasing alcohol on behalf of children posters would be displayed in the store. An example of a proxy sales poster was circulated to everyone in attendance.

Mr Seymour concluded by stating that he had attended the Fair Trades Award course operated by the Council and the premises already sold age restricted products without any problems to date.

In response to a question from Councillor Carr, Mr Seymour confirmed that the incident book was also a Refusals Register.

Mr Leadbitter from Sherburn Parish Council addressed the Sub-Committee on behalf of the Parish Council and 'other persons' present. He advised that the Parish Council could not support the application. Front Street created a focal point for youths to gather and older people in the area already felt intimidated by the existing problems they had with youths congregating, particularly at weekends.

There were parking problems in the village and the premises was located on a very busy road which was also on a major bus route.

The Parish Council believed that in order to succeed the premises would sell alcohol at a lower price than other retail outlets and this would make it easier for young people to access alcohol. He referred to the report included with their representations 'One on Every Corner' which followed research into the density of off-licensed premises and alcohol harm in young people. The publication highlighted that an increase in the density of off-licences increased 'shoulder tapping' ie proxy sales.

With regard to CCTV he believed that cameras did not prevent crime but assisted with making arrests later, and asked who would be watching the monitors when customers were being served.

The Parish Council was also concerned that the storage of alcohol on the premises may increase the opportunity for break-ins and whilst there was a camera which covered the rear of the premises this belonged to the Lambton Arms.

To conclude he stated that the village experienced problems as a direct result of excessive alcohol consumption, which although some residents felt had been resolved the Parish Council did not believe that this was the case. He referred to a press release included in their submission which reported that a quantity of alcohol had been seized by the Police as recently as February 2013.

In response to Mr Leadbitter's comments Mr Seymour clarified that the camera monitors were visible in the shop allowing staff to monitor the premises both internally and externally at all times.

Councillor Alderson asked how many staff worked at the premises. Mr Seymour responded that he and his wife were the only members of staff and one or both would be on the shop floor at all times.

In response to questions from Councillor Carr Mr Seymour explained that at busy times or in the event of any problems the number of unaccompanied children in the shop at any one time would be limited and a poster would be displayed advising of this. Any person seen causing problems on CCTV would be barred from the premises. This would also apply if information was received from the Pubwatch/Shopwatch scheme.

In summing up Mr Seymour stated that he had managed the business with his wife for 2 years, and were responsible retailers already selling age related products. There had been no break-ins at the shop and he considered that the village needed independent traders to survive and prevent the monopolisation of big businesses on the high street.

At 11.40am all parties were asked to withdraw from the meeting to allow the Sub-Committee to deliberate the application in private. After re-convening at 11.45am the Chairman delivered the Sub-Committee's decision. In determining the application Members had taken into account the written and verbal representations of the applicant and the Parish Council, the written representations of 'other persons' and the Mediation Agreement. The Sub-Committee had also taken into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved:

(a) That the Premises Licence be granted as follows:-

Opening hours of the premises
Monday to Sunday – 05.00 to 22.00
Sale of Alcohol (for consumption off the premises)
Monday to Sunday – 10.00 to 22.00

(b) the following conditions be applied to the Licence:-

- Challenge 25 will ensure only persons of lawful age will be able to purchase alcohol from the premises. Photo ID (PASS logo card/photo driving licence/passport). Refusals will be logged, along with any behaviour associated with the refusal.
- Visual inspection and personal interaction with customer will enable staff to determine if the customer is fit to be sold alcohol. If staff

believe person to be intoxicated with drink or drugs they will be refused.

- CCTV system has been installed and will be maintained to Home Office standards. Two further cameras will be installed on the outside of the premises that will cover outside the front of the premises. Recordings will be stored for a minimum of 28 days.
- A member of staff will be available at all times the premises is open to download CCTV footage when requested by an authorised Officer.
- Notices will be clearly displayed at the entrance and around the premises stating that CCTV is in operation.
- Persons known to be or suspected of buying on behalf of children will be refused and reported to the Police.
- External lighting will be installed, if required by the Licensing Authority and will be in full working order.
- Alcohol will be solely merchandised behind the serving counter area. No alcohol will be merchandised where members of the public can freely access it. A revised plan of the merchandising area will be submitted to Durham County Council.
- Good housekeeping procedures in place. This will include that the front of the premises is kept clean and free from rubbish.
- Where a Shop-watch exists, the premises will be an active member and will attend meetings and join activities.
- An incident book will be maintained and all instances of disorder will be reported.
- The DPS will be responsible for ensuring that groups of young people are discouraged from congregating outside the premises. The DPS will actively work with local Beat Officers/PCSOs in the reporting of any anti-social behaviour connected to the premises.
- Signs will be displayed at the premises regarding the sale of alcohol to children.
- If concerns arise about a child the Police will be contacted for advice/assistance.

At this point the Sub-Committee adjourned until 1.00pm.

6 Application for the Grant of a Premises Licence - 40 Front Street, Consett

Chairman: Councillor C Carr
Councillors B Alderson and E Bell

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 Golden Pizza, 40 Front Street, Consett (for copy see file of Minutes).

Members had been provided with a copy of the application, together with representations received from an 'other person' and an additional statement provided by the Applicant.

The Senior Licensing Officer explained that the applicant had amended the application reducing the proposed closing time on Friday and Saturday to 02:30 hours.

The applicant and Durham Constabulary had entered into successful mediation and as result the applicant had agreed to add extra conditions to his application, as detailed in Appendix 6.

Marlene Boyles, the owner of the premises addressed the Sub-Committee on behalf of the applicant and provided Members with information about Mr Teymouri .

She stated that Mr Teymouri had been a tenant of the property for 5 months and due to a misunderstanding the late night refreshment licence had not been applied for. It was impossible to make a living from daytime and early evening trade only. Consett did not benefit from the tourist visitors that Durham City enjoyed and the shop units were too small to attract larger companies. This resulted in a large number of food outlets in the town.

In response to a question from the Chairman Mrs Boyles clarified that Mr Teymouri had originally wanted to open until 4.00am but a condition of the planning permission was that the premises closed at 2.30am. For clarification the Senior Licensing Officer referred Members to paragraph 2 of the report and Appendix 3 where reference was made to the amended closing time.

In order to address representations received regarding the licensing objectives the applicant was asked to explain the location of the premises in relation to residential properties on Taylor Street.

Members were advised that there was a mix of both residential and business premises in Taylor Street. The taxi and hairdressing businesses had provided letters of support and there had been no objections from any of the residents apart from one. The access to the shop was on the Front Street only and any persons walking down Taylor Street would be going home.

In summing up for the applicant Marlene Boyles stated that Mr Teymouri had put his life-savings into the business and the only way this and other premises in the area could survive was to open later. Weekend trade was essential.

At 1.30pm all parties were asked to withdraw to allow Members to deliberate the application in private. After re-convening at 1.35pm the Chairman delivered the Sub-Committee's decision. In determining the application Members considered the report of the Licensing Officer, the verbal and written representations on behalf of the Applicant, the Mediation Agreement and relevant representations from an 'other person'. The Sub-Committee also took into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved:

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

<p>Opening hours of the Premises Monday to Thursday – 10.00 to 23.59 Friday and Saturday – 10.00 to 02.30 Sunday – 10.00 to 23.59 Bank Holidays – 10.00 to 02.30</p>
<p>Late Night Refreshment (Indoors) Monday to Thursday – 23.00 to 23.59 Friday and Saturday – 23.00 to 02.30 Sunday – 23.00 to 23.59 Bank Holidays – 23.00 to 02.30</p>