

DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Wednesday 6 February 2019 at 1.30 pm**

Present:

Members of the Committee:

Councillors G Darkes, C Hampson and J Maitland

Also Present:

S Buston (Council's Solicitor)

Y Raine (Senior Licensing Officer)

S Mohammed (Applicant)

T Robson (TJR Licensing – Agent for Applicant)

Councillor Dixon (Sacriston Parish Council)

Councillor Brown (Durham City Parish Council)

Councillor Cornwell (Durham City Parish Council)

Councillor Ashby (Durham City Parish Council)

Councillor J Maitland (in the Chair)

1 Apologies for Absence

An apology for absence was received from Councillor C Carr.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Sacriston Stores, 8A Front Street, Sacriston, Durham

The Committee considered the report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of Sacriston Stores, 8A Front Street, Sacriston (for copy of report, see file of minutes).

A copy of the location plan and application form had been circulated.

The Senior Licensing Officer advised Members that the Applicant's agent had contacted licensing with an amendment to the application to remove the delivery service making the application solely for the sale of alcohol for consumption off the premises from 08:00 hrs until 23:00 hrs Monday to Sunday.

The Applicant's agent had also provided additional information, which had been circulated to all parties prior to the meeting.

Four representations had been received during the consultation period, one from the Responsible Authority Durham Constabulary and three from 'Other Persons' namely Councillor Wilson, Sacriston Parish Council and City of Durham Parish Council.

Following the removal of the 24-hour delivery service, Durham Constabulary had formally given notice to withdraw their objection. Durham Constabulary had previously mediated with the applicant additional conditions, which were agreed and added to the application by the applicant, detail of which had been circulated with the papers.

Responses were received from Durham Local Safeguarding Children Board, Environmental Health, Public Health, Planning and the Fire Authority all confirming that they had no comments to make in relation to the application.

There were no question of the Senior Licensing Officer.

The Council's Solicitor advised Members that Councillor Wilson 'Other Persons' who had made representation had confirmed that he would not be in attendance so his written representations should be taken into consideration. He then asked 'Other Persons' who were in attendance to confirm if their objections still remained with the application in its current form.

Councillor Brown, representing the City of Durham Parish Council confirmed that after speaking to the Applicants Agent who confirmed that all deliveries had been removed from the application the Parish withdrew their objection to the application.

Councillor Dixon, Chairman of Sacriston Parish Council indicated that the parish still opposed the application. He then stated that Sacriston has had major problems associated with public nuisance, youth crime and drink/drugs and even a murder that have all been documented with themselves and other agencies.

They had 63 youth related anti-social incidents and 33 alcohol related incidents with August being a peak month. In November, a multi-agency task force had been put into place for 6 months that is still in force. He was aware that people were being bussed into the village, as it was so easy to obtain alcohol. This was having a negative effect of the residents of Sacriston who wanted a quiet place to live. The parish council strongly oppose the application and there were currently four establishments in the village where alcohol could be obtained.

The Council's Solicitor asked who was involved with the task force.

Councillor Dixon responded that the task force consisted of the parish council, police, schools etc. as they were tackling the anti-social behaviour from both sides, they met once a month and had their first meeting in November last year. Their last meeting was held in January and they are looking at the problems and they are trying to get young people involved in projects in the village to take them away from alcohol related offences. They are also looking at the areas where the alcohol is consumed.

The Council's Solicitor referred to the proposal to close 'Bargain Booze' if this application was successful and asked Sacriston Parish Council if they still objected to the application.

Councillor Dixon confirmed that the parish still opposed the application.

Councillor Darkes asked if Sacriston Parish Council were part of PACT and PubWatch.

Councillor Dixon responded that they were part of PACT but not PubWatch.

Councillor Darkes asked if they had a problem with retailers. Councillor Dixon confirmed that they were currently working with the police looking at one retailer.

Councillor Darkes urged Sacriston Parish Council to be part of PubWatch.

Mr Robson, the Applicant's Agent stated that he had come into the application late. He clarified that the 24 hour delivery service was withdrawn from the application and that the shop was small with daily off sales with no deliveries.

Mr Robson stated that he was conversant with the area from his time as a police officer. He then referred to Thwaites Case and that there was no real evidence presented and no notice or privy of real evidence to give feedback.

There were four other premises in the area but if the application was granted today it was the applicant's intention to close the 'Bargain Booze' premises next door, which was a larger licensed premises which he intended to convert into a gym, which would be open until 11.00 pm. They had circulated the certificate to confirm planning permission had been granted, they had also provided a signed declaration from Mr Mohammed to confirm his intention to surrender the licence for 'Bargain Booze', if his application today was successful, so there would be no increase in the number of licensed premises.

He then referred to people being able to get alcohol delivered from supermarkets and his client would take part in any shop watch scheme.

He referred to the concerns of alcohol sales to under 18's and commented that he was proud in developing a strong good viable training system which would be delivered to staff on Friday. The training covered acts of terrorism, drunkenness, fire safety policy, immigration awareness policy, social media policy and vulnerability policy. Durham has students who are vulnerable, he would also deal

with weapons and how to deal with substances like the one identified in Chester-le-Street. The training would be in depth and they would be required to pass an exam.

He would deliver level 2 training on underage sales and would go through this in depth with employees and his client. He referred to the numerous fake identifications and he would learn staff what to look for and what questions to ask and how to enter the incidents into the register.

His client intended to have a safe premises, which would prevent any undermining of the licensing objectives and he would deliver refresher training every 6 months. He indicated that Durham Constabulary had withdrawn their objection and advised Members that he would also look at age related products as part of the training and what was classed as drunkenness and he gave the definition for drunkenness.

He felt for the residents of Sacriston, but indicated that the application should be granted as the square footage for alcohol would be reduced and staff would be well trained. They would link into PubWatch and work with the police as well as having a full CCTV equipment in operation with face recognition. Non-alcoholic drinks would also be offered in the premises and he felt that they had gone over and above with a training package to operate in a safe and socially manner.

The Chairman sought clarification if the licence for the gym was in the applicant's name.

Mr Mohammed responded that it was not currently trading, so no licence was in place.

Councillor Brown indicated that deliveries from supermarkets were different to dial a drink as they weren't delivered within hours.

Mr Robson indicated that supermarkets were the same where you get drinks delivered.

At 2.05 pm the Sub-Committee retired to deliberate the application in private. After re-convening at 2.15 pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, verbal and written representations of the Applicant and 'Other Persons'. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the application for a premises licence be granted subject to a number of conditions as follows:

Licensable Activity	Days and Hours
Sale by Retail of Alcohol (Consumption off the premises)	Monday to Sunday: 08:00 hrs to 23:00 hrs
Public Opening Hours	Monday to Sunday: 08:00 hrs to 23:00 hrs

General Conditions

- a) Staff will be fully trained on the four licensing objectives and their responsibilities. All staff will be aware of all of our working policies and procedures and trained on how to implement them. Records of staff training will be available to the authorities. Staff training will be undertaken prior to commencement of work and every 6 months.
- b) Authorised staff, employed by Durham Police, shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

The Prevention of Crime and Disorder

- c) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality. Cameras shall encompass the inside and outside of all entrances and exits to the premises, fire exits and all areas where the sale/supply of alcohol occurs.
- d) Equipment must be maintained in good working order, be correctly time and date stamped and kept for a period of 28 days.
- e) The Premise Licence Holder must ensure at all times that the DPS or appointed member of staff is capable and competent at viewing the CCTV and downloading the footage onto a disc, hard drive or memory stick when requested to do so by the police/local authority.
- f) The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- g) No serving of alcohol to any person who appears to be drunk.
- h) Full initial staff training to be carried out by DPS to ensure no alcohol is sold to anyone under age and refresher training to be carried out every six months.
- i) Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
- j) The majority of staff will be trained to operate the CCTV system; this is to include viewing and downloading of the system. Regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by police or other relevant officers of a responsible authority.

Public Safety

- k) Fire exits and fire equipment will be clearly marked.
- l) All staff will be aware of their requirements regarding health and safety.
- m) An incident log will be in operation and maintained.

The Prevention of Public Nuisance

- n) Customers will be requested to move away from the premises once purchases have been made; anyone remaining in the area outside of the premises will be moved on.
- o) The area outside of the premises will be kept free from litter with a litter bin being provided.
- p) Groups of people will be discouraged from congregating outside the premises.

The Protection of Children from Harm

- q) Challenge 25 will be in operation at all times; appropriate signage will be displayed to this effect.
- r) A refusal register will be kept and endorsed after every sale refused; this will include (proxy sales); this will be maintained and available to authorities when requested.
- s) All customers must be over the age of 18 to purchase alcohol.
- t) "Challenge 25" policy is in place in accordance with the Age Verification Policy, whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age.
- u) A Challenge 25 policy will be operated at the premises. Acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card i.e. ID4U.
- v) An incident book will be kept and endorsed after every sale refused. This should be maintained and will be produced to a relevant officer of the police or other relevant officer of a responsible authority upon request. This is also to include over 18s purchasing alcohol and passing it on to under 18s (proxy sale).