

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 17 December 2019 at 10.00 am**

### **Present:**

**Councillor L Marshall (Chair)**

### **Members of the Committee:**

Councillors P Atkinson and D Brown

### **Also Present:**

Mr S Buston (Council's Solicitor)

Ms K Robson (Senior Licensing Officer)

Ms V Craig (Licensing Officer)

Mr R Arnott (Solicitor on behalf of Applicant)

Mr M Boutcher (Area Manager for the Co-op)

### **1 Apologies for Absence**

An Apology for absence was received from Councillor Blakey.

### **2 Substitute Members**

There were no substitute members in attendance.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The minutes of the meetings held on 2 and 31 July 2019 and 3 December 2019 were agreed as a correct record and were signed by the Chair.

### **5 Application for the Grant of a Premises Licence - Unit 1A, Murton Vic Development, Church Street, Murton**

The Sub-Committee considered the report of the Corporate Director of Regeneration and Local Services, to consider and determine the application

for the grant of a premises licence for Unit 1A, Murton Vic Development, Church Street, Murton (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with additional information from the applicant.

The application was for the Sale of Alcohol (off Sales) Monday to Sunday 06:00 hours until 23:00 hours.

The Licensing Officer was in attendance to present the report and advised the Sub-Committee that the application had been submitted by Ward Hadaway on behalf of the Co-operative Group Food Limited on the 31 October 2019 for the grant of a premises licence for a new establishment.

Following mediation with Durham Constabulary the applicant proposed further conditions to be added to their operating schedule, details of which had been circulated.

The Licensing Authority received one letter in opposition to the application from 'other persons', namely Mrs Walker, details of which had been circulated. Mrs Walker had confirmed that she would not be in attendance for the hearing.

Durham County Council Public Health, Durham Safeguarding Children Partnership, Durham County Council Planning Authority, County Durham and Darlington Fire Safety Authority, Durham County Council Environment Health Department had all responded to the consultation with no comments, details of which had been circulated.

The Council's Solicitor sought clarification if the premises was for an existing building.

Mr Arnott, the Applicant's Solicitor responded that it was a new build that would be open Sep/Nov next year.

The Council's Solicitor advised that Mrs Walker's written representation were circulated with the papers and members should attach the appropriate weight to the written representation.

Mr Arnott advised members that the Co-op were the sixth largest retailer in the Country with 78,000 people employed in food alone, 2000 plus stores that increased by a 100 every year and 8.2 million members.

The premises were located at Unit 1A, Murton Vic Development and were due to be open Sep/Nov 2020 as a new convenience store on the site of the former Old Vic Social Club. There were 3 retail units being built on the site

and the existing store at Murton would close and move to the new store. Part of being a convenience store was the convenience for customers to do their family shop or top up their larder and buy alcohol as well as everything else they might need. Typically, a store of this size alcohol represented 15% of their turnover, 85% would be bread, milk, household products etc. it was not a dedicated off licence it was a convenience store with alcohol as an ancillary.

Each region had a risk manager and his or her job was to liaise with statutory authorities and make sure any issues got resolved quickly. Together with training colleagues they ensured that each store did what was expected of it as part of an assessment. The sale of alcohol and their policies and procedure attached to this activity were taken seriously. The Co-op as an organisation was very risk adverse and didn't put themselves at risk willingly. When a new member of staff started, they have an induction that typically took around 4 hours and they had an exam that they must pass. They also had a buddy system in place where they had allocated to them a mentor and unless they passed the exam and the mentor was happy, they got nowhere near selling alcohol. On top of this they had another level of control that was called lock down where the manager would not let you get near age restricted products until they were happy which normally took around 4 weeks. Staff also received two lots of refresher training every year and if at any point they lost confidence you would be put back into lock down and were unable to sell age restricted products until you were released from lock down.

CCTV at this particular store would be internal and external between 25 and 30 cameras and age prompted tills. Every product was bar coded and the till recognised it as an age restricted product and a reminder would come up on the screen and the till would not allow the transaction until a valid response had been given to the prompts.

Team Leaders and Managers also had personal licence certificates and they would be 5 at the store unlike a public house who have one. A personal licence holder would always be in the store at any one time.

The Layout and design of the premises were shown on the circulated plan with one way in and out, with alcohol kept at the furthest point and spirits behind the counter. The Co-op were the first to adopt Challenge 25 and this was applied throughout the estate. They also had a community pioneer for clusters of stores where they go into the local communities and support good causes. Last month they distributed nationally £17.3 million to 4500 good causes.

The Co-op take everything seriously and it worked, they had stores throughout Durham, and everyone knew who they were. Having the culture that it does, any prosecutions or reviews would be embarrassing as they

were a membership organisation. If shops were not well thought out and welcoming people would shop elsewhere.

He then referred to the hours applied and that Section 183 Guidance stated that unless there were good reasons to restrict these hours based on the licensing objectives then they should be free to provide sales of alcohol when the retail unit was open. He also advised members that planning permission had been granted for the store.

He referred to who would be buying alcohol at 6.00 am in the morning and indicated not many but if it was convenient for you to do your shopping at that time then they wanted to allow customers to purchase alcohol. He made reference to buying potatoes at 6.00 am in the morning but you don't necessary rush home and put the pan on and it was the same logic for alcohol, it was purchased for later.

It was their normal practise to contact the police before an application but unfortunately on this occasion this had not been done but they had been in contact with Durham Constabulary and mediated additional condition as detailed in the report.

No responsible authority representations had been received and a single resident had objected.

The ownness was on objectors to convince you that they had failed to promote the licensing objectives. He referred to the Secretary of State guidance and Thwaites case and balance was restored by robust procedures in place.

He then referred to the representation received from Mrs Walker who lived behind the proposed site. She talked about traffic noise and disruption to surrounding residents that was to do with a shop that was a planning matter and not a licensing objective and planning permission had been granted. Mrs Walker then referred to the current shop in Murton that does not operate these hours, he had looked at the licence and it was the same hours applied for with fewer conditions. She referred to issues in Murton, but the Co-op had been in Murton for a number of years and was not linked to any issues, if they were then the police would be objecting to the application. The applied hours were not extended and were the usual hours for convenience stores as there was nothing unusual in the application, it was just moving from one store to another.

The Council' Solicitor sought clarification on how far away the Wood Terrace store was.

Mr Arnott responded that it was approximately 200 yards.

At 10.25 am the Sub-Committee Resolved to retire to deliberate the application in private.

After re-convening at 10.30 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Senior Licensing Officer, the verbal and written representations of the Applicant and the written representations of Responsible Authorities and 'Other Person'. Members had also taken into account the Council's Statement of Licensing Policy and Section 183 Guidance issued by the Secretary of State.

**Resolved:** That the application for a Premises Licence be granted subject to the conditions mediated with Durham Constabulary.