

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Friday 31 July 2020 at 1.30 pm**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors P Atkinson, L Brown, L Kennedy and M Wilson

Also Present:

Mrs G Proud (Council's Solicitor)
Ms H Johnson (Licensing Team Leader)
Mr S Ravichandran (Applicant)
Mr D Ripley (Other Person)
Ms H Pierson (Other Person)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - 122 Cockton Hill Road, Bishop Auckland

The Chair welcomed everyone to the meeting and explained that only three Members would be deliberating the application.

Mrs G Proud the Council's Solicitor explained why only three members deliberated the application and ran through the procedure for the meeting.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the grant of a premises licence for 122 Cockton Hill Road, Bishop Auckland (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with details of the representations received.

The Licensing Team Leader was in attendance to present the report and outlined the recommendations contained in the report.

There were no questions of the Licensing Officer.

Mr Ripley, Other Person was then invited to address the Sub-Committee and referred to his letter of objection and his family circumstances. He indicated that he lived next door to the premises and the proposed application and opening hours of the premises seven days a week until 11.00 pm was going to impact on his life.

He then referred to the anti-social behaviour report that had been submitted and that no research had been undertaken into the issues surrounding the premises located in Beaumont Street. He indicated that a number of youths were gathering outside the Beaumont Street shop late at night and properties had been damaged.

He asked why the premises that had been a Newsagent for at least 34 years had never received planning permission to be a shop and now it was going to be a convenience store that would be open later than the current newsagent.

He was concerned that groups of youths would gather outside the premises and residents already suffered from litter in their yards as there were no rubbish bins in the area and he could only see this issue getting worse.

Mr Ravichandran the Applicant indicated that the intended opening hours of the premises were 5.00 am to 10.00 pm Monday to Sunday but he had applied until 11.00 pm. The shop was going to be a Premier Store which was a basic convenience store like those located in Crook and Tow Law. He did not know how they were going to create any disturbance to neighbours or the community.

The Council's Solicitor advised Mr Ravichandran that it was just questions at this stage, but he would be given an opportunity to present his case.

Ms Pierson, Other Person was then given the opportunity to present her case and stated that she had the same views as Mr Ripley.

She indicated that her letter outlined the close proximity of the shop selling alcohol to her property. She continued that there were already three premises selling alcohol within a mile including the garage across the road that was open 24 hours. Her property was next door to the premises and was opposite that garage and she already suffered from anti-social behaviour on an evening from the garage.

She had a young child in the house and did not think that this was necessary as there were already six supermarkets within a couple of miles. Recently there had been a can of fosters on her garden wall and a bottle of corona around the corner on the way to the shop which was mid-week. She did not think that there was the necessity to have another premise in the area to purchase alcohol, especially on her doorstep.

Councillor Brown sought clarification if there was currently anti-social behaviour outside these premises.

Ms Pierson responded that there were no issues outside the shop but there were from the garage which was across the road. She had previously witnessed fights on the garage forecourt and you could hear noise quite loud from the garage. She indicated that the newsagent was a nice shop where you could go and get your pick and mix and the street was predominantly residential, and a conveniences store was not necessary.

Ms H Johnson, the Licensing Team Leader asked the objectors how they would feel if the store was open until 11.00 pm but did not sell alcohol as they could do this without a license.

Mr Ripley responded that he would still have an issue with the extended opening hours without the alcohol as it was a combination of the two. They currently had noise from the garage with car horns going off in the early hours and boy racers. In the past he had a gentleman urinate in his front yard. He could foresee problems in the future if the application was granted which would affect the quality of their lives.

Ms Pierson responded that there was a 24-hour garage across the road which already created issues but was available if you needed anything at that time of night so there was no need to have a further store in the area open late. There were six supermarkets and four small shops already in the area that were less than two miles away.

Councillor Brown asked if there was a heightened police presence along Cockton Hill Road due to the current anti-social behaviour.

Mr Ripley indicated that there was no police presence unless called for a specific incident.

Councillor Brown asked if they had contacted the police due to the anti-social behaviour.

Mr Ripley responded that he did not see the point in contacting the police in the early hours of the morning when kids were screaming as he could not see the police attending. He indicated that premises were in the middle of the residential street, they were not at the end of the street or away from properties it was in the middle and affected residents.

Mr Ravichandran was then asked to present his case and indicated that he was the owner of the Premier Stores in Tow Law and Crook and postal services in Crook. He planned to purchase this property and convert to a Premier Store which would be a local basic convenience with standard prices.

He currently employed around 27 staff in his Crook and Tow Law stores so he would be creating jobs. They intended to have around six staff work for them at the store and without an alcohol licence they could not create a Premier Store. He had nine years' experience with premises licence, he worked with the police and local authority, he also had a licence for Crook Cricket Club.

He asked why he would fail in Bishop Auckland when he had done his job for the last nine years in Crook and Tow Law. He was aware of his responsibilities and his son attended school in Bishop Auckland and was aware of the consequences of serving alcohol to a child.

They used CCTV cameras that recorded for 28 days, they had a refusal register and challenge 25. He then referred to the price of milk in his store at Crook that had come down in price when he took over the store and was the same price nine years later, so he was doing a good job and would do the same in Bishop Auckland. He indicated that alcohol would not be the main product in the store and one small store was not going to change Bishop Auckland.

He referred to anti-social behaviour that happened in all areas and could not be the main reason the application was refused. He indicated that the newsagents were struggling and if they closed six jobs would be lost and that he did not want this to happen, he wanted to create jobs and he knew his responsibilities to the community.

He referred to the four premises in the area that had a premises licence and that his initial application was for seven days a week until 11.00 pm but he had amended his application following discussions with Durham Constabulary. He wanted to work with the police and members of the public.

He then referred to parking issues and that there were a number of places that people could park without disturbing anyone. He was also going to install bins outside the premises which would be emptied every day and recycled where possible and he would generally keep the area clean and tidy and would not cause a disturbance. He wanted to work with his neighbours who should be his local customers, he was spending a lot of money on the property and wanted the business to be a success.

Ms Pierson asked how many jobs would be created if he was keeping existing staff. Mr Ravichandran responded that they would be hiring an extra three people due to the extended opening hours who were currently receiving training in his current stores. Himself or his wife would be at the store every day for the first six months to one year to ensure that staff were trained properly to serve alcohol and to allow him to get to know his customers.

Ms Pierson asked if he would be supporting local businesses such as Lanchester Dairy and what were the proposed alcohol prices if the likes of milk was sold cheap.

Mr Ravichandran responded that Premier was a big buying group so he would try to price match with other stores and would support local businesses.

Ms Pierson indicated that the store was small, and Mr Ravichandran stated that it was going to be a convenience store, but she was under the impression it was going to be alcohol and cigarettes with a few basic products like milk and sugar.

Mr Ravichandran responded that they were going to have a three-metre area of alcohol with cigarettes and spirits behind the counter with a small range of other products with two different products for that item.

Councillor Brown sought clarification of the closing time of 10.00 pm and what proposals did the applicant have to alleviate the residents' fears of anti-social behaviour.

Mr Ravichandran responded that they applied to 11.00 pm but the shop would close at 10.00 pm. They would only allow two or three children in the shop at any one time and would try and avoid children hanging around the shop area, but he was unable to guarantee this, but he would work with the children.

The Council's Solicitor indicated that Mr Ravichandran had applied for the licence until 11.00 pm but had indicated that he would close at 10.00 pm and asked if he was happy for the licence to serve alcohol until 10.00 pm.

Mr Ravichandran indicated that he was happy for the licence to be until 10.00 pm.

The Licensing Team Leader referred to the CCTV condition mediated with Durham Constabulary which was vague and asked if the licence was granted was the CCTV going to be positioned throughout the store.

Mr Ravichandran indicated that they were going to install 16 cameras two of which would be outside the front of the premises, two at the back door, the remaining cameras would be located inside the premises and would cover the till.

The Team Leader then asked about the bins located outside the premises and the keeping of the immediate area clean and tidy.

Mr Ravichandran confirmed that he would be providing bins and keeping the area clean and tidy.

The Chair referred to Challenge 25 and asked if the tills would have a prompt to check ID.

Mr Ravichandran indicated that cigarettes, tobacco and alcohol would all have a till prompt to check ID and confirm the ID before the sale could proceed.

In Summing up, Mr Ripley indicated that he had no doubt about Mr Ravichandran's good intentions and that he wished to run a good business. However, himself and other residents in the area were the ones who were going to have to live with the anti-social behaviour and was why they were objecting to the application as the premises were going to have a detrimental effect on the quality of their lives, which should not be sacrificed so that someone could have a business.

Ms Pearson supported what Mr Ripley had said and indicated if there was a Premier Store next door when she purchased her property, she would not have bought the property. She had a small child and did not think the extended opening hours were necessary or the sale of alcohol.

Mr Ravichandran indicated that he lived above his shop in Crook that was open until 10.00 pm and understood their concerns about disturbance but if they had any issues he would try and resolve.

The Chair thanked everyone for their attendance and advised that Councillors L Brown and M Wilson would join herself to deliberate the application in private and all parties would be notified of their decision later today.

At 2.35 pm the Sub-Committee **Resolved** to retire to deliberate the application in Private.

In reaching their decision, the Sub-Committee considered the report of the Senior Licensing Officer, the 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 premises licence be granted as follows:

| Licensable Activity | Days & Hours |
|--|--------------------------------------|
| Supply of Alcohol (consumption off the premises) | Monday to Sunday: 08:00 to 22:00 hrs |
| Open to the public | Monday to Sunday: 05:00 to 22:00 hrs |

- a) All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the council upon request.
- b) The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- c) The premises shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
- d) A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff.
- e) Recording will be retained for a minimum of 28 days.
- f) The premises will ensure that at least one trained member of staff is available to operate the system at all times the premises is open and

download any images requested by an authorised officer and provided within 7 days.

- g) The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premises in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licenced premises. These documents will be made available to officers and responsible authorities when requested.
- h) CCTV will be provided in the form of a recordable system which is capable of providing images in all lighting conditions. CCTV cameras must be positioned internally and externally to encompass all entrances and exits to the premises; to cover the entire front of the premises; in the areas where the sale / supply of alcohol occurs, together with the area where alcohol is stored and the stockroom.
- i) Persons who may gather outside the premises and cause any nuisance will be asked to move away from the premises immediately.
- j) Litter bins will be provided outside the premises and the Licence Holder will be required to keep the immediate vicinity of the premises free from any litter.
- k) Acceptable forms of ID are passport, photo card, driving licence, armed forces id card or a PASS accredited identification card, i.e. ID4U