

DURHAM COUNTY COUNCIL

At a Remote Meeting of **Statutory Licensing Sub-Committee** held in via Microsoft Teams on **Monday 23 November 2020 at 9.30 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors D Bell, L Brown, K Liddell and L Marshall

Apologies:

Apologies for absence were received from Councillors J Blakey

Also Present:

Mr S Buston, Council's Solicitor

Ms H Johnson, Licensing Team Leader

Mr Botkai, Applicants Agent

Mr Palaniappan, Applicant

Mrs Brandling, Mrs Kelly and Mr Fischer, Objectors

1 Apologies for Absence

Apologies for absence were received from Councillor J Blakey

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - SRJ Convenience Limited, Former Methodist Church, Dunelm Road, Thornley

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

Mr S Buston, the Council's Solicitor explained the reasons for this and provided an overview of 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 SRJ Convenience Limited, Former Methodist Church, Dunelm Road, Thornley (for copy 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 within. She explained that the location plan circulated referred to the wrong location and Members were therefore shown on screen the correct location.

There were no questions of the Licensing Team Leader.

Mrs Brandling, Other Person was then invited to address the Sub-Committee. She outlined her objections with regard to the intended hours of the alcohol licence, noting that the area had seen problems with anti-social behaviour in the past, which had resulted in buses no longer operating through the village after 8.00 p.m. She added that on a personal level, she was fearful of the issues that anti-social behaviour may cause and the disruption this may bring to their lives. She therefore felt that a licence until 11.00 p.m. was not required and that allowing such would attract anti-social behaviour.

Mr Fischer, Other Person was then invited to address the Sub-Committee. He added that he endorsed his neighbours' comments, noting that it was commonplace for children to congregate outside shops. He added that he too felt the late licence would attract anti-social behaviour and he was particularly fearful of the potential noise disturbance that would occur especially during bank holiday periods.

Mrs Kelly Other Person was then invited to address the Sub-Committee. She advised that she lived opposite the application site and had only recently felt the need to install private CCTV at her property due to anti-social behaviour which had occurred in the area. She added that the area was a reasonably quiet one and felt that the licence until 11.00 p.m. was not required in this location.

Ms H Johnson, the Licensing Team Leader asked the objectors what they felt was an acceptable time for the sale of alcohol at these premises.

Mrs Kelly commented that she felt 9.00 p.m. would be more acceptable and more in line with other shops. Mrs Brandling reiterated those comments.

Mr Fischer advised that he was aware that other shops in the area sold alcohol until 8.00 p.m. with no known issues.

Mr Botkai, Applicants Agent was then asked to present the case on behalf of Mr Palaniappan.

Mr Botkai addressed the Sub-Committee. He confirmed his client had acquired the former Methodist Church and planning permission granted allowed the premises to be open from 7-11 and 9-4 on Sundays and Bank Holidays. The application for the alcohol licence had therefore been amended to reflect those permissions. He noted that Section 182 guidance suggested shops should match those hours unless there are good reasons not to do so.

He further highlighted that the requested hours were within the Council's own framework hours which stipulated off licence premises closing hours of 11.30pm and 12.30am on weekends and therefore the application presented was within the remit of the Council's policy and the Section 182 guidance.

Mr Botkai went on to explain that the premises would be trading under Tesco branding and followed a strict operating schedule, including; challenge 25, CCTV, training provision to tackle proxy sales, refusal and incident logs and signs would be displayed asking customers to respect local neighbours.

In addition, single cans or high strength alcohol would not be sold. Research had revealed that such sales tend to attract the wrong sort of customers, something which the applicant was keen to avoid.

With regards to issues raised relating to planning permission, he advised that these matters were dealt with at that stage. The Applicant acknowledged that this was a lovely quiet village and he didn't want to that to change that.

In responding to the claims that the licence may place a stress on emergency services, Mr Botkai confirmed that all Responsible Authorities had been consulted and there had been no objections from them. They were the experts; guidance stated the licensing authority should look to them but there was no real evidence that this licence would create an issue.

Mr Botkai explained that the store was due to open on 27th November. There would be a minimum of two staff at all times and the applicant was an experienced operator, with experience of running shops and petrol stations, who wanted to build good relationships with his neighbours.

He went on to outline to the committee that much of the concerns voiced were considered to be a 'fear' of what may happen and not based upon evidence. It was his experience that these fears did not materialise and if

they ever did, he encouraged residents to contact his client to discuss them. If they weren't addressed, then a licence review could rightly take place.

In conclusion he advised that the requested hours were no longer than normal for a premises of this nature, and reducing those hours would be disproportionate due to relying on these fears rather than real evidence. This did not pass the Thwaites threshold test.

The Licensing Team Leader had no questions at this point.

Mrs Brandling added that she understood the point raised by the Applicants Solicitor that there were no legal reasons to refuse the application but asked that local residents concerns be taken into account.

Both Mr Fischer and Mrs Kelly had no further questions.

Councillor Brown asked whether the applicant could clarify whether the premises would have full CCTV coverage of the site as she had some concerns that some smaller concealed areas may attract issues. In response Mr Palaniappan advised that there were 8 cameras external to the premises, covering all roads. Including those cameras within the premises there was to be 32 CCTV cameras in total. He further noted that staff would use a private access point.

S Buston, Solicitor asked what good the store was proposing to sell. Mr Palaniappan advised that the store would be trading under Tesco branding and would be very similar to a Tesco Express style store, selling predominantly fresh food, baby products etc.

The Licensing Team Leader had no questions at this stage.

The Objectors were then asked to sum up.

Mrs Brandling added that she had nothing further to add, only that she urged Members to consider local residents.

Mr Fischer, in summing up added that it was a quiet village area and residents wanted to protect this. He felt that comparisons on large scale supermarkets in relation to the alcohol licence could not be drawn upon in this case and feared that despite there being course for a review of the licence should problems occur, it would be too late.

Mrs Kelly reiterated the above comments and asked that the applicant be considerate of residents to allow them to live and work alongside one another.

Mr Botkai, in summing up advised that he would follow up on the issue of potential CCTV blind spots, however noted that 32 cameras was a staggering number and should go some way to alleviating concerns. He went on to refer to the Licence Review Process and noted that there was no evidence at this time to suggest that problems would occur for the sale of alcohol until 11.00 p.m.

He added that Mr Palaniappan was extremely keen to build a relationship with his neighbours and hoped that they would become his customers.

In conclusion he advised that the application was within policy guidance and below the threshold of the operating hours indicated in the Council's Licensing Policy.

The Vice-Chair thanked everyone for their attendance and advised that Councillors L Brown and H Liddell would join himself to deliberate the application in private and all parties would be notified of their decision today.

At 11.10 a.m. 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 issues by the Secretary of State.

Resolved: That the premises licence be granted as follows:

Licensable Activity	Days & Hours
Proposed Opening Times	Monday to Saturday 07.00 – 23.00 hours
	Sunday 09.00 – 16.00 hours
	Bank Holidays 09.00 – 16.00 hours
Supply of alcohol (for consumption off the premises)	Monday to Saturday 07.00 – 23.00 hours
	Sunday 09.00 – 16.00 hours
	Bank Holidays 09.00 – 16.00 hours

- a) A CCTV system will be installed, such system to be fit for the purpose and to be to the reasonable satisfaction of the police.
- b) The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium. Images shall be provided to the police or to an authorised officer of the licensing authority within twenty-four hours of request.

- c) Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with data protection legislation, with the police from time to time.
- d) The system will display, on any recording, the correct time and date of the recording.
- e) The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- f) An incident book/register shall be maintained to record:
 - i) all incidents of crime and disorder occurring at the premises
 - ii) Details of occasions when the police are called to the premises
- g) This book/register shall be available for inspection by a police officer or other authorised officer on request.
- h) The book/register shall be retained at the premises or at the offices of the licence holder for a minimum of twelve months.
- i) There shall be no self-service of spirits, except for spirit mixtures.
- j) There shall be no sale of single cans of beer, lager or cider from the premises.
- k) There will be no sales/supplies of beer, lager or cider with an ABV over 6%. This restriction shall not apply in respect of the specialist branded, premium priced products, for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.
- l) The Premises Licence Holder will, at all times, maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
- m) Adequate waste receptacles, for use by customers, shall be provided in and immediately outside the premises.
- n) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses, and to leave the area quietly.
- o) The Premises Licence Holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any

customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

- p) All staff engaged, or to be engaged, in the sale of alcohol on the premises shall receive the following training in age restricted sales:
- q) Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- r) Refreshment/reinforcement training at intervals of no more than six months.
- s) Training records will be retained at the premises or at the offices of the licence holder for a minimum of twelve months.
- t) All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
 - i) details of the time and date the refusal was made
 - ii) the identity of the staff member refusing the sale
 - iii) details of the alcohol the person attempted to purchase
- u) The book/register shall be available for inspection by a police officer or other authorised officer on request.
- v) The book/register shall be retained at the premises or at the offices of the licence holder for a minimum of twelve months.
- w) All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.