

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in County Hall, Durham
- County Hall, Durham on **Tuesday 27 July 2021 at 9.30 am**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors C Hampson, E Peeke and E Waldock

1 Apologies

Apologies for absence were received from Councillor D Sutton-Lloyd.

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 7 June 2021 were agreed as a correct record and signed by the Chair.

5 Application for the Grant of a Premises Licence - Queen's Chippy, 1 Queen Alexandra Road, Seaham

The Sub-Committee considered an application for the grant of a Premises Licence for Queens Chippy, 1 Queen Alexandra Road, Seaham, Co Durham SR7 7QY (for copy see file of minutes).

Following introductions the Licensing Team Leader presented the report and all parties were given the opportunity to ask questions.

Councillor Arthur addressed the Sub-Committee as local Member and in objection to the application and advised that the notice given was inadequate

and many people in the area were unaware due to the removal of the site notice.

He advised that there were already three licensed premises within 200m and local residents were concerned that should the licence be granted, it would exacerbate existing issues in the area. He had concerns relating to the prevention of public nuisance and noise and confirmed that there were two streets of elderly residents in the area, many of whom shared his concerns.

Councillor Arthur advised that there were double yellow lines adjacent to the premises that were often ignored and the slamming of car doors until midnight would undoubtedly cause a nuisance to the neighbouring properties. He believed that the level of disturbance that would be caused was too much for residents to put up with and he advised Members that he was unaware of any other fish and chip shop in the area that sold alcohol.

In response to questions from the Chair, Councillor Arthur confirmed that he lived near to the premises and was representing around 6 local residents who had approached him about the application, but he spoke on behalf of his ward.

Mr M Foster spoke on behalf of the Applicant, Mr Singh and advised that he was an experienced DPS and had lived above the premises since November 2020. He had applied for a licence for the sale of alcohol with food orders over £5, during the hours that he currently operated. He acknowledged Councillor Arthurs objection but advised that no other objections from members of the public or other local Members had been received.

Mr Foster advised that the Applicant had operated a similar premises two miles away called Perfect Fry, with the same conditions. There had been no issues in the five years that Mr Singh had operated the premises and none in the three years he had operated with the sale of alcohol license. He was a proven operator who knew and lived in the area.

Mr Foster advised that this application was not for an off-licence and there would not be a huge amount of alcohol on the premises, the Applicant wanted to sell bottles of premium lager and wine with fish and chip orders. The Applicant had operated similarly on a previous site with a robust set of conditions, which Mr Foster read to Members.

There had been no complaints about the premises whilst the Applicant had lived there and no historical complaints that he was aware of. The delivery drivers did not make any noise and the Applicant regularly undertook litter picking and had had a bin installed outside of the premises, however he advised that fish and chips was generally a take home product.

Mr Foster referred to the objectors focus on need but this was not something that the Sub-Committee should consider. He had advised that many people supported his objection, yet there had been no other objections and customers had advised that they were in support of the addition of alcohol, for convenience.

Councillor Arthur maintained his objection as there were three shops within a three mile radius, one of which he used to own. He referred to the anti-social behaviour that his former shop had after gaining an alcohol licence and one shop had its premises licence revoked due to selling alcohol to young people. The sale of alcohol brought enough trouble to the area and Councillor Arthur did not see the need for anymore.

Councillor Waldock asked whether there would be a limit on the amount of alcohol sold and Mr Foster advised that there would not be a lot of alcohol stocked, but rather a small amount of lager and wine to accompany food.

The Chair asked whether staff training would be provided and Mr Foster advised that Mr Singh would train some Members of staff but they would get a professional consultant to provide training if needed. The Chair asked for the proportion of business that required a delivery service and Mr Foster advised that it was around 30% due to the impacts of the pandemic. Mr Foster advised that in relation to the double yellow lines, although not a matter for the Sub-Committee to consider, Mr Singh was liaising with the Council's Highways Authority due to the effect on the business.

Councillor Arthur summed up that there were enough premises selling alcohol in the vicinity and reiterated that one of them had its premises licence revoked, he had witnessed three people in his former shop steal alcohol and the clerk was powerless to stop them. He accepted that double yellow lines was a highways issue however people getting in and out of cars and slamming doors at midnight was a noise concern that local people could do without.

Mr Foster advised that the hours for the sale of alcohol were not proposed to be increased to midnight, it would be until 11 p.m. which was the current operating times. He advised that applications for the sale of alcohol should generally be granted in the absence of any objections and this application had a robust set of conditions that the Applicant had operated without problems previously. There had only been objections received from Councillor Arthur, which referred to the need and this application could not be determined on need, that was a planning issue.

Mr Foster confirmed that the Applicant was only asking for the sale of alcohol with a food purchase, to be added during the hours it currently traded. If the licence was granted and there were any issues the premises could be

brought back to the Sub-Committee and action could be taken. There had been no objections from Durham Constabulary or Environmental Health and Mr Singh was an experienced operator.

The Sub-Committee retired to deliberate the application in private at 10.15 a.m.

Resolved

That the following application be APPROVED subject to the conditions outlined in the report;

Licensable Activity	Days & Hours
Supply of Alcohol (consumption off the premises)	Monday to Sunday: 11:00 to 23:00 hrs Ancillary to food with a minimum order of £5.00
Open to the public	Monday to Sunday: 11:00 to 23:00 hrs

CHAIR.....
Signed 16 November 2021