

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 7 February 2022 at 1.30 pm**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors A Batey, C Hampson, D Sutton-Lloyd and E Waldock

Also Present:

Helen Johnson – Licensing Team Leader
Gill Proud – Solicitor, DCC
Lokugamage Rohitha Jathunarachchi - Applicant
Ann Teresa Kipling – in support of Applicant

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application to Vary a Premises Licence - R & B Convenience Store, Broom Lane, Ushaw Moor, Durham

Consideration was given to the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to vary the Premises Licence in respect of R and B Convenience Store, Broom Lane, Ushaw Moor (for copy see file of Minutes).

A copy of the application and representations received had been circulated to all parties.

The Licensing Team Leader presented the report and responded to a request for clarification from Councillor Brown. The Member was informed that the application sought to vary the Premises Licence to allow the sale of alcohol from 5.30am which was also the new hours of opening. Currently the opening hours were 6.00am and alcohol was sold from 7.00am. Members were informed that the opening hours were not a consideration for the Sub-Committee; the premises could open at 5.30am irrespective of the Sub-Committee's decision regarding the application to vary the hours for the sale of alcohol.

Susan Howe, Parish Clerk addressed the Sub-Committee on behalf of the Ushaw Moor ward councillors of Brandon and Byshottles Parish Council, and read out the representations contained in the letter at Appendix 5. There were no questions of the Parish Clerk.

Mr Jathunarachchi who was accompanied by Mrs Kipling was invited to address the Sub-Committee. Members were informed that Mr Jathunarachchi had submitted the application to vary the existing premises licence as his shop opened early for the sale of newspapers and customers had asked to purchase alcohol at the same time. Bringing the hours for the sale of alcohol in line with the opening hours would avoid customers having to make a return visit. In addition there were other premises in the locality which sold alcohol from 6.00am.

Following a request for clarification from Councillor Batey, the Licensing Team Leader confirmed that there had been no objections from the Responsible Authorities or the local County Councillor.

The Solicitor for DCC asked Mr Jathunarachchi to confirm whether the premises would open at 5.30am irrespective of this application, and would therefore have customers visiting the shop at this hour. Mr Jathunarachchi confirmed this to be the case.

The Chair thanked everyone for their attendance and at 2.00pm Councillors D Brown, C Hampson and D Sutton-Lloyd **Resolved** to retire to deliberate the application in private with all parties to be notified of the decision later in the day. In reaching their decision, the Sub-Committee had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant and the written and verbal representations of Brandon and Byshottles Parish Council. Members had also considered Durham County Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application to vary the Premises Licence be granted as requested including the additional conditions agreed with the Police.