

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 14 September 2021 at 1.30 pm**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors C Hampson, C Hunt and D Sutton-Lloyd

Also Present:

Helen Johnson – Licensing Team Leader

Catherine Hazell – Solicitor, DCC

Councillor David Boyes – on behalf of Easington Colliery Parish Council

Malik Shadab Ali Javed - 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 Minutes of the Meetings held on 6 July and 15 July 2021

The Minutes of the meetings held on 6 and 15 July 2021 were agreed as a correct record and were signed by the Chair.

5 Application to Vary a Premises Licence - Henry's Newsagent, 2 Seaside Lane, Easington Colliery, Peterlee, Co Durham

The Committee considered a report of the Licensing Team Leader regarding an application to vary a Premises Licence in respect of Henry's Newsagent, 2 Seaside Lane, Easington Colliery (for copy see file of Minutes).

The Licensing Team Leader presented the report which included a copy of the application and supporting documentation.

Parish Councillor David Boyes addressed the Sub-Committee on behalf of Easington Colliery Parish Council. He stated that the Parish Council had discussed the application at length, and whilst it did not normally oppose licensing applications or wished to adversely affect local businesses, on this occasion Councillors had felt that they needed to make representation in view of the existing problems of disorder and anti-social behaviour being experienced in the area. £250m Safer Communities Initiative funding had been secured towards the provision of CCTV and other measures to combat problems which were experienced on a daily basis. The premises were located in a residential area with a number of elderly people living nearby as well as other residential properties, and the Parish Council was concerned that cars would pull up outside the shop at 6.00am. There were two outlets in Easington Colliery which sold alcohol.

The Parish Council felt that the later time of 7.00am would be more appropriate and this would be in line with the local supermarket's hours.

In conclusion the Parish Council was concerned that granting the variation and allowing the sale of alcohol from 6.00am would adversely affect community cohesion and exacerbate the anti-social behaviour problems being experienced, particularly in this area of Easington Colliery.

Mr Javed, the Applicant asked Councillor Boyes if the Parish Council had received any complaints regarding their business. Councillor Boyes confirmed that the Parish Council were not aware of complaints against the business involving alcohol sales.

Mr Javed addressed the Sub-Committee and stated that he had taken over the family business from his Dad two years ago and since then they had been working very hard with the local community, and also with staff to train them. In the two years there had been no complaints from members of the public or customers, or any submitted by the Council, the police or any local authority.

As an operator his first objective was to promote the licensing objectives, and working with others he did his best to create a good reputation. The shop

was already open at 6.00am for milk deliveries and for newspaper sales; some customers queued from 5.30am for newspapers.

There had been no objections from Responsible Authorities during the application process. If there were any incidents they did not hesitate to provide the CCTV footage. They had refused a sale when they had heard from local residents that the customer was not in a good state. They operated Challenge 25, and had a refusals register which was always up to date.

He trained his staff personally, and they did their best to promote the licensing objectives, working with the public and authorities to create a safer environment for everyone.

Mr Javed noted that 6.00am was not acceptable to the Parish Council and stated that he would be willing for the hours to be amended to 7.00am in line with the other business selling alcohol. He had requested 6.00am in line with his current opening hour. However being able to stay open and sell alcohol until 10.00pm would help the business and they would be able to employ an additional member of staff. Theft was a problem for his shop, and he appreciated that there were problems in the area which they were doing their best to help.

Councillor Boyes made the point that Mr Javed had said that there had been no objections from any local authority, which was not the case as the Parish Council had objected.

All parties were invited to sum up. Councillor Boyes stated that the Parish Council were happy for the business to succeed; it was a stable business and the Parish Council appreciated the work Mr Javed did but felt that 6.00am was too early for the sale of alcohol. The Parish Council had no problem with the request for the later time of 10.00pm.

Mr Javed concluded by reiterating that the shop opened at 6.00am but would have no problem with the hours for the sale of alcohol being amended to between 7.00am and 10.00pm.

Councillors Blakey, Hampson and Hunt **Resolved** to retire to deliberate the application in private with all parties being notified of the decision later in the day.

In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, and the verbal and written representations of Easington Colliery Parish Council and the Applicant. Members also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application be granted subject to the conditions that were consistent with the operating schedule and subject to the start time of the licensable activity being increased to 7.00am rather than 6.00am:-

Licensable Activity	Days and Hours
Sale of alcohol (off sales)	Monday- Sunday 0700 to 2200 hours
Open to the public	Monday-Sunday – 0600 hours to 2200 hours

Signed by Councillor

Chair of the meeting held on 25 January 2022