

## DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 21 March 2023 at 1.30 pm**

### **Present:**

**Councillor J Blakey (Chair)**

### **Members of the Committee:**

Councillors C Bihari, C Hampson and C Hunt

### **Also Present:**

Councillor T Duffy  
H Johnson – Licensing Team Leader  
C Hazell – Council's Solicitor  
R Botkai – Applicants Agent  
C Huett – Applicants Agent  
A Foster – Other Person

### **1 Apologies for Absence**

Apologies for absence were received from Councillors L Brown and E Waldock.

### **2 Substitute Members**

Councillor J Blakey was substitute for Councillor L Brown.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The Minutes of the meeting held on 6 February 2023 were agreed as a correct record and were signed by the Chair.

### **5 Application for the grant of a Premises Licence for Sainsburys, Passfield Way, Peterlee, Co Durham SR8 1PX**

The Chair welcomed everyone to the meeting and introductions were made. It was noted that four Sub-Committee Members were present to hear the application however only three Members were required to make the decision. The Council's Solicitor then outlined the procedure for the hearing.

The Licensing Team Leader presented the report of the Corporate Director of Neighbourhoods and Climate Change, to determine an application to grant a Premises Licence in respect of Sainsburys, Passfield Way, Peterlee. A copy of the application and location plan had been circulated together with details of the representations received (for copy see file of minutes).

The Sub-Committee noted that following mediation with Durham Safeguarding Children Partnership, the applicant agreed to include additional conditions to the application.

Responses were received from Durham Constabulary, Environmental Health and County Durham and Darlington Fire and Rescue Service confirming they had no comments to make regarding the application.

During the consultation period, the Licensing Authority received two objections/representations from local residents.

All parties were given the opportunity to ask questions of the Licensing Team Leader.

Mr Foster, other person was invited to address the Sub-Committee. He was concerned that the development was too close to elderly residential properties and would attract anti-social behaviour with youths treating the car park as a playground and setting cars on fire. He advised that he had visited another Sainsburys in the area where staff had also experienced anti-social behaviour. He raised further concerns that young people who can be served alcohol legally would be able to obtain alcohol for the younger children.

Mr Foster then explained that there are two pubs, a Dominos Pizza and Greggs in the area which attracted young people from Wingate and Shotton. The Chair reminded Mr Foster that the Sub-Committee were considering the licensing application for Sainsburys and could not consider issues with other premises.

He further added that residents experience noise from vehicles attending the car park and that Sainsburys would be close to Shotton Academy and on the housing estate's doorstep which would make it easier for people to obtain alcohol, at a time when 3,000 people in County Durham were being treated for alcohol and drug use.

Following a query regarding a walk around with the Area Warden, the Chair advised that she would contact the Neighbourhood Warden following the hearing.

Mr Botkai, the Applicant's Representative addressed the Sub-Committee and explained that the site was previously a car dealership and was derelict at present. There were 4 units on the site and Sainsburys would be one part of the development. He added that Sainsburys would be open between the hours of 7.00 am and 11.00 pm and would not be operating 24 hours. The opening hours were for the Planning Committee to consider and that this hearing was to consider the premises selling alcohol. He stated that the licensing hours applied for were within the framework hours and confirmed that this was a small supermarket, however he drew the Sub-Committee's attention to the guidance on large supermarkets in the policy.

He explained that the premises would bring 25 jobs to the area. Conditions had been agreed and there were also conditions stated in the operating schedule. He added that the business would operate a Challenge 25 policy and Sainsburys were part of the Alcohol Standards Group which worked hard to improve standards and support other retailers in the area. It was acknowledged that this was a tough area, however they wanted to invest and try to improve the area which a majority of residents would welcome.

Mr Botkai understood Mr Foster's concerns, however felt that Sainsburys should not be denied the licence because of the possibility of anti-social behaviour. It was reiterated that the responsible authorities had not objected to the application. He confirmed that the premises would not be selling hot food late at night and it was not expected that people would go Sainsburys after they had left the pub to purchase hot food. He mentioned that measures could be put in place to alleviate anti-social behaviour in car parks and he would feedback concerns to Sainsburys to see if anything could be put in place to prevent anti-social behaviour. He explained that if Mr Foster's fears materialised, he would be able to contact Sainsburys directly and they would provide him with contact details. Mr Botkai further added that the public could request a review of the premises if there were issues, however reviews of Sainsburys premises were very rare. He reiterated that Sainsburys were acting within the Section 182 guidance and therefore requested that the licence be granted.

All parties were given the opportunity to ask questions of the Applicants Agent.

In response to questions by the Sub-Committee with regards to the consultation process, the Licensing Team Leader confirmed that the usual procedure had been followed and that only two representations were received.

Mr Foster pointed out that he could not see the notices on the lampposts easily, however the Licensing Team Leader confirmed that the notices were compliant. Responding to further questions from the Sub-Committee, the

Applicants Agent confirmed that they would not be closing the premises early and serving customers through a hatch and the business would be open between 7.00 am and 11.00 pm. Mr Botkai explained that the DPS would not be on site at all times, however 2 to 3 people would hold personal licences and all staff would be fully trained.

All parties were given an opportunity to make a final statement.

At 2.10 pm, Councillors J Blakey, C Bihari and C Hunt **Resolved** to retire in private to determination the application. After re-convening at 2.20 pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, and the verbal and written representations from Mr Foster together with the written and verbal representations from the Applicant's Agent. 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 for the Premises Licence be granted subject to the conditions that were consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003 as well as the mediated conditions agreed with the Durham Children Safeguarding Partnership.

The Premises Licence was granted for the following:

<b>Licensable Activities</b>	<b>Proposed Day/Times</b>
Supply of alcohol (off-sales)	Monday to Sunday 0700 hours-2300 hours
Hours open to the public	Monday to Sunday 0000 hours-2400 hours