

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 23 April 2024 at 1.30 pm**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors L Brown and E Waldock

Also Present:

G Proud (Council's Solicitor)

H Johnson (Licensing Team Leader)

Mr Rajmohan Mahendran - Applicant

Mr Nira Suresh – Applicant's agent

Sgt Caroline Dickenson – Durham Constabulary

Inspector Lee Morris – Durham Constabulary

PCSO Brian Donnelly – Durham Constabulary

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Minutes

The minutes of the meeting held on 12 March 2024 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Application for the Grant of a Premises Licence - Crown Express, 170 Front Street, Chester le Street, Co Durham

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change to consider and determine an application for the grant of a Premises Licence for Crown Express, 170 Front Street, Chester le Street, Co Durham (for copy of report, see file of Minutes).

A copy of the application and location plan had been circulated together with details of the representations received.

During the consultation period, the Licensing Authority received one objection/representation to the application from Durham Constabulary.

Reponses were received from Durham County Council's Planning, Public Health Departments and Durham Safeguarding Children Partnership and County Durham and Darlington Fire Safety Authority all confirming that they had no comments to make regarding the application.

The Licensing Team Leader presented the report and advised Members that mediation had taken place between the Applicant and Durham Constabulary prior to the meeting and all parties were in agreement that the sale by retail of alcohol (off the premises) and opening hours be amended to Monday to Sunday 07:00 to 23:00 and the late-night refreshment (outdoors) be withdrawn from the application.

The Applicant had also indicated that there would be no deliveries from the premises and deliveries in respect of the sale of alcohol. They also wished to replace the operating schedule of the application, a copy of which was circulated to all parties at the hearing. Both parties were in agreement with the revised operating schedule.

Members were advised of the options open to them.

Councillor L Brown expressed concerns at the late mediation.

There were no questions of the Licensing Team Leader.

Sgt C Dickenson spoke on behalf of Durham Constabulary and indicated that they had made contact with the Applicant on the 12 March 2024 to discuss some conditions and their concerns regarding the application. However, they could not agree at this stage. She explained that they did not receive any further contact from the Applicant until yesterday afternoon whereby they wanted to discuss changing the details of the application. She continued that what was suggested to her today were not put to her yesterday afternoon. She did suggest at that time that they run the business so that they could see

it as an established business as the shop had been closed for almost two years that was closed under a Closure Order due to the selling of illicit tobacco products, so they did have concerns as it was not an established business. It had been suggested not to continue with the application and operate under a Temporary Event Notice, whereby they could see the business operating and they could sell alcohol under a Temporary Event Notice and then request a Premises Licence. The Applicant had then approached her today and they had agreed the circulated conditions that would alleviate the concerns of Durham Constabulary.

In response to a question from Councillor D Brown, Sgt C Dickenson indicated that they had concerns around the hours in particular 24 hours opening and the sale of hot foods and deliveries as there was a risk around challenge 25 and deliveries to children and intoxicated people. There were no conditions offered at the original meeting on the 12 March 2024 to alleviate these concerns. She confirmed that Durham Constabulary were happy with what had been put forward by the Applicant.

Mr N Suresh, the Applicant's Agent was then invited to address the Sub-Committee and apologised for the late mediation. He stated that they understood the concerns of Durham Constabulary and amended the application to mediate their concerns. He continued that the Applicant knew the area and had been working in both Sunderland and Durham and stated that it was a family business. Durham Constabulary were concerned around the size of the premises, and he explained that the premises had now been expanded and was now double the size and indicated that it would be a Premier store and alcohol would only be a small part of the premises. He stated that they had accepted the conditions and operating schedule to promote the licensing objectives.

There were no questions of the Applicant or his agent.

All parties were given the opportunity to make any final comments. At 2.00 pm Councillors D Brown, L Brown and E Waldock **Resolved** to retire to deliberate the application in private. After re-convening at 2.15 pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Corporate Director of Neighbourhoods and Climate Change and the verbal and written representations of the Applicant and Durham Constabulary. The Committee had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the Premises Licence be granted subject to the following mediated terms and conditions:

Opening hours Monday to Sunday 7am to 11pm
Supply of Alcohol (off the premises) Monday to Sunday 7am to 11pm
No Late Night Refreshments
No alcohol deliveries

The Sub-Committee agreed to remove the original Operating Schedule and replace with the Mediated Conditions and Operating Schedule referred to as **Annex 2 Crown Express Chester le Street** and as set out below:

Annex 2 conditions to promote the following terms: -

The licensee will ensure there are sufficient competent staff on duty for the purpose of fulfilling the terms and condition of the premises licence and with regard to the four licensing objectives: - Prevention of crime and disorder, Public Safety, Prevention of public nuisance and Protection of children from harm.

All staff shall be fully trained to perform their role including appropriate precautions to prevent the sale of alcohol to persons under the age of 18. They will also be trained in the contents of the premises licences including times of operation, licensable activities, and all conditions.

Staff will be trained regarding, the signs and symptoms of drunk persons and the refusal of sale due to intoxication.

Alcohol not to be sold in open containers or dispensed into any other container other than original sealed vessel supplied by the manufacturer.

Refresher training will be carried out every 6 months and all training will be recorded in a register. The register will be made available to the Police or an authorised officer of the local authority upon request.

A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.

Off sales will not include the delivery of alcohol, either as part of a package of goods or as an individual sale.

A digital CCTV system will be installed and in operation at all times, it must be operated by properly trained staff. The licence holder to provide USB Flash Drives to download footage as requested by relevant authority. The data should be in the native file format to ensure that image quality is not lost when making a copy. If the format is non-standard, then software to be provided to ensure the video can be replayed by the police or relevant authority.

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, to the police or relevant authority for inspection on request.

The Premises will have CCTV cameras showing internal and external areas. The CCTV system will cover the inside and outside of all exits and entrances to the premises, this is to include any rear doors, yards, or outbuildings which are attached to the premises, **the point of sale and any fridges or displays containing alcohol which the public have access to.**

Cameras on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises capable of identification.

Cameras overlooking the floor areas should be wide angled to give an overview of the premises, capable of confirming an incident of crime.

A monitor is to be sited to review images and recorded picture quality.

The system will display, on any recording, the correct time and date of the recording. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. **A weekly log will** be maintained to check that the CCTV is in full working order, any faults to be recorded at the earliest opportunity and rectified within 14 days. Signage to be displayed in prominent positions that CCTV is in operation.

The premises licence holder will ensure that an **age verification policy (Challenge 25)** will apply to the premises whereby all staff 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 photographic identification, before being sold alcohol.

As part of such a scheme a register of refusals shall be maintained and kept up to date. **The refusal register** will be kept and endorsed after every sale refused this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales). The register will be available for immediate inspection by Police or authorised officers of the local authority upon request.

All sales tills shall prompt the cashier making a sale of age verified products to confirm the customers age is 18 or over.

Identification accepted limited to being in the form of a valid passport or valid photocard driving licence. Signage informing customers of the age

verification policy operated at the premises shall be displayed in prominent position. Staff training will include recognising Fake ID's.

An incident book/register shall be maintained to record: all incidents of crime and disorder occurring at the premises; details of occasions when the police are called to the premises. This book/register will be available for inspection by a police officer or other authorised officer on request.