

DURHAM COUNTY COUNCIL

At a Meeting of **Special Statutory Licensing Sub-Committee** held in Committee Room 1A , County Hall, Durham on **Thursday 14 September 2023 at 9.30 am**

Present:

Councillor L Mavin (Chair)

Members of the Committee:

Councillors J Blakey, J Griffiths and C Hunt

Also Present:

Councillor J Howey - Local Councillor

Councillor G Richardson – Local Councillor

H Johnson – Licensing Team Leader

J Langley – Solicitor (Litigation)

Mr R Rasalingam – Applicant

Ms J Gilliead – Applicant’s Agent

Other persons in opposition:

Mr I Carter

Mr H Jeffrey

Mr P Dover

Ms C Dover (Also speaking on behalf of Mr and Mrs Clarke)

Ms E Curran

Mr I Royston – Staindrop Parish Councillor

Ms J Mashiter – Clerk Staindrop Parish Council

Ms F Jeffrey (Also speaking on behalf of Mr D Holt and Mrs C Holt)

Ms L Cronin

1 Apologies for Absence

There were no apologies.

2 Substitute Members

There were no substitutes.

3 Declarations of Interest

Councillor J Howey declared that she was a member of the Statutory Licensing Sub-Committee but was acting as a local member.

4 Application for the grant of a Premises Licence - The Laurels, 2 Central Buildings, Staindrop, Darlington, DL2 3JL

The Chair welcomed everyone to the meeting and introductions were made.

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 The Laurels, 2 Central Buildings, Staindrop, Darlington, DL 2 3JL. A copy of the application and location plan had been circulated together with the details of the representations received (for copy see file of minutes).

The Licensing Team Leader informed the panel that the application had been submitted by the applicant's agent. The consultation period concluded on 18 August 2023 after 28 days. The process took longer than anticipated as there had been an issue with the advert that meant that the consultation period had to be extended a further 28 days. During the consultation period the Licensing Authority received 28 objectors to the application from other persons and one representation in support. At the date the report was published two objectors had withdrawn leaving 26 to be considered. Responses were received from Durham County Councils Environmental Health, the Durham Safeguarding Children Partnership, County Durham and Darlington Fire Safety Authority and Durham Constabulary all confirming they had no comments to make regarding the application. The applicant had tried to address concerns by volunteering to reduce the operating hours by one hour from that stated on the application.

The Licensing Team Leader advised that the premises had planning permission but as it was a Grade II listed building any changes made would need planning approval. She noted that additional information had been received from Ms Jeffery who lived next door to the property, the Parish Council and the applicant. The options available to the panel were cited in the report.

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

Mr Royston was apprehensive that the floor plan submitted did not reflect the actual premises. He specified that there were no doors marked on the plan that made it difficult to work out the proposed layout of the shop.

The Licensing Team Leader confirmed that the floor plan submitted was sufficient for the Licensing application.

Councillor Howey expressed concern if the main access door to the shop was the door leading on to the main road as this road was extremely busy and there may be safety issues.

Ms Gilliead clarified that the applicant had received the floor plan from an architect in connection with the sale of the premises and had assumed it was correct. Mr Rasalingam was still in discussion with Planning over the layout of the shop.

The Licensing Team Leader listed several things that should be shown on the plan that would be required as part of the Licensing application.

Councillor Howey was alarmed that the plan did not show half the items it should. This was evidenced through the images that Ms Jeffrey had submitted that showed the interior of the building.

At 9.55am the Chair, Councillor Mavin agreed to adjourn the meeting for the panel to seek advice from Legal and the Licensing Team Leader to determine whether the meeting should proceed or if it should be deferred to obtain all the relevant information.

After reconvening at 10.20am it was decided that the meeting was able to proceed. The Licensing Team Leader explained that the floor plan submitted illustrated what was proposed for the interior of the shop. The plan was to illustrate what floor area within the premises would be covered by the licence. It was not required to grant a licence as she stated as an example that a licence could be submitted even though a building it related to had not yet been built.

Councillor Blakey advised that the elements of the floor plan were a planning consideration and not for licensing to determine. She noted that both services were totally separate from one another and would require two separate decisions on each element.

The Licensing Team Leader asked the applicant to amend the plan manually to show where the doors would be located and the areas identified as stock rooms that she then showed to everyone in the committee.

Ms Gilliead confirmed that the main door would lead on to the main road and would stay where it was.

The Licensing Team Leader replied to Mr Royston that if the Licence was granted an updated plan would be requested from the applicant.

Ms Jeffrey declared that the door in question had not been used as the main door when the Laurels was run as a café. The proposed door faced the front door of her property and would cause a major impact on her with ASB and noise issues.

Each objector in attendance was given their opportunity to make representation at the Sub-Committee to oppose the licence and everyone was given the chance to ask them questions.

Mr Carter expressed concerned that there were safety issues as the road was narrow outside the shop with a bus stop that would cause visibility issues for people including children and young people crossing the road. It would be dangerous when deliveries were made as cars sped through the village at 60 miles per hour. He opposed the granting of the licence to protect young people from the sale of alcohol and vapes from the shop. He thought that there was already sufficient provision in the village. He stated that the Spar had changed its opening hours to deter ASB that had occurred with young people vandalising the park. The proposed building was in a conservation area in the historical village of Staindrop and he had heard rumours that more double yellow lines would be instated near the shop that would cause further parking issues and was doubtful that the Police would monitor the situation.

Ms Gilliead queried if there had been any road safety elements negotiated with traffic management for the area including the request for double yellow lines.

Mr Carter indicated that a zebra crossing had been requested but was not deemed a major issue. He noted that double yellow lines had been requested by the Parish Council and had been instigated next to the bus stop.

Councillor Richardson confirmed that there was a proposed traffic scheme being developed for the village that was to be funded through the Town and Villages fund and would be instigated soon.

Mr Jeffrey indicated that young people congregated in the play area as it was secluded and cut off from observation in the evenings. This had led to alcohol related ASB with fences and play equipment destroyed, animals being hurt or killed and lots of litter. It was thought that it was 18-year-olds buying the alcohol for the young people. His property was near to the play area and the noise from the young people made it difficult to sleep. He noted that the Spar had modified their operating hours voluntarily that had greatly reduced the problem. He was not sure if it was acceptable to ring the Police or to deal with the ASB directly when it occurred.

The Licensing Team Leader questioned whether the ASB was still ongoing.

Mr Jeffrey responded that the ASB was not as bad since the Spar had modified its opening hours but when young people were drinking in the park it was very noisy with loud behaviour as they got over excited and caused damage to property. He felt that a shop next door selling alcohol would affect him considerably.

Ms Gilliead queried whether Mr Jeffrey believed the proxy sales of alcohol by someone over eighteen occurred in the Spar.

Mr Jeffrey believed at one time the proxy sale took place in the Spar but since they had reduced the hours this had abated the problem. He found the concept of the Premier shop being open until 10pm most concerning.

Ms Gilliead stated that in the past the licence for the Laurels as a restaurant was for the sale of alcohol both on and off site up until the hours of 12am and 1am.

Mr Jeffrey felt that it was disingenuous that the Laurels sold alcohol off site and only sold alcohol when it served food.

The Licensing Team Leader responded to Councillor Hunt that it would be Trading Standards who would test purchase with the police and then come back to committee.

Ms Cronin commented that she owned the Spar in the village and she had never knowingly made a proxy sale of alcohol and had prevented a few underage sales on several occasions.

Mr Jeffrey stated that the Spar had a proven track record regarding the control of activities but the new premises under unknown management was a risk.

Ms Dover spoke on behalf of Mr Dover (present) and Mr and Mrs Clarke (not present). She did not think the village required another premises selling alcohol as it had three at present. She was unsure how the new store could be profitable as there were three main things that made a shop profitable - selling alcohol, selling vapes and selling food and coffee to go. She thought if the shop could not sell alcohol it would not make a profit.

A shop would encourage young people to sit at the seated area on the green leaving litter. She believed the shop would jeopardise jobs at the Spar as there was not enough footfall to sustain two shops. The shop would rely on passing traffic that would cause parking issues at North and South Green.

Ms Dover thought customers would park at the rear of the shop that would cause access issues for residents and the cobbled area was a through road and was not for parking. She was averse to the corporate branding being added to the Grade II listed building that was in a conservation area. There was lack of support for the shop and the letter of support received was from a resident at the far end of the village that would not be affected.

Ms Gilliead felt that the additional bin offered would help the litter issues.

Ms Dover responded that if young people were not bothered about dropping litter another bin would not solve the issue.

Ms Curran reiterated the safety issues in trying to cross the road near the shop if buses were parked at the bus stop that left no gaps to cross safely. Parked buses caused road blockages at the Green as this had been reduced to a single carriageway due to the reinstatement of the green and was on a blind corner. She stressed that Stainton was a village with historical value and the proposed building was in a central and prominent position. People moved to the village for the sense of community and everyone was welcomed. She was saddened that the shop would take over the building with no consideration or sensitivity to the people who lived nearby. People who came to the shop would have a carefree attitude to parking and would block access blaring music and would wake nearby residents. The Laurels was in a conservation area and had no sound proofing and she therefore wanted to preserve the quality of life for residents along with their safety in opposing the licence.

Mr Royston repeated Councillor Richardson's comment that there was a traffic scheme being investigated for the village that would include traffic calming measures, activated signs, a reduction in the speed limit and potentially a zebra crossing. He advised that the comments regarding double yellow lines had not come from the Parish Council. He stated that there had been £50,000 worth of damage caused to the play area through ASB that resulted in the Police prioritising the village with their presence. He had submitted photographs that had been taken at night to show that after a certain time Stainton did become quiet and calm.

This would be spoilt by a busy off-licence in the middle of a conservation area. There would be the additional nuisance of parking and the Green was not suitable for parking as it was protected land. He hoped the steep price of alcohol may act as a deterrent and CCTV being added to the exterior of the premises would spoil the aesthetics of the building.

Ms Gilliead questioned whether there had been an issue with parking whilst the Laurels was being ran as a restaurant and café and whether it was people passing through the village or residents who frequented either business.

Mr Royston stated that parking had always been a massive issue. He thought that it had been residents using the café and it had been very popular with cyclists.

Councillor Howey used the road that ran outside the Laurels on a regular basis and she had also found issues with double parking that created blockages when a bus was parked at the bus stop. She felt using the main door that exited onto the main street a safety issues as that was the narrowest part of the village. She had found that some young people causing ASB were not from the village but had a huge impact on the amount of vandalism that had been caused. She remarked that the Spar employed local people who knew most of the young people that deterred the underage sale of alcohol. She had submitted photographs that showed the inconsiderate parking in the area.

Councillor Richardson reiterated all the comments from the objectors. He felt that the amount of honest trustworthy residents voicing their concerns was a testament that granting the premises licence would not be a good idea.

Ms Jeffrey was also speaking on behalf of Mr and Mrs Holt (not present) who had highlighted concerns over traffic and parking that had already been mentioned. On behalf of herself she informed the sub-committee that she lived directly next door to the Laurels and would find the premises as a shop very inconvenient with customers potentially trying to get into her property by mistake and she feared for the welfare of her children. She felt the proposal to have the counter near the shop door would create a noise nuisance. She noted that the restaurant had been closed for over twenty years and the café closed for seven years and felt as a shop it would create more traffic as Staindrop was a popular village to visit.

Ms Cronin explained that she was the owner of the Spar and had tried to segregate her objections from her business. She was concerned about parking, the movement of traffic and congestion on the busy main road. She felt there were safety issues for people crossing the road due to obstructions and accessibility. She stressed that the Spar had been active for 20 years and had not encountered a proxy sale as staff were fully trained. The reduction in her opening hours had reduced the ASB in the village but if the Laurels was licenced to sell alcohol it would increase that risk in the village.

The Licensing Team Leader checked the licensing hours for the Spar and found that it was an old-style licence and allowed the sale of alcohol until 11pm. Although Ms Cronin had reduced her opening hours voluntarily if the licence was transferred to someone else they could sell alcohol until 11pm. Ms Cronin declared that she would never do that.

Mr Ferguson tried to make representations but as he had not registered to speak the Licensing Team Leader explained to the panel that he was not allowed to do so.

Ms Gilliead addressed the sub-committee on behalf of her client Mr Rasalingam. She gave some background to Mr Rasalingham stating he was a family man with a young child. Since purchasing the Laurels his intention was to be a part of the community and to make the village his home by living in the flat above. He had registered his child for a place in the local school. He had fifteen years experience in the industry and had been a duty manager at Tesco's in London for five years. He also ran a successful shop in Spennymoor. He had all the policies in place for the new shop and had voluntarily reduced the hours by one hour and had agreed to site an additional litter bin in the area. He proposed to open the shop with or without the premises licence as he was financially invested. He was more than happy to try to put things in place to alleviate concerns. He could not address the speeding issue but would do everything possible not to put the licence in jeopardy if he was successful.

Ms Gilliead responded to the Licensing Team Leader that the applicant would open the shop regardless to whether his application was successful or not. If successful the applicant was willing to reduce the number of hours of the sale of alcohol.

There was confusion as to whether Ms Jeffrey had been introduced to the new owner by the seller as she had not met Mr Rasalingam. Councillor Mavin confirmed that Mr Rasalingam was the buyer and it was possible Ms Jeffrey had met a family member instead when introductions were made.

Ms Dove queried if the shop was to be branded as a Premier Store and could not understand why the applicant wanted to open a shop in the village if there was a possibility it would not be profitable.

Ms Gilliead responded that it would potentially be a premier store but it was Mr Rasalingam's choice to go with their branding. She felt that the question around profitability and Mr Rasalingam's reasoning to open a shop in the village were not relevant.

Councillor Howey questioned where Mr Rasalingam would unload deliveries as there was not much space outside the shop and there were safety issues due to the horrendous traffic on the main road. She queried whether he would remove the plant pots.

Ms Gilliead responded that Mr Rasalingam intended to park near to the shop to unload from his small van and may remove the plant pots if necessary. He understood all the concerns raised and would do everything possible to accommodate. He agreed to add signs to discourage customers from parking outside the shop. She replied to Ms Dove's question that if the licence was granted until 9pm then the shop would close at 9pm.

Mr Royston, queried what Mr Raslingam would consider to alleviate the ASB issues when selling alcohol.

Ms Gilliead confirmed that Mr Raslingam was aware of his responsibilities and would support Challenge 25, train staff, install CCTV as it made sense to alleviate problems to maintain the licence if granted.

Ms Curran questioned Mr Raslingam's commitment to the village.

Mr Raslingam confirmed that had enrolled his child into the local school as he wanted his child to grow up in a good community. He responded to Ms Jeffreys comment that he would be approachable to residents who suffered noise pollution and ASB. It was not in his remit to soundproof the shop given that residents had single glazed windows but would try to appease things as best he could.

The Licensing Team Leader explained that Durham County Council's Environmental Health team would help with any noise issues however as a responsible authority they had been consulted and had no comments to make on granting the premises licence.

Councillor Mavin responded that there would be no further questioning of Mr Raslingam on his commitment to the village as she believed he was steadfast in his approach to the shop, wanted to be part of the community and to build a life for himself and his family in the village.

Mr Royston did request that Mr Raslingam liaise with the parish council on a regular basis to which Mr Raslingam agreed he would.

Councillor Blakey suggested that the applicant reduce the hours to be like the voluntary hours operated by the Spar.

Ms Gilliead agreed that the applicant would be considerate of Councillor Blakey's suggestion to reduce the operating hours of the shop. She responded to the location of the signage query and confirmed that the sign would be placed on the side of the building where the original sign was for the café and not at the front. She noted that although the applicant had chosen to open a Premier store the branding of the shop was entirely up to Mr Raslingam however he would not be following suit as stated in the written objection by Ms Curran of 'piling it high and selling it cheap'.

The Licensing Team Leader asked residents of Staindrop if there had been any objection to the Laurels when it had opened as a restaurant. They replied that they were unsure as they were not present when it opened.

Ms Jeffrey responded that there would have been less impact when the Laurels operated as a café than a shop as its opening hours were only 10am until 3pm.

All parties were asked to sum up.

At 12.28pm The Committee consisting of Councillor L Mavin, Councillor C Hunt and Councillor J Griffith **Resolved** to retire to deliberate the application in private. After re-convening at 12.38pm the Chair delivered the Sub-Committees decision.

In reaching their decision the Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change, verbal and written representations from the parties including additional information that was supplied by the Applicant and Objectors and responses from the responsible authorities listed in the report. Members also considered Durham County Councils Statement of Licensing Policy and the Revised Guidance issued under Section 182 of the Licensing Act 2003.

Resolved:

That the application for the Premises Licence be granted subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003 and restrictions placed on the operating hours.