

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 20 December 2016 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors I Jewell, B Kellett and P May

Also Present:

K Robson – Senior Licensing Officer

K Coulson-Patel – Solicitor, DCC

McColls, Evenwood

Mr B Holland – Applicant's representative

Mr M Johnson – Area Manager and DPS

Bridge End Garage, Howden-le-Wear

Mr Saggu – Applicant's representative

Mr T Middleton – Operations Manager

1 Apologies for Absence

Apologies for absence were received from Councillors J Lee and A Hopgood.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meetings held on 29 July, 16 August, 6 September and 4 October 2016 were agreed as a correct record and were signed by the Chairman.

5 Application for the Grant of a Premises Licence - Next Door, 67 Saddler Street, Durham

Members:

Councillor C Carr (Chair)

Councillors I Jewell and B Kellett

The Committee considered a report of the Corporate Director Adult and Health Services regarding an application for the grant of a Premises Licence in respect of Next Door, 67 Saddler Street, Durham (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members. The Senior Licensing Officer advised that since the report had been circulated conditions had been agreed by mediation between the Applicant and the objectors, a copy of which had been provided to the Sub-Committee. The applicant and objectors were not in attendance.

In considering the mediation the Chairman sought clarification with regard to additional condition 8, and the capacity and dimensions of the building. Members therefore requested that consideration of the application be deferred.

Resolved:

That the application be deferred.

6 Application for the Variation of a Premises Licence - McColls, 1-2 Shirley Terrace, Evenwood, Bishop Auckland

Members:

Councillor C Carr (Chair)
Councillors B Kellett and P May

The Committee considered a report of the Corporate Director Adult and Health Services regarding an application to vary the Premises Licence in respect of McColls, 1-2 Shirley Terrace, Evenwood (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members. The Senior Licensing Officer advised that the application was for off sales only.

In response to a question from the Chairman, the Senior Licensing Officer confirmed that the Police had been consulted on the application as a Responsible Authority and had not made representation.

B Holland addressed the Sub-Committee on behalf of the applicant Martin McColl Ltd. He explained that the company was one of the largest convenience store operators in the UK, with over 950 licensed premises, the majority of which were licensed to sell alcohol between the hours of 06:00 and 23:00. The Group had grown and between 50 and 60 new stores were now opening every year. The premises at Evenwood had been acquired from the previous owner a few weeks earlier and therefore the problems referred to in the representations received from other persons were likely to relate to the former operator.

McColls was a newsagent chain, hence the early opening hours. Arrangements had been made with suppliers for deliveries to be made after 7am and discussions had taken place with a Senior Environmental Health Officer in relation to noise.

The application was for the sale of alcohol from 06:00 and this was to allow customers such as shift workers, who shopped at different hours, to purchase alcohol with their newspapers. Apart from spirits which were located behind the counter, alcohol was displayed on open shelving within the store and it would be difficult to conceal or prevent selection if the premises were not licensed from the opening hour.

Mr Holland referred to the comments made by the Parish Council at page 99 in the report that the current licensing hours were incorrect, and stated that these had been quoted from the previous licence.

Mr Holland addressed the concerns made by objectors. Traffic issues were not matters for the Licensing Sub-Committee, however notwithstanding this, McColls were experienced with dealing with concerns of this nature. Any problems associated with noise and youths congregating outside the premises would be taken seriously as they wished to maintain a good relationship with neighbours. Mr Holland noted the comments of Mr and Mrs Smith who were not in attendance, but was of the view that their concerns related to the previous management of the premises.

Addressing the licensing objectives 'Prevention of Crime and Disorder' and 'Prevention of Public Nuisance' Mr Holland referred Members to the proposed conditions in the operating schedule relating to the CCTV system, Challenge 25 and staff training. Environmental Health had not requested that additional conditions be placed on the Premises Licence. He also made the point that the Police had not made representation.

In conclusion Mr Holland stated that the applicant sought to have the seasonal restrictions in relation to Christmas Day and Good Friday removed.

In response to a question from Councillor Carr about the floor area designated for the sale of alcohol, Mr Holland explained the layout of the shop floor and agreed to supply a plan showing exact dimensions.

Councillor Carr noted that CCTV would not be accessed immediately on request and was informed that there may not be a member of staff on the premises at the time of request to download the images. However arrangements would be made for a person qualified to operate the CCTV system to attend as soon as practically possible. Following a request for clarification from Solicitor K Coulson-Patel, Mr Johnson the Area Manager confirmed that images could be viewed immediately on request and the system had the capacity to take screen shots. The Solicitor asked if the location of the CCTV cameras could be included in the plan of the shop layout to be provided by the applicant.

Following a further comment from Councillor Carr, Mr Holland confirmed that the applicant would ensure that an incident book was completed by all staff.

In response to a question from Councillor May, the Sub-Committee was informed that there was one other store 600m away.

Councillor Jewell asked about the CCTV system and the size of delivery vehicles, and was informed that there was one camera located to the front of the premises with between eight and twelve positioned inside. Mr Johnson explained that they did not have any control over the size of delivery vehicles.

Councillor Carr suggested that an additional CCTV camera be placed at the rear of the premises where deliveries were made which may allay the concerns of residents about the congregation of youths, and also the potential for underage sales by proxy.

Councillor Carr invited all parties to sum up. There were no further comments and the Sub-Committee retired to deliberate the application in private at 10.45am.

After re-convening at 11.05am the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, the verbal and written representations of the applicant's representatives and the written representations of other persons. Members 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 application to vary the Premises Licence be granted as follows:-

Activity	Days & Hours requested
Sale of Alcohol (off sales)	Monday to Sunday 06:00 to 23:00 hours
	Christmas Day 09:30 to 15:00 hours

The Sub-Committee considered the conditions suggested within the Operating Schedule of the application and believed it was necessary and proportionate to impose the following conditions upon the licence as detailed in the Applicants application for variation and those offered to the Sub-Committee as follows:

General - all four licensing objectives

- a) The premises will be managed in line with the four licensing objectives and government legislation.
- b) All spirits and high value alcohol will be located behind the serving counter and out of reach of customers.

The prevention of crime and disorder

- c) The CCTV system will be in operation at the premises and recorded images shall be retained for a period of 28 days.

- d) Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas where the sale/supply of alcohol occurs.
- e) The data controller will make available when requested to do so by the Police or an authorised officer of the Council (in line with the Data Protection Act 1998), downloads of the CCTV footage immediately and where not immediately within 48 hours of the request.

Protection of Children from Harm

- f) Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. This includes the prevention of underage sales, the 'Challenge 25' policy, proxy sales, acceptable ID and intoxicated customers. Training will be documented and made available to the Police and authorised officers of the Council upon reasonable request. Refresher training will take place at least every six months.
- g) A register of refusals of alcohol, and of incidents occurring on the premises, will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/DPS. The register will be made available for inspection by the Police and other authorised officers of the Council upon reasonable request within 48 hours.
- h) The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.
- i) Posters will be on display advising customers of the 'Challenge 25' policy.
- j) The only forms of identification that will be accepted at the premises are passport, photo-card driving licences and cards bearing the 'PASS' hologram.
- k) A till prompt system will be in operation at the store and used for the refusal of all age restricted products.

7 Application to Vary a Premises Licence - Bridge End Garage, Bridge Street, Howden-le-Wear, Crook

Members:

Councillor C Carr (Chairman)
Councillors I Jewell and P May

The Committee considered a report of the Corporate Director Adult and Health Services regarding an application to vary a Premises Licence in respect of Bridge End Garage, Bridge Street, Howden-le-Wear (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members, together with additional information provided by the applicant. Members were also provided with a larger scale plan of the floor area of the premises.

In response to a question from Councillor Carr, the Senior Licensing Officer confirmed that the Police had been consulted on the application as a Responsible Authority and had not made representation.

Mr Saggi addressed the Sub-Committee on behalf of the applicant. He explained that Bridge End Garage already had a Premises Licence and the applicant wished to extend the operating hours in response to business needs. KSC Worldwide Ltd had four other sites which traded 24 hours and was therefore experienced in managing premises of this nature, adhering to statutory guidelines and best practice. The applicants prided themselves on staff training which was reviewed regularly. He felt that KSC Worldwide had a robust and responsible approach to their existing licence.

In response to questions from Councillor Carr, Mr Saggi advised that the areas where alcohol was stored would be secure and the doors would be closed from 10pm each night; sales would be made through a night serving hatch after this time. The front of the store would be lit and the only lighting to the rear of the store would be from the chilled cabinets. There were four cameras located in the shop and an additional camera would be located in front of the night hatch. Cameras were also installed on the forecourt. Councillor Carr asked that the cameras be marked on the site plan.

Currently CCTV footage was retained for 16 days but this would be extended to 28 days. All staff were trained in the operation of the CCTV system and to download the data onto disc.

Incident books were kept at all sites and an example had been submitted with the additional information provided. Councillor Carr noted that only refusals were recorded and asked that staff be asked to record incidents as well. Mr Saggi agreed to take this on board.

In response to a question from Councillor Jewell about training, Mr Middleton, the Operations Manager outlined the 'buddy programme' for new staff. Councillor Jewell referred to the sample training questionnaires used by the company which he felt were superficial and not robust enough to test an employee's knowledge and understanding. This view was shared by Councillor Kellett. Mr Middleton explained that the questionnaires were devised by a professional who trained Designated Premises Supervisors but welcomed the advice of the Sub-Committee as they were seeking to continue to improve and employ best practice.

Following further questions from Councillor Carr, the Member was informed that alcohol would not be sold after 10pm until the hatch was fitted, and there had been no incidents previously before 10pm. Representations had inferred that there had been incidents with regard to the sale of alcohol but Mr Saggi advised that he was not aware of any related to the garage which had not been contacted by any authorities, including the Police in this regard.

Councillor Carr asked for the proportion of alcohol sales against fuel and food. Mr Middleton explained that this depended upon the site location. At present alcohol represented 15% of the total sales across all stores but he could not provide the information specifically for Bridge End Garage until the store extended its hours of operation. Foodstuffs would also be on sale 24 hours.

Councillor Jewell noted that this was a change to operations in a rural location and asked if a feasibility study had been carried out. Mr Saggu confirmed that a formal study had not been undertaken but their decision to make application to vary the Premises Licence had been based on anecdotal discussions with customers and on there being no other facilities in the local area that offered a 24 hour service.

In summary Mr Saggu stated that as a business KSC Worldwide had always tried to operate responsibly and sensibly within the licensing legislation. There were challenges for all forecourt operators and if granted the variation to the Premises Licence would extend what was already offered. He assured the Sub-Committee that the business would be managed responsibly to minimise the impact on neighbours and the local community. The garage was proud to be part of the community and were willing to accept conditions proposed by the Sub-Committee.

At 11.55am the Sub-Committee retired to deliberate the application in private. After re-convening at 12.10pm the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, the verbal and written representations of the applicant's representatives, and the written representations of other persons. Members 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 application to vary the Premises Licence be granted as follows:-

Activity	Days & Hours requested
Sale of Alcohol (off the premises)	Monday to Sunday: 00:00 – 24:00hrs

The Sub-Committee considered the existing conditions and the suggested conditions. The Sub-Committee believed it was necessary and proportionate to impose the following conditions upon the licence:

General - all four licensing objectives

- a) The premises will be managed in line with the four licensing objectives and government legislation.

The prevention of crime and disorder

- b) The CCTV system will be in operation at the premises and recorded images shall be retained for a period of 28 days.

- c) Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas where the sale/supply of alcohol occurs.
- d) The data controller will make available when requested to do so by the police or an authorised officer of the Council (in line with the Data Protection Act 1998), downloads of the CCTV footage immediately and where not immediately within 24 hours of the request.
- e) A register of refusals of alcohol, and of incidents occurring on the premises, will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/DPS. The register will be made available for inspection by the Police and other authorised officers of the Council upon reasonable request.

Public safety

- f) Between the hours of 22:00hrs and 06:30hrs the premises will be closed to the public and all sales will take place via the serving hatch.

The prevention of public nuisance

- g) A notice will be on display asking customers to respect the neighbours when leaving the premises.

The protection of children from harm

- h) The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.
- i) Posters will be on display advising customers of the 'Challenge 25' policy.
- j) The only forms of identification that will be accepted at the premises are passport, photo-card driving licences and cards bearing the 'PASS' hologram.
- k) Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. This includes the prevention of underage sales, the 'Challenge 25' policy, proxy sales, acceptable ID and intoxicated customers. Training will be documented and made available to the Police and authorised officers of the Council upon reasonable request. Refresher training will take place at least every 12 months.
- l) A till prompt system will be in operation at the store and used for the refusal of all age restricted products.