

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2 - County Hall, Durham on **Tuesday 13 November 2018 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors D Bell, D Brown and C Hampson

Also Present:

S Grigor – Council’s Solicitor

K Robson – Senior Licensing Officer

Mr A Singh - Applicant

Mrs B Kaur – Applicant’s Wife

Mr S Edwards – Representing the Applicant

PCSO A Guest – Durham Constabulary

Mr S Drabik – Durham Constabulary

1 Apologies

Apologies for absence had been received from Councillor P Atkinson.

2 Substitute Members

There were no substitute members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 24 September 2018 were agreed as a correct record and signed by the Chairman.

5 Application for the Grant of a Premises Licence - Shergill Stores, 24 Front Street, Sherburn Village, Co Durham

Members: Councillors C Carr (Chairman), D Brown and C Hampson

The Committee considered the report of the Corporate Director, Regeneration and Local Services regarding an application for the grant of a premises licence in respect of Shergill Stores, Sherburn Village (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with copies of the representations received and responses from responsible authorities.

The Durham Local Safeguarding Children Board mediated with the applicant and agreed additional conditions, a copy of which had been circulated.

The Senior Licensing Officer presented the report and advised Members that 10 letters of representations were received, 3 were from residents in support of the application and the remaining 7 letters were received from Durham Constabulary, Councillors and residents opposing to the application.

A response not amounting to a representation was also received from Durham County Council Planning Department which had been forwarded to the applicant.

Responses were received from Durham County Council Environmental Health Department and County Durham Fire Authority confirming that they had no comments to make in relation to the application.

PCSO A Guest on behalf of Durham Constabulary indicated that they were objecting to the application on the grounds that the proposal could create a public nuisance. Mr S Drabik from the Alcohol Harm reduction Unit would outline the reasons for their objection.

Mr S Drabik indicated that Durham Constabulary were concerned of the location of the proposed off licence which was on the retail edge of the village. He referred to the location plan on page 11 and that most of the retail units were located across the road with one other retail unit next door to the proposed premises.

Durham Constabulary were concerned that the change of use would attract more people to the premises and the nature of the premises was going to be a booze cabin which offered cheap alcohol. There were already 2 off licences in the village and to draw business to the new premises they would probably offer discounted alcohol. If alcohol was sold cheap this would draw people into the village from other areas. He referred to the issues at Sedgefield where large groups of youths were roaming the streets which creates the fear of crime. There was already plenty of provision in the village with 2 off licences and they were of the opinion it would not be viable so would offer discounted alcohol. Parking was also a concern, there was parking on the main street but they were concerned if people parked outside the premises this would create an inconvenience and potential enforcement issues.

The Chairman stated that their concern was parking and youths.

Mr Drabik responded that there were terraced houses next to the premises and the premises licence would affect the amenity of those residents and the village.

The Chairman asked if they had difficulty with youths from other premises. Mr Drabik responded that they did not have any issues at the moment but they were concerned if alcohol was discounted it would attract people who would not normally shop in the village.

The Chairman then asked if anyone had contacted the police raising concerns and if they had issues with youths in other premises. Mr Drabik responded that residents had made representations and they supported their objections. They did not have any issues with current premises as the retailers were doing their job correctly and they had a grip on anti-social behaviour.

The Chairman then referred to parking and that a number of accidents had already taken place on the junction. Mr Drabik responded that this was not an issue at present as bollards had been erected and a keep clear sign was in place but there must have been a case for these measures to be put into place. They were concerned that a change of use of the premises would generate more footfall which was necessary to run the business but was not appropriate for the village.

In response to a question on the concerns of the location, Mr Drabik indicated that they were concerned of the location and the nature of the business, there was already 2 off licences in the village and a large Tesco store a short drive away and would query the need for another off licence in the village.

The Chairman referred to the potential difficulty with parking.

PCSO Guest responded that the area is all double yellow lines but an increase in footfall there could potentially be more illegal parking and more enforcement required and an increase in complaints.

Councillor Brown commented that parking was not a police concern. Mr Drabik responded that parking was a local authority issues but the police were often the first point of contact. A busy retail unit in the location was going to make a difference to parking and would be an issue. He did not know if there was a local demand for another off licence and if alcohol was sold at discounted prices this would attract people from surrounding areas and could cause issues and why they had raised an objection.

Councillor Brown commented that he had only heard concerns and not any facts. Mr Drabik responded that their objections were based on experience from other places and referred to the issues on Claypath.

The Chairman stated that their concern was a busy off licence where the road does not facilitate parking. PCSO Guest commented that the premises were on a busy roundabout and how could they enforce this.

Mr Edwards, speaking on behalf of the Applicant referred to the parking issues which Mr Singh was aware of and stated that there was a bakers next door where vehicles stopped every day and they had two designated parking bays to the front of the premises. The bakers closed at 4.30 pm and there was a village centre with a car park opposite which closed at 5.00 pm, so parking was available. There was no

evidence of accidents due to parking outside the bakery and the photographs of the damaged vehicle circulated with the papers, there was no evidence that it was connected with the bakery.

The premises was previously a chiropodist where a lot of people walked to and they hoped this would also happen with their unit and stated that they would do everything they could to ensure there was no illegal parking outside the unit. A lot of what has been said is on assumption but they did not intend to sell discounted alcohol and would be a specialist wine shop.

Mr Edwards then presented the Applicants case and indicated that they recognised they had made a mistake in calling the premises 'Booze Cabin' and was why they had changed the name and their intention was to have a high class retail unit with a range of wine and spirits and continental beers and snacks, which would be a bigger range than anyone in the village. The Co-op had not objected to the application nor had Environmental Health and they hoped that they had satisfied the fears of Durham Constabulary. The adjoining neighbour had also not raised any objections who would have had a reason to object.

He went on to say that Mr Singh had held a licence since 2003 and had not had a single blemish on his licence and he had been cooperative in every way. His child attended the local school and he was involved with community activities and there was nothing that would have a detrimental impact. They intended to have a friendly operation with no disturbances, Mr Singh has worked hard and not caused any waves or detrimental activity. Mr Singh was not looking to sell cheap alcohol just make a living. He had worked in Durham since the 1980's and had seen a lot of retailers come and go and property relies on people like Mr Singh taking a chance, without shops being occupied in villages and shopping centres premises decay and this property was an empty premises which was starting to go to rack and ruin. The premises would make a contribution to the village and Mr Singh would do everything in his power to comply with regulations.

The Chairman sought clarification if the premises were owned or leased and if they had improved the frontage and the rear of the shop. He also asked how often they intended to train staff and who would carry out the training.

Mr Singh confirmed that he owned the premises and improvements had been made. They would provide training every month and the system in store would flash up to remind staff of the challenge 25. They currently have four shops at different locations and they have never failed a test purchase. He and his wife would carry out the training as they had 10 years' experience and were qualified.

Mr Edwards commented that there would be every day training but official training would be delivered monthly.

The Chairman stated that usually an external trainer would be used initially which would be followed up with refresher training.

The Chairman then indicated that the preference would be for an incident book so that all incidents could be recorded and not just refusals. He then referred to the

cost of alcohol and how they did not intend to offer cheap alcohol but to be able to be competitive, he did not know how this could be achieved.

Mr Singh responded by referring to a shop he had in Washington where they offered wine from all over Europe, America and Asia and how there was a market for these wines as they are not sold in general stores and are sold in specialist shops.

The Chairman asked what the percentage of alcohol would be sold and if they intended to sell newspapers along with sweets and snacks.

Mr Singh responded that it would be 50% alcohol and the remainder would be snacks and sweets. They did not intend to sell newspapers and him and his wife would be in the shop with two permanent staff and they would close at 9.30 pm. Mr Singh provided details of the hours the staff would work.

Mr Singh then referred to the parking and indicated that there was a dropped kerb to the front of the premises with two parking spaces, he showed Members photographs of the parking available on his mobile.

The Chairman referred to advice from planning on page 39 of the report and asked if they applied for a formal change of use of the property.

Mr Singh responded that they had already made a planning application for the change of use and they had spoken to the conservation team in relation to the shutters, they would also install CCTV equipment and place a sign outside asking customers not to block the access.

The Chairman asked if there were sufficient CCTV cameras to cover the whole layout of the premises.

Mr Singh responded that there were initially going to install 4 CCTV cameras but this had been increased to 8, some of which would be external. Mr Edwards stated that if they could not install external shutters then they would have internal shutters.

Mr Drabik indicated that Durham Constabulary were not objecting to Mr Singh it was an off licence at that location.

The Senior Licencing Officer confirmed that a representation had been received from the adjoining property but was received after the consultation period, so was not part of the papers.

In summing up, Mr Drabik stated that he appreciated what had been said in relation to parking but this was an issue on a main road through a village and an off licence in this location was a concern.

Mr Edwards stated that the adjoining unit was a busy bakers, this property had been a retail unit in the past, they understood the concerns of Durham Constabulary but they were not going to add to the traffic which already existed and they would do their best to ensure the premises would not cause any problems.

At 10.55 am the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 11.10 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and the verbal and written representation of Durham Constabulary and the written representation 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 Premises Licence be granted as follows:

Premises Licensable Activities	Days & Hours
Supply of Alcohol (consumption off the premises)	Monday to Saturday: 11:00 to 21:30 hrs Sunday: 12:00 to 20:30 hrs
Opening Hours	Monday to Saturday: 11:00 to 21:30 hrs Sunday: 12:00 to 20:30 hrs

That the following mandatory conditions be imposed upon the licence:

- (i) There is an Incident Book used at the premises, which includes a refusals register where if a sale of alcohol is refused if a person appears intoxicated or appears to be under 18. The Incident Book is to be made available to the police on request.
- (ii) The initial training of staff to be organised through an external provider and ongoing refresher training to take place every month at the premises by the Licence Holder. Staff should be trained to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.
- (iii) Eight CCTV cameras to be installed at the property, one at the rear of the premises and one at the front of the premises.
- (iv) A Challenge 25 age verification policy is operated at the premises.
- (v) The applicant will work with the police to minimise the risk of proxy provision/proxy sales.

The Sub-Committee would like to make the following recommendations to the applicant.

- (vi) Advise customers who park in a dangerous position outside the premises that they should move their vehicle to prevent any obstruction to the highway.
- (vii) Advise that the applicant should install shutters at the property and work with the planning team to ensure that these should comply with conservation rules.