

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Thursday 25 June 2020 at 1.30 pm**

### **Present:**

**Councillor C Carr (Chair)**

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

Councillors P Crathorne, A Hopgood and L Marshall

### **Also Present:**

Mrs C Hazell (Council's Solicitor)

Ms H Johnson (Licensing Team Leader)

Mr R Arnott (Solicitor on behalf of Applicant)

Mr A Brown (Co-op Area Manager)

Mrs Webster (Other Person)

### **1 Apologies for Absence**

There were no apologies for absence.

### **2 Substitute Members**

There were no substitute members in attendance.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Application for the Grant of a Premises Licence - Co-op (Shildon Motor Company) Redworth Road/Dale Road, Shildon, Co Durham**

The Chair advised the Sub-Committee that himself and Councillors P Crathorne and L Marshall would be the members who would be deliberating the application today.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the grant

of a premises licence for Co-op (Shildon Motor Company) Redworth Road/Dale Road, Shildon (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.

The Licensing Team Leader was in attendance to present the report and outlined the recommendations contained in the report. Members were advised that the hearing could not be scheduled within the required 20 working days due to the Covid 19 crisis.

Mrs Webster, Other Person sought clarification on the sale of alcohol on a Sunday beyond the 6-hour trading hours. Mr Arnott the Applicant's Solicitor responded that this only applied to stores of a certain size and the Co-op would be below this size and the hours applied for mirrored those of their current store in Shildon.

There were no further questions of the Licensing Team Leader.

Mrs Webster was then invited to address the Sub-Committee and stated that her concerns were anti-social behaviour, customers served alcohol up to 11.00 pm every night of the year, 7 days a week. She then referred to the area before the bypass was built and the corner was an accident black spot and the premises would encourage more traffic to the area.

She then indicated that if the licence was granted could consideration be given to less hours as the Co-op currently in Shildon closed at 10.00 pm.

She indicated that the units were very close to the allotments that were well used as was the garage. People sometimes struggled to get out of the garage due to the volume of traffic and she felt these premises was going to make the traffic worse.

The Licensing Team Leader confirmed that the Co-op store at 18 Redworth Road, Shildon was licensed Monday to Sunday 6.00 am to 11.00 pm., but don't have to open for those hours, but were licensed for those hours.

Mrs Webster sought clarification if the car park was included in the licence and if people would be able to drink in their cars in the car park.

The Licensing Team Leader confirmed that the application was only for the actual store. Mr Arnott also confirmed that the licence did not apply to the car park.

Mr Arnott, the Applicant's Solicitor was then invited to address the Sub-Committee and explained that Mr Brown the Area Manager for the Co-op was also present to answer any operational issues.

He advised the Sub-Committee that the Co-op had 2500 stores, 78,000 people employed and were the world's largest co-operative with 8.2 million members.

It was proposed that the new store would open in October 2020 and the current store would close as the lease would expire in two years' time, so this was a wonderful opportunity to develop a new build store. The old store would be redeveloped but not by a rival type of business. The Co-op was a convenience store and only 15% of its turnover represented alcohol sales. They were a convenience store with alcohol as an ancillary part of it as you would expect.

They understood what was expected of them and had spent a lot of time and effort to ensure that they didn't let anyone down, so every region had a Risk Manager who ensured that they liaised with their neighbours and responsible authorities and any issues were resolved quickly to make sure they were a positive influence on their communities.

To ensure that their policies and procedures were applied in store they had bespoke training colleagues who worked together with risk managers to ensure they got everything right. The Co-op were a very risk averse business. There was an induction process for new staff including how to deal with age restrictive products that ended with an exam. If the exam was not passed you were not allowed near an age restricted product. New staff were also provided with a buddy who mentors new staff to ensure they knew what was required of them. They also had a system in place called 'lockdown' and each cashier had a code allowing them to serve alcohol and this code was not unlocked until after the lockdown which took around four weeks and only when the store manager was happy would the lockdown be lifted.

In addition to the initial training, staff received two refresher training sessions each year and an exam regardless of how long they had been employed with the company. If you failed the exam or at any point if the store manager lost confidence you were sent back into lockdown. A copy of the training manual had been provided and was included in the circulated papers.

He then referred to the CCTV equipment for the new premises that would be internal and external with at least 16 cameras that was a brilliant system. The tills would also remind the cashier that a product was age restricted as all products were barcoded, so they would be prompted to then ask for age verification and the process and only when the tills were satisfied would the sale take place.

He referred to the layout of the new premises that was one way in and out and that the spirits would generally be kept behind the counter with no direct access for members of the public and beers and wines would be in the aisle within view.

The store would have 15 members of staff with at least three personal licence holders, so it would be very rare for a personal licence holder not to be in store.

They intended to trade 6.00 am to 11.00 pm and everyone selling alcohol would have undertaken the training that he mentioned earlier. They would operate challenge 25 and were the first national to adopt this as standard.

The Co-op was very community orientated and were a membership organisation and last November donated around £90 million pounds nationally to worthy causes and referred to some of the charities they were currently working with.

The Co-op took their responsibilities seriously with so many stores nationally and within this area and had been in the locality for many years.

The company would not want to embarrass it's local members by having any prosecutions that they would view as an embarrassment. If their shops were not welcoming and people didn't think well of them, they would shop elsewhere.

They intended to trade 6.00 am to 11.00 pm that was the same as the current store and reflected the planning permission that had been granted.

He then referred to the Secretary of State Guidance 10.15 that stated that supermarkets should be allowed to sell alcohol throughout their trading hours. He explained that not many people would purchase alcohol at 6.00 am in the morning but some people do work shifts and do their shopping at that time and they did not want to say to these people that they needed to come back to purchase alcohol. He assured Members that the same policies and procedures would apply throughout their trading hours.

There were no objections from any responsible authorities, and they proposed good solid conditions in their operating schedule. They did however have a single residential objection from Mr and Mrs Webster.

He indicated that they would promote the licensing objectives and referred to section 182 guidance and the Thwaites case and how you couldn't predict the future or speculate but there were robust measures in place if they got it wrong.

He then dealt with the representation from Mr and Mrs Webster and referred to anti-social behaviour and indicated that teenagers would not be hanging around in a car park that had CCTV and was well lit, with people coming backwards and forwards. They had not had any issues at their current store and do not attract anti-social behaviour. He then referred to drunk drivers and that it was against the law to sell alcohol to anyone who was intoxicated. Planning permission had already been granted for the shop and today was about whether they could promote the licensing objectives for which there was no evidence that they couldn't and would commend the application.

Mr Brown the Area Manager for the Co-o confirmed that he had nothing further to add to the presentation but indicated that the Co-op wanted to work with the community.

Councillor Hopgood asked for clarification of the opening hours as they were applying for a licence 6.00 am to 11.00 pm, however their current store according to their website was 7.00 am to 10.00 pm, was this correct and were they wanting to extend the hours from what they currently had in the store in Shildon.

Mr Arnott responded that the new store would operate 6.00 am to 11.00 pm and were the same hours on the licence for the current store.

Councillor Hopgood asked if the new store was going to have a petrol station attached to it, as their policy stated that only stores with a petrol station were open until 11.00 pm, otherwise they closed at 10.00 pm.

Mr Arnott responded that a number of their stores were open until 11.00 pm and that this was not unusual.

Councillor Carr referred to the Council's Licensing Policy and the recognised hours were 7.00 am to 11.30 pm and was this considered when they submitted their application.

Mr Arnott indicated that he had read the policy and they could promote the licensing objectives from 6.00 am, 7.00 am was an arbitrary time and that 6.00 am was their standard commencement time. They had applied for a terminal hour of less than 11.30 pm.

All parties were given the opportunity to sum up and no party had any other representation to make.

The Chair thanked everyone for their attendance and that himself and Councillors P Crathorne and L Marshall would retire to deliberate the

application in private and all parties would be notified of their decision later today.

At 2.10 pm the Sub-Committee **Resolved** to retire to deliberate the application in Private.

In reaching their decision, the Sub-Committee considered the report of the Senior Licensing Officer, the verbal and written representations of the Applicant and Other Person. 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 subject to the conditions that are consistent with the operating schedule.