

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 7 February 2022 at 9.30 am**

### **Present:**

**Councillor D Brown (Chair)**

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

Councillors A Batey, C Hampson and D Sutton-Lloyd

### **Also Present:**

Mr S Buston (Council's Solicitor)  
Ms H Johnson (Licensing Team Leader)  
Mr S Nira (Applicant's Agent)  
Mr S Sivasubramaniam (Applicant)  
Mr and Mrs Dimmick (Other Persons)  
Mr and Mrs Thompson (Other Persons)

### **1 Apologies for Absence**

An apology for absence was received from Councillor E Waldock.

### **2 Substitute Members**

There were no substitute Members.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The Minutes of the meeting held on 4 October 2021 were agreed as a correct record and were signed by the Chair.

## **5 Application for the Grant of a Premises Licence - Leadgate Local, Unit 3B West Parade, Front Street, Leadgate, Consett, Co Durham**

The Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to grant a Premises Licence in respect of Leadgate Local, Leadgate, Consett, County 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.

The Licensing Team Leader was in attendance to present the report and outlined the options open to the Sub-Committee.

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

In response to a question, the Licensing Team Leader confirmed that the five representations were from partners.

Mr Dimmick, other person indicated that a number of residents in the street were elderly with mobility issues and was probably the reason why they had not attended the meeting.

Mr Dimmick was then asked to address the Sub-Committee and indicated that he had been associated with the street for over 40 years and had seen a number of changes within the village setting. He moved back to the village approximately four years ago and located in West Parade. They had seen a lot of anti-social behaviour in the street, mainly caused due to a small plantation situated towards the end of the street which was used by adolescent youths on a weekend as a drinking den. He had been approached by young people in Leadgate to purchase alcohol or cigarettes which he had refused but unfortunately these days that was not a deterrent for a number of young people. As a consequence of this while it was wrong to supply young people with alcohol, he was aware of the problems licensees were under trying to restrict proxy sales and could not be accountable, but it was still an ongoing problem. Due to the drinking location at the end of the street residents had experienced anti-social behaviour in the form of shouting, theft, damage to cars, vandalism and litter in the street.

The other issue that he found alarming was the proximity of an infant and nursery school which was within 150 metres from the premises. He could not imagine anyone going into the premises at 7.00 am in the morning or 12.00 midnight to purchase alcohol. He believed that there was an over provision of alcohol in Leadgate with currently 22 premises and if this application was granted, 11 would be licensed premises, that he found alarming.

The premises is very close to residential properties that would cause disruption from pedestrians and cars, they had an ongoing issue with parking in the street as they only had parking to the front of their properties which were often used by the existing shops and any additional shops would exacerbate the issue. The current parking outside the premises was drive in spaces which meant that you had to reverse out onto a busy main road. He indicated that the road was so busy that the Council had recently introduced speed restrictions and that 10 spaces were allocated outside the units but the majority of these were used by shop owners who were parked for the majority of the day. He believed that there was a distinct lack of parking provision and dangers associated with reversing onto the main busy road.

He then referred to the social impact that alcohol provision had on society, in particular safeguarding recommendations regarding social deprivation arising from alcohol consumption. He referred to the process for granting applications and the lack of provision to consider safeguarding communities as recommended by the Council's Health and Wellbeing Board. He urged Members to read the report as it was significant in the social deprivation of societies, in particular in the Leadgate area which was affected by the misuse of alcohol.

Mrs Dimmick, other person then addressed the Sub-Committee and reiterated everything that had been said by Mr Dimmick. She indicated that she had worked in the NHS for over 40 years in a number of roles and was currently associated with NHS England. From a health improvement inequity service objective, 50% of the service provision that they had in Leadgate was licenced to sell alcohol. She had looked at the Health and Wellbeing Board's objectives and tried to speak to the Director of Public Health but was assured that both the Director of Public Health and Durham Constabulary would be consulted and were aware of the application process and was reassured by this.

She then referred to the Health and Wellbeing Board strategy that talked about health deprivation and the impact this had on local communities. She indicated that alcohol consumption tended to be a pre cursor for drug taking, impacted on mental health and wider implications in terms of domestic violence and crime and disorder etc. and was widely recognised. The evidence base was there in terms of the impact not just on individuals but families and the wider communities.

The last thing a small village such as Lanchester needed was more provision and access to alcohol for young people who they had already witnessed first-hand of the implications when alcohol was available to young people. She felt passionately that they would be doing their community a disservice if they

were not ambassadors for them to be able to say that they did not need more provision of alcohol within their local community.

Mrs Thompson, other person reiterated everything that had been said and indicated that she had been a resident in the street for 35-36 years and felt that they had been forgotten about. The area was a street and there were so many other places selling alcohol, so they did not need alcohol been sold at the end of their street. They currently had parking issues, they were disabled and could not get parked outside their home due to the cars parking outside their house from the shops. She was not a good sleeper, and they would have cars at the premises late at night and children going past the windows, the street was bad enough and they did not need further alcohol sales.

Mr Thompson other person agreed with everything that had been said and indicated that from his property there was already an off licence 500 yards to the left and 200 yards to the right. There was no place for another off licence in the middle that would put more stress on the street.

Councillor Batey sought clarification if any objections had been received from Public Health and Durham Constabulary and if the elected member had raised any concerns to the application.

The Licensing Team Leader confirmed that they had been consulted on the application and the only objections received were from residents of West Parade.

Councillor Sutton-Lloyd referred to the reference to additional traffic provision in the area been looked at by the Council and asked if this was still ongoing.

The Licensing Team Leader indicated that this would be the Highways department.

The Council's Solicitor indicated that parking could come under the framework of licensing if members thought that parking was going to become a nuisance. He then indicated that the premises already had planning permission and was open and already had customers and it was for members to determine if the sale of alcohol was going to increase the traffic.

Councillor Batey referred to page 41 of the report and indicated that the traffic calming measures in place were chicanes.

Mr Dimmick indicated that the traffic calming measures had been in place for approximately three or four months and provided details of the measures that had been put into place. He then indicated that the premises used to be the old co-op that had been closed for many years so there would be a significant increase in traffic when the premises opened.

The Chair indicated that the issues were not unique to Leadgate and were County wide. He asked other persons to clarify the use of the other units.

Mr Dimmick responded that there were five units, two were currently empty and that there was a dance school and a gym. He agreed that the issues were county wide but as a society they could change this. He understood the restrictions of the licensing sub-committee but enough was enough and the premises would increase traffic in their street which was an elderly residential area.

The Chair indicated that Members could see on the plan the location of other persons that would be taken into consideration.

Mrs Dimmick indicated that she worked from home and her study was to the front of the property and could see that the parking was constant all day with people going to the gym and beauty salon. There was going to be an upholstery unit which hadn't opened yet, they also had a takeaway and a café, so all the premises had traffic that was constant throughout the day and into the evening from the gym and beauty salon. Due to the limited number of spaces in front of the units, if these spaces were taken then cars would park alongside existing vehicles and block the entrance into their street. Her concern was that the more units occupied the situation would be exacerbated and she constantly heard the beeping of horns and brakes screeching. Vehicles had to reverse from the spaces onto a busy main road and she was concerned that there would be a road traffic collision, or a child hurt from the school if the number of people using these spaces was increased.

Mr Nira, the Applicant's Agent addressed the Sub-Committee and indicated that the premises historically was a co-op and previously had been a licensed premises. The Applicant was a local business retailer and currently managed a shop. The premises would be part of the Premier group and would not just be selling alcohol and would account for approximately ten or fifteen percent of the business. The shop would be newly refitted with clear windows and set up professionally.

He stated that they had put forward some conditions in the operating schedule to promote the four licensing objectives and understood the objector's concerns. He referred to the objector's concern of anti-social behaviour from underage drinking and they had proposed a challenge 25 policy and staff training, so anyone under 25 must provide ID to purchase alcohol.

He then stated that the Applicant had a lot of experience in managing a premises and dealing with any problems. With regard to proxy sales, he proposed a further condition on the operating schedule for comprehensive

training of staff in relation to identifying proxy sales and signage to be displayed.

He commented that the Applicant within his current premises collected litter every two hours and kept the area clean.

He indicated that school children would normally visit the premises with their parents so this would not be a concern regarding the sale of alcohol.

He continued that the premises was historically a supermarket and was becoming a supermarket again. Residents would find the shop useful, but they could understand their concerns around alcohol sales. The premises was not an off-licence, it was an additional product that they were offering.

In the long term he thought residents would be happy to have a shop where they could purchase everything. The applicant was local and had a lot of experience in the trade.

He asked members to take into consideration the steps they proposed to take due to the concerns of residents and consider the application positively.

Mr Dimmick referred to the applicant indicating that the premises previously had been a co-op licensed to sell alcohol. He had lived in the village for 58 years and can't remember the premises been licensed to sell alcohol and was a start-up situation.

Mr Nira responded that all co-op stores were licensed to sell alcohol.

The Licensing Team Leader asked the Applicant if the premises currently had planning permission and if residents had objected to the planning application.

Mr Nira confirmed that planning permission had been granted for the premises and as far as he knew no objections had been received to the application.

In response to a question from the Licensing Team Leader, Mr Nira confirmed that the shop would still open if the premises licence was refused.

Mr Dimmick advised Members that the premises use to be one big unit and was then sub divided into units and this particular unit until recently was derelict and full of pigeons.

Councillor Batey sought clarification if the proposed revised opening hours were 7.00 am to 11.30 am, which the Licensing Team Leader confirmed.

Councillor Batey then asked when planning permission had been granted.

Mr Nira confirmed that the owner of the premises had obtained planning permission and his client was leasing the premises. He then confirmed that due to consultation with Durham Constabulary the opening times were revised to 11.30 pm.

In response to a question from the Chair, Mr Nira confirmed that the Applicant had been in the retail business for eight years.

The Chair asked if the Applicant had undertaken a feasibility study and if the premises licence was going to make a significant difference to the viability of the premises.

Mr Nira responded that his client had undertaken a study of the area, a number of the units were occupied and customers from these units would use the premises together with local residents. Shopping time would be around 20 minutes per customer so parking by customers would not be hours. They believed a supermarket for this unit was a positive impact for the local residents and would give life to the area and overall was positive.

All parties were invited to sum up.

Mr Dimmick asked the Sub-Committee to consider that out of 22 business premises in Leadgate, 11 would be licensed if the application was approved.

Mrs Dimmick asked the Sub-Committee to take into consideration the social conscience element obligation to the local community and that they had a duty of care to look after residents.

Mrs Thompson indicated that there were already shops in Leadgate that were well used by residents and this premises would harm them.

Mr Nira indicated that there were five relevant objections to the application. He estimated that there were over 200 residents in the area and only five residents had objected to the application, which was around two percent. He felt that the majority of residents were in support of the application.

The Chair thanked everyone for their attendance and at 10.30 am Councillors D Brown, A Batey and D Sutton-Lloyd Resolved to retire to deliberate the application in private with all parties to be notified of the decision later in the day.

In reaching their decision, the Sub-Committee had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant and Other Persons. Members had also

considered Durham County 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:

<b>Licensable Activity</b>	<b>Days and Hours</b>
Sale of Alcohol (off sales)	Monday to Sunday: 07:00 hrs – 23:30 hrs
Opening to the Public	Monday to Sunday: 07:00 hrs – 23:30 hrs

The following conditions shall be attached to the Premises Licence:

- (a) A comprehensive recordable CCTV system will be installed and maintained covering the trade areas whilst encompassing all ingress and egress to the premises.
- (b) The system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises.
- (c) The system must be capable of providing pictures of evidential quality, in particular facial recognition.
- (d) All recordings must be stored for a minimum period of 31 days, with date and time. Recordings must be available immediately upon the request of a Police or Authorised Officer.
- (e) A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show a Police or Authorised Officer recent data or footage with the absolute minimum delay, when requested.
- (f) A "Challenge 25 proof of age scheme" shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and holographic mark.
- (g) Premises are to keep up to date records available, for inspection of staff training.
- (h) A diary log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the

name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or Authorised Officer of the licensing authority at all times, whilst the premises are open.

- (i) The premises shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to dealing with incidents such as the sale of alcohol (underage, proxy sales, drunks) prior to being allowed to sell alcohol. Refresher training of all staff shall be undertaken and documented not less than every six months.
- (j) Staff shall monitor the outside area to the premises, on a two-hourly basis, and ensure such area is clear of debris or litter.