

DURHAM COUNTY COUNCIL

At a meeting of the **Statutory Licensing Sub-Committee** held in **Committee Room 2, County Hall, Durham** on **Tuesday 17 October 2023** at **1.30 pm**

Present:

Councillor L Mavin (Chair)

Members of the Sub-Committee:

Councillors C Bihari and L Brown

Also Present:

H Johnson – Licensing Team Leader

G Proud – Council's Solicitor

T Johnson – Local Weights & Measures Authority - Applicant

E Thampunathan – Premises Licence Holder

D Craig – Barrister for the Premises Licence Holder

G Ganampalan – Premises Licence Holder's Husband

J Joganathan – Licence Holder's Interpreter

F Mawson – Public Health Practitioner

D Hull - Local Weights & Measures Authority (Observer)

K Crane - Local Weights & Measures Authority (Observer)

1 Apologies

Apologies for absence were received from Councillor E Waldock.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Review of a Premises Licence - Sacriston News & Booze, 10 Front Street, Sacriston, DH7 6LE

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the review of a Premises Licence in respect of Sacriston News & Booze, 10 Front Street, Sacriston, Co Durham, DH7 6LE (for copy see file of Minutes).

The Licensing Team Leader explained that the application for the review of the premises licence was received from the Local Weights and Measures Authority on 27 July 2023, to address issues relating to the protection of children from harm. The application had been scheduled for hearing on 19 September 2023, however that hearing was adjourned in order for the Licence Holder to instruct a legal representative. During the consultation period, two responses were received in support of the application from Durham Public Health Authority and the Durham Safeguarding Children Partnership and no other representations were made by the responsible authorities. The Licensing Team Leader highlighted the additional information received from the Licence Holder's legal representative which detailed 11 conditions which, it was proposed, should form part of the operating schedule, which, with an amendment to one of the conditions, had been agreed by the Weights and Measures Authority. Concluding her presentation, the Licensing Team Leader outlined the options available to the Sub-Committee.

No questions were raised by the parties in response to the report.

Addressing the Sub-Committee, on behalf of the Applicant, Ms T Johnson, Consumer Safety Manager, Local Weights and Measures Authority, stated the service had received 5 complaints of underage sales of vapes (e-cigarettes) taking place and a visit was carried out with a 15 year old volunteer who was sold a vape which should not have been supplied to a person under the age of 18. During the visit, it was observed that staff training had been lacking and officers raised concerns regarding the Licence Holder's lack of understanding of her duties as a Licence Holder and Designated Premises Supervisor, to positively promote the licensing objectives in particular with regard to the protection of children from harm and Challenge 25. The Applicant concluded that there was little confidence, therefore, that the premises was being effectively managed and that the licensing objective of the protection of children from harm was being undermined.

No questions were raised in relation to the Applicant's representation.

Ms Mawson, Public Health Practitioner, outlined the responsible authority's support for the review as the evidence presented raised concerns regarding protection of children from harm, with the sale of vapes to children. The officer highlighted that vaping carries risks therefore underage sales were in place to protect under 18s from using nicotine products, including vapes and tobacco and licensees are therefore recommended to implement Challenge 25 policies for age-restricted products.

No questions were raised in relation to the representation from Public Health.

The Licence Holder's legal representative, Mr D Craig, was then invited to address the Sub-Committee. He referred to the proposed conditions contained in the supplementary bundle which had been agreed by the Weights and Measures Authority and he proposed that condition 10 should be amended to replace the word 'bar-server' with 'counter' and that 'alcohol' should be replaced with 'any age restricted products'.

The Licence Holder's legal representative informed the Sub-Committee that he had visited the premises the previous evening and he explained that the business was family-run and that it was a temporary, part time, member of staff who made the underage sale and that person was no longer employed by the Licence Holder.

The Licence Holder's legal representative highlighted Annex 2 of the premises licence and noted there were no conditions on the licence at present, save for the mandatory conditions. He also highlighted the Licence Holder and her husband were to attend the accredited personal licence training course on 18 October 2023, as referred to in the email from the Licensing Consultant, which was contained in the supplementary information.

In response to a question from the Licensing Team Leader with regard to implementing Challenge 25, the Licence Holder responded that she would request to see a valid passport or driving licence as identification and she confirmed that all refusals of sales were recorded in a refusals register.

The Applicant asked who would be working at the premises whilst the Licence Holder and her husband attended the training course on 18 October and the Licence Holder confirmed that a new member of staff was employed. When asked what training the member of staff had undertaken, the Licence Holder's husband replied that the staff member had been trained in the principles of Challenge 25, using information in their language. The Licence Holder's husband added that the till in the premises prompts for sales of alcohol, tobacco and vapes.

In response to a question from Councillor Brown, the Licence Holder's legal representative confirmed the Licence Holder had been at the premises since 2021. Councillor Brown then asked whether adding the proposed conditions would bring the licence up-to-date and the Licensing Team Leader confirmed that would be the case and that the Licence Holder would then be required to promote the licensing objectives by adhering to the conditions.

In response to a question from the Chair who asked the Licence Holder what steps she took to identify proxy sales, the Licence Holder responded that she carried out checks of CCTV footage.

The Council's Solicitor proposed that condition 10 be amended to refer to alcohol and age restricted products and that was agreed by all parties.

After all parties were given the opportunity to sum up, the Chair thanked everyone for their attendance and at 2.00pm the Sub-Committee resolved to retire in private to deliberate.

The Sub-Committee reconvened at approximately 2.10pm. In reaching their decision, the Sub-Committee took into account the report of the Licensing Team Leader, the supplementary information provided and the representations made by the parties at the hearing. Members also considered Durham County Council's Statement of Licensing Policy and Guidance issued Under Section 182 of the Licensing Act 2003.

The Sub-Committee **RESOLVED** to add the proposed, conditions contained in the supplementary bundle, as agreed, with proposed condition 10 being amended as follows:

The premises licence holder shall adopt the Challenge 25 scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any counter. The premises will operate a policy whereby any person attempting to buy alcohol and age restricted products who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.