

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 28 February 2012 at 10.00 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors E Bell and M Williams

Apologies:

An apology for absence was received from Councillor D Brown

Also Present:

Councillor K Holroyd

K Monaghan – Licensing Officer

C Greenlay – Principal Solicitor, Litigation

R Scott-Bell – Applicant's Solicitor

D McDonald – Operations Manager, KSC Worldwide Ltd

1 Declarations of Interest (if any)

There were no declarations of interests received.

2 Application for the Variation of a Premises Licence - Bells Hill Service Station, West Rainton

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the variation of a Premises Licence in respect of Bells Hill Service Station, West Rainton, a copy of which had been circulated.

The Licensing Officer advised that since the report had been submitted mediation had taken place between the applicant and interested parties but this had been unsuccessful.

Councillor J Morland, Chairman of West Rainton and Leamside Parish Council addressed the Committee stating that their concerns related to the potential for an increase in anti-social behaviour. The problems experienced in the village were alcohol-related and following multi-agency work with agencies such as the Police, DCC's Youth Service and the Community Centre, anti-social behaviour had decreased by 59%. The Parish Council were concerned that if the application was granted this might undermine the work carried out to date.

The Parish Council also considered that the village did not need an additional outlet which sold alcohol. There was a large supermarket nearby as well as a service station at Carrville which already sold alcohol 24 hours a day. If the application was granted local businesses may be affected. The corner shop at Rainton Gate had closed recently and there was only one public house left in the village which was located near to Bells Hill Service Station. In addition a local supermarket and garage had been burgled recently and the Parish Council were worried about the possibility of this happening in the village. The potential for an increase in traffic through the village was also a concern.

R Scott-Bell, the applicant's Solicitor stated that the premises were already operating 24 hours and therefore theft and burglary could potentially occur whether or not the premises sold alcohol. The company had decided to open 24 hours a day 5 years ago in response to vandalism to their premises during the night, and as a result incidents had reduced.

The desire to sell alcohol for 24 hours was in response to customer requests. The service station was situated on a main thoroughfare and most of the sales of alcohol were to customers travelling home from work who were also purchasing petrol. Few sales at night were to local people and there was no evidence linking anti-social behaviour to the garage.

The applicants owned 9 garages in total and were responsible retailers. They maintained a refusals register, undertook staff training on a monthly basis and operated Challenge 25.

To conclude she stated that the Police had not objected to the application and referred Members to the Guidance issued under Section 182 of the Licensing Act 2003 relating to crime and disorder which stated that the Licensing Authority should look to the Police as the main source of advice on these matters. The premises already possessed a Premises Licence without incurring any problems.

Mr D McDonald, Operations Manager responded to Members' questions. He advised that an initial display would be erected to advise of the new hours for the sale of alcohol but alcohol promotions would not be widely advertised on the premises. The CCTV system in operation had 12 to 13 cameras located at various points on site. Unfortunately he was not able to provide the ratio of alcohol purchased by locals compared to transient customers, but advised that on average there were 350 customers between 10pm and 7am, and alcohol represented a third of weekly shop sales. Of these customers, the majority were travelling through.

With regard to a question about the use of the hatch, he advised that company policy was for sales by hatch to begin at 10pm, and whilst he acknowledged that hatch sales at Bells Hill Service Station commenced at 9pm, he did not wish to amend the application to reflect this. In response to a further question he offered to withdraw the application to vary the hours in respect of Christmas Day and Good Friday.

At 10.30am Members retired to deliberate the application in private. After reconvening at 10.45am the Chair explained that in reaching its decision the Sub-

Committee had considered the report of the Licensing Officer, and the representations of the applicant and interested party. They had also taken into account the relevant provisions of the Licensing Act 2003, Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

RESOLVED

That the application to vary the Premises Licence be granted as follows:-

- (i) Opening Hours Monday to Sunday 0:01 to 00:00
- (ii) Sale of Alcohol off the premises as follows:-

Monday to Sunday 00:01 to 00:00 with the following exceptions:-
Christmas Day 12:00 to 15:00 and 19:00 to 22:30
Good Friday 08:00 to 22:30