

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Chester-le-Street on **Tuesday 19 June 2012 at 10.00 am**

Present:

Councillor J Shiell (Chair)

Members of the Committee:

Councillors D Brown and A Hopgood

Apologies:

Apologies for absence were received from Councillors B Alderson and J Wilkinson

Also Present:

Councillor J Lee

Y Raine – Acting Team Leader - Licensing

S Buston – Legal Officer, DCC

M Dooney – applicant, Newton Aycliffe WMC

N Purves – applicant's representative, Newton Aycliffe, WMC

B Kent – Applicant's agent, Shell UK

E Patterson – Retailer, Shell UK

1 Declarations of Interest

There were no declarations of interest received.

2 Minutes

The Minutes of the meetings held on 13 and 16 April 2012 and 8 May 2012 were agreed as a correct record and were signed by the Chair.

3 Application for the Grant of a Premises Licence - Newton Aycliffe WMC Ltd, Sheraton Road, Newton Aycliffe

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for a Premises Licence in respect of Newton Aycliffe WMC (for copy see file of Minutes).

A plan showing the location of the premises had been circulated to Members together with a copy of representations received from Mr Farrell, Interested Party and a letter from the Club in response to his representation.

In presenting the report the Acting Team leader - Licensing advised that during the consultation period an agreement had been reached between the applicants and

the Principal Public Protection Officer for Durham County Council. Accordingly the applicants had amended their application and had added two conditions to the operating schedule, details of which were set out in the report.

It was noted that Mr Farrell was not in attendance.

Mr J Purves, the applicant's representative stated that the premises was a large purpose built building with a concert room, bars and offices. In recent years membership had declined and for economic reasons the Club wished to make the premises available for functions.

Mr Purves addressed Mr Farrell's representations. He advised that the letter sent to Mr Farrell had attempted to allay some of his concerns. The changes to the opening hours were minor and the premises would only open at 10am for functions such as funerals and weddings. With regard to Mr Farrell's comments with regard to the burger van situated outside the premises on occasions, Mr Purves explained that the Club did not employ or invite street vendors to trade outside the Club.

The Club car park was large with spaces for over 100 cars and was only full during school runs. Parking was actively encouraged by the Club at these times to prevent traffic congestion. The majority of their members lived locally and therefore walked to the Club.

To conclude he stated that the premises were well-run and if granted the Premises Licence would help the Club to remain viable in the future.

In response to a question Mr Dooney, applicant stated that the Club would continue as a members and guests only premises but membership would not be necessary for functions.

At 10.16am the Sub-Committee retired to deliberate the application in private. After re-convening at 10.23am the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with written representations of the Interested Party, and the verbal and written representations of the applicant.

Resolved:

(a) That the application be granted as follows:-

Opening hours of the premises	Monday to Sunday 10.00 to 24.00
Sale of alcohol for consumption on and off the premises	Monday to Sunday 10.00 to 23.30
Plays	Monday to Sunday 11.00 to 23.00
Indoor Sporting Events	Monday to Sunday 11.00 to 23.00

Boxing or Wrestling Entertainment	Monday to Sunday 11.00 to 23.00
Live Music (indoors only)	Monday to Sunday 11.00 to 23.00
Recorded music (indoors only)	Monday to Sunday 11.00 to 23.00
Performance of dance (indoors only)	Monday to Sunday 11.00 to 23.00
Entertainment of a similar Nature to live or recorded music, or performances of dance (indoors only)	Monday to Sunday 11.00 to 23.00
Provision of facilities for making Music (indoors)	Monday to Sunday 11.00 to 23.00
Provision of facilities for dancing (indoors)	Monday to Sunday 11.00 to 23.00
Provision of facilities for entertainment similar to making music or dancing (indoors only)	Monday to Sunday 11.00 to 23.00
Provision of late night refreshment (indoors only)	Monday to Sunday 11.00 to 23.00

(b) That the following conditions be imposed upon the licence:-

- (i) No adult entertainment or service activities that may give rise to concern in respect of children shall be provided whilst children are present on the premises
- (ii) Notices will be put near to all gaming machines informing customers of the age restrictions on playing game machines. One of the CCTV cameras to be sited in this area
- (iii) Notices will be displayed requesting customers to remain with their children whilst on the premises
- (iv) All external doors and windows shall be kept closed, other than for access and egress in all rooms when events involving regulated entertainment are taking place
- (v) If considered necessary by a Council Enforcement Officer, a sound/noise limiting device shall be installed in order to control the sound/noise during regulated entertainment. The device shall be fitted, installed and set under the directions of a Pollution Control Officer and must be in full working order during the performance of regulated entertainment. No regulated entertainment shall take

place unless any amplified system used during the performance is linked/powered to/by the limiting device.

4 Application for the Grant of a Premises Licence - Shell Garage - Easington West, A19 Northbound, Hawthorn, Seaham

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of an application for the grant of a Premises Licence in respect of Shell Garage, Easington West, A19 Northbound, Hawthorn, Seaham (for copy see file of Minutes).

A plan showing the location of the premises and a copy of the application had been circulated to Members together with a copy of representations received from Hawthorn Parish Council.

During the consultation period an agreement was reached between the applicants and Durham Constabulary, and accordingly the operating schedule had been amended to include additional conditions relating to CCTV, details of which were set out in the report.

Additional information had been circulated to Members in relation to attempted mediation between the applicant and Hawthorn Parish Council. The applicants had offered to amend their application, reducing the hours for the sale of alcohol to 05.00 to 23.00. Members had also been provided with supplementary information from the applicants which included an overview of the store, photographs, quarter mile radius plan and an overview of the Due Diligence package.

Mr C Bungoni, Clerk to Hawthorn Parish Council stated that following the mediation the Parish Councillors remained adamant in their objection to the early opening hours. They were concerned that residents would walk along the A19 to purchase alcohol, causing a danger to the public.

The area had a high alcohol dependency rate and the nearest outlet selling alcohol was at Peterlee. Alcohol sold by the garage would not be conducive to the Parish.

In responding to a question from the Committee Mr Bungoni confirmed that Parish Council meetings were open to the public and were advertised on the Parish Noticeboard. Copies of the minutes were sent to relevant parties such as the Police and County Councillors. Other than the Parish Councillors, he was not able to advise of who was present at the meeting on 16 May 2012 when the issue was considered.

Mr Kent, the applicant's representative stated that there had been attempts at mediation and as a result they had amended their application for the sale of alcohol from 24 hours to between 05.00 and 23.00.

He reminded Members that only item 1(a) of the Parish Council's objections was relevant for consideration by the Sub-Committee.

The Parish Council's objection under 'public safety' stated that there was only the 'possibility of people walking onto and along the motorway'. This was a matter outside the control of the Premises Licence Holder and Mr Kent questioned the relevance of this objection.

The Responsible Authorities had raised no objections to the application. The Police had made recommendations which the applicants had agreed to include in the operating schedule.

In determining the application Mr Kent asked Members to consider the relevant parts of Section 182 Guidance and the Council's own Licensing Policy. The applicants could not be held responsible for people walking along the road to access the garage.

A Member referred to the analysis carried out by the company in relation to intensity of use over a 3 month period and asked how those customers who only used the store travelled there. Mr Patterson, retailer responded that customers arrived by vehicle and that there were no pedestrian visitors to the store.

In summing up Mr Bungoni stated that the Parish Council represented the people of Hawthorn and that the concerns expressed were the voice of Parishioners. The Parish Council were concerned about the welfare of local people and those from neighbouring Parishes.

Mr Kent summed up by stating that he did not intend to cast a slur on residents or their concerns, only that the objection put forward was not relevant. Shell UK were a professional company and had asked initially for the sale of alcohol over 24 hours. However they had attempted mediation and reduced the hours for the sale of alcohol, which would help to mitigate the concern of the Parish Council with regard to people walking to the garage along the road.

He confirmed that the hours requested for the sale of alcohol were 05.00 to 23.00 and this would coincide with their 'closed door' policy.

At 10.57am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.10am the Chair delivered the Sub-Committee's decision.

In determining the application, Members had considered the report of the Licensing Officer, Section 182 Guidance and the Council's Licensing Policy, together with written and verbal representations of the applicant's representative and the Clerk to Hawthorn Parish Council.

Resolved:

- (a) That the application for a Premises Licence be granted as follows:-

Opening hours of the premises Monday to Sunday 00.00 to 24.00

Sale of alcohol (for
consumption off the premises) Monday to Sunday 05.00 to 23.00

Provision of late night
refreshment (indoors only)

Monday to Sunday 23.00 to 05.00

- (b) The following conditions be imposed upon the Licence:-
- (i) The premises shall be fitted with a suitable and sufficient CCTV system which is operational upon the granting of this licence to Home Office Standard. The system should have a recording facility available to keep data for 28 days
 - (ii) The system will be maintained in good working order and access to the CCTV equipment and recordings be given to the Police as soon as reasonably possible or in any event within 24 hours of the request. Any recorded data/images required by the Police will be provided as soon as reasonably possible or in any event within 24 hours.
 - (iii) Staff training will be implemented and recorded to ensure they are aware of their responsibilities in the retail sale of alcohol. Training and refresher training to take place on a regular basis, training records to be made available to all responsible authorities upon request.
 - (iv) A refusals register shall be maintained with all records to be signed by staff as appropriate. Such records shall be made available to all responsible authorities upon request.
 - (v) Challenge 25 will be used in store. Any person believed to be under the age of 25 must be asked to provide photo identification (via a passport, driving licence or PASS hologram ID card) confirming their age. If identification is requested and refused then no sale of alcohol will take place.
 - (vi) Spirits will be located behind the counter.