

LICENSING SUB-COMMITTEE

5th November 2014

PRESENT – Councillors Lawton, Nutt and L. Vasey. (3)

LS1. ELECTION OF CHAIR – RESOLVED – That Councillor Nutt be elected Chair for the purposes of this Sub-Committee.

LS2. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS3. APPLICATION TO VARY A PREMISES LICENCE – The Director of Economic Growth submitted a report (previously circulated) to consider an application to vary a premises licence in the light of representations from a Responsible Authority namely Durham Constabulary on the grounds of the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm and a representation from an “Other Person” namely Westbrook Residents Association on the grounds of the prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm

Present at the meeting were the applicant Mr. T. Sriskantharajah and his representative, Mr. M. Hall; Sgt C. Dickenson and PCSO M. McAllister, Alcohol Harm Reduction Unit, Durham Constabulary; Pam Ross, Licensing, Parking and Trading Standards Manager; Brian Murray, Licensing Enforcement Officer ; and Amy Wennington, Lawyer (Litigation).

The Licensing Manager introduced the application to vary the Premises Licence and the Notice of Hearing pertaining to the application.

Members listened carefully to the representations made by the applicant; Durham Constabulary, including the police information provided at the meeting relating to 222 crimes in the vicinity of the premises but noted that approximately 10 per cent were alcohol related; and the written representation made by Westbrook Resident’s Association and all parties present responded to the points for clarification referred to in the submitted report.

The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, The Licensing Act 2003 (Hearings) Regulations 2005; Guidance in relation to the prevention of crime and disorder, public nuisance, protection of children from harm, placing of conditions, dealing with representations and guidance relating to shops, stores and supermarkets, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 of the Licensing Act 2003, and in accordance with the ‘Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received’.

In reaching their decision, Members believed that the additional conditions were appropriate, necessary and proportionate to promote the four licensing objectives and advised that should there be an increase in crime and disorder or public nuisance as a direct result of the variation to the licence then either the Police or

Westbook Residents Association (or indeed any other Responsible Authority or other person) could seek a review of the licence.

In arriving at their decision, Members were particularly mindful of Sections 6-6.3 of the Council's Licensing Policy in relation to Impact of Licensable Activities; Section 8-8.4 relating to Prevention of Public Nuisance; Section 10-10.4 relating to Prevention of Crime and Disorder (Effect in Vicinity/Personal holder to be on premises); Section 11-11.2.2 in relation to Protection of Children from Harm; and Section 12.7 in relation to Off Sales.

RESOLVED – That the application to vary the premises licence be granted subject to the existing conditions and the four additional conditions; in addition to the mandatory conditions relating to alcohol:-

- (i) Staff training will be carried out by the Designated Premises for all new members of staff prior to being allowed to sell alcohol and once per year for all other staff members in relation to the law applicable to the sale of alcohol.
- (ii) Training records will be kept and signed and dated by staff taking part. These will be made available to the Police and Authorised Officers of the Council upon request.
- (iii) An incident, accident book and refusals register will be kept on site and shall document all incidents, accidents and each refusal of sale. These shall be made available to the Police and Authorised Officers of the Council upon request.
- (iv) The Challenge 25 Proof of Age scheme shall be implemented at the premises requiring specific photographic proof of age from any person who attempts to purchase alcohol and appears to be under 25 years of age. Notices shall be displayed within the premises advertising this scheme.
- (v) The current CCTV system shall be maintained in working order and recording whilst the premises are open and being used for licensable activity. The system shall also provide coverage to the front and rear of the premises.
- (vi) CCTV recordings will be kept for a minimum of 28 days. The recordings shall be made available to the Police and Authorised Officers of the Council upon request.
- (vii) A personal licence holder shall be present from 11.00 pm to 02.00 am to authorise all sales of alcohol.
- (viii) A minimum of two members of staff (including the personal licence holder) shall be present to conduct all sales of alcohol between 11.00 pm and 02.00 am.
- (ix) No alcohol shall be sold at a price below the recommended retail price.
- (x) No sale of alcohol shall take place after 11.00 pm until a restricted area has been defined and hatched and is approved, in writing, by officers from the Licensing Section.

LICENSING SUB-COMMITTEE

19 January 2015

PRESENT – Councillors B. Jones, Newall and L. Vasey. (3)

LS4. ELECTION OF CHAIR – RESOLVED – That Councillor L. Vasey be elected Chair for the purposes of this Sub-Committee.

LS5. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS6. APPLICATION FOR PREMISES LICENCE – GRANGE ROAD SERVICE STATION, 68-70 GRANGE ROAD - The Director of Economic Growth submitted a report (previously circulated) to consider an application for a premises licence in the light of representations from two Responsible Authorities, namely Durham Constabulary on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm and Public Nuisance; from the Director of Public Health on the grounds of Protection of Children from Harm; and representations from “other persons”, namely a Ward Councillor and local residents on the grounds of Prevention of Crime and disorder, Public Nuisance and the Protection of Children from Harm.

Present at the meeting were the applicants legal representative, Mr. Robert Botkai; The Commissioning Manager, Rontec, Mr. Hawkins; the Service Station Operator Mr. Nirshan; Sgt C. Dickenson and PCSO M. McAllister, Alcohol Harm Reduction Unit, Durham Constabulary; Ken Ross representing the Director of Public Health; Julie Richings, Principal Licensing Officer; and Amy Wennington, Lawyer (Litigation).

The Principal Licensing Officer introduced the application for a Premises Licence and the Notice of Hearing pertaining to the application.

Members listened carefully to the representations made by the applicant’s legal representative, which included a change to the application for a closing hour of 8.00 pm. on Sundays and Bank Holidays; Durham Constabulary, including the police information provided at the meeting relating to a number of calls made by the filling station to the police, of which some were pertaining to crime; and sixty other calls made to the Police relating to anti-social behaviour within the vicinity of the garage; and the representative of the Director for Public Health outlining the health concern relating to alcohol related harm for both children and adults in Darlington and recommending a number of conditions to apply to the licence if the licence is granted for the sale of alcohol.

Representation had been received from 38 other persons and Ward Councillor Heather Scott, Dr. and Mrs. Mackinnon, Mr. Marley, Mrs. Jackson and Mrs. Todd attended the meeting and made their representations based on all four of the licensing objectives.

All parties responded to the 'points for clarification' as outlined in the submitted report and Members noted the amendment to the operating hours for the premises on a Sunday and Bank Holiday when the premises will close at 20:00 hours.

The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, The Licensing Act 2003 (Hearings) Regulations 2005; Guidance in relation to the prevention of crime and disorder, public nuisance, public safety, Off sales; the Secretary of State's Guidance in relation to the prevention of crime and disorder and public safety and also guidance relating to shops, stores, petrol stations and supermarkets, and in particular Section 5.21 to 5.23 in respect of the licensing of garages for the sale of alcohol. Guidance issued under Section 182 of the Licensing Act 2003, and in accordance with the 'Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received'.

In arriving at their decision, Members were particularly mindful of Sections 6.1-6.3 of the Council's Licensing Policy on the Impact of Licensable Activities relating to Public Nuisance/Crime and Disorder; Section 8.8 relating to Prevention of Public Nuisance in relation to littering; Section 9.3 relating to Public Safety control measures; Section 10-10.4 relating to Prevention of Crime and Disorder (Effect in Vicinity/Personal holder to be on premises); Section 11-11.2.2 in relation to Protection of Children from Harm; and Section 12.7 in relation to Off Sales.

In reaching their decision, Members believed that the additional conditions were appropriate, necessary and proportionate to promote the four licensing objectives and advised that should there be an increase in crime and disorder or public nuisance as a direct result of the grant of the licence then either the Police, Public Health or any other Responsible Authority or other person could seek a review of the licence.

Members also felt that they had not heard or read any arguments there were strong or robust enough to warrant them being so concerned as to refuse the application.

RESOLVED – That the application for a premises licence be granted subject to the following conditions; in addition to the mandatory conditions relating to alcohol:-

- (i) A CCTV system will be installed, or the existing system maintained, such system to be fit for purpose and to the satisfaction of Durham Constabulary.
- (ii) The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally onto CD/DVD or other equivalent medium.
- (iii) Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available; subject to compliance with Data Protection Legislation, to the police for inspection on request.
- (iv) The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standards. The precise positions of the cameras

may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

- (v) The system will display, on any recording, the correct time and date of the recording.
- (vi) A system will be in place to maintain the quality of the recorded image.
- (vii) The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
- (viii) All cashiers shall be trained to record refusals if sales of alcohol in a refusals register. The book will contain:
 - Details of the time and date the refusal was made;
 - The identity of the staff member refusing the sale; and
 - Details of the alcohol the person attempted to purchase.
- (ix) The premise licence holder will at all times maintain in adequate levels of staff levels will be disclosed, on request to the licensing authority and police.
- (x) Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
- (xi) The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of twenty five years (or older if the licence holder so elects) to produce, before being sold alcohol, identification, being a passport or photo-card driving licence being a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
- (xii) All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member; and
 - Refresher/reinforcement training at intervals or no more than six months.

Training records will be available for inspection by a police officer or responsible officer of the local authority on request.

- (xiii) There shall be no sale of single cans of beer, larger or cider from the premises.
- (xiv) There shall be no sales/supplies of beers, ales, lager or ciders of 5.5% ABV or above from the premises.
- (xv) Outside of the permitted hours for the sale of alcohol, all alcohol within the trading area is to be kept behind shutters, screens or grills.

- (xvi) Signage will be displayed in a prominent position informing customers of the illegality of purchasing alcohol for persons under the age of 18.
- (xvii) The licence holder will monitor the primary use of the premises and if transaction data demonstrates that the premises are excluded premises pursuant to Section 176 of the Licensing Act 2003 the sale of alcohol will cease until such time as the data demonstrates that the premises are not so excluded. Such data will be available on request to the police and the licensing authority. This condition will fall away if Section 176 is repealed.
- (xvii) Alcohol shall not be advertised on the forecourt of the premises.
- (xix) The garage shall operate a "closed hatch" policy with no public access into the shop between 19:00 hours and the terminal hour where alcohol is being offered for sale.