

## LICENSING ACT 2003 SUB-COMMITTEE

12 January 2016

**PRESENT** – Councillors L. Haszeldine, B. Jones and Kane. (3)

**LS16. ELECTION OF CHAIR – RESOLVED** – That Councillor Kane be elected Chair for the purposes of this Sub-Committee.

**LS17. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS18. APPLICATION TO VARY A PREMISES LICENCE – GRANGE ROAD SERVICE STATION** - The Director of Economic Growth submitted a report (previously circulated) to consider an application to vary the premises licence in light of representations from two Responsible Authorities, namely Durham Constabulary and Public Health and 14 “other Persons”, namely one Ward Councillor and 13 local residents.

The representations made were in respect of one or more of the four licensing objectives, namely the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm.

Present at the meeting were R Botkai, Legal Representative on behalf of Rontec Watford Limited and D Harkins, Regional Manager Rontec Watford Limited; Acting Inspector C. Dickenson and PCSO M McAllister and M Hay on behalf of Durham Constabulary, K Ross for the Director of Public Health; Ward Councillor H Scott; Other Persons - Mr Jones, E. Moor and H Hopper; Pam Ross, Licensing, Parking, Trading Standards and CCTV Manager; and Helen Thompson, Lawyer (Litigation).

The Licensing, Parking, Trading Standards and CCTV Manager introduced the application to vary the Premises Licence and the Notice of Hearing pertaining to the application. She advised Members of the Sub-Committee that the current hours as outlined in the submitted report should be 07:00 to 22:00 Monday to Saturdays and 08.00 to 20.00 hours Sundays. She advised that the Applicant Company had withdrawn its request for the premises opening hours to be extended to 24 hours and was now applying only for the removal of Condition 19 in relation to the operation of a ‘closed hatch’ policy after 19:00 hours.

Members listened carefully to the representations made by Durham Constabulary on the grounds of Prevention of Crime and Disorder and Public Safety and their concerns about the effectiveness of the current management arrangements and at the number of incidents reported by staff to the Police. They also expressed concern for the safety of staff should patrons be permitted into the store area. Durham Constabulary responded to the points for clarification in relation to further details of the type of incidents that they are called to by staff at the garage.

Members also listed to representation from the Director of Public Health based on the prevention of Crime and Disorder and Public Safety and the concerns that the removal of the hatch area could result in alcohol harm; and the points for clarification to advise on what impact the proposed variation to the licence will have on them.

In addition, Members also listened carefully to the written representations of 10 'Other Persons' and the verbal representation of three local residents who attended the meeting and also Ward Councillor Mrs Scott.

Members also listened carefully to the representations made by the Applicant Company's solicitor and the points for clarification in relation to details of any problems that had been experienced by being required to use the hatch from 7.00 p.m. onwards until the terminal hour when alcohol is available for sale; details of the proposed staffing levels, in particular from 7.00 pm onwards; and details of how it is proposed that the premises will operate from 7.00 pm onwards including built in safety measures for staff and patrons.

The Sub-Committee considered the views in accordance with 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 Sections 5.21 to 5.23 in respect of the licensing of garages for the sale of alcohol and also Section 9.4 in respect of whether a representation is relevant; 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'.

Members considered Sections 6.1 of the Council's Licensing Policy in relation to Impact of Licensable Activities; Sections 7.1-7.3 relating to Public Nuisance and Crime and Disorder (impact of licensable activities); Section 9-9.10 relating to Public Nuisance (location of premises and littering); Section 10.3 in relation to Public Safety (control measures); Section 11.3 relating to Protection of Children from Harm (control measures); and Section 3.7 relating to Off Sales.

In arriving at their decision, Members did not believe that the concerns raised by the Police in respect of thefts of petrol/diesel at the forecourt could be linked to the opening of the premises shop and also that the concerns of the residents about anti-social behaviour could be linked to the premises.

Members did however consider placing a condition on the licence in respect of staffing numbers in the evening in respect of the concerns raised about the safety of the garage staff but concluded that this matter would be kept under review and dealt with appropriately should the need arise. All present at the meeting were advised of the review process should problems be experienced that could be linked to the premises.

**RESOLVED** – (a) That the application to remove the condition attached to the premises licence relating to the condition attached to the premises licence relating to the requirement that alcohol was to be sold through a closed hatch from 7.00 p.m. daily be granted.

(b) That the application remain 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.
- (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 and/or authorised officer of the Local Authority 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, lager 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.
- (xviii) Alcohol shall not be advertised on the forecourt of the premises.