

Licensing Sub-Committee

18 April 2016

Present: Councillor M A Green (Chair)
Councillors W Lott and T Mulvenna

LSQ28/04/16 Appointment of Chair

Resolved that Councillor M A Green be appointed Chair for this meeting.

LSQ29/04/16 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ30/04/16 Application for a Premises Licence – Vintage Powder Room and Tea Shop, 164-166 Park View, Whitley Bay (Whitley Bay Ward)

The Sub-Committee met to consider an application for a Premises Licence in relation to Vintage Powder Room and Tea Shop, 164-166 Park View, Whitley Bay. The applicants, Mr D Clayton and Ms A Milburn, sought permission to supply alcohol, by way of on sales, each day of the week from 12.00 hours until 22.00 hours and to permit the provision of live music (indoors) each day of the week from 18.00 hours to 22.00 hours. The premises would be open to the public each day of the week from 09.00 hours until 22.00 hours. The Council had received one representation from Northumbria Police.

Following introductions, the Sub-Committee's legal advisor, set out the procedure to be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representation received and the options available to the Sub-Committee. One of the applicants, Ms Milburn, was present at the hearing. Northumbria Police were represented by Mr Kirkpatrick, Licensing Officer.

Mr Kirkpatrick stated that the Police had met with the applicants and he understood that the business comprised a powder room in which women could have a vintage makeover or hairstyle and a tea shop. The applicants intended to offer customers a glass of wine whilst receiving a makeover or other treatment as well as providing refreshment to their other customers who attended the tea shop. The current business appeared to be well managed and the applicants had made it clear to the Police that the shop would not become a public house. Mr Kirkpatrick acknowledged that the premises would operate differently at different times of the day and that the applicants' intention was to stock a small amount of alcohol stored in a small refrigerator.

It had been agreed that the Police would compile a list of suggested conditions to be attached to any licence granted. These conditions were presented to the Sub-Committee for consideration. The Police had suggested that a condition be attached to the licence requiring the tea shop to have a set number of seats and tables to prevent the premises from becoming a public house with 'vertical' drinking by customers. The Police believed that there was a need for a CCTV system to be installed to offer protection to the general public and to protect the applicants from crimes such as theft.

Ms Milburn confirmed that the premises currently operated as a powder room and tea shop. The application had been made on the basis of customer demand for a glass of wine, or

similar drink, whilst having a snack or attending the powder room. Ms Milburn said that there may be ticketed events in the evenings or small parties when customers would be able to have an alcoholic drink whilst being entertained. Ms Milburn confirmed that the shop would only have a small amount of alcohol stored in a refrigerator and that it would not operate as a public house. During questioning Ms Milburn explained that she did not expect the shop to be open every night of the week until 22.00 hours and that quite often it would close at 16:00 hours. There would be 3 members of staff at the shop and the applicants were content for a CCTV system to be installed as it would be beneficial for them. Ms Milburn confirmed there would be no draught beers.

All parties were given the opportunity to sum up their respective submissions.

The Sub-Committee withdrew from the meeting to make its decision in private. The Sub-Committee returned and the Chair announced its decision.

Resolved that the application for a Premises Licence in relation to the Vintage Powder Room and Tea Shop 164-166 Park View, Whitley Bay be granted subject to the following conditions being attached to the licence:-

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that:
 - The CCTV cameras are located at the Premises to provide coverage of entrances and exits, both internally and externally and areas where the consumption of alcohol takes place (excluding the powder room).
 - The CCTV system is able to capture clear images permitting identification of individuals.
 - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
 - The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 31 days.
 - The CCTV system is capable of constantly generating an accurate date and time.
 - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
 - There will be members of staff present at the Premises during the operating hours who are trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the Data Protection Act 1988 (or any replacement legislation).
2. Signs will be displayed at the Premises informing customers that a CCTV system is in operation at the Premises. Such signs will be displayed so as to be readily seen and read by customers and must be a minimum of A5 in size.
3. All members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase or consume alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence, proof of age card carrying a 'Pass' logo and hologram or a military identification card showing a date of birth. If no such evidence is produced the sale will be refused.
4. All members of staff responsible for the sale of alcohol will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement

legislation) and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.

5. All members of staff responsible for the sale of alcohol will receive refresher training at least one a year as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) and generally on the Act. Such training will be provided by the Designated Premises Supervisor.
6. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the premises at all times and be made available for inspection immediately on request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).
7. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).
8. The provision of alcohol will be by way of table service provided by a waiter and such service must be available whenever there are licensable activities taking place at the Premises. Such a service must be advertised, displayed and promoted at the Premises.
9. There will be a minimum of 15 seats at tables provided for customers so that they are seated for the consumption of alcohol at the Premises.
10. The Licence holder will ensure that clear and legible notices are displayed at entrances and exits and other circulatory areas requesting that customers have the Premises having regard to the needs of local residents and in particular emphasising the need to refrain from sounding car horns, slamming car doors and shouting.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives which underpin the Licensing Act 2003, the Sub-Committee concluded that:-

- a) in view of the fact the Police did not object to the granting of the licence and having regard to the style and characteristics of the premises, namely a powder room and tea shop, closing no later than 10.00pm and supplying only a limited selection of alcoholic drinks, there was no reason to refuse the application and grant the licence insofar as the supply of alcohol was concerned;
- b) it was not appropriate to include the provision of live music in the licence because given the size of the premises, the hours when the musical entertainment will take place and the fact that alcohol will always be offered for sale during such events, the musical entertainment would not be classed as a licensable activity;
- c) it was appropriate to amend the wording of some of the conditions suggested by the Police so they are precise, unambiguous and so that all parties understood exactly what is required of the licence holder by way of conditions; and
- d) given the size of the workforce at the premises and the fact regulated entertainment will not be taking place at the premises, it was not appropriate to attach the suggested conditions requiring the Designated Premises Supervisor to provide written authorisations to staff for the sale of alcohol and requiring windows and doors to be closed during regulated entertainment.