

## **Licensing Sub-Committee**

**6 June 2016**

Present: Councillors D Drummond, L Darke and J O'Shea

### **LSQ1/06/16 Appointment of Chair**

**Resolved** that Councillor J O'Shea be appointed Chair for this meeting.

### **LSQ2/06/16 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ3/06/16 Application for a Premises Licence – North East Convenience Store, 37 Bridge Street, Seaton Burn (Weetslade Ward)**

The Sub-Committee met to consider an application for a Premises Licence in relation to North East Convenience Store, 37 Bridge Street. The applicant, North East Convenience Stores Ltd, sought permission to supply alcohol, by way of off sales, each day of the week between 06.00 hours and 23.00 hours with the shop being open to the public each day of the week for those same hours. The Council had received representations from Northumbria Police and one local resident, both of whom objected to the grant of a licence.

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 representations received and the options available to the Sub-Committee.

Mr Vadhera, a director of the applicant company was present at the hearing. He was represented by Ms Sherratt. The Responsible Authorities were represented by Mr N Kirkpatrick from Northumbria Police.

Neither, Mr Singh or his representatives, Kingstons Solicitors, were in attendance. In their absence the Sub-Committee considered their written representations.

Mr Kirkpatrick stated that following a meeting with Mr Vadhera agreement had been reached on the conditions which could be attached to the licence which would satisfy the Police's concerns. The Sub-Committee's legal advisor referred Mr Kirkpatrick to the proposed conditions and noted that there did not appear to be a requirement for the CCTV footage to be handed over to representatives of Northumbria Police or the Licensing Authority upon request. It was explained that this had been an oversight.

In response Ms Sherratt explained that the sales of alcohol formed only a small part of the Applicant Company's business which is in fact food led. The Premises would provide Lottery and Pay Point facilities as well as selling newspapers. She also explained that the applicant operated 30 convenience stores, including one in Howdon which had been open since 2002 without any problems. The conditions proposed by the Police simply tightened up the company's current procedures.

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 (1) the application for a Premises Licence in relation to the North East Convenience Store, 37 Bridge Street, Seaton Burn be granted; and  
(2) the following conditions be attached to the grant of the Premises Licence:-

1. A CCTV system will be designed installed and maintained in proper working order to the reasonable satisfaction of Northumbria Police and/or the Licensing Authority. Such a system shall:
  - i) provide continuous recording for each camera to a good standard of clarity;
  - ii) ensure good coverage of all entrances and exists to the Premises, both internally and externally;
  - iii) ensure coverage of such other areas as may be required by Northumbria Police or the Licensing Authority;
  - iv) retain recordings on hard drive, disc or other storage device for a minimum period of 28 days;
  - v) be in operation whenever the Premises are open to the public.
2. There will be members of staff at the Premises during its operating hours who are trained to provide viewable copies of CCTV images as soon as reasonably practicable following a request from the Police or an authorised officer of the Licensing Authority made in accordance with the Data Protection Act 1998 (or any amending or replacement legislation).
3. Signs will be placed internally at the Premises indicating to customers that a CCTV system is in operation on the Premises. The signs will be a minimum of A5 in size.
4. All members of staff selling alcohol at the Premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 and who is seeking to purchase alcohol. Such credible evidence, which shall 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 military identification card showing a date of birth. If no such evidence is provided, then the sale will be refused.
5. All members of staff involved in the sale of alcohol at the Premises will have adequate training in the Licensing Act 2003 and any subsequent varying legislation. This training is to be delivered every six months for existing staff and on the appointment of any new members of staff. The training is to be delivered by the Designated Premises Supervisor or trainer from the licence holder. This training will be documented and kept on file for inspection by Trading Standards officers, representatives of the Licensing Authority, Police officer or a representative of Northumbria Police. The training records will be supplied to such officers for inspection upon reasonable request.
6. A Refusals Register, (electronic or paper based book), is to be kept and maintained on the Premises at all times detailing all challenges made to

customers as to their age and the reason for any refusal recorded in the register. The Refusals Register shall be supplied to a Police officer or representative of Northumbria Police, Trading Standards officer or representative of the Licensing Authority upon reasonable request.

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) The Applicant Company has significant experience in operating licensed convenience stores over a number of years and has a good relationship with Northumbria Police;
- b) There is no reason to challenge the stance adopted by Northumbria Police that provided the conditions suggested by the Police and the Licensing Authority are attached to the licence then they do not object to a licence being granted;
- c) Northumbria Police have made no representations regarding the opening hours;
- d) The representations from the local resident appeared to be commercially motivated;
- e) It is therefore appropriate to attach those conditions set out above to promote the licensing objectives concerned with the prevention of crime and disorder and public safety.