

## **Licensing Sub-Committee**

**12 July 2016**

Present: Councillors Janet Hunter, W Lott and D McMeekan

### **LSQ4/07/16 Appointment of Chair**

**Resolved** that Councillor W Lott be appointed Chair for this meeting.

### **LSQ5/07/16 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ6/07/16 Application for a Premises Licence – Left Luggage Room, Unit 6, Monkseaton Metro Station, Norham Road, Whitley Bay (Whitley Bay Ward)**

The Sub-Committee met to consider an application for a Premises Licence in relation to the Left Luggage Room, Unit 6, Monkseaton Metro Station, Norham Road, Whitley Bay. The applicants, Messrs Findlay and Buckley, sought permission to supply alcohol, by way of on and off sales, each day of the week between 12.00 hours and 23.00 hours and to provide live music (indoors) each day of the week between 12.00 hours. The premises would be open to the public between 12.00 hours and 23.00 hours

In addition to representations from Northumbria Police, the Authority had received representations from local residents, a public transport users group, parents' of children who attend the adjacent nursery and members of staff of the nursery. The representations received were evenly balanced between those who opposed and those who supported the application.

Following introductions, the Sub-Committee's legal advisor, set out the procedure which would 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 Findlay and Mr Buckley, the applicants, were present at the hearing. The Responsible Authorities were represented by Sergeant D Foy and Mr N Kirkpatrick from Northumbria Police. Vicki Gilbert, Secretary of the North Tyneside Public Transport Users Group and Councillor J O'Shea were present at the hearing and outlined their concerns. The Sub-Committee considered all the written representations received from those not present at the hearing.

Sergeant Foy stated that Mr Kirkpatrick (the Police Civilian Licensing Officer) had met with Mr Buckley, one of the applicants, and 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 Sergeant Foy to the proposed conditions regarding the fence or barrier to be provided between the outside drinking area and other public spaces. It was explained that the barrier needed to be of sufficient height to prevent interaction between patrons of the premises and metro users.

Councillor O'Shea stated that his representations related to the licensing objective concerned with the protection of children from harm. He suggested that his concerns could be addressed if the proposed hours of operation were amended to remove the conflict between the opening hours of the premises and the adjacent nursery.

Vicki Gilbert stated that her group's concerns related to people drinking on metro trains and stations which could lead to anti-social behaviour and abuse and that this could deter people from using the metro.

In response Mr Findlay explained that the premises would be operated on a small scale and would be predominantly selling real ale with some gin and wine. The applicant had had discussions with representative of the nursery and had agreed to make improvements to the shared fence and to move the outdoor seating area further away from the shared fence to ameliorate the nursery's concerns about noise nuisance. He also confirmed that there were no objections to the conditions suggested by the police.

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 Left Luggage Room, Monkseaton Metro Station, Norham Road, Whitley Bay be granted; and (2) the following conditions be attached to the grant of the Premises Licence:-

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times. The Premises Licence Holder will ensure that:
  - a) 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.
  - b) The CCTV system is able to capture clear images permitting identification of individuals.
  - c) The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
  - d) 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.
  - e) The CCTV system is capable of constantly generating an accurate date and time.
  - f) The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
  - g) There will be members of staff present at the Premises during the operating hours that 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 serving staff 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 full driving licence, or proof of age card carrying the hologram "PASS" logo or HM Forces ID card.
4. All members of staff responsible for the sale of alcohol will receive refresher training at least once 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.
5. 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).
6. A refusals register (electronic or paper based) is to be kept and maintained on the Premises. This shall be supplied promptly to a Police Officer or a representative of Northumbria Police, or a Trading Standards Officer on request.
7. No open bottles or drinks containers are to leave the Premises or outside drinking area.
8. When alcohol is to be taken into the outside drinking area, all drinks will be served in polycarbonate vessels.
9. A fence or barrier that will be at least 4ft in height will be kept in place at all times between the outside drinking area and other public spaces.

#### 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 has a good relationship with Northumbria Police and has voluntarily undertaken measures to address the concerns of the adjacent nursery which suggests that they will be responsible operators of the premises;
- 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) The Local Safeguarding Children's Board and the Director of Public Health have made no representations regarding the licensing objective of the protection of children from harm;
- d) The representations received in relation to the application appear to be evenly balanced between those who oppose the application and those who support it;
- e) There was no need to approve the application for live music at the Premises as the provision of live music is no longer a licensable activity at such premises as a result of the amendments made to the Licensing Act 2003 by the Live Music Act 2012;
- f) It is appropriate to attach those conditions set out above to promote the licensing objectives concerned with the prevention of crime and disorder and public safety.