

Licensing Sub-Committee

1 August 2016

Present: Councillors D Drummond, M A Green and W Lott

LSQ7/08/16 Appointment of Chair

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

LSQ8/08/16 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ9/08/16 Application for a Premises Licence – C Nicholson and Son Butchers, 140 Park View, Whitley Bay (Whitley Bay Ward)

The Sub-committee met to consider an application for a Premises Licence in relation to C Nicholson and Son Butcher, 140 Park View, Whitley Bay. The applicant, Mrs K Meadows, sought permission to supply alcohol, by way of off sales, each Monday to Wednesday and Saturday from 07.00 hours to 17.00 hours, each Thursday and Friday from 07.00 hours to 17.30 hours and each Sunday from 10.00 hours to 16.00 hours. The premises would be open to the public for the same hours.

The authority had received representations from Northumbria Police.

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.

Mrs Meadows, the applicant, was present at the hearing. The Responsible Authorities were represented by Mr N Kirkpatrick from Northumbria Police. The Sub-committee considered all the written representations received from those not present at the hearing.

Mr Kirkpatrick (the Police Civilian Licensing Officer) had met with Mrs Meadows, the applicant, 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 Mr Kirkpatrick to the proposed conditions regarding the operating style of the Premises and suggested that the wording was ambiguous. Mr Kirkpatrick explained that the intention of the condition had been to maintain the operating style of the premises as it had been explained to him. He confirmed that the Police would not object to the removal of the proposed condition.

In response Mrs Meadows explained that C Nicholson and Son was an independent high street butcher who had developed a number of strategies to deal with the loss of customers to local supermarkets. One of the strategies was to provide a meal deal where a customer bought a meal to cook at home could also buy a bottle of wine or beer to accompany that meal. She also confirmed that the alcohol would be in pre sealed bottles.

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 C Nicholson and Son Butchers, 140 Park View, 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. Such a system shall:-
 - (i) Provide continuous recording for each camera to a good standard of clarity;
 - (ii) Ensure coverage of all entrances and exits to the Premises, both internally and externally;
 - (iii) Ensure coverage of such other areas as may be required by Northumbria Police and the Licensing Authority;
 - (iv) Retain recordings on hard drive, disc or other storage device for a minimum period of 28 days; and
 - (v) Be in operation at all times the Premises are open to the public.
2. There will be at least one member of staff present at the Premises during its operating hours who is trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or an authorised officer of the Licensing Authority made in accordance with the Data Protection Act 1988 (or any replacement legislation). CCTV recordings shall be supplied in a removable format.
3. Signs will be displayed both internally and externally 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.
4. All members of staff responsible for the sale of alcohol will receive adequate training on the Licensing Act 2003 and any replacement legislation. Existing staff will receive refresher training every 6 months and any new members of staff responsible for the sale of alcohol must receive such training before they can sell or supply alcohol at the Premises. Such training will be given by the Designated Premises Supervisor and documented and kept on file. All training records will be kept at the Premises and will be produced to a Police Officer or representative of Northumbria Police, Trading Standards Officer or authorised officer of the Licensing Authority upon request.
5. 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, or proof of age card with a hologram and "PASS" logo or HM Forces ID card. If no such evidence is provided then the sale must be refused.

6. A refusals register (electronic or paper based) will be maintained and kept at the Premises at all times detailing challenges made to customers as to their age and the reason for any refusal recorded in the register. The register will be supplied for inspection by an authorised officer of the Licensing Authority, Trading Standards Officer, Police Officer or a representative of Northumbria Police upon request.
7. There will be no draught beers, lager or ciders available at the Premises.
8. No open bottles or drinks containers containing alcohol will be permitted to leave the Premises.

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 is a family operated butchers whose primary business is food led.
- b) The applicant has a good relationship with Northumbria Police;
- c) 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;
- d) There have been no representations received from local residents or businesses or any of the other Responsible Authorities;
- e) 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.