

## **Licensing Sub-Committee**

**5 October 2016**

Present: Councillors M A Green, John Hunter and W Lott

### **LSQ13/10/16 Appointment of Chair**

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

### **LSQ14/10/16 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ15/10/16 Application for a Variation of a Premises Licence – Rai Wine Store, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL (Benton Ward)**

The Sub-committee met to consider an application for a variation to a Premises Licence in relation to Rai Wine Store, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne. The applicant, Mr Gurdeep Singh Rai, sought permission for a variation to the premises licence to supply alcohol off the premises via a delivery service each day of the week between 2300 hours and 0700 hours. The existing licence permitted the sale of alcohol from the premises every day of the week between 0700 hours and 2300 hours.

The Authority had received representations from the Chief Officer of Police in respect of the licensing objective of the prevention of crime and disorder.

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 representation received and the options available to the Sub-committee.

Mr Kirkpartick and Sgt Brady explained that discussions had take place with the applicant's representative regarding the application and a suggested set of conditions had been proposed which would address the concerns of the police in respect of the application. Since those meetings had taken place the police had become aware from colleagues in Newcastle upon Tyne of a number of incidents in which delivery drivers had been robbed of cash. The police therefore suggested that an additional condition be added to the licence that delivery drivers did not carry cash and that all transactions were made by card payment only.

Mr McKee, on behalf of the applicant explained that the premises were a convenience store located in a commercial area. Following a request from local residents it had been proposed to operate a delivery service after the store had closed at 2300 hours. The applicant's representative had discussed the application with the Police and a number of conditions to be attached to the licence had been agreed. Mr McKee also confirmed that the applicant also agreed with the police suggestion that drivers do not carry cash as he wanted to operate in a safe manner.

All parties were given the opportunity of summing 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 variation to the Premises Licence in relation to Rai Wine Store, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne be granted; and (2) the following conditions be attached to the Premises Licence:-

1. No alcohol will be delivered to any customer until details of the customer, including his/her name, address, quantity, description and price of the alcohol is entered into a register (electronic or otherwise) that will be kept at the Premises at all times. The register will be available for inspection and copying by authorised officers of the Licensing Authority or representatives of Northumbria Police immediately on request to see the register in accordance with the Data Protection Act 1998 (or any replacement legislation).
2. All persons responsible for the sale, supply or delivery of alcohol at or from the Premises will be given training on their duties and responsibilities under the Licensing Act 2003 (or any replacement legislation) before they commence employment at the Premises and refresher training will be provided every 6 months. This training will be provided by the Designated Premises Supervisor.
3. Training records for each person responsible for the sale, supply or delivery of alcohol at or from the Premises will be maintained and kept at the Premises at all times and be made available for inspection and copying by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request to see the records.
4. All persons responsible for the sale, supply or delivery of alcohol at or from 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 alcohol at the Premises or taking delivery of alcohol away from the Premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, proof of age card carrying a PASS logo and hologram or Her Majesty's Services Identity Card.
5. A register (or registers) (electronic or otherwise) of all refusals to sell alcohol must be kept at the Premises at all times. The register (or registers) must include the date and time of the challenge, a description of the customer, the name of the person who refused the sale and the reason for refusal. The register (or registers) will apply to all sales of alcohol from the Premises including the sale of alcohol resulting in the delivery of alcohol away from the Premises. The register (or registers) must be maintained and kept up to date. The register (or registers) will be made available for inspection and copying by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request to see a register in accordance with the Data Protection Act 1998 (or replacement legislation). If the challenge is made as a result of a delivery to a customer, the address of the customer will be recorded in the register.
6. Any delivery of alcohol from the Premises must be to either a residential or commercial premises the address of which is duly recorded in the register referred to

in condition 1. No delivery of alcohol will be made to an open area or public place such as parks, beaches, playing fields or any similar type of location.

7. All payments received by the Licence Holder or his staff for the purchase of alcohol from the Premises for delivery to customers at a location away from the Premises must be received in advance of the delivery to the customer by way of card payment or other electronic payment method only.
8. No exchange of cash will take place between the person delivering the alcohol and the customer at the time of delivery.
9. All customers seeking to purchase alcohol from the Premises and requesting the delivery of the alcohol at an address away from the premises will be informed that any person taking delivery of the alcohol who appears to be under the age of 25 years will be required to produce photographic evidence of the type set out in condition 4 above as to their age and that without the production of such photographic evidence the delivery of the alcohol will not take place.
10. A CCTV system will be installed and maintained in proper working order and the Licence Holder must ensure that:-
  - a) CCTV cameras are located within the Premises to cover all public areas including all entrances and exits, both internally and externally, and in particular any exit from which alcohol leaves the Premises to be taken to delivery vehicles.
  - b) The CCTV system records clear images permitting the identification of individuals.
  - c) 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 28 days.
  - d) The CCTV system operates at all times that the Premises are being used for licensable activities.
  - e) The CCTV system is able to generate a constant and accurate time and date generation.
  - f) The CCTV system is fitted with security functions to prevent recordings being tampered with such as password protection.
  - g) There are persons at the Premises during operating hours able to provide viewable copies on request to authorised officers of the Licensing Authority (including Trading Standard Officers) or representatives of Northumbria Police as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
11. Notices will be displayed at the Premises informing customers and staff that a CCTV system is in operation at the Premises. Such Notices will be displayed so as to be readily seen and read and must be a minimum of A5 in size.
12. A Global Positioning device will be fitted to all delivery vehicles used for the delivery of alcohol from the Premises and such a device will be in operation at all times that the vehicle is being used to deliver alcohol. A notice will be displayed on the delivery vehicles both internally and externally advising customers and drivers that the vehicle is fitted with a Global Positioning device.
13. All conditions must be capable of being met in full before the variation to the Licence takes effect.

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 premises was a long standing convenience store located in a primarily commercial area;
- b) The applicant has developed 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.