

## **Licensing Sub-Committee**

**13 December 2016**

Present: Councillors M A Green, Janet Hunter and D McMeekan

### **LSQ16/12/16 Appointment of Chair**

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

### **LSQ17/12/16 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ18/12/16 Review of a Premises Licence – Easy Street, South Parade, Whitley Bay (Whitley Bay Ward)**

The Sub-committee met to review a premises licence in relation to Easy Street, South Parade, Whitley Bay. The review had been brought by Northumbria Police because of a number of issues around the operation and management of the premises. The application to review the licence had therefore been submitted in relation to the prevention of crime and disorder. Further representations had been received from the Licensing Authority in relation to public safety.

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 Northumbria Police's application to review the licence, the further representations received, the terms of the licence and the options available to the Sub-committee.

Northumbria Police was represented by Mr Kirkpatrick, the Licensing Officer. The licence holder, Easteye Limited, was represented by Ms Smith and she was accompanied by Mr Ladhar, a director of the licence holder. Mrs Lee and Mr Smith from the Licensing Authority were also present.

Mr Kirkpatrick explained that the police had requested a review of the licence due to a number of breaches of the licence conditions which had been observed by police officers on several visits to the premises. He also referred to the general poor condition of the premises.

The Sub-committee was advised that, following the removal of Mr Thompson as the designated premises supervisor, the police had confirmed that they were satisfied with the steps taken by the licence holder and did not therefore seek the revocation of the premises licence.

Mrs Lee explained that the licensing authority had supported the request for a review of the premises licence due to the food hygiene issues raised by the Senior Environmental Health Officer and the apparent lack of involvement of the licence holder in the management of the

premises. She invited the Sub-committee to amend the licence by the addition of an extra condition which required the premises licence holder to have regular contact with the premises including visits to the premises.

Mr Smith explained that during an inspection of the premises he had become aware that there was no hot water in the bar area or the toilet area. Following a number of further visits to the premises a Hygiene Improvement Notice had been served on Mr Thompson in his capacity as a food business operator to provide a suitable supply of hot water for hygiene and cleaning purposes.

Ms Smith referred to the condition offered by the premises licence holder which required attendance by a representative of the licence holder on a quarterly basis to meet the designated premises supervisor and to ensure that the licence conditions were being adhered to. She also explained that Mr Thompson, the designated premises supervisor, had been required as part of his tenancy agreement with the premises licence holder to operate lawfully and to adhere to the licence conditions and to food hygiene regulations. When it had become apparent that this was not happening the premises licence holder had reacted appropriately to the concerns of the police and the licensing authority and had replaced Mr Thompson as the designated premises supervisor. She therefore argued that the review application had been premature as the licence holder had not been given an opportunity to put matters right on a voluntary basis. She also confirmed that the premises were currently closed and would need to be refurbished before they were reopened.

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 the Premises Licence held in relation to Easy Street be modified so that the following conditions are added:-

12. Where the premises licence holder is not in day to day control of the premises, the premises licence holder or authorised representative of the premises licence holder and the designated premises supervisor will conduct risk assessments in relation to the general operation of the premises and for individual bespoke events that may occur at the premises. Such assessments will include, (but are not limited to), the level of staffing at the premises including the employment of registered door supervisors to be employed at the premises, whether the designated premises supervisor should be in attendance at the premises during any particular event and if the licence conditions are being adhered to. The assessments will have regard to any information supplied to the premises licence holder, designated premises supervisor or staff by Northumbria Police.
13. The risk assessment undertaken in relation to the general operation of the premises will be undertaken at least quarterly. The premises licence holder or authorised representative of the premises licence holder and the designated premises supervisor will meet at the premises for the purpose of undertaking the risk assessment and the risk assessment will be recorded and kept at the premises at all times and made available for inspection by authorised representatives of the Licensing Authority and Northumbria Police immediately on request.

14. The risk assessments undertaken for bespoke events will be undertaken in advance of such events at least quarterly and will include a meeting between the premises licence holder or authorised representative of the premises licence holder and the designated premises supervisor at the premises for the purposes of undertaking such an assessment. The assessment will be recorded and kept at the premises and made available for inspection by authorised representatives of the Licensing Authority and Northumbria Police immediately on request.
15. A risk assessment will be undertaken whenever there is a change in tenant/designated premises supervisor at the premises and such assessment will include the matters set out in condition 12.
16. Unless otherwise agreed with Northumbria Police a minimum of one door supervisor will be employed at the premises from 21.00 hours until the closure of the premises to the public on each Thursday, Friday and Saturday.
17. When exotic dancing/stripping takes place at the premises at least 2 door supervisors will be employed at the premises, with one supervisor deployed at the front door of the premises and the other deployed inside the premises where the dancing/stripping is taking place.
18. Prior to the premises re-opening to the public for the provision of licensing activities, the premises licence holder and designated premises supervisor will meet with representatives of the Police and relevant Licensing Authority Officers to undertake an inspection of the condition of the premises and assess the proposed style of operation to be undertaken at 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 removal of the previous designated premises supervisor was in the view of the Police a sufficient step to remedy the issues at the premises;
- b) The premises are currently closed to the public and will only be opened following a refurbishment of the premises which will remedy the hygiene and public safety concerns;
- c) The current designated premises supervisor is a director of the premises licence holder;
- 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 additional conditions set out above to promote the licensing objectives concerned with the prevention of crime and disorder and public safety.