

Licensing Sub-Committee

10 July 2017

Present: Councillors L Darke, John Hunter and W Lott.

LSQ1/07/17 Appointment of Chair

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

LSQ2/07/17 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ3/07/17 Application for the grant of a Premises Licence – 201 Park View, Whitley Bay (Whitley Bay Ward)

The Sub-committee met to consider an application for the grant of a new premises licence in relation to 201 Park View, Whitley Bay. The applicant, GH9 Limited, sought the grant of a premises licence to supply alcohol by way of on and off sales, the exhibition of films (indoors) and the provision of live and recorded music (indoors and outdoors) each day of the week between 1100 hours and 2300 hours. The Premises would be open to the public each day of the week from 1100 hours to 2300 hours. In addition the applicant also sought permission for the premises to remain open until 0100 hours on New Years Eve/Day and the timing of the licensable activities extended accordingly.

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

The Authority had also received representations from 14 persons who lived near to the premises and from Councillor O'Shea on behalf of the local Ward Councillors. A petition from local residents had also been submitted.

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.

The applicant was represented at the hearing by Mr G Harding, Director of the Applicant Company, and Ms C Gibb, Manager at the Applicant Company. Mr N Kirkpatrick, the Police Licensing Officer was present representing the Chief Officer of Police.

Mr B Wildsmith, Mr D and Mrs A Finney, Mr N Dawson, Ms D Dixon, Mr CJ and Mrs JM Adamson and Mr L Arnold were present along with Councillor J O'Shea.

Mr Kirkpatrick explained that discussions had take place with the applicant regarding the application and a set of conditions had been suggested which would address the concerns of the police in respect of the application.

Mr Wildsmith explained that he was representing himself and a number of other residents. He referred to the issues which residents had previously encountered when South Parade was in full flow including noise and disturbance, vandalism to parked cars and litter being left in the streets and gardens late into the evening. He highlighted the potential for conflict between residents and users of the premises. Reference was also made to potential parking problems as there were double yellow lines outside the premises and the need for deliveries to be made to the rear of the premises which would restrict access to residents' garages.

Mr Wildsmith also explained that the application sought permission to provide live and recorded music and this was a major concern of local residents as noise from the premises, including that of smokers standing outside, would impact on the local residents peaceful enjoyment of their homes

Councillor O'Shea explained that the premises were located in a residential area unlike the other micro pubs which had been granted licences. He also explained that patrons of the premises, when going home would be likely to walk up Beach Grove and Marine Gardens and were likely to generate noise which would upset the residents tranquil existence. There was also the potential for smokers who would gather outside the premises to generate noise to the annoyance of local residents.

Mr Kirkpatrick, on behalf of the Chief Officer of Police, explained that initially the police had concerns about the conditions offered by the applicant to address the prevention of crime and disorder licensing objective. Following a discussion with the applicant the police had suggested a number of conditions which if implemented would address those concerns. He explained that the applicant had agreed to the suggested conditions.

Mr Harding, on behalf of the Applicant, explained that the premises would not operate as a mainstream pub but as a real ale bar. He expected that the average customer would be likely to be over 30 years of age. He also explained that he was an active member of Pub Watch and the premises would operate a challenge 25 policy to prevent sales to young people. Deliveries to the premises would be managed to reduce the impact on local residents and notices displayed asking patrons to have regard to local residents when leaving the premises. He also explained that it was intended that there would be one member of staff on the premises at all times.

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 the grant of a premises licence in relation to 201 Park View, Whitley Bay be granted and the following conditions be attached to the premises licence:-

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder with 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 28 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 tempered 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 years 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 the "PASS" hologram and logo or HM forces ID card.
 4. All members of staff responsible for the sale of alcohol will receive training before being permitted to serve alcohol at the Premises. All members of staff responsible for the sale of alcohol will thereafter receive training every 3 months 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) is to be kept and maintained on the Premises. This shall be supplied to a Police Officer or a representative of Northumbria Police, or a Trading Standards Officer immediately on request.
 7. The Premises Licence Holder will provide clear and legible notices displayed at exits and other circulatory areas within the Premises requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the

need to refrain from shouting, slamming car doors and discouraging the sounding of car horns.

8. The area designated as a smoking area for the Premises will be inspected by a member of staff at the Premises during hours of trading at least once an hour to ensure that any discarded cigarettes are properly disposed of in receptacles provided by the Premises Licence Holder.
9. There will be at least 2 members of staff present at the Premises at all times that the Premises are open to the public.

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 would be operated as a micro pub and the applicant has experience of successfully running such a premises;
- b) Northumbria Police consider that with the imposition of the above conditions their concerns over the licensing objective in relation to the prevention of crime and disorder have been addressed;
- c) There have been no representations received from any of the other Responsible Authorities;
- d) The concerns of the Environmental Health Officer and residents in relation to noise emanating from the premises have been addressed as part of the Planning Permission which does not allow live and recorded music at the premises and which does not allow the rear outside areas to be used by patrons;
- e) It would not be practical for one member of staff to be serving customers and at the same time to be responsible for monitoring and tidying the outside smoking area; and
- f) It is appropriate to attach those conditions set out above to promote the licensing objectives concerned with public safety, prevention of crime and disorder, the protection of children from harm and the prevention of public nuisance.