

Licensing Sub-Committee

28 July 2017

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

LSQ4/07/17 Appointment of Chair

Resolved that Councillor D Drummond be appointed Chair for this meeting.

LSQ5/07/17 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ6/07/17 Application for a Variation to a Premises Licence – Eden’s Cafe, 203 Park View, Whitley Bay (Whitley Bay Ward)

The Sub-committee met to consider an application for a variation to a Premises Licence in relation to Eden’s Cafe, 203 Park View, Whitley Bay. The applicant, Eden’s Cafe Limited, sought permission for a variation to the Premises Licence to supply alcohol on the Premises between 1100 hours and 2200 hours, Monday to Saturday and 1100 hours and 2100 hours on a Sunday and for the premises to be open to the public between 0900 hours and 2200 hours Monday to Saturday and 0900 hours and 2100 hours on a Sunday.

The Authority had received representations from 8 local residents and the local ward councillors in respect of the 4 licensing objectives.

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 Wildsmith, a local resident, advised the Sub-Committee that he was speaking on his own behalf and on behalf of a number of local residents. He explained that the residents would wish that the premises remain as they were. Residents were concerned that the later opening times would lead to an increase in noise and disturbance for local residents.

Councillor O’Shea reiterated Mr Wildsmith’s concerns in relation to noise nuisance and general disturbance.

Mrs Eden-Bagley explained that the Premises were currently operated as an up-market cafe/restaurant and the application was to permit the Premises to operate in keeping with other restaurants in the area. It was not the intention for the Premises to become a public house and there was no intention to change the operating style of the Premises if the variation was granted.

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 application for a variation to the Premises Licence in relation to Eden's Cafe, 203 Park View, Whitley Bay be granted subject to the following conditions:

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and 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 the outside seating area.
 - 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 a member of staff present at the Premises during the operating hours 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 1998 (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 hologram "PASS" logo or HM forces ID card. If no such evidence is produced the sale will be refused.
4. All members of staff responsible for the sale of alcohol will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.
5. After 1800 hours alcohol can only be sold or supplied to customers taking table meals at the Premises.

6. 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.

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 cafe/restaurant located in a primarily residential area and there is no evidence that the Premises are not well managed;
- b) The music played on the premises is background music only;
- c) The sale of alcohol is for consumption on the premises only;
- d) There have been no representations received from any of the Responsible Authorities;
- e) The application is for a variation to the hours of the Premises and not a review of the licence; and
- 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 nuisance.