

Licensing Sub Committee

Tuesday, 9 January 2024

Present: Councillors T Mulvenna, P Oliver and J Wallace

LS22/23 Appointment of Chair

Resolved that Councillor Mulvenna be appointed Chair for the meeting.

LS23/23 Declarations of Interest

There were no declarations of interest reported.

LS24/23 The Lough Ran, 203 Park View, Whitley Bay, NE26 3RD

The Sub-committee met to consider an application to vary the premises licence in respect of the Lough Ran, 203 Park View, Whitley Bay, NE26 3RD.

The Applicant, The Lough Ran (2023) Limited, sought to vary the premises licence by:

- The removal of condition 5 of annex 3 of the licence which required that after 18:00 hours alcohol can only be sold or supplied to customers taking a table meal at the premises;
- To increase the hours for the sale of alcohol on the premises every day to 22:30 hours
- To amend the general opening hours to:
Monday to Friday from 11:00 hours to 23:00 hours
Saturday and Sunday from 09:00 to 23:00 hours
- To extend the supply of alcohol on the premises on Christmas Eve until 23:30 hours and on New Years Eve into New Years Day until 01:30 hours.

Following introductions the Sub-committee's legal advisor outlined the procedure to be followed at the hearing.

Mr Callum, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. He

responded to questions from Councillor O'Shea.

Councillor O'Shea, Ward Councillor, presented details of his objection and explained that he was also addressing the concerns of several residents who had submitted representations. He responded to questions from the applicant.

Ms Lumsdon, landlord of a property in the area, presented details of her representation and responded to questions from members of the Sub-committee, Councillor O'Shea and the representative of the applicant.

Mr Bowden, on behalf of the applicant, was accompanied by Ms Blackett of the applicant company, presented details of the application and responded to questions from the members of the Sub-committee and the Sub-committee's legal advisor.

All parties were given the opportunity of summing up their respective case and the Sub-committee retired to make its decision.

All parties were invited back into the meeting and the Chair announced the Sub-committee's decision.

Resolved that the licensing and opening hours at the premises be modified as follows:

Licensing Hours – every day of the week from 11:00 hours to 22:30 hours

Opening Hours - Monday to Friday from 11:00 hours to 23:00 hours and Saturday and Sunday from 09:00 hours to 23:00 hours

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 with 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 that is 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 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 and will be refreshed every 6 months.
 5. All training received by staff in relation to the Licensing Act 2003 (or replacement legislation) must be recorded in training records for each

member of staff and such records kept at the Premises at all times and made available for inspection immediately on request from representatives of Northumbria Police or an authorised officer of the Licensing Authority (including Trading Standards Officers).

6. After 20:00 hours alcohol can only be sold or supplied to customers taking table meals at the Premises.
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. Before the variation of the Premised Licence takes effect, a detailed noise survey and any scheme identified from the survey for the sound insulation of the Premises must be submitted to, and approved by, an Environmental Health Officer of North Tyneside Council to ensure that the noise level from activities at the Premises associated with any licensable activity in the first floor flat above the Premises and any flats adjacent to the Premises and residential premises in Park View, Beech Grove, The Avenue and Marine Gardens does not exceed 35 dB LAeq measured over a 15 minute period. Once the Sound Insulation System is approved by the Environmental Health Officer and installed this condition will be discharged.
9. The noise level from activities at the Premises associated with any licensable activity when assessed in any of the residential premises in Park View, Beech Grove, The Avenue and Marine Gardens must not exceed 35 dB LAeq during the operation of the Premises Licence measured over a 15-minute period with the windows of the residential premises closed.
10. Any outside seating area(s) provided by the Licence Holder for the consumption of food or alcohol shall not be used by customers after 21:00 hours at which time all tables and chairs shall be cleared so as they cannot be used by customers or staff.
11. The Licence Holder will ensure that any doors in the Premises will be self-closing doors that do not generate noise that will be audible in the first floor

flat above the Premises and any flats adjacent to the Premises and residential premises in Park View, Beech Grove, The Avenue and Marine Gardens.

In accordance with section 36(3) of the Licensing Act 2003, the Sub-Committee considered that the variation to the premises licence could take effect immediately on the modified conditions being complied with and being able to take effect.

Reason for Decision:

The Sub-committee considered that with a combination of the conditions already on the licence together with the further conditions imposed by the Sub-committee, the requirement for a noise survey and the installation of any soundproofing required as a result of the noise survey the licensing objectives would be sufficiently promoted to address the concerns around the application.