

## Licensing Sub Committee

**Wednesday, 14 February 2024**

Present: Councillor M Thirlaway (Chair)  
Councillors J Johnsson and P Oliver

### **LS25/23 Appointment of Chair**

Resolved that Councillor Thirlaway be appointed Chair for the meeting.

### **LS26/23 Declarations of Interest**

There were no declarations of interest reported.

### **LS27/23 Horticulture Coastal, 201-203 Whitley Road, Whitley Bay, NE26 2SY**

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Horticulture Coastal, 201-203 Whitley Road, Whitley Bay, NE26 2SY.

The applicant, Horticulture Leisure 2 Limited, sought permission for the following:

- To permit the premises to supply alcohol for consumption on and off the premises every day from 10:00 hours to 23:00 hours;
- The exhibition of films (indoors) and the provision of recorded music every day from 08:00 hours to 23:00 hours;
- The provision of late night refreshment (on the premises) every day from 23:00 hours to 23:30 hours;
- General opening times every day from 00:00 hours to 24:00 hours; and
- Non standard timings to permit licensed activities to be extended from the finish time on New Years Eve to the start time on New Years Day.

Following introductions of those present at the meeting the Sub-committee's legal advisor outlined the procedure to be followed at the meeting.

Ms Graham, Senior Licencing Officer, presented details of the application, the representations received and the options available to the Sub-committee. She also provided clarification to members of the Sub-committee on the history of the site and the relevance to the Cumulative Impact Area.

Councillor O'Shea, representing a local resident, set out details of the representation in relation to the application. He responded to questions from members of the Sub-committee.

Ms Smith, Solicitor for the applicant, was accompanied by Mr Heskith on behalf of the applicant company and addressed the Sub-committee in support of the application. She responded to questions from members of the Sub-committee.

All parties were given the opportunity to sum up their respective cases and the Sub-committee retired to make its decision in private.

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

**Resolved** that the application be approved as follows:

- Opening hours: 08:00 hours to 23:00 hours Sunday to Thursday and 08:00 hours to 23:30 hours Friday and Saturday
- Supply of alcohol (on/off): 10:00 hours to 22:30 hours Sunday to Thursday and 10:00 hours to 23:00 hours Friday and Saturday
- Non-standard opening hours: 08:00 hours to 01:00 hours on New Years Eve
- Non-standard supply of alcohol (on/off): 10:00 hours to 00:30 hours on New Years Eve
- Late night refreshment: 23:00 hours to 23:30 hours Friday and Saturday

Subject to the following conditions:

1. The Premises will operate primarily for the service of food and the sale or supply of alcohol will be ancillary to the Premises main use.
2. The Premises will not offer vertical drinking and all patrons must be seated to consume food and drink. Clear and visible signage to promote this condition

will be maintained at suitable locations within the Premises.

3. Off sales of alcohol will be provided in sealed containers.
4. A Waiter/Waitress service will be available at all times that the Premises are open to the public.
5. Staff shall refuse to supply alcohol to any adult who they suspect to be intoxicated or passing the alcohol to those who are underage. Details of such refusals shall be documented and made available to the police or local authority immediately upon request.
6. An incident and refusals book or log shall be kept at the Premises which is utilised and maintained at all times. This will include a record of all age challenges made when a customer attempts to purchase alcohol and the reasons for any refusal. This book/log will be available to the police, Licensing Authority or other Responsible Authority immediately upon request.
7. Sufficient, competent and suitably trained staff shall be on duty at the Premises for the purpose of fulfilling the terms and conditions of this licence and for the promotion of the licensing objectives.
8. The Premises Licence Holder shall ensure that all relevant members of staff receive training in their responsibilities under the Licensing Act 2003 (or replacement legislation) including the use of a "Challenge 25 policy". Such training shall be documented, and records kept on the Premises made available on request from the Police, authorised officer of the Licensing Authority or other Responsible Authority. Refresher training will take place at 6 monthly intervals and will also be documented and available for inspection on request.
9. All members of staff at the premises, including door supervisors where they are employed, 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 consume alcohol on the premises or purchase alcohol, whether or not they intend to consume it on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving license or proof of age card carrying the "PASS" logo and hologram, or a Forces ID card.

10. No child under 11 years old shall be permitted to sit at the bar, with clear visible signage confirming this.
11. No child under 11 years old to be inside the Premises after 21:00 hours.
12. Any age restricted film shall be shown within a closed and screened area at the Premises to prevent its exposure to a child not of the required age to view it.
13. The Designated Premises Supervisor shall conduct a risk assessment for the general operation of the Premises and again in the case of individual bespoke events.
14. A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of, and in consultation with, Northumbria Police. Such a system shall:
  - a) Be operated by properly trained staff;
  - b) Be in operation at all times that the Premises are open and capable of generating an accurate date and time of the footage;
  - c) Ensure coverage of all public entrances and exits, bar and till areas, areas where alcohol is stored and any other areas as required by police;
  - d) Be kept in a secure environment under the control of a named responsible individual and fitted with a security function to prevent tampering with the recording (eg. password protected);
  - e) A member of staff trained in the retrieval of CCTV footage to be present at all times when the Premises are open, with the ability to download and provide the relevant footage at the request of the police;
  - f) Be capable of recognition of all persons entering the premises;
  - g) Provide continuous recording facilities for each camera to a high standard of clarity. Such recordings shall be retained on tape/disc/hard drive or otherwise

for a minimum of 28 days and shall be supplied to the police, Licensing Authority or other Responsible Authority on request. Images recorded are to be retained in an unedited format and the CCTV must continually record whilst the premises are open.

15. No noise from the licensed premises, including noise from patrons present, arriving or leaving the premises, or from licensable activity, shall rise 5db or more above the existing ambient/background noise at this location, when measured continuously over a 15 minute period at residential properties on Station Road or Whitley Road, between Percy Road and Trewitt Road, Whitley Bay NE26 so as to avoid nuisance to nearby residents or other business users.

16. The inner lobby door and all windows at the Premises to be kept closed during hours that licensable activity is taking place.

17. A noise management plan will be provided to Environmental Health officers for prior approval before licensable activity may take place at the Premises, and the plan retained on the premises and available for inspection at the request of the Police or Licensing Officer.

18. A patron dispersal policy shall be prepared by the Designated Premises Supervisor, kept at the Premises and made available on request of a Licensing Officer.

19. No delivery to the premises shall be received between 22.00 hours and 08.00 hours

20. Any outside seating area(s) provided by the Licence Holder for the consumption of food or alcohol shall not be used by patrons after 21:00 hours at which time all tables and chairs shall be cleared away to prevent use by patrons or staff.

21. Polycarbonate glasses will be used for drinks to be consumed by staff or customers in any outside area provided by the licence holder and any bottled drinks decanted into polycarbonate glasses.

22. On the entrance/exit to the premises there will be signs prompting customers to be respectful of neighbours and to leave quietly.

Reasons for Decision:

The Sub-committee was satisfied that the applicant has successfully demonstrated that there would be no negative impact on the 4 licensing objectives from the grant of the licence.

The Sub-committee considered that the applicant has been able to rebut the presumption against the grant of the licence at the location as set out in the Authority's Cumulative Impact Policy.

The Sub-committee considers that with the combination of the conditions offered by the applicant and the conditions it imposed the licensing objectives would be sufficiently promoted to address the concerns in relation to the application.