

Licensing Sub Committee

Wednesday, 17 July 2019

Present: J Cruddas, C Davis and T Mulvenna

16 Appointment of Chair

Resolved that Councillor T Mulvenna be appointed Chair for this meeting.

17 Declaration of Interest and Dispensation

There were no declarations of interest or dispensations reported.

18 Longsands Clothing Limited, 4 Albion Street, North Shields (Tynemouth Ward)

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Longsands Clothing Ltd, 4 Albion Street, North Shields, NE30 2RJ.

The Applicant, Mr John Armstrong, sought permission to supply alcohol for consumption on the Premises each day between 11:00 hours and 23:00 hours and between 11:00 hours and 01:00 hours on New Years Eve. The Premises would be open to the public each day of the week between 10:00 hours and 23:30 hours.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing.

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

The Sub-committee referred to the written representations submitted in respect of the application.

Mr Armstrong addressed the Sub-committee in relation to his application.

Members of the Sub-committee asked a series of questions which were responded to by Mr Armstrong.

Mr Armstrong was then given the opportunity of summing up his submission.

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 the grant of a Premises Licence in respect of Longsands Clothing Ltd, 4 Albion Street, North Shields as amended by the Sub Committee to permit the

sale of alcohol for consumption on the Premises from Sunday to Thursday between 11:00 hours and 20:00 hours and on Friday and Saturdays between 11:00 hours and 22:30 hours and for the Premises to be open to the public from Sunday to Thursday between the hours of 10:00 and 20:30 hours and Friday and Saturday between 10:00 hours and 23:00 hours be approved subject to the following conditions:

1. A CCTV system will be designed, installed and maintained in proper working order at the Premises. Such a system shall:-

- i) Provide continuous recording for each camera to a good standard of clarity, with a minimum of four frames per second.
- ii) Ensure coverage of all entrances and exits to the Premises both internally and externally.
- iii) Ensure coverage of such other areas as may be required by the Licensing Authority
- iv) Retain recordings on hard drive, disk or other storage device for a minimum period of 28 days.
- v) Be in operation at all times the Premises are open to the public.
- vi) Be fitted with security functions to prevent recordings being tampered with such as password protection.

2. There will be at least one person at the Premises during operating hours that is trained to provide viewable copies of the CCTV images following a request from an authorised officer of the Licensing Authority or other Responsible Authority made in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (or successor legislation). The CCTV recordings will be supplied in a removable format.

3. All staff at the Premises who are responsible for selling and supplying alcohol will 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 photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a PASS logo and hologram. If no such evidence is provided then the sale must be refused.

4. There will be displayed in the café/bar area of the Premises clear and legible notices informing customers that the Premises operate a Challenge 25 Policy and list the photographic evidence that will be accepted as proof of age of a customer.

5. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority or other Responsible Authority.

6. All members of staff responsible for the sale of alcohol at the Premises will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol, before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.

7. All training received by staff in relation to the sale of alcohol will be recorded, and training records for each member of staff kept at the Premises at all times and will be made available for inspection immediately on request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers).

8. The noise level from activities in the Premises when assessed in any of the residential properties in Upper Norfolk Street or Albion Road must not exceed a level of 30 dB LAeq at night (between 23:00 hours and 07:00 hours) measured over a 15 minute period or 35 dB LAeq during the day (between 07:00 hours and 23:00 hours) measured over a 1 hour period.

9. No refuse or glass containers will be deposited in any skip, bin or other container of a similar nature located on the Premises or any areas in the immediate vicinity of the Premises under the control of the Premises Licence Holder or Designated Premises Supervisor between the hours of 21:00 hours and 08:00 hours and no skip, bin or other container will be removed from the Premises or the immediate vicinity of the Premises under the control of the Premises Licence Holder or Designated Premises Supervisor between those hours.

10. No deliveries will be made to or from the Premises between the hours of 21:00 hours and 08:00 hours.

11. There will be clear and legible notices displayed at exits and other circulatory areas of the Premises requesting customers to leave the Premises quietly having regards to the needs of local residents and in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.

12. No persons under 18 years of age will be permitted to enter the Premises after 20:00 hours unless accompanied by a responsible adult. Any unaccompanied persons under 18 years of age already on the Premises at 20:00 hours will be required to leave forthwith.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, 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 objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises are to operate primarily as a shop selling clothing and the sale of alcohol is ancillary to the main purpose of the premises;

2. The premises are small, with a maximum capacity of 20 people;

3. There have not been any representations submitted by any of the Responsible Authorities;

4. There has been a representation from a nearby resident which covers a number of licensing objectives including the prevention of public nuisance, the protection of children from harm and the prevention of crime and disorder