

Licensing Sub Committee

Thursday, 28 May 2020

Present: Councillors Janet Hunter, T Mulvenna and W Samuel

LS1/20 Appointment of Chair

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

LS2/20 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

LS3/20 The Barking Dog, Kings Road North, Wallsend. NE28 9JJ (Battle Hill Ward)

The Sub-committee met to consider an application by the Chief Officer of Police for a review of the Premises Licence in respect of the Barking Dog, Kings Road North, Wallsend, NE28 9JJ.

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

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

The Sub-committee referred to the written representations submitted in respect of the application and viewed CCTV footage supplied by the applicant.

Ms H Thompson, lawyer for Northumbria Police, presented the case on behalf of the Chief Officer of Police. She was assisted by Inspector M Storey and Mr N Kirkpatrick. Ms Thompson explained that the review had been brought following a number of serious incidents which had occurred at the premises and it related to the prevention of crime and the protection of children from harm licensing objectives.

Members of the Sub Committee and the Licensee's representative asked a number of questions of the representatives of the applicant which were responded to.

Mr M Foster, Mincoffs Solicitors, represented the Licensees, PJK Inns Limited. He was assisted by Mr T Robson (Licensing Consultant), Mr C Robinson and Mr A Milne, directors of PJK Inns Limited. He explained the steps the licensees had taken to address the concerns raised by the police.

Members of the Sub Committee and the representatives of the Police asked a series of questions which were responded to by the Licensee's and their representatives.

All parties were given the opportunity to sum up their particular submissions.

The Sub-committee withdrew from the meeting to make its decision in private.

Resolved that the Premises Licence in respect of the Barking Dog, Kings Road North, Wallsend be amended as follows:

The licensing and opening hours at the Premises will be: -

a) Supply of alcohol:

Sunday to Wednesday from 11.00 hours to 23.00 hours
Thursday to Saturday from 11.00 hours to 23.30 hours

b) Regulated Entertainment:

Sunday to Wednesday from 11.00 hours to 23.00 hours
Thursday to Saturday from 11.00 hours to 23.30 hours

Late Night Refreshment:

Thursday to Saturday from 23.00 hours to 23.30 hours

Opening Hours

Sunday to Wednesday from 11.00 hours to 23.30 hours
Thursday to Saturday from 11.00 hours to 00.00 hours

The following conditions are imposed on the premises licence: -

1. The Premises Licence Holder will ensure that at all times that the Premises are open to the public there will be a sufficient number of competent staff on duty at the Premises for the purposes of fulfilling the terms and conditions of the licence and promoting the licensing objectives.
2. The licence holder and Designated Premises Supervisor will maintain a dynamic risk assessment for the general operation of the Premises and for individual bespoke events, held at the Premises. Such a Risk Assessment will:
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 - a) Identify not only the potential risks but also the tactics to be employed to reduce any such risks;
 - b) Take account of the level and type of staffing to be employed at the Premises;
 - c) Consider if it is appropriate for the Designated Premises Supervisor to be in attendance at the Premises during a particular event;
 - d) Give due attention to any information given to the licence holder by any Responsible Authority, particularly Northumbria Police;
 - e) Consider the maximum number of persons permitted on the Premises during a particular event having regard to appropriate safety legislation and the maximum safe capacity for the Premises as set out in the Fire Risk Assessment;
 - f) Consider if it is appropriate to employ Door Supervisors for any particular

- event (having regard to the requirements of section 21 of the Licensing Act 2003). If Door Supervisors are employed, then their name and Security Industry Authority badge number should be recorded; and
- g) Be fully documented and kept at the Premises at all times and made available for inspection by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request.
3. A CCTV system ("the 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 system cameras will be located at the Premises so as to provide coverage of entrances and exits, both internally and externally, the serving area, and any areas where the consumption of alcohol takes place, including the function/concert room as well as the designated smoking area and car park.
 - b) The system is able to capture clear images permitting identification of individuals.
 - c) The system will be in operation whenever a licensable activity is taking place at the Premises.
 - d) The 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 system is capable of constantly generating an accurate date and time.
 - f) The system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
4. There will be at least one member of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images immediately following a request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 (or any successor legislation).
5. All members of staff at the Premises responsible for selling and supplying alcohol, (and Door Supervisors if employed), will seek credible photographic proof of age evidence from any person who appears to be under 25 years and who is seeking to purchase or consume alcohol on the Premises. Such credible evidence which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a "PASS" logo and hologram.
6. All members of staff responsible for the sale or supply 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, approved member of staff or an external accredited licensing trainer.
7. All members of staff responsible for the sale or supply of alcohol at the Premises will receive annual refresher training as to their duties and

responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol. Such refresher training will be provided by the Designated Premises Supervisor, approved member of staff or an external accredited licensing trainer.

8. All training received by staff in relation to the Licensing Act 2003 (or successor legislation) must be recorded in training records for each member of staff. Such records must be kept up to date and kept at the Premises at all times and made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
9. A Refusals Register (either electronic or paper based) is to be kept at the Premises at all times and kept up to date. Such a register will detail all challenges made to customers as to their age when attempting to purchase alcohol and the outcome of such challenges recorded in the Register. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
10. An Incident Register is to be kept at the Premises at all times and kept up to date. Such a Register will record all incidents occurring at the Premises such as anti-social behaviour, refusal of admission onto or removal from the Premises (including those barred under the Pub Watch Scheme) and attendances at the Premises of representatives of a Responsible Authority. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
11. A weekly report generated by the alarm system installed at the Premises detailing when the Premises are opened and closed will be kept at the Premises at all times and will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
12. No customers shall be permitted to enter the Premises with an open container of alcohol save for situations where such alcohol has been purchased at the Premises, taken outside and then brought back into the Premises.
13. All private functions booked at the Premises will be recorded in writing or digitally recorded. Such records will include the type of function including the function organiser, their contact details and expected number of guests attending at any such function.
14. All records, in any form, relating to private functions on the Premises will be kept up to date and must be kept at the Premises at all times and be made available for inspection as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 (or any successor legislation).

15. Subject to admittance to the Scheme, and to such a Scheme remaining active, the Premises will become, and remain, an active member of the Wallsend Pub Watch Scheme. This will require a record of all persons who are barred from licensed premises under the Pub Watch Scheme being kept at the Premises at all times and the licence holder sharing those records with all staff.
16. The Designated Premises Supervisor or authorised member of staff will notify Northumbria Police immediately of any attendance at the Premises of an individual barred from attending licensed premises by the Wallsend Pub Watch Scheme immediately, and for that attendance to be recorded in the Incident Book.
17. No children under 18 years of age will be permitted to enter or remain on the Premises after 21.00 hours unless such children are attending at a pre-arranged function in the function/concert room and are accompanied by a responsible adult.

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 and the protection of children from harm which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. There have been a number of serious incidents of violence at the premises over a number of years;
2. A number of changes have recently been made to the operation of the premises including the replacement of the previous Designated Premises Supervisor with a new Designated Premises Supervisor;
3. It is prepared to give the Licence Holder what his representative proposed, that is a final chance to turn the premises around;
4. The steps proposed by the Premises Licence Holder to prevent future underage drinking at the premises should address the concerns of the Police in this respect;
5. Reducing the availability of alcohol at the Premises each Thursday to Saturday from 01.00 hours to 23.30 hours, with the Premises closing at 00.00 hours would lessen the number of people coming to the Premises late in the evening simply for the purpose of consuming alcohol later into the evening;
6. Given that the assaults at the Premises referred to by the Police have occurred on for the most part on nights that the Premises are open later, namely, Thursday, Saturday and Sunday, the Sub-Committee considers it appropriate to reduce the licensing and opening hours as set out above to lessen incident of violence at the Premises later into the evening.