

Licensing Sub Committee

Tuesday, 4 August 2020

Present: Councillors D Drummond, C Davis and T Mulvenna

LS7/20 Appointment of Chair

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

LS8/20 Kork, 74 Whitley Road, Whitley Bay, NE26 2NE

The Sub-committee met virtually to consider an application for the variation of a Premises Licence in respect of Kork, 74 Whitley Road, Whitley Bay, NE26 2NE.

The Applicant, Mr S Darling-Cooper, sought permission to add on-sales to the existing licence.

The Premises were currently permitted to supply alcohol for consumption off the Premises and to be open to the public from 09.00 hours to 21.00 hours Monday to Saturday and between 10.00 hours and 16.00 hours on a Sunday.

The Application before the Sub-committee was to vary the licence to include the sale of alcohol for consumption on the premises each day of the week from 12.00 hours to 22.00 hours and for the premises to remain open to the public from 09.00 hours to 22.00 hours Monday to Saturday and from 10.00 hours to 22.00 hours on a Sunday.

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 representations received and the options available to the Sub-committee.

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

Councillor J O'Shea addressed the Sub-committee in relation to his own representation and as a representative of two residents in respect of the application and responded to questions. During the hearing and having received assurances regarding the operating hours for the outside seating area he withdrew his own representation.

Mr S Darling-Cooper addressed the Sub-committee in support of the application and responded to questions. He also provided a response to the issues raised during the meeting. He called Mr B Wildsmith as a witness.

In addition the Sub-committee heard from Mrs Darling-Cooper and Miss J Darling in support of the application.

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 application to vary the Premises Licence in respect of Kork, 174 Whitley Road, Whitley Bay be approved as follows:

The permitted hours for the supply of alcohol for consumption on the premises will be 12.00 hours to 21.30 hours every day and the premises will close at 22.00 hours and 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:
 - i. The CCTV cameras will be located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and the areas where the purchase and consumption of alcohol takes place, including any outside area that may be provided by the Licence Holder for the consumption of alcohol off the Premises
 - ii. The CCTV system is able to capture clear images permitting identification of individuals
 - iii. The CCTV system will be in operation whenever a licensable activity is taking place at the Premises.
 - iv. 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 28 days.
 - v. The CCTV system is capable of constantly generating an accurate date and time.
 - vi. The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
 - vii. Signs will be displayed at the Premises so as to be easily read by customers informing them that a CCTV system is in operation at the Premises. The signs are to be a minimum of A5 in size.
 - viii. 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 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).
 - ix. All members of staff at the Premises responsible for the supply of alcohol 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.

- x. A Refusals Register (electronic or paper based) will be kept at the Premises and kept up to date detailing 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 other Responsible Authority.
- xi. Any outside area provided by the Licence Holder for the consumption of alcohol by his customers must close at 20.00 hours and any tables and chairs cleared from the area as soon as possible after that time.
- xii. 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) before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor, authorised member of staff or an external accredited licensing trainer.
- xiii. 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 other Responsible Authority.
- xiv. A waiting service will be provided at the Premises and any outside area provided by the Licence Holder throughout the hours of operation of the Premises Licence.
- xv. Customers will not be permitted to take open containers of alcohol off the Premises save for those customers who are to consume such alcohol in any outside area provided by the Licence Holder. No customers will be permitted to take any open container beyond the outside area provided by the Licence Holder.
- xvi. Alcohol sold for consumption in any outside area provided by the Licence Holder must be served in polycarbonate or toughened glass containers.
- xvii. An Incident Book/Electronic Record will be maintained and kept at the Premises at all times to record any incidents at the Premises including anti-social behaviour, refusal of admission to or ejection from the Premises.
- xviii. The Incident Book/Electronic Record will be produced for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or other Responsible Authority.
- xix. 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 regard 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.

- xx. No refuse or glass containers will be deposited in any skip, bin or other container of a similar description located on the Premises or any areas in the immediate vicinity of the Premises under the control of the Licence Holder between the hours of 20.00 hours and 09.00 hours.
- xxi. Local Taxi/Private Hire Operator's telephone numbers will be prominently displayed at the Premises so as to be easily read by customers attending at the Premises.

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 amendment to the hours for the provision of on sales and the imposition of the conditions on the licence will promote the Licensing Objectives and address residents' concerns.