

## **Licensing Sub Committee**

**Wednesday, 5 August 2020**

Present: Councillors D Drummond, T Mulvenna and W Samuel

### **LS9/20 Appointment of Chair**

**Resolved** that Councillor Mulvenna be appointed Chair for this meeting

### **LS10/20 Scott and Wilson, 1 Trevor Terrace, North Shields, NE30 2DG**

The Sub-committee met virtually to consider an application by Scott and Wilson Limited for the grant of a new Premises Licence in respect of Scott and Wilson, 1 Trevor Terrace, North Shields, NE30 2DG.

The applicant was represented by Mr C Khass.

Ms T McCarthy, Mrs K Grey, Mr M Jayachandrareddy and Ms Z Hakin local residents were present to outline their representations in respect of the application.

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

Mr J Young, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. He explained that the applicant has sought permission for the premises to:-

- Supply Alcohol (on and off the premises) every day from 10.00 hours to 23.00 hours;
- Open every day between 08.00 hours and 23.00 hours;
- Include an outside seating area; and
- To include the first floor of the premises.

He responded to questions from Ms Hakin and Mrs Grey

Mr Khass presented the application on behalf of the applicant.

Mr Khass then responded to questions from members of the sub-committee and several of the residents.

Ms McCarthy, on behalf of herself, and as spokesperson for a number of the residents, outlined their representations in relation to the application.

Ms McCarthy responded to questions from the applicant's representative and from members of the Sub-committee.

Mr Jayachandrareddy outlined his representation in relation to the application.

Mr Jayachandrareddy then responded to questions from the members of the

Sub-committee and Ms McCarthy

Ms Hakin, representing her mother, outlined her representation to the application.

The Sub committee adjourned the hearing to allow it, and the other participants in the hearing, to undertake a site visit to the premises. At the conclusion of the site visit the virtual meeting resumed.

After watching a video submitted by one of the residents each of the parties was given the opportunity to sum up their particular submission.

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

**Resolved** that the application for the grant of a new Premises Licence in respect of Scott and Wilson, 1 Trevor Terrace, North Shields be approved subject to the following conditions:-

1. The supply of alcohol at the Premises by way of on and off sales be from 10.00 hours to 22.30 hours each day of the week. The Premises will be open to the public from 08.00 hours to 23.00 hours each day of the week.
2. 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.
3. 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.
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 as soon as possible following a request from representatives of Northumbria Police or authorised officers of the Licensing Authority (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 and General Data Protection Regulation (or any successor legislation).

5. 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) including the use of a "Challenge 25 Policy" and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.
6. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the Premises at all times and will be made available for inspection immediately on request from authorised officers of Northumbria Police or the Licensing Authority, (including Trading Standards Officers).
7. An incident report register will be maintained and kept at the Premises at all times to record any incidents at the Premises or in any outside area of the Premises such as anti-social behaviour, refusal of admission to the Premises and ejection from the Premises or external areas provided by the Licence Holder.
8. The incident report register will be produced for inspection immediately on request from authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
9. All members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase or obtain alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, a photographic driving licence or a proof of age card carrying a 'Pass' logo and hologram.
10. 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 when attempting to purchase alcohol 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 (including Trading Standards officers) or other Responsible Authority.
11. Children under 16 years of age will not be permitted to enter or remain on the Premises or any external areas provided by the Licence Holder for the use of customers after 21:00 hours unless accompanied by a responsible adult.
12. At regular intervals during the hours of trading and at the end of each day of trading, the staff at the Premises will undertake a check of the area immediately to the front of the Premises, and any external areas provided for the use of customers, and remove any discarded cigarette ends, rubbish or similar objects left by customers attending the Premises or the external areas.
13. Any external area provided by the Licence Holder for the use of customers will close at 21.00 hours every day and will not re- open until 08.00 hours the following day.

14. The last sale of alcohol for consumption in any external area provided by the Licence Holder for the use of customers will be 20.30 hours every day.
15. The Licence Holder will ensure that noise arising from any licensable activity or associated with such activity within the Premises must not exceed a level of 35 dB LAeq between 08.00 hours and 23.00 hours when measured in any premises in Trevor Terrace or Kirton Park Terrace over a 15 minute period.
16. There will be a waiting service operated in relation to any external area provided by the Licence Holder for the use of customers at all times.
17. The Licence Holder must ensure that at all times customers using any external area provided by the Licence Holder must not obstruct the public highway at any time.
18. All customers using any external area provided by the Licence Holder must sit at a table provided and remain seated in those areas.
19. Any customers identified as behaving in a loud manner in any external area provided by the Licence Holder must be spoken to promptly by staff at the Premises and required to quieten down. If the behaviour does not improve then the customer will be required to leave the external area immediately. Any such incident will be recorded in the incident report register.
20. Any supply of alcohol for consumption off the Premises (excluding those sales made for consumption in any external area provided by the Licence Holder for the use of customers) must be in a sealed container.
21. This licence will only take effect on the surrender of the existing Premises Licence reference 00CK/19/0401.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations and having regard to the guidance issues by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives in relation to the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety which underpins the Licensing Act 2003, the Sub-committee concluded that:-

- 1, The Premises currently has the benefit of a premises licence which permits the sale of alcohol every day between 11.00 hours and 23.00 hours for the ground floor of the premises only;
- 2, The Business and Planning Act 2020 has come into force which permits much of what has been applied for;
- 3, There has been no representations from the Chief Officer of Police in relation to the application
- 4, Representations have been received from the local planning authority and the environmental health department

- 5, The imposition of the above conditions should be able to address the concerns of residents in relation to noise and safety.