

Licensing Sub Committee

Monday, 16 December 2019

Present: Councillors C Davis, W Samuel and J Cruddas

LS31/19 Appointment of Chair

Resolved that Councillor W Samuel be appointed Chair for this meeting.

LS32/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

LS33/19 Square and Compass, 207 Park View, Whitley Bay, NE26 3RD. (Whitley Bay Ward)

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Square and Compass, 207 Park View, Whitley Bay, NE26 3RD.

The Applicant, NE Safety Group Limited, sought permission to:

- Supply alcohol (on sales) at the premises - Each Day from 09:00 hours until 23:00 hours;
- Permit recorded music, indoors, each day from 11:00 hours until 23:00 hours; and
- Remain open to the public each day from 09:00 hours until 00:00 hours.

Non-standard timings

To supply alcohol and the provision of recorded music on New Year's Eve up to 00:30 hours with the premises remaining open to the public between 09:00 hours and 01:00 hours.

Seasonal Variations

The supply of alcohol on the Friday, Saturday and Sunday preceding and including all bank holidays from 09:00 hours to 00:00 hours and the premises to remain open to the public from 09:00 hours to 01:00 hours.

At the meeting the applicant confirmed that the application was for the supply of alcohol from 11:00 hours each day and not 09:00 hours and the premises would be open to the public until 23:00 hours and not 00:00 hours as indicated.

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

Mrs C Wilson, Environmental Health Officer, addressed the Sub-committee in relation to her representation in relation to the application and responded to a question from Councillor O'Shea.

Councillor O'Shea, Whitley Bay Ward Councillor, addressed the Sub-committee in relation to his, and others, objections to the application.

Mr S Carr, Ms S Lumsdon, Mr M Unthank, Mr D Lumsdon, Mrs M Campbell and Mrs P Lumsdon addressed the Sub-committee in relation to their representations in respect of the application

Mr R Wilson and Mr C Wilson addressed the Sub-committee in support of the application. They also provided a response to the issues raised during the meeting. Members of the Sub-committee and Mr Lumsdon asked a series of questions which were responded to by the applicant's 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.

The Sub-committee returned and the Chair announced its decision.

Resolved that the application for the grant of a Premises Licence in respect of Square and Compass, 207 Park View, Whitley Bay be approved as follows:

- (1) The Premises will be permitted to supply alcohol each day of the week from 11:00 hours to 22:30 hours;
- (2) The Premises will be open to the public each day of the week from 09:00 hours to 23:00 hours;
- (3) On New Year's Eve/Day the Premises will be permitted to supply alcohol from 11:00 hours on 31 December to 00:30 hours on 1 January and will be permitted to open to the public from 09:00 hours on 31 December until 01:00 hours on 1 January each year; and
- (4) Subject to the following conditions:-
 1. Prior to commencing operation under the Premises Licence a detailed noise survey and any scheme identified from the survey for the sound insulation of the Premises must be submitted to, and approved by, an Environmental Health Officer of North Tyneside Council to ensure that the noise level from activities at the Premises associated with any licensable activity in the first floor flat and any flats adjacent to the Premises and residential premises in Park View, Beech Grove, The Avenue and Marine Gardens does not exceed 35 dB LAeq measured over a 15 minute period. Once the Sound Insulation System is approved by the Environmental Health Officer this condition will be discharged.
 2. The noise level from activities at the Premises associated with any licensable activity when assessed in any of the residential premises in Park View, Beech Grove, The Avenue and Marine Gardens must not exceed 35 dB LAeq during the operation of the Premises Licence measured over a 15 minute period with the windows of the residential premises closed.

The Sub-committee considered that imposing this condition would afford the residents,

especially anyone residing above or adjacent to the Premises, certainty in terms of what level of noise should not be audible to residents residing in homes in those streets. It will be possible to install noise monitoring equipment in the residential properties in the streets referred to so as to ascertain if noise levels from the Premises exceed 35 dB LAeq in those properties. Given the type of sound proofing that Mr Richard Wilson said will be installed at the Premises it is expected that noise from the Premises will not exceed 35 dBs.

3. 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 are located at the Premises so as to provide coverage of entrances and exits, both internally and externally and areas where the consumption of alcohol takes place.
 - 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 31 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.
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 the Licensing Authority made in accordance with the Data Protection Act 2018 (or any successor legislation).
5. Signs will be displayed both internally and externally at the Premises indicating to customers that CCTV is in operation at the Premises. The signs are to be a minimum of A5 in size.
6. 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.
7. 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.

8. All members of staff responsible for the sale of alcohol at the Premises will receive at least annual refresher training as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) from the Designated Premises Supervisor.
9. All training received by staff in relation to the Licensing Act 2003 (or replacement legislation) must be recorded in training records for each member of staff and such records kept at the Premises at all times and made available for inspection immediately on request from representatives of Northumbria Police or an authorised officer of the Licensing Authority (including Trading Standards Officers).
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 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.
11. The Licence Holder will ensure that there is at all times an adequate and appropriate supply of First Aid equipment readily available at the Premises so as to permit immediate use of such equipment.
12. No drink containers of any description, including bottles or glasses will be taken off the Premises by customers at any time.
13. 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.
14. An Incident Report Register 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.
15. The Incident Report Register will be produced for inspection immediately on request from an authorised officer of the Licensing Authority (including Trading Standards Officers) or officers from any other Responsible Authority.
16. 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.
17. 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 Premises Licence Holder between the hours of 20:00 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.
18. No deliveries will be made to the Premises between the hours of 20:00 hours and 08:00 hours.

19. At the close of business each day there will be a clean-up of any litter, cigarette butts and any other waste in the immediate vicinity of the Premises by the staff at the Premises.
20. The Premises Licence Holder and Designated Premises Supervisor will undertake a Risk Assessment relating to the general operation of the Premises. Such an Assessment will be undertaken at least annually and will take into account any incidents recorded in the Incident Report Register and/or Refusals Register

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 were described as a small bar/café style premises situated in an end of terrace property with a café to the left and a holiday let flat above;
2. The capacity of the Premises would be a maximum of 55 people including staff members;
3. Representations had been received from two Responsible Authorities, the Local Planning Authority advised that the applicant would need to apply for a formal change of use before the premises could operate as a bar and the Environmental Health Department advised that a number of conditions would need to be applied to any licence granted to minimise the impact of noise affecting residents;
4. There have been no representations submitted on behalf of the Police and any of the other Responsible Authorities which would appear to indicate that they did not have any concerns about the granting of a Premises Licence for the premises;
5. Representations had been received from local residents, owners of nearby properties and the local ward councillor in relation to the application.