

## **Licensing Sub Committee**

**Thursday, 11 February 2021**

Present: Councillors L Darke, D Drummond and T Mulvenna

### **LS16/21 Appointment of Chair**

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

### **LS17/21 How Do You Do, Hudson Street, North Shields (Tynemouth Ward)**

The Sub-committee met virtually to consider an application for a review of the Premises Licence in respect of How Do You Do, Hudson Street, North Shields.

The Applicant, the Chief Officer of Northumbria Police, had invited the Sub-committee to revoke the Premises Licence in respect of How Do You Do, Hudson Street, North Shields or, if it was not minded to revoke the licence, to reduce the hours of operation, remove the DPS or to impose a number of conditions on the licence.

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.

Ms H Thompson, Force Solicitor, Northumbria Police was in attendance and she was accompanied by Inspector N Seymour, Neighbourhood Inspector, and Mr N Kirkpatrick, Licensing Officer.

Mr D Jarvis, Director of Renaissance Point Management Limited was present to outline his representation.

Mr C Holland, Counsel for the Licence Holder, was in attendance and he was accompanied by Ms S Smith, Solicitor for the Licence Holder, Ms D Davies and Mr P Bell, Directors of DD Investments Limited, the Licence Holder, Mr K Ozkan, the Designated Premises Supervisor, Mr K Ozkan, the business partner of Mr Ozkan.

The Sub-committee considered a request from Ms Thompson that the body worn camera footage be shown to the Sub-committee with the press and public being excluded from that part of the hearing. After considering the views of the other parties at the hearing the Sub-committee agreed to the request.

The live stream was paused whilst the footage was shown to the meeting.

Ms Thompson addressed the Sub-committee in relation to the Police concerns over the operation of the Premises. She called Inspector Seymour and Mr Kirkpatrick to provide evidence to the Sub-committee in relation to incidents which had occurred at or in the

vicinity of the Premises. Members of the Sub-committee and Mr Holland asked a series of questions which were responded to by the Police representatives.

Mr Jarvis addressed the Sub-committee in relation to his, and a number of residents of Renaissance Point's, concerns. He responded to questions from members of the Sub-committee, the police and Mr Holland.

Mr Holland addressed the Sub-committee in support of his client. He called a number of witnesses and responded to questions from the Sub-committee, Mr Jarvis and the Police.

All parties were given the opportunity of summing up their respective submissions.

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

**Resolved** that the following additional conditions be attached to the Premises Licence:

1. A CCTV system will be designed, installed and maintained in proper working order to the satisfaction of the Licensing Authority and in consultation Northumbria Police. Such a system shall: -
  - i. ensure coverage of all entrances and exits to the Premises both internally and externally, the serving area(s), any areas where the consumption of alcohol takes place, including any external seating area and the designated smoking area
  - ii. ensure coverage of any other areas as may be required by the Licensing Authority or Northumbria Police
  - iii. ensure that the system provides continuous recording facilities for each camera to a standard that enables each camera to capture clear images permitting identification of individuals.
  - iv. Ensure that the system is capable of constantly generating an accurate date and time.
  - v. be in operation whenever a licensable activity is taking place at the Premises.
  - vi. Ensure that all recorded footage is securely retained for a minimum of 28 days in a method required by Northumbria Police.
  - vii. be fitted with security functions to prevent recordings being tampered with e.g. password protection.
2. There will be at least one member of staff present at the Premises during the opening hours trained to provide viewable copies of CCTV images immediately following a request from representatives of Northumbria Police or an authorised officer of the Licensing Authority (including Trading Standards Officers) provided that such requests are made in accordance with the Data Protection Act 2018 (or any successor legislation).
3. Signs will be displayed at the Premises both internally and externally, 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. Subject to the exemption within section 150(4) of the Licensing Act 2003 (or any successor legislation), all members of staff at the Premises responsible for selling and supplying alcohol and any Door Supervisors employed at the Premises 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.

5. 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, approved member of staff or an external accredited licensing trainer.
6. 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). Such refresher training will be provided by the Designated Premises Supervisor, approved member of staff or an external accredited licensing trainer.
7. 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 retained at the Premises at all times. The records shall 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.
8. An Incident Log will be kept at the Premises at all times and will be kept up to date with all entries to it being completed within 24 hours of the incident and shall include the following: -
  - i. All crimes reported to the Designated Premises Supervisor or any other staff member at the Premises
  - ii. All ejections of customers from the Premises or outdoor areas of the Premises under the direct control of the Licence Holder and its staff
  - iii. Any complaints received in relation to the Premises or staff members
  - iv. Any incidents of disorder in the Premises or outdoor areas of the Premises under the direct control of the Licence Holder and its staff
  - v. All seizure of drugs and offensive weapons in the Premises or outdoor areas of the Premises under the direct control of the Licence Holder and its staff
  - vi. Any faults in the CCTV system
  - vii. Any refusal of a sale of alcohol
  - viii. Any visit to the Premises by a Relevant Authority or emergency service.

The Incident Log 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.

9. No alcohol will be consumed in any external seating area adjacent to the Premises or any other external area used by customers of the Premises to consume alcohol after 21.00 hours.
10. The Premises Licence Holder will employ at least one Door Supervisor at the

Premises each Friday and Saturday and each Sunday of a Bank Holiday weekend from 18.00 hours until the closure of the Premises to the public on those days. The Door Supervisor(s) will be responsible for controlling the entry of customers into the Premises and monitoring any external seating area adjacent to the Premises or any other external area used by customers of the Premises.

11. The Licence Holder will ensure that clear and legible notices are displayed at exits and other circulatory areas requesting customers to leave the Premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors and discouraging the sounding of car horns.
12. The Premises Licence Holder will organise and accommodate meetings to discuss the operation of the Premises with residents at least two times per calendar year. The details of the proposed meetings will be clearly displayed on a window or door of the Premises visible to people outside the Premises. The Premises Licence Holder will directly notify any local residents' associations of the meeting dates at least two weeks before the meeting. The Premises Licence Holder will take the minutes of meetings with residents that will be circulated to all attendees and to the Licensing Authority and copies will be readily available at the Premises upon request.
13. The Premises Licence Holder will provide and maintain a dedicated telephone number of the Designated Premises Supervisor or the duty manager for use by any person who may wish to make a complaint during the operation of the premises licence, which shall be provided to the Licensing Authority and local residents' associations. Any change to the number will be notified to the Licensing Authority and to local residents' associations within 7 days of the change.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, 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 disorder which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. Insufficient evidence has been presented to warrant the revocation or the suspension of the Premises Licence.
2. Insufficient evidence has been presented to justify the removal of the Designated Premises Supervisor
3. The incidents referred to at the hearing had all occurred during the evening and not due to the late opening and therefore there was no evidence that a reduction in the hours of operation was warranted to address the licensing objectives
4. The imposition of the above conditions will support the licensee in the promotion of the licensing objectives.