

Licensing Sub Committee

Wednesday, 7 September 2022

Present: Councillor M Thirlaway (Chair)
Councillors D Drummond and Janet Hunter

LS10/22 Appointment of Chair

Resolved that Councillor Thirlaway be appointed Chair for this meeting.

LS11/22 Declarations of Interest

There were no declarations of interest reported.

LS12/22 Supersave Food and Wine (Whitley Bay) Limited, 50 Eastbourne Gardens, Whitley Bay, NE26 1PY

The Sub-committee met to consider an application for a review of the Premises Licence in respect of Supersave, 50 Eastbourne Gardens, Whitley Bay.

The Applicant, the Local Weights and Measures Authority, had sought the review of the Premises Licence in respect of the prevention of crime and disorder and the protection of children from harm licensing objectives. The application had been supported by the Chief Officer of Police and the Director of Public Health.

Following introductions, the Sub-committee's legal advisor outlined the procedure to be followed at the hearing.

Mr Callum, Licensing Officer, presented details of the Application, the representations received and the options available to the Sub-committee.

Mr Hedley, Trading Standards Officer, presented details of the application for a review of the Premises Licence on the grounds that there had been two sales of age restricted products to underage customers at the premises. He responded to questions from the Members of the Sub Committee and Ms Mellor.

Mr Kirkpatrick represented the Chief Officer of Police and set out the police's support for the review of the Premises Licence. He responded to questions from Members of the Sub-committee and Ms Mellor.

Ms Mellor, Counsel for the Licensee, addressed the Sub-committee on behalf of the Premises Licence Holder and explained the steps that had been put in place to prevent a reoccurrence of the licence breaches. She invited Mr Arif, the Premises Licence Holder, and Ms Khan to address the meeting and to respond to questions from Members of the Sub-committee and the representatives of the Responsible Authorities. She also called two witnesses who addressed the meeting and responded to Members questions. Ms Mellor responded to questions from Members of the Sub-committee, the Sub-committee's legal

advisor and the representative of the Chief Officer of Police.

All parties were given the opportunity of summing up their respective cases and the Sub-committee retired to make its decision in private.

All parties were invited back into the hearing and the Chair announced the Sub-committee's decision.

Resolved that (1) the Premises Licence be suspended for a period of 14 days; and (2) the following conditions be added to the Premises Licence:

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:
 - The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, all points of sale and the area where alcohol is stored for sale.
 - The system is able to capture clear images permitting identification of individuals.
 - The system will be in operation whenever licensable activities are taking place at the Premises.
 - 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 30 days.
 - The CCTV system is capable of constantly generating an accurate date and time.
 - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
2. There will be a member of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images immediately on request from an authorised officer of the Licensing Authority (including the Local Weights and Measures Authority) or other Responsible Authority made in accordance with the Data Protection Act 2018 (or any replacement legislation).
3. All persons 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.
4. All persons responsible for the sale of alcohol will receive refresher training at least once a year on their duties and responsibilities under the Licensing Act 2003 (or replacement legislation). Such training will be provided by the Designated Premises Supervisor.
5. The Designated Premises Supervisor will receive annual refresher training from either a legally qualified individual or a suitably accredited external trainer on his/her responsibilities and duties under the Licensing Act 2003.

6. All training received by staff, and the Designated Premises Supervisor, in relation to the sale of alcohol will be recorded, and such records kept at the Premises at all times and made available for inspection immediately on request of an authorised officer of the Licensing Authority (including the Local Weights and Measures Authority) or other Responsible Authority.
7. All persons 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, photographic driving licence, proof of age card carrying a 'Pass' logo and hologram or HM Forces Identity Card.
8. A Refusals Register (electronic or paper based) is to be kept at the Premises at all times and must be kept up to date. The Register will detail all challenges made to customers as to their age when attempting to purchase alcohol or any other age restricted product 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 the Local Weights and Measures Authority) or other Responsible Authority.
9. The Premises Licence Holder will ensure that there are at least 2 members of staff present at the Premises available to serve customers whenever licensable activities are taking place at the Premises.

Reasons for Decision:

- The Sub-committee was satisfied that there had been two underage sales of age restricted products at the premises without the customers being challenged as to their age which demonstrated that the Prevention of Crime and Disorder and the Protection of Children from Harm licensing objectives had not been enforced;
- The Sub-committee noted the steps taken by the Premises Licence Holder to prevent future underage sales of age related products;
- The Sub-committee considers that the above conditions and formalising the Challenge 25 policy should prevent further underage sales being made in the future.