

Licensing Sub Committee

Wednesday, 9 November 2022

Present: Councillors L Bartoli, F Lott and M Thirlaway

LS22/22 Appointment of Chair

Resolved that Councillor M Thirlaway be appointed Chair for this meeting.

LS23/22 Declarations of Interest

There were no declarations of interest reported.

LS24/22 Gills Off Licence (Trading as Lifestyle Express), 13 Station Road, Whitley Bay, NE26 2QY

The Sub-committee gave consideration to an application from the Chief Officer of Police for a review of the Premises Licence in respect of Gills Off Licence (trading as Lifestyle Express), 13 Station Road, Whitley Bay, NE26 2QY. The application for the review of the Premises Licence was supported by the Local Weights and Measures Authority and the Director of Public Health.

Those present were invited to introduce themselves and the Sub-committee's legal advisor outlined the procedure to be followed at the hearing.

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

Acting Inspector Preston, on behalf of the Chief Officer of Police, presented details of the application for a review of the Premises Licence. He responded to questions from Members of the Sub-committee with the assistance of Mr Kirkpatrick, the Force's Licensing Co-ordinator.

Mr Burnett, on behalf of the Local Weights and Measures Authority, set out the support for the review of the Premises Licence. He responded to questions from Mr Foster on behalf of the Licensee.

Mr Mills, local resident, set out his support for the Licensee.

Mr Clarke, a local business owner, set out his support for the Licensee.

Mr Foster, Solicitor for the Licensee and with the support of Ms Subramaniyam, set out the background to the review and the action taken by the Licensee to address the concerns raised. Mr Foster and Ms Subramaniyam responded to questions from members of the Sub-committee and the representatives of the Police and the Local Weights and Measures Authority.

All parties to the hearing 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 meeting and the Chair announced the Sub-committee's decision.

Resolved that the Premises Licence in respect of Gills Off Licence (trading as Lifestyle Express) 13 Station Road, Whitley Bay be modified by the imposition of the following conditions on the licence:

1. The Licence Holder shall always ensure that when the Premises are open to the public for any licensable activity there will be sufficient competent staff on duty at the Premises for the purpose of fulfilling the terms and conditions of the premises licence and promotion of the licensing objectives.
2. A CCTV system shall be designed installed and maintained in proper working order to the satisfaction of the Licensing Authority and in consultation with Northumbria Police. Such system shall: -
 - a) Ensure coverage of all entrances and exits to the Premises internally and externally;
 - b) Ensure coverage of the till area(s);
 - c) Ensure coverage of such other areas as may be required by the Licensing Authority and Northumbria Police;
 - d) Be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days and shall be supplied immediately on lawful request to Local Authority enforcement officers (including Trading Standards Officers) and/or Northumbria Police;
 - e) The system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
 - f) Be in operation at all times that the Premises are in use.
3. 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 immediately following a lawful request from Local Authority enforcement officers (including Trading Standards Officers) and/or Northumbria Police.
4. The Designated Premises Supervisor or Licence Holder shall participate in all police and local authority led community safety initiatives designed to combat local issues negatively impacting on the licensing objectives. Actions associated with such initiatives shall be shared with all staff and complied with within a reasonable time.
5. The Licence Holder and Designated Premises Supervisor will comply with any reasonable measures required by the Licensing Authority from time to time relating to preventing the sale of alcohol to children.
6. All members of staff at the Premises responsible for selling and supplying 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 obtain

alcohol from 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 or HM Forces Identity Card.

7. 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), including how to avoid underage sales of alcohol and 'proxy sales' of alcohol to children, before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor or an external accredited licensing trainer.
8. All members of staff responsible for the sale or supply of alcohol at the Premises will receive refresher training as to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol and 'proxy sales' of alcohol to children every 6 months. Such refresher training will be provided by the Designated Premises Supervisor or an external accredited licensing trainer.
9. 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 always retained at the Premises and made available for inspection immediately on the lawful request of Local Authority enforcement officers (including Trading Standards Officers) and/or Northumbria Police.
10. A Challenges and Refusals Register will always be used at the Premises and kept up to date. Such a Register will detail all challenges and refusals made to customers as to their age when attempting to purchase alcohol, or any other age restricted product, and the outcome of such challenges and refusals will be recorded in the Register. The Register will be made available for inspection immediately on the lawful request of Local Authority enforcement officers (including Trading Standards Officers) and/or Northumbria Police.
11. Signs will be displayed at prominent locations at the Premises, including the public point(s) of entry and the till area(s), informing customers that the Premises operates a 'Challenge 25' Policy and that customers may be required to provide photographic identification as to their age when seeking to purchase alcohol.

Reason for the Decision

- The Sub-committee was satisfied that a young person had been able to purchase alcohol from the Premises despite being under 18;
- The person who made the underage sale no longer worked at the Premises;
- The Sub-committee also noted that Trading Standards and the Police had carried out a further test purchase exercise at the Premises which had resulted in the sale being refused;
- The Sub-committee was satisfied that the measures put in place by the Licensee

along with the new conditions would ensure that further underage sales would be refused.