

## Licensing Sub Committee

**Tuesday, 17 May 2022**

Present: Councillors John Hunter, J O'Shea and S Phillips

### **LS26/21 Appointment of Chair**

**Resolved** that Councillor S Phillips be appointed Chair for the meeting.

### **LS27/21 Declarations of Interest**

There were no Declarations of Interest or Dispensations reported.

### **LS28/21 Sands of Tyne, 12 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AJ**

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Sands of Tyne, 12 Forest Hall Road, Forest Hall, Newcastle upon Tyne.

The Applicant Sands of Tyne Limited sought permission for the supply of alcohol for consumption on and off the Premises:-

- Monday to Thursday from 11:00 hours to 22:00 hours
- Friday from 11:00 hours to 23:00 hours
- Saturday from 10:00 hours to 23:00 hours
- Sunday from 10:00 hours to 22:00 hours

The Premises to be open to the public:

- Monday to Saturday from 07:00 hours to 23:00 hours;
- Sunday from 07:00 hours to 22:00 hours

In addition the applicant sought permission for the Premises to be permitted to sell alcohol between 07:00 hours and 00:00 hours on New Years Eve and Bank Holidays and for the Premises to remain open for the same hours on those days.

Following introductions the Chair outlined the procedure to be followed at the meeting.

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

Mr Cavagin, on behalf of the applicant, addressed the Sub-committee in support of the application and responded to questions from members of the Sub-committee.

Mr Cavagin was given the opportunity of summing up the applicant's case and the Sub-

committee retired to make its decision in private.

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

**Resolved** that the application for the grant of a Premises Licence in respect of Sands of Tyne, 12 Forest Hall Road, Forest Hall, Newcastle upon Tyne be approved subject to the following:

Licensing Hours

The Premises are permitted to supply of alcohol for consumption on and off the Premises as follows: -

11:00 hours to 22:00 hours Monday to Thursday  
11:00 hours to 22:30 hours each Friday  
10:00 hours to 22:30 hours each Saturday  
10:00 hours to 21:30 hours each Sunday

Opening Hours

The Premises are permitted to be open to the public as follows: -

07:00 hours to 23:00 hours Monday to Saturday  
07:00 hours to 22:00 hours each Sunday

Non-Standard Timings

The Sub-Committee did not consider it appropriate to permit the Premises to operate up to midnight on New Year's Eve and Bank Holidays given the location of the Premises in a residential area, with a flat above the Premises.

If the Applicant Company wishes to operate with extended hours on occasions such as Bank Holidays, then it will need to apply for a Temporary Event Notice.

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: -
  - a) The CCTV cameras are located at the Premises so as to provide coverage of entrance(s) and exit(s), both internally and externally and areas where the sale and consumption of alcohol takes place.
  - b) The CCTV system is able to capture clear images permitting identification of individuals.
  - c) The CCTV system will be in operation whenever the Premises are open to the public.
  - d) 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.

- e) The CCTV system is capable of constantly generating an accurate date and time.
  - f) The CCTV system is 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 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).
  3. The Licence Holder will ensure that whenever the Premises are open to the public and a licensable activity is taking place there will be a sufficient number of competent staff on duty to ensure that the terms and conditions of the licence are complied with at all times.
  4. Any outside area provided by the licence holder for customers to consume alcohol will close at 20:00 hours.
  5. All furniture in any outside area of the Premises will be removed at the end of each trading day and will be stored securely in the indoor area of the Premises or other secured internal area.
  6. At the end of each trading day staff will inspect the immediate vicinity of the Premises for waste and will ensure that any waste is removed and properly disposed of.
  7. 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, photographic driving licence or proof of age card carrying a 'Pass' logo and hologram or HM Forces Identity Card.
  8. 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 any successor 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.
  9. All members of staff responsible for the sale of alcohol will receive refresher training in relation to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation) annually. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.
  10. All training received by staff in relation to the Licensing Act 2003 (or any

successor 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).

11. An incident register will be maintained and kept at the Premises at all times to record any incidents at the Premises or in any area adjacent to the Premises under the direct control of the licence holder such as anti-social behaviour, refusal of admission to the Premises and ejection from the Premises.
12. The incident register will be produced for inspection immediately on request from authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
13. No glass material, bottles or refuse shall be deposited in any skip, bin or any other container located in any external areas of the Premises or any other areas under the direct control of the Licence Holder or his staff between the hours of 20:00 hours and 08:00 hours. Any such skip, bin or container shall not be removed from the Premises between those hours.
14. The licence holder will ensure that no noise will emanate from the Premises as a consequence of a licensable activity permitted by this licence that will be above background noise level at any residential or business property in Forest Hall Road, Crescent Way North, Crescent Way South, Mowbray Road, and East Forest Hall Road that gives rise to a nuisance.
15. There will be displayed at the Premises clear and legible notices displayed at the exit and other circulatory areas requesting customers to leave the Premises 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.

#### Reasons for Decision

- The Sub-committee notes that none of the Responsible Authorities have submitted any representation in relation to the application which the Sub-committee takes to mean that they do not have any concerns in relation to the promotion of the licensing objectives; and
- The Sub-committee considers that the amendment to the hours that alcohol can be sold and the imposition of the above conditions will address the concerns raised by residents in relation to the licensing objectives.