

## **Licensing Sub Committee**

**Monday, 3 October 2022**

Present: Councillors M Thirlaway, L Ferasin and T Mulvenna

### **LS16/22 Appointment of Chair**

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

### **LS17/22 Declarations of Interest**

There were no declarations of interest or dispensations reported.

### **LS18/22 Cullercoats Coffee and Bistro, 1-5 Countess Avenue, Whitley Bay**

The Sub-committee met to consider an application for a variation to the Premises Licence in respect of Cullercoats Coffee and Bistro, 1 – 5 Countess Avenue, Whitley Bay, NE26 3PN.

The Applicant, Cullercoats Coffee Group Limited, sought to vary the Premises Licence to the following:

#### **Supply of alcohol for consumption on the Premises:**

- Sunday to Friday between 12:00 hours and 22:00 hours; and
- Saturday between 12:00 hours and 23:00 hours.

#### **General Opening Times:**

- Sunday to Friday between 07:00 hours and 22:00 hours; and
- Saturday between 07:00 hours and 23:00 hours

Those present were invited to introduce themselves and the Legal Advisor outlined the procedure to be followed at the hearing.

Mrs Graham, Senior Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. She also referred to the planning observation in relation to the restrictions which applied to the Premises. She responded to questions from Members of the Sub-committee and Councillor J O'Shea.

Councillor J O'Shea presented details of his representation, and that of several residents who objected to the grant of the application. He responded to questions from Members of the Sub-committee.

Mr D Young presented details of his representation and responded to questions from the Sub-committee.

Ms J Lalor presented details of her representation in relation to the application.

Mr D Bolton presented details of his representation in relation to the application.

Ms S Harris presented details of her representation in relation to the application and responded to questions from the Sub-committee.

Mr C Stonebanks presented details of the application on behalf of the Applicant. He confirmed that the Applicant would be happy to amend the hours applied for to address some of the concerns of the residents. Mr Stonebanks responded to questions from Members of the Sub-committee, Councillor O'Shea, Ms Harris and Mr Bolton.

Each of the 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 hearing and the Chair announced the decision of the Sub-committee.

**Resolved** that the application, as amended by the applicant during the meeting, be approved and subject to the following conditions:

**Licensable hours:**

Sunday to Friday – 12:00 hours to 22:00 hours

Saturday – 12:00 hours to 22:30 hours

**Premises open to the public:**

Sunday to Friday – 08:30 hours to 22:00 hours

Saturday – 08:30 hours to 22:30 hours

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the 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. 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.
5. All members of staff responsible for the sale or service 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 or external accredited trainer.
6. All members of staff responsible for the sale or service 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.
7. 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).
8. 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.
9. 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).
10. 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 property in Countess Avenue, Duchess Street and Park View.
11. 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.

12. Any outside area provided by the licence holder for staff or customers to consume food or alcohol will be closed at 19:00 hours and all tables and chairs must be cleared from the area and safely stored away by 19:30 hours.
13. All doors and windows at the Premises will be closed from 18:00 hours save for access, egress, or emergency.
14. Polycarbonate glasses will be used for drinks to be consumed by staff or customers in any outside area provided by the licence holder and any bottled drinks decanted into polycarbonate glasses.

#### Reasons for Decision

- None of the Responsible Authorities had made representations in relation to the application from which the Sub-committee concluded that they did not share residents' concerns about the increased hours in relation to the promotion of the licensing objectives;
- Representation had been made by a local Ward Councillor and a number of local residents in relation to each of the 4 licensing objectives. The Sub-committee concluded that the imposition of the conditions and the reduction in the hours applied for would address the concerns of residents;
- The issues in relation to the planning conditions would be addressed by the planning authority.