

Licensing Sub Committee

Wednesday, 16 August 2023

Present: Councillor M Thirlaway
Councillors J Johnsson and F Lott

LS7/23 Appointment of Chair

Resolved that Councillor Thirlaway be appointed Chair for the meeting

LS8/23 Declarations of Interest

There were no declarations of interest reported.

LS9/23 Cafe Amsterdam, 69 Victoria Terrace, Whitley Bay, NE26 2QN

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Café Amsterdam, 69 Victoria Terrace, Whitley Bay.

The Applicant, Mr Andrew Hickson, sought permission for the supply of alcohol (on and off the premises) each day of the week from 11:00 hours to 23:00 hours, the provision of late night refreshment (on and off the premises) each day of the week between the hours of 23:00 and 23:30 and for the premises to be open to the public from 11:00 hours to 23:30 hours each day of the week.

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

The Sub-committee considered a procedural matter in relation to the notice displayed at the premises. Having examined photographs of the relevant notice the Sub-committee agreed to proceed with the meeting having concluded that the notice was in accordance with the regulations.

Mrs Vert, Licensing Officer, presented details of the application, the

representations received and the options available to the Sub-committee. She also explained that the Premises was located within the Whitley Bay Cumulative Impact Area and provided clarification in relation to the previous licensing history of the premises.

Councillor J O'Shea, as a resident set out details of his representation in relation to the application.

Ms Mooney set out details of her representation in relation to the application.

Mr Denby set out details of his representation in relation to the application.

Mr Foster, Solicitor, representing the applicant, and Mr Hickson, the applicant, addressed the Sub-committee in support of the application and responded to questions from members of the Sub-committee and the residents present at the meeting.

Each of the parties to the hearing was 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 the application for the grant of the premises licence in respect of Café Amsterdam, 69 Victoria Terrace, Whitley Bay be approved as follows:

- Opening hours – 11:00 hours to 22:30 hours each day of the week
- Supply of alcohol (on and off the premises) 11:00 hours to 22:00 hours each day of the week

And in addition to the Mandatory Conditions subject to the following conditions:

1. The consumption of alcohol will be by seated customers sitting at tables only – the premises will not operate as a vertical drinking establishment (meaning people standing and consuming alcohol)
2. Alcohol shall not be sold or supplied unless suitable beverages other than alcohol (including drinking water) are also available.

3. Off sales of alcohol will be provided at the discretion of management. All alcohol to take away from the premises will be in sealed containers.
4. Staff shall refuse to supply alcohol to any adult who they suspect to be intoxicated or passing the alcohol to those who are underage. Details of such refusals shall be documented and made available to police or the local authority immediately upon request.
5. An incident and refusals book or log shall be kept at the premises which is utilised and maintained at all times. This will include a record of all age challenges made when a customer attempts to purchase alcohol and the reasons for any refusal. This book will be available to the police, Licensing Authority or other Responsible Authority immediately upon request.
6. The Premises License Holder shall ensure that all relevant members of staff receive training in their responsibilities under the Licensing Act 2003 (or replacement legislation) including the use of a "Challenge 25 policy". Such training shall be documented, and records made available on request from the Police, authorised officer of the Licensing Authority or other Responsible Authority. Refresher training will take place at 6 monthly intervals and will also be documented and available for inspection on request.
7. A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of, and in consultation with, Northumbria Police. Such a system shall:
 - a) Be operated by properly trained staff;
 - b) Be in operation at all times that the premises are open and capable of generating accurate date and time of the footage;
 - c) Ensure coverage of all public entrances and exits, counter and till areas, areas where alcohol is stored and any existing outside areas, whether or not patrons have access to them, and other areas as required by police;
 - d) Be kept in a secure environment under the control of a named responsible individual and fitted with a security function to prevent tampering with the recording (eg. password protected);

- e) During the times licensable activities are provided, have a member of staff present and trained in the retrieval of CCTV footage, with the ability to download the relevant footage onto a disc at the request of police;
 - f) Be capable of recognition of all persons entering the premises;
 - g) Provide continuous recording facilities for each camera to a high standard of clarity. Such recordings shall be retained on tape/disc/hard drive or otherwise for a minimum of 28 days and shall be supplied to police, Licensing Authority or other Responsible Authority on request. Images recorded are to be retained in an unedited format and the CCTV must continually record whilst the premises are open.
8. No noise from the licensed premises, including noise from patrons present, arriving or leaving the premises, or from licensable activity, shall rise 5db or more above the existing ambient/background noise at this location, when measured continuously over a 15 minute period at residential properties at Victoria Terrace Whitley Bay NE26 2QN, so as to avoid nuisance to nearby residents or other business users.
9. 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 premises license holder or staff between 20:00 hours and 08:00 hours. Any such skip, bin or container shall not be removed from the Premises between those hours.
10. No delivery to the premises shall be received between 20:00 hours and 08:00 hours
11. All members of staff at the premises, including door supervisors where they are employed, shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to consume alcohol on the premises or purchase alcohol, whether or not they intend to consume it on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving license or proof of age card carrying the "PASS" logo and hologram, or a Forces ID card.

12. On entrance/exit to the premises there will be signs prompting customers to be respectful of neighbours and to leave quietly.
13. The premises will have clear signage confirming that alcohol may only be consumed whilst seated at tables.

Reason for Decision:

The Sub-committee was satisfied that the applicant had successfully demonstrated that there would be no negative impact on the 4 licensing objectives from the grant of the licence.

The Sub-committee considers that the applicant has been able to rebut the presumption against the grant of the licence at the location as set out in the North Tyneside Cumulative Impact Policy.

The Sub-committee considers that with the combination of the conditions offered by the applicant and the conditions it imposed the licensing objectives would be sufficiently promoted to address any concerns in relation to the application.