

Licensing Sub Committee – 13 May 2020 – Virtual hearing

Pranzo Italian Tapas and Wine Bar, 16 Station Road, Whitley Bay

Papers submitted by Mr M Foster on behalf of the applicant

1. Email trail between LA and Applicant's Solicitor
2. Outside Management Policy
3. Draft Conditions V3
4. Letter to Resident A
5. Letter to Resident B

Dave Parkin

From: Matt Foster <mfoster@mincoffs.co.uk>
Sent: 05 May 2020 16:08
To: Stephanie Graham
Cc: Dave Parkin; Jeff Young; John Barton
Subject: RE: (LEO0000038/1) - New Premises Licence - 16 Station Road, Whitley Bay, Tyne & Wear, NE26 2RA - Evidence for hearing 13th May at 10am

EXTRNL

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Good afternoon,

The hours would be as follows:

- (1) Supply of alcohol (on and off sales) 11:00 to 23:00 Friday to Sunday and 11:00 to 22:00 Monday to Thursday
- (2) Opening Hours 08:00 to 23:30 Friday to Sunday and 08:00 to 22:30 Monday to Thursday
- (3) Late Night Refreshment 23:00 to 23:30 Friday to Sunday.
- (4) Use of the outside area restricted in terms of off sales for consumption outside. No sales after 21:00. Outside area to close at 21:30 (is that clear enough of would it be useful to edge the outside area on the plan in say purple to delineate the area to which the condition refers?)

Kind regards,

Matt

Mincoffs
SOLICITORS

Matt Foster
Partner

Direct Line | 0191 212 7702
Switchboard | 0191 281 6151

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From: Stephanie Graham [mailto:Stephanie.Graham@northtyneside.gov.uk]

Sent: 05 May 2020 15:41

To: Matt Foster <mfoster@mincoffs.co.uk>

Cc: Dave Parkin <Dave.Parkin@northtyneside.gov.uk>; Jeff Young <Jeff.Young@northtyneside.gov.uk>; John Barton <John.Barton@northtyneside.gov.uk>

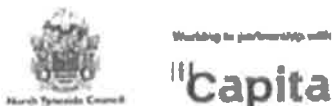
Subject: RE: (LEO0000038/1) - New Premises Licence - 16 Station Road, Whitley Bay, Tyne & Wear, NE26 2RA - Evidence for hearing 13th May at 10am

Good Afternoon,

Thanks for that extra information. I think it may be helpful if you could provide a new schedule detailing the revised sale of alcohol, late night refreshment and opening hours. It may make things a bit clearer for all parties involved.

Kind Regards

Stephanie Graham
Senior Licensing Officer
Licensing



Block C, Harvey Combe, Killingworth, NE12 6UB
North Tyneside Council

Tel: (0191) 6436969



From: Matt Foster <mfoster@mincoffs.co.uk>

Sent: 05 May 2020 15:04

To: Jeff Young <Jeff.Young@northtyneside.gov.uk>

Cc: Stephanie Graham <Stephanie.Graham@northtyneside.gov.uk>; Dave Parkin <Dave.Parkin@northtyneside.gov.uk>; [redacted] <[redacted]@outlook.com>

Subject: (LEO0000038/1) - New Premises Licence - 16 Station Road, Whitley Bay, Tyne & Wear, NE26 2RA - Evidence for hearing 13th May at 10am

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Hi Jeff,

Further to our recent exchange of emails, we have attempted to contact the residents who have objected to the application. I have attached copies of the letters, which were hand delivered on the 30th April. I have had no response from either resident. Also attached are revised conditions reflecting concessions and a draft Outside Management Policy.

You will see from the letters attached that a number of concessions have been made in terms of a restaurant style condition, reduction in hours Mon-Thurs and places hours of use on the outside area. I have set out below the changes, and also attached a revised Draft Condition 3 document reflecting those changes (for ease of reference). These concessions have been made as a package in response to the objections, but also taking into account a slight change in operating style made necessary as a result of COVID 19 and likely social distancing.

Changes to conditions:

1. Add restaurant style condition:

“The sale and provision of alcohol will be as an ancillary to the sale of food”

2. To change hours at the premises Monday to Thursday, with the last sale of alcohol at 22:00 to close at 22:30.
3. Last off sale of alcohol for consumption in the outside area will be at 21:00. The outside area will close at 21:30.
4. To remove condition 2. There is no requirement for a minimum number of seats now we have offered the restaurant condition, and should we open in a social distancing world, we will have to have less seats to allow for that.

The Outside Management Policy is sent to the client is intended to be a working document and will require variation from time to time. So it is not proposed it is attached to the licence. Indeed, since this was forwarded to the residents last week it has been slightly amended at point 9 to accommodate all hours for the operation of the outside area. So it is important that the flexibility remains for changes to be made to that document. Other changes that might be made would include any stipulations for managing a premises in regard to COVID 19.

This is all of the additional evidence we wish to submit at this point, although my client is currently working on a revised menu, which is to be adapted to a different way of trading once we come out of lockdown.

The attendees from our side at the Committee Hearing next week will be myself and my client, Pablo Masucci (cc'd in for the sake of TEAM's invite).

Kind regards,

Matt

and their families, as we always have. All emails and phone calls will be replied to and you can contact the firm in the usual way via your key contact, or by calling 0191 281 6151 between 9am-5pm. All future appointments will be dealt with remotely unless agreed in advance. Meetings can take place over the phone or via online services such as Skype or Facetime. We wish all clients well during these challenging times. Coronavirus – please click here <https://mincoffs.co.uk/latest/coronavirus-notice/> to see our guidance and protocols in relation to safety and service continuity.

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Outside Management Policy

1. During hours of operation for the outside terrace, more specifically between 1700 and 2130, checks are to be conducted of the areas surrounding the restaurant for possible noise escape, or sources of disturbance. This will be the responsibility of the manager, but may be delegated to other members of staff. These checks will particularly focus upon the residential houses near the premises (as the closest noise sensitive areas).
2. In line with our operating style, recorded music will only ever be played at a level so that customers can talk in comfort without raising their voices. It will only be provided as background music. The music level will be set by the manager.
3. When patrons are leaving the premises they will pass signs which remind them to be considerate of our neighbours and refrain from shouting. Make sure if these signs have been vandalised or removed that they are replaced.
4. Behaviour must be monitored upon leaving the premises and in the outside area. This will normally be the responsibility of the manager, who directs front of house operations, meeting and greeting customers. On occasions people may need to be reminded of their public responsibilities upon leaving. In addition, it is always preferable at the end of an evening to have a member of staff assuming the responsibility of monitoring the outside area at the front of the premises.
5. We will always offer customers the service of ordering taxis. Although customers do tend to order their own taxi's these days, its always worth asking customers if they need a cab, sometimes just as a nudge to remind them we are approaching closing time. We would prefer they use our nominated taxi company, since this assures the business that taxi's arriving outside of the business cause the minimum of disturbance to our neighbours.
6. Any person using our premises must do so in a way that does not cause a disturbance to our neighbours. Nothing is more important than that, regardless of who they are. If a person or group is being rowdy, politely ask them to alter their behaviour and explain why. Also, where appropriate speak to the individual who made the booking. If they continue they must be warned that they will be asked to leave and their party will not be served any further. It is extremely rare that such a thing might occur but it is important that you know what to do if it does. If you are in any doubt speak to the manager. If they continue, ask them to leave and where appropriate stop further service or food and beverages. Speak to the Manager and log the incident.
7. No refuse is to be deposited in bins or the like, outside or in any area where it would be audible outside between 21:00 and 08:00. At all other times please be considerate of our neighbours and try where possible to reduce the noise of carrying out such activities in order to reduce any nuisance which might be caused.
8. Refuse collections are not to take place between 21:00 and 08:00, and try to arrange any deliveries outside of these hours.
9. The outside area will not be used after 21:30 and there will be no new users after 20:30. Also, there will be no service of alcohol in this area after 21:00. Have

regard to these restrictions and terminal hour if customers are wanting to dine outside or sit in the outside area. Signage will confirm the hour for use, but please reinforce this with customers when they use the premises.

This Policy forms part of staff training and must be signed by staff to acknowledge that they understand the terms upon which they carry out their duties and manage entertainment and interactions with customers at the premises.

Name:

Signed:

Date:

"Pranzo "Italian Tapas and Wine Bar"

16 Station Road, Whitley Bay, NE26 2RA

Revised Proposed Conditions

1. Waiter/waitress service will be available throughout the hours that premises are open.
2. ~~The premises shall operate a minimum number of 20 seats in the premises.~~ The sale and provision of alcohol will be as ancillary to the sale of food.
3. Music at the premises will always be background in nature and will not be played at a level where customers can no longer talk in comfort.
4. The operator shall ensure that at all times when the premises are open for any licensable activity, there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
5. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events.
6. 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.
7. Such a system shall:-
 - i) be operated by properly trained staff;
 - ii) be in operation at all times that the premise are being used for a licensable activity;
 - iii) ensure coverage of all entrances and exits to the licensed premises internally and externally, to include the outside seating area;
 - iv) ensure coverage of such other areas as may be required by the Licensing Authority and Northumbria Police;
 - v) during the times licensable activities are provided, a member of management or staff will be contactable and trained in the retrieval of CCTV footage, with the ability to download the relevant footage onto a disc within a reasonable time of any request from Northumbria Police to do so;
 - vi) provide continuous recording facilities for each camera during the provision of licensable activities to a good standard of clarity. Such recordings shall be retained on the hard drive or otherwise may be put on disc or otherwise (for a period of 28 days), and shall be supplied to the Licensing Authority or Police Officer on request.
8. The maximum number of persons permitted on the premises at any one time shall not exceed a figure prescribed by the risk assessment carried out by the Premises

Licence Holder in accordance with fire safety legislation and will be further limited by the number of seats available

9. The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the premises at times prescribed within the management risk assessment.
10. No noise from the licensed premises, including noise from patrons or amplified regulated entertainment, shall be audible beyond the boundary of the premises so as not to cause a public nuisance to nearby residents.
11. An operation policy shall be implemented in respect of the management of the outside area to include staffing, noise monitoring, noise reduction/mitigation, dispersal and general management of the area on a daily basis.
12. No glass material or bottles shall be deposited in any skip, bin or other container of a like nature, located in the open air outside of the premises between the hours of 21:00 hrs and 0800 hrs. Any such skip, bin or container shall not be removed from the premises between those hours.
13. All members of staff at the premises 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 purchase or consume alcohol on 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.
14. All food and beverage staff will undergo internal training on induction as to the requirements under the Licensing Act 2003, including underage sales and the premises proof of age policy. Such training will be documented, refreshed at least annually and available to the Police, Licensing Authority and Trading Standards upon providing reasonable notice.
15. Sale of alcohol shall be limited to wines, spirits and speciality/craft beers, lagers and ciders. There shall be no draft products.
16. The last off sale permitted for consumption in the premises outside area will be at 21:00, with that area to close at 21:30.
17. The last sale of alcohol Monday to Thursday will be at 22:00, with the premises to close at 22:30.

Resident A

Date: 29 April 2020
Our ref: MF/LEO0000038/1
Your ref:
Direct dial: 0191 212 7702
Direct fax: 0191 2818069
Email: mfooster@mincoffs.co.uk

BY HAND

Dear Resident A,

RE: New Premises Licence - 16 Station Rod, Whitley Bay, Tyne & Wear, NE26 2RA

Dear Resident A,

I represent the applicant in regard to the above application, and have received your representation. I would like the opportunity to try and resolve this without proceeding to a hearing on 13th May if at all possible. As a result of what is happening globally at the moment and the impact this will have on the way in which we will be able to operate, we have a revised proposal for you to consider. Please read on.....and apologies, because it's a little 'wordy'!

Restaurant style condition

I have spoken to my client, who in the normal course of events would have liked to have met with you to discuss this. As a result of the uncertainty over the circumstances in which restaurants might be able to open, we are having to revise the business plan. It is very likely that restaurants opening in a 'social distancing' environment will not be able to operate as many tables. Maybe half.... maybe a third! In those circumstances we want to focus a lot more of service of food, because that is where the profit margins are. Alcohol as a stand-alone offering was always just a 'nice to have', and a little boost to the margins. With space at a premium, we are happy to now let that go. So, we are prepared to remove the flexibility that a customers could just buy a drink (like in a wine bar), and add a restaurant style condition. We propose the following:

"The sale and provision of alcohol will be as an ancillary to the sale of food."

Change in opening hours

Given the focus on food, during the week the premises will not need as late opening hours, and we would propose a last sale of alcohol at 22:00 to close at 22:30 Monday to Thursday.

Outside Area

There is an intention to use the outside area of the restaurant, but no licensable activities will take place there. Yes, alcohol can be consumed outside as an off sale from inside the licensed area. There cannot be a bar outside, because it is not licensed for on sales. We note your comments and we would be prepared to fix the hours for the operation of the outside area so that last sale of alcohol would be

at 21:00, and furniture will be put away by 21:30, possibly in a shed or locked up. With social distancing we are not sure how service will operate, and it might be done via collection of meals from a service area to take to a table? You'll appreciate that nobody knows how things are going to work at presently and the use of the outside area would be seasonal and weather dependent.

We have already mentioned an outside management policy, and a draft is attached. This would be a document that could change, for example, we may want to make improvements to the policy or this policy might need to incorporate whatever service policy we are required to adopt by the government?

Restaurant type Conditions

There are other conditions within the application that promote a restaurant style environment. So, we have a condition about waiter and waitress service (Condition 1), a minimum number of seats inside (Condition 2 - not promoting vertical drinking and encouraging seating), a commitment to management of the outside area (condition 11), and a commitment to having no draft/pumped beer/lager (condition 15).

We will need to change the minimum number of seats, as social distancing will likely not allow for that, so we would propose to remove condition 2 now as part of this offer for mediation. Presumably, now we have a restaurant style condition, that is not a concern and we can agree that?

Landlord's involvement

For your information, this application has been made with the approval of the landlord, Mr Darryn Clark. However, now discussions have now taken place in light of opening in a lockdown. The plan now is to offer a less ambitious menu, whilst still retaining traditional Italian cooking. Obviously more ambitious cooking in a small kitchen with staff distancing is profoundly difficult. The premises will also now be opening with a delicatessen, with dry stock, cured meats etc, with the ability to deliver locally. I hope you approve of this addition?

Anti-social behaviour concerns

We are aware of the location of the premises and do not believe that what my client proposes will impact upon public nuisance/anti-social behavior, which seems to be the main thrust of your objection. Premises of this type typically pose a low risk in terms of crime and disorder and public nuisance, which is perhaps why there have been no concerns raised by the Police and Environmental Health departments. In drafting this application we had particular regard to the area and any impact, hence why a detailed operating schedule and conditions accompanied the application.

Prior to applying for this licence we liaised with our landlord and scouted the area, and are not of the opinion that it particularly suffers from high levels of ASB, but we are aware that often incident reports to the police without sufficient detail fall into the category of anti-social behavior. It's a kind of catch all category. It's not necessarily reflective of their being a problem in the area. However, to the extent that there are a small number of issues, premises such as this don't cause those types of issues. They are low risk. We might also point out that often where ASB occurs it is because offenders not being overlooked or observed. This premises will add another set of eyes to the street, to help monitor and dissuade that type of behavior together with additional CCTV.

Music at the premises

You mention music at the premises. We do not need to apply for live music or recorded music since it is deregulated (requires no licensing) from 08:00 to 23:00 where a licence exists for the on sales of alcohol. Also, background music is in any event not licensable. We intend to provide music played as a level where our customers can talk in comfort without needed to raise their voices (as you would expect in a premises of this type).

The last thing my client wants to do is get the local residents off side. He is hoping you will be his clients, but he must still have a viable business and obviously this is a very risky time to open.

All that we have offered is manageable within the new business plan, and if it serves to give you more comfort then we are happy to make these further concessions.

If you would like to discuss this, please contact Matt Foster on

Kind regards,

Matt Foster

Yours sincerely

Matt Foster
Partner
For Mincoffs Solicitors LLP

ENC.

Resident B

Date: 29 April 2020
Our ref: MF/LEO0000038/1
Your ref:
Direct dial: 0191 212 7702
Direct fax: 0191 2818069
Email: mfooster@mincoffs.co.uk

BY HAND

Dear Resident B,

RE: New Premises Licence - 16 Station Road, Whitley Bay, Tyne & Wear, NE26 2RA

I represent the applicant in regard to the above application, and have received your representation. I find it really positive that you are willing to engage in relation to the application. I also think you will be much happier with our revised proposal. Please read on.....and apologies, because it's a little 'wordy'!

Restaurant Condition

I have spoken to my client, who in the normal course of events would have liked to have met with you to discuss this. Unfortunately, that is not possible. Also, as a result of what is taking place globally, and the uncertainty over the circumstances in which restaurant's might be able to open, we are having to revise the business plan. It is very likely that restaurants opening in a 'social distancing' environment will not be able to operate as many tables. Maybe half.... maybe a third! In those circumstances we want to focus a lot more of service of food, because that is where the profit margins are. Alcohol as a stand-alone offering was always just a 'nice to have', and a little boost to the margins. With space at a premium, we are happy to now let that go. So, we are prepared to remove the flexibility that a customer could just buy a drink (like in a wine bar), and add a restaurant style condition as you mentioned. We propose the following:

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Yours sincerely

Matt Foster
Partner
For Mincoffs Solicitors LLP

ENC.