

Licensing Sub Committee

Tuesday, 28 May 2019

Present: Councillor W Samuel (Chair)
Councillors L Darke and Janet Hunter

LS1/19 Appointment of Chair

Resolved that Councillor W Samuel be appointed Chair for this meeting.

LS2/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

LS3/19 Prudhoe Off Licence, 4-5 Prudhoe Street, North Shields, NE29 6QZ. (Riverside Ward)

The Sub-committee met to consider an application for a review of the Premises Licence in respect of Prudhoe Off-Licence, 4-5 Prudhoe Street, North Shields, NE29 6QZ.

The Applicant, the Local Weights and Measures Authority, had invited the Sub-committee to revoke the Premises Licence in respect of Prudhoe Off-Licence, 4-5 Prudhoe Street, North Shields. The application had also been supported by the Chief Officer of Police, the Director of Public Health and the Local Safeguarding Children Board who had all requested that the Premises Licence be revoked.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mr G Callum, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee.

Mr A Burnett, the Local Weights and Measures Inspector, was in attendance and he was accompanied by Mr D Hedley, Trading Standards Officer. Mr N Kirkpatrick, representing the Chief Officer of Police, and Mrs W Burke, the Director of Public Health were also in attendance.

Mr G Nabi the Premises Licence holder and designated premises supervisor was in attendance and he was accompanied by his son, Mr K Nabi, co-manager of the Premises.

Mr Burnett addressed the Sub-committee in relation to his concerns about the operation of the premises and the failure to uphold the licensing objectives in relation to the prevention of crime and disorder and the protection of children from harm.

Members of the Sub-committee asked several questions which were responded to by Mr Burnett.

Mr Kirkpatrick addressed the Sub-committee in relation to his concerns about the operation of the premises. He referred to the sale of alcohol to a child and the persistent storage and sale of illegal tobacco at the Premises.

Members of the Sub-committee asked several questions which were responded to by Mr Kirkpatrick.

Mrs Burke addressed the Sub-committee in relation to her concerns about the operation and management of the Premises particularly in relation to the protection of children from harm and the prevention of crime and disorder licensing objectives. She explained that she was also representing the Local Safeguarding Children Board at the hearing.

There were no questions of Mrs Burke from either the Sub-committee or Mr Nabi.

Mr Nabi addressed the Sub-committee in response to the points raised by Mr Burnett, Mr Kirkpatrick and Mrs Burke. He explained that there had only been one sale of alcohol to a minor in 35 years and the tobacco, which had been on the Premises on the last occasion referred to, was for his own personal use.

Members of the Sub-committee asked several questions which were responded to by Mr Nabi.

All parties were given the opportunity of summing up their submission.

The Sub-committee withdrew from the meeting to make its decision in private.

The Sub-committee returned and the Chair announced its decision.

Resolved that (1) the Premises Licence in respect of Prudhoe Off-Licence, 4-5 Prudhoe Street, North Shields be suspended for a period of 3 months; and
(2) The following additional conditions be attached to the Premises Licence:

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:
 - The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and all points of sale.
 - The CCTV system is able to capture clear images permitting identification of individuals.
 - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
 - 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 30 days.
 - The CCTV system is capable of constantly generating an accurate date and time.
 - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
2. There will be members 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 replacement legislation).

3. All members of staff responsible for the sale of alcohol and any other age restricted products from the Premises will receive training relation to their duties and responsibilities under the relevant legislation concerned with the sale of all age restricted products from the Premises before being permitted to sell age restricted products at the Premises. Such training will be provided by an external BIIAB accredited trainer, or a trainer with accreditation from a similar awarding body to the BIIAB or the training provided by a legally qualified licensing practitioner.
4. All members of staff responsible for the sale of age restricted products will receive refresher training at least one a year as to their duties and responsibilities under the relevant legislation concerned with the sale of the age restricted products from the Premises. Such training will be provided by an external BIIAB accredited trainer, or a trainer with accreditation from a similar awarding body to the BIIAB or the training provided by a legally qualified licensing practitioner.
5. All training received by staff in relation to the sale of age restricted products will be recorded, and such records kept at the Premises at all times and be made available for inspection immediately on request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime and disorder which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. There have been 2 successful prosecutions in relation to the storage and sale of illicit tobacco from the premises and one pending prosecution for a similar offence;
2. There has been an underage sale of alcohol from the premises;
3. A number of Responsible Authorities including the Police, the Local Weights and Measures Authority, Public Health and the Local Safeguarding Children's Board, have made representations in relation to the operation and management of the Premises;
4. A suspension of the Licence for a period of 3 months would afford the Licensee a suitable period to reflect on their behaviour and thus deter them from engaging in further criminal behaviour;
5. The imposition of additional conditions relating to the requirement for persons employed on the Premises to undergo regular training on their responsibilities in relation to the licensing objectives would be appropriate for the promotion of the licensing objectives, particularly those concerned with the prevention of crime and disorder.