

## **Licensing Sub Committee**

**Wednesday, 13 May 2020**

Present: Councillors C Davis, T Mulvenna and W Samuel

### **LS37/20 Appointment of Chair**

**Resolved** that Councillor T Mulvenna be appointed Chair for this meeting.

### **LS38/20 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LS39/20 Pranzo Italian Tapas and Wine Bar. 16 Station Road, Whitley Bay, NE26 2RA**

The Sub-committee met to consider an application by Leonardo 19 Limited for the grant of a new Premises Licence in respect of Pranzo Italian Tapas and Wine Bar, 16 Station Road, Whitley Bay, NE26 2RA.

The applicant was represented by Mr M Foster, Mincoffs Solicitors, and he was accompanied by Mr P Masucci a director of the applicant company.

Mrs J Jackson and Mr D Weston, local residents, were present to outline their representations in relation to the application

Following introductions, the Chair set out the procedure which would be followed during the course of the virtual hearing.

Mr G Callum, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. He explained that the applicant had sought permission for the Premises to: -

- Supply alcohol for consumption on and off the Premises each day from 11.00 hours to 23.00 hours;
- Provide late night refreshment each day from 23.00 hours to 23.30 hours (for consumption indoors only);
- Have the Premises open to the public each day from 08.00 hours to 23.30 hours.

Since the application had been advertised the applicant now wished to amend the hours as follows: -

- The supply of alcohol for consumption on and off the Premises each Friday, Saturday and Sunday from 11.00 hours to 23.00 hours and each Monday to Thursday from 11.00 hours to 22.00 hours;
- The provision of late-night refreshment each Friday, Saturday and Sunday from 23.00 hours to 23.30 hours (for consumption indoors only); and

- For the Premises to remain open to the public each Friday, Saturday and Sunday from 08.00 hours to 23.30 hours and Monday to Thursday from 08.00 hours to 22.30 hours.

The Sub-committee referred to the written representations submitted in respect of the application.

Mr Foster presented the application on behalf of the applicant. He explained that the application had been amended to address residents' concerns and to take account of the restrictions imposed as a result of the Covid-19 pandemic.

Members of the Sub-committee and the residents' asked a number of questions which were responded to by Mr Foster and Mr Masucci.

Each of the resident's presented their representation to the Sub-committee in turn and responded to questions from the Sub Committee and the representatives of the Applicant

All parties were given the opportunity to sum up their particular submissions

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

**Resolved** that the application for the grant of a new Premises Licence in respect of Pranzo Italian Tapas and Wine Bar, 16 Station Road, Whitley Bay be approved subject to the following conditions: -

1. A CCTV system ("the system") will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that: -
  - i. The system's cameras will be located at the Premises so as to provide coverage of entrances and exits, both internally and externally, the serving area, and any areas where the consumption of alcohol takes place, including the outside area edged green on the licence plan.
  - ii. The system is able to capture clear images permitting identification of individuals.
  - iii. The system will be in operation whenever a licensable activity is taking place at the Premises.
  - iv. The 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.
  - v. The system is capable of constantly generating an accurate date and time.
  - vi. The 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 (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 (or any successor legislation).
3. All members of staff at the Premises responsible for selling and supplying alcohol will seek "credible photographic proof of age evidence" from any person who appears to be under 25 years and who is seeking to purchase or consume alcohol on the Premises (the area edged red in the licence plan) or in the outside area of the Premises (the area edged green in the licence plan). 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 and hologram.

4. The noise level from activities in the Premises, (the area edged red in the licence plan), and in the outside area, (the area edged green in the licence plan), associated with any licensable activity when assessed in any of the residential premises in Station Road and Albany Gardens must not exceed 35 dB LAeq during the operation of the premises licence measured over a 15 minute period between 11.00 hours and 23.00 hours. Noise levels from the Premises (the area edged red on the licence plan) when assessed in any of the residential premises in Station Road and Albany Gardens must not exceed 30 dB LAeq after 23.00 hours during the operation of the premises licence measured over a 15 minute period.
5. All members of staff responsible for the sale or supply of alcohol at the Premises will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol, before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor, authorised member of staff or an external accredited licensing trainer.
6. All members of staff responsible for the sale or supply of alcohol at the Premises will receive annual refresher training as to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol. Such refresher training will be provided by the Designated Premises Supervisor, authorised member of staff or an external accredited licensing trainer.
7. All training received by staff in relation to the Licensing Act 2003 (or successor legislation) must be recorded in training records for each member of staff. Such records must be kept up to date and kept at the Premises at all times and made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
8. The licence holder and Designated Premises Supervisor will maintain a dynamic risk assessment for the general operation of the Premises and for individual bespoke events held at the Premises. Such a Risk Assessment will amongst other things: -
  - a) Identify not only the potential risks but also the tactics to be employed to reduce any such risks;
  - b) Take into account the level and type of staffing to be employed at the Premises;
  - c) Consider if it is appropriate for the Designated Premises Supervisor to be in attendance at the Premises during a particular event;
  - d) Give due attention to any information given to the licence holder by any Responsible Authority, particularly Northumbria Police;
  - e) Consider the maximum number of persons permitted on the Premises during a particular event having regard to appropriate safety legislation and the maximum safe capacity for the Premises as set out in the Fire Risk Assessment;
  - f) Be fully documented and kept at the Premises at all times and made available for inspection by authorised officers of the Licensing Authority

(including Trading Standards Officers) or representatives of Northumbria Police immediately on request.

9. The Premises Licence Holder will ensure that at all times the Premises are open to the public there will be a sufficient number of competent staff on duty at the Premises for the purposes of fulfilling the terms and conditions of the licence and promoting the licensing objectives.
10. A waiting service will be available throughout the hours that the Premises are open to the public.
11. The Designated Premises Supervisor, or another authorised member of staff, will ensure that there are effective management arrangements in place to enable the Designated Premises Supervisor or authorised member of staff to know how many people there are on the Premises (the area edged red in the licence plan), and in the outside area (the area edged green in the licence plan), at all times.
12. No glass material or bottles 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 its staff between the hours of 21.00 hours and 08.00 hours. Any such skip, bin or container shall not be removed from the Premises between those hours.
13. The last off sale permitted for consumption in the outside area (the area edged green in the licence plan) will be 20.30 hours and the outside area will close to all customers consuming food and/or alcohol at 21.00 hours.
14. There will be no more than 20 customers in the outside area (the area edged green on the licence plan) consuming food and/or alcohol at any one time.
15. No alcohol will be sold or supplied in the Premises other than to persons taking a table meal in the Premises (the area edged red in the licence plan) or a table meal in the outside area (the area edged green in the licence plan) save for those persons who have purchased alcohol for consumption off the Premises. Any alcohol sold for consumption off the Premises (excluding those sales made for consumption in the said outside area) must be in a sealed container.
16. No draught alcoholic products will be supplied at the Premises.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, 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 objectives which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises are located within the Whitley Bay Cumulative Impact Area;
2. The Premises were not a purely alcohol led premises but a restaurant with alcohol ancillary to the provision of food and therefore there was no presumption that the

- application should be rejected;
3. There had been no representations from any of the Responsible Authorities;
  4. Representations had been received from 2 local residents
  5. The imposition of the above conditions should be sufficient to allow the application to be approved whilst still addressing the concerns raised by residents.