

Licensing Sub Committee

Wednesday, 5 May 2021

Present: Councillors D Drummond, Janet Hunter and T Mulvenna

LS18/19 Appointment of Chair

Resolved that Councillor Mulvenna be appointed Chair for this meeting.

LS19/19 Declaration of Interests and Dispensations

There were no Declarations of Interest or Dispensations Reported.

LS20/19 The Topsy Horse, Unit 20 Arrow Close, Stephenson Industrial Estate, Killingworth, NE12 6QN

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of The Topsy Horse, Unit 20, Arrow Close, Killingworth.

The Applicant, The Topsy Horse Limited, sought permission for the following:

- The performance of plays outdoors each day from 11.00 hours to 23.30 hours;
- The exhibition of films outdoors each day from 11.00 hours to 23.30 hours;
- The performance of live music outdoors each Sunday to Thursday between 11.00 hours and 23.00 hours and each Friday and Saturday between 11.00 hours and 23.30 hours and on New Years Day the performance of live music to end at 01.00 hours;
- The playing of recorded music outdoors each day from 11.00 hours to 23.30 hours and on New Years Day recorded music to be played until 01.00 hours;
- The provision of late night refreshment outdoors on New Years Eve until 23.59 hours and on New Years Day from 00.00 hours to 01.00 hours;
- The sale of alcohol for consumption on and off the premises each day of the week from 11.00 hours to 23.00 hours and until 00.30 hours on New Years Day;
- The premises to be open to the public each day from 10.30 hours to 23.30 hours and until 01.00 hours on New Years Day

Following introductions the Chair set out the procedure to be followed at the hearing.

Mrs Vert, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee.

Mrs Wilson, Senior Environmental Health Officer, presented details of her concerns in relation to the application. She responded to a series of questions from the members of the Sub Committee and the Sub-committee's legal advisor.

Mr Thompson, on behalf of the Applicant, addressed the Sub-committee in relation to the

application. He was supported by Mr Robson, Licensing Consultant. Members of the Sub-committee asked a series of questions of both Mr Thompson and Mr Robson.

All parties were then given the opportunity to sum up their case and the Sub-committee retired to make its decision in private.

Resolved that the application for the grant of a Premises Licence in respect of The Tipsy Horse, Unit 20, Arrow Close, Killingworth be approved subject to the following conditions:

1. Before the premises licence takes effect, the Applicant must submit to the Licensing Authority a plan of the Premises that will be clear and legible, and which will show those matters listed in Regulation 23(3) of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
2. Before the premises licence takes effect, the Applicant will provide to the Licensing Authority a copy of the Fire Risk Assessment for the Premises.
3. 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:
 - 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.
4. 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).
5. All members of staff responsible for the sale 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 of alcohol will receive refresher training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) every 6 months. 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 replacement 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 report 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 Applicant, such as anti-social behaviour, refusal of admission to the Premises and ejection from the Premises or external areas provided by the Licence Holder.
9. The incident report register will be produced for inspection immediately on request from authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
10. 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, HM Forces Identity Card or European Union Identity Card.
11. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age when attempting to purchase alcohol and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
12. The performance of live music, the playing of recorded music, the exhibition of films or the performance of plays will cease at 21.00 hours.
13. The noise level from the performance of live music, the playing of recorded music, the exhibition of films or the performance of plays at the Premises when assessed in any of the residential premises in Sharon Close, including Nellie Gormley House, must not exceed 35 dB LAeq measured over a 15 minute period between 11.00 hours and 23.30 hours.
14. The noise level in the Premises associated with the sale and consumption of alcohol when assessed in any of the residential premises in Sharon Close, including Nellie Gormley House, must not exceed 35 dB LAeq measured over a 15 minute period between 11.00 hours and 23.30 hours.

15. The Licence Holder will ensure that clear and legible notices are displayed at exits and other circulatory areas of the Premises requesting patrons 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.

16.2 Security Industry Authority registered staff members will be employed at the Premises each Friday and Saturday from 20.00 hours to 01.00 hours.

17.1 Security Industry Authority registered security staff member will be employed at the Premises each Sunday to Thursday from 21.00 hours to 23.30 hours.