

Licensing Sub Committee

Tuesday, 22 June 2021

Present: Councillors L Bartoli, T Mulvenna and J O'Shea

LS1/21 Appointment of Chair

Councillor Mulvenna was appointed Chair for this meeting.

LS2/21 Declarations of Interest

There were no Declarations of Interest or Dispensations reported.

LS3/21 On the Corner Cafe, 45 Ilfracombe Gardens, Whitley Bay, NE26 3LZ

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of On the Corner Café, 45 Ilfracombe Gardens, Whitley Bay.

The Applicant Ms Della Veronica Carter sought permission for the following:

- The performance of live music indoors each day from 08.00 hours to 19.00 hours;
- The playing of recorded music indoors each day from 08.00 hours to 19.00 hours;
- The provision of anything similar to live and recorded music each day from 08.00 hours to 19.00 hours;
- The supply of alcohol for consumption on and off the premises each day from 08.00 hours to 18.30 hours;
- The premises to be open to the public each day from 08.00 hours to 19.00 hours; and
- The supply of alcohol and the provision of regulated entertainment between 19.00 hours on New Years Eve and 08.00 hours on New Years Day.

Following introductions the Chair outlined the procedure to be followed at the hearing.

Mr J Young, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. Members of the Sub-committee asked a series of questions of the officer which were responded to appropriately.

Ms Carter addressed the Sub-committee in relation to her application. Members of the Sub Committee, Mr Cowie and the Sub Committee's legal advisor asked a series of questions which were responded to.

Mr Cowie addressed the Sub-committee in relation to his concerns about the application. Members of the Sub-committee asked a series of questions of Mr Cowie.

All parties were given the opportunity of summing up their respective cases and the Sub-committee then withdrew to make its decision in private.

Resolved that the application for the grant of a new Premises Licence in respect of On the Corner Café, 45 Ilfracombe Gardens, Whitley Bay be granted apart from the period of 19.00 hours on New Years Eve to 8.00am on New Years Day and subject to the following conditions:

1. The Premises are permitted to supply of alcohol for consumption on and off the Premises each day of the week from 10.00 hours to 18.30 hours.
2. The Premises will be open to the public each day of the week from 08.00 hours to 19.00 hours.
3. The Premises will operate as a café and there will be no change to this operating style without prior written notice being given to the Licensing Authority and Northumbria Police of any proposed change in the style of operation. The Licensing Authority will advise the Licence Holder within 21 days whether a new application for a premises licence is required and the licence holder will comply with that direction and submit an appropriate application within 21 days of receiving such a direction.
4. 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:
 - 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.
5. 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).

6. The Licence Holder will ensure that whenever the Premises are open to the public and a licensable activity is taking place there will be a sufficient number of competent staff on duty to ensure that the terms and conditions of the licence are complied with at all times.
7. No alcohol will be sold or supplied at the Premises other than to persons taking a meal or snack at the Premises and for the consumption of such alcohol to be ancillary to their meal or snack.
8. Alcohol sold for consumption off the Premises will only be made to customers who have the remainder of their alcoholic beverage to take away with them, or, to customers who have purchased food with the alcohol and who intend to be consume the alcohol and food off the Premises. All such sales will be made in a sealed container.
9. Waiter/waitress service will be available throughout the hours that the premises are open to the public.
10. The maximum number of customers in any outside area of the Premises shall not at any time exceed 30 persons.
11. All furniture in any outside area of the Premises will be removed at the end of each trading day and will be stored securely in the indoor area of the Premises or other secured internal area.
12. At the end of each trading day staff will inspect the immediate vicinity of the Premises for waste and will ensure that any waste is removed and properly disposed of.
13. 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 or HM Forces Identity Card.
14. 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.

15. 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) annually. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.
16. 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).
17. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date and will detail 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).
18. An incident 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.
19. The incident register will be produced for inspection immediately on request from authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
20. 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 Licence Holder or its staff between the hours of 20.00 hours and 08.00 hours. Any such skip, bin or container shall not be removed from the Premises between those hours.
21. Noise from customers attending at the Premises shall not be audible in any home or business premises in Ilfracombe Gardens, Windsor Gardens, Claremont Gardens, Gladstone Avenue or Bournemouth Gardens so as to

amount to a statutory nuisance.

22. There will be displayed at the Premises clear and legible notices displayed at the exit and other circulatory areas requesting customers 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.