

## Licensing Sub Committee

Thursday, 2 September 2021

Present: Councillors Janet Hunter, T Mulvenna and S Phillips

### LS11/21 Appointment of Chair

**Resolved** that Councillor S Phillips be appointed Chair for this meeting.

### LS12/21 Declarations of Interest

There were no declarations of interest or dispensations reported.

### LS13/21 Somals, 21-23 Benton Lane, West Moor, Newcastle upon Tyne, NE12 7NP

The Sub-committee met to consider an application to vary the Premises Licence in respect of Somals, 21-23 Benton Lane, Westmoor, Newcastle upon Tyne, NE12 7NP.

The applicant, Mrs R Johal, sought permission to extend the existing licence in respect of the sale of alcohol off the Premises to permit off sales Monday to Saturday between 08:00 hours and 04:00 hours for deliveries only.

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 representation received and the options available to the Sub-committee.

The Sub-committee referred to the written representation received in respect of the application.

Mrs Johal addressed the Sub-committee in relation to her application. Members of the Sub-committee asked a series of questions in relation to the application which were responded to by Mrs Johal.

Mrs Johal was then given the opportunity of summing up her submission.

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

**Resolved** that the application to vary the Premises Licence in respect of Somals, 21-23 Benton Lane, Westmoor, Newcastle upon Tyne be approved for the following hours and subject to the following conditions:

- Monday to Saturday 08:00 hours to 03:30 hours
- Sunday 10:00 hours to 22:30 hours
- Good Friday 10:00 hours to 22:30 hours
- Christmas Day 12:00 hours to 15:00 hours and 19:00 hours to 22:30 hours

1. Between 23:00 hours and 03:30 hours all sales of alcohol from the Premises will only be by way of online or telephone order and by way of delivery to a known address. No sale of alcohol will be made to a customer attending at the Premises after 23:00 hours.
2. The last delivery of alcohol from the Premises must be completed by 04:00 hours.
3. No alcohol will be delivered to any customer until details of the customer, including his/her name, date of birth, the address where alcohol is being delivered to, quantity, description, and price of the alcohol is entered into a register (electronic or otherwise) that will be kept at the Premises at all times. The register will be available for inspection by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request made in accordance with the Data Protection Act 2018/General Data Protection Regulation (or any replacement legislation).
4. All customers seeking to purchase alcohol from the Premises and requesting the delivery of the alcohol at an address away from the premises will be informed that any person taking delivery of the alcohol who appears to be under the age of 25 years will be required to produce photographic evidence of the type set out in condition 9 below as to their age and that without the production of such photographic evidence the delivery of the alcohol will not take place.
5. Any vehicle delivering alcohol away from the Premises will be clearly marked to show that the vehicle is operating from the Premises.
6. A minimum of 2 persons will be present at all times when an alcohol delivery is made away from the Premises.
7. All persons responsible for the sale, supply, or delivery of alcohol at or from the Premises will be given training on their duties and responsibilities under the Licensing Act 2003 (or any replacement legislation) before they commence employment at the Premises and refresher training will be provided annually. This training will be provided by the Designated Premises Supervisor.
8. Training records for each person responsible for the sale, supply, or delivery of alcohol at or from the Premises will be maintained and kept at the Premises at all times and will be made available for inspection by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request to see the records.
9. All persons responsible for the delivery of alcohol away from 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 taking delivery of alcohol supplied by the Premises. Such credible evidence, which shall include a photograph of the customer, will be a passport, photographic driving licence, proof of age card carrying a PASS logo and hologram or Her Majesty's Services Identity Card.
10. A register (electronic or otherwise) of all refusals to sell/deliver alcohol must be kept at the Premises at all times. The register must include the date and time of the refusal, a description of the customer, the name of the person who refused the

sale/delivery and the reason for refusal. The register will apply to all sales of alcohol from the Premises including the sale of alcohol resulting in the delivery of alcohol away from the Premises. The register must be maintained and kept up to date. The register will be made available for inspection by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request to see a register in accordance with the Data Protection Act 2018/General Data Protection Regulation (or replacement legislation). If the challenge is made as a result of a delivery to a customer, the address of the customer will be recorded in the register.

11. Any delivery of alcohol from the Premises must be made to residential premises, the address of which is duly recorded in the register referred to in condition 3. No delivery of alcohol will be made to an open area or public place such as parks, beaches, playing fields, street, or any similar type of location.
12. All payments received by the licence holder or his/her staff for the purchase of alcohol from the Premises for delivery to customers at a location away from the Premises must so far as possible be received in advance of the delivery to the customer by way of card payment or other electronic payment method.
13. A CCTV system will be installed and maintained in proper working order and the Licence Holder must ensure that: -
  - a) CCTV cameras are located within the Premises to cover all public areas including all entrances and exits, both internally and externally, and in particular any exit from which alcohol leaves the Premises to be taken to delivery vehicle(s) and the area in which the delivery vehicle is loaded with alcohol.
  - b) The CCTV system records clear images permitting the identification of individuals.
  - c) 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.
  - d) The CCTV system operates at all times that the Premises are being used for licensable activities.
  - e) The CCTV system is able to generate a constant and accurate time and date.
  - f) The CCTV system is fitted with security functions to prevent recordings being tampered with, such as password protection.
  - g) There are persons at the Premises during operating hours able to provide viewable copies on request to authorised officers of the Licensing Authority (including Trading Standard Officers) or representatives of Northumbria Police as soon as is reasonably practicable in accordance with the Data Protection Act 2018/General Data Protection Regulation (or any replacement legislation).
14. The licence holder and his/her staff will ensure that no noise will emanate from the Premises or the immediate vicinity of the Premises as a consequence of any activity connected to the delivery of alcohol from the Premises that will be audible above background level at any residential property in Benton Lane, West Moor Drive or Chiltern Drive that gives rise to a nuisance.