



**North Tyneside Council**

# Licensing Committee

20 March 2019

**Thursday 28 March 2019** Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside NE27 0BY **commencing at 6.00 pm**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for Absence</b>	
To receive apologies for absence from the meeting	
<b>2. Declarations of Interest and Dispensations</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
<b>3. Minutes</b>	<b>3.</b>
To confirm the minutes of the previous meetings held on 29 March 2018 and 11 October 2018.	

Members of the public are entitled to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information about this meeting please call 0191 643 5316

**4. Minutes of Sub-Committees** **7.**

To note the minutes of the Licensing Sub-Committee hearings held during 2018/19 as follows:

25 April 2018	Rai Wine Store, 20/22 Forest Hall Road
12 June 2018	Manhattans, 85/87 High Street West
15 June 2018	Royal Quays Food Store, 8 Prince Consort Way
9 August 2018	Gills Off Licence, 55/57 West Percy Street
23 August 2018	Gills Off Licence, 55/57 West Percy Street
7 September 2018	Gills Off Licence, 55/57 West Percy Street
18 September 2018	46-60 Park View
26 October 2018	Gills Off Licence, 55/57 West Percy Street
8 November 2018	Cahoots, 42/44 Earsdon Road
12 November 2018	The Old Smokehouse, Tanners Bank
10 December 2018	Miami Pizza 2, 16 West Percy Street
11 December 2018	Capello Hair Salon, 2a Claremont Road
25 February 2019	Heron Foods Ltd, Unit 2 Churchill Street

**5. Licences Granted under Delegated Authority: 1 March 2018 – 28 February 2019** **47.**

To note the decisions taken by officers under delegated authority for the period 1 March 2018 to 28 February 2019.

**6. Member Decisions taken without recourse to a hearing.** **62.**

To note the decisions taken by members in relation to applications for the grant of new premises licences for Seaton Burn Cricket Club and MS Boudicca

Members of the Licensing Committee: -

Councillor L Darke	Councillor D McMeekan
Councillor D Drummond	Councillor A Percy
Councillor M A Green	Councillor K Osborne
Councillor Janet Hunter	Councillor J O'Shea
Councillor John Hunter	Councillor L Spillard
Councillor W Lott	Councillor J Walker
Councillor G Madden (Chair)	Councillor A Waggott-Fairley (Deputy Chair)
Councillor P McIntyre	

# Licensing Committee

29 March 2018

Present: Councillor W Lott (Chair)  
Councillors L Darke, D Drummond, M A Green, Janet Hunter, John Hunter, F Lott, G Madden, D McMeekan, K Osborne, J O'Shea, L Spillard, J Walker and J Wallace.

## LQ01/03/18 Apologies

There were no apologies for absence received.

## LQ02/03/18 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

## LQ03/03/18 Minutes

**Resolved** that the minutes of the meeting held on 30 March 2017 be confirmed and signed by the Chair.

## LQ04/03/18 Minutes of the Licensing Sub-Committees

The Committee received copies of the minutes of the following Sub-committee hearings held since its last meeting:-

24 April 2017	Avon Discount Store
2 May 2017	Avon Discount Store
10 July 2017	201 Park View
28 July 2017	203 Park View
15 August 2017	Coast Kitchen and Bar
5 September 2017	Morrisons Petrol Station
15 November 2017	Rene's

**Resolved** that the minutes of the Licensing Sub-committee hearings, as listed above, be noted.

## LQ05/03/18 Decisions taken under Delegated Authority

The Committee considered a report which set out the number and types of applications under the Licensing Act 2003 and the Gambling Act 2005 which had been determined by officers, under delegated authority, between 1 March 2017 and 28 February 2018.

During this period there had been 116 Personal Licences issued, 15 new Premise Licences issued, 46 Premise Licences transferred and 4 Premise/Club Premise Licences varied. Officers had also issued 220 Temporary Event Notices and dealt with the grant, renewal or transfer of 6 Gambling Permits.

It was also explained that officers had carried out 91 compliance inspections and checked 53 Statutory Notices

**Resolved** that the decisions taken by officers, under delegated authority, between 1 March 2017 and 28 February 2018 be noted.

**LQ06/03/18 Review of Statement of Licensing Policies under the Licensing Act 2003 and the Gambling Act 2005**

Consideration was given to a report which explained that under the Licensing Act 2003 the Authority was required to publish a Statement of Licensing Policy which had to be renewed every 5 years. The current Policy had been published on 23 January 2014 and therefore steps had to be taken to have a new Policy in force by January 2019. It was explained that the review of the Policy would also include a thorough review of the existing Cumulative Impact Areas in the Borough. A timetable for the review of the Policy was set out for Members' information.

The Committee was also advised that under the Gambling Act 2005 the Authority was required to produce and publish a Statement of Licensing Policy every three years. The current Policy had to be reviewed and refreshed prior to the 31 January 2019 and a timetable for the review of the Statement of Licensing Policy was presented for Members' information.

**Resolved** that the reviews of the Statement of Licensing Policies under the Licensing Act 2003 and the Gambling Act 2005 be noted.

## **Licensing Committee**

**11 October 2018**

Present: Councillor G Madden (Chair)  
Councillors L Darke, M A Green, Janet Hunter, John Hunter, W Lott, D McMeekan, A Percy, K Osborne and L Spillard.

### **LQ1/10/18 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors D Drummond, J O'Shea and A Waggott-Fairley

### **LQ2/10/18 Declarations of Interest and Dispensations**

There were no declarations of interest and dispensations reported.

Councillor McMeekan advised the Committee that he held a Personal Licence, although it was not currently being used, and he had a number of friends in the trade in Whitley Bay. He would approach the agenda items with an open mind and base any decisions on the evidence presented in the papers and verbally at the meeting.

### **LQ3/10/18 Cumulative Impact Assessment**

Consideration was given to a report which provided details of the responses received in relation to the consultation which had been carried out on the development of a Cumulative Impact Assessment (CIA).

The Committee was advised that prior to introduction of Section 5A of the Licensing Act 2003 on 6 April 2018 if a local authority wished to introduce a Cumulative Impact Policy for those areas which it considered that granting any new licences would not promote the licensing objectives it had to include the Cumulative Impact Policy in its Statement of Licensing Policy. The Cumulative Impact Policy provided a rebuttable presumption against granting any further premises licences in the area of the Policy.

Since 6 April 2018 it has been a requirement that the issue of Cumulative Impact was dealt with in a separate document known as a Cumulative Impact Assessment and the Statement of Licensing Policy need only summarise the CIA.

Under Section 5A of the Licensing Act 2003 the Authority was required to set out in the CIA the evidence it used to determine that issuing further premises licences or club premises certificates would undermine the licensing objectives. The evidence that the Authority relied upon included advice from the Police in relation to crime and disorder statistics.

The Committee was advised that prior to the publication of a Cumulative Impact Assessment the Authority was required to consult with a number of statutory bodies, including the Chief Officer of Police, the Fire and Rescue Authority and the Local Health Board. In addition representatives of the existing licence holders and other businesses in the area had to be consulted along with members of the public. The consultation exercise took place between 9 July and 31 August 2018 and included the reasons why the Authority considered that a CIA should be published.

It was explained that the Authority had received 102 responses via the on-line survey and a further 26 responses via email. The vast majority of respondents agreed with the two areas in Whitley Bay and Tynemouth being included in a CIA. A number of other areas were suggested but the evidence available did not support their inclusion in the CIA.

A draft Cumulative Impact Assessment was presented for the Committee's consideration. It was suggested that several minor alterations be made to the wording to clarify what happened in the period when the Assessment was in place and the Licensing Policy was being reviewed.

Reference was made to the changes which had occurred in the Whitley Bay area since the introduction of the original Cumulative Impact Policy and clarification sought that the introduction of the CIA covering that area would not lead to a monopoly situation being created. It was explained that even though a CIA was in place each application for a new licence in the Cumulative Impact Area would have to be considered on its own merits. If no-one objected to a particular application then it would have to be granted, even if it was within a CIA.

**Resolved** that (1) the Cumulative Impact Assessment, as amended, be approved and applied to applications in respect of premises licence applications, including substantive variation applications;  
(2) the Cumulative Impact Assessment policy be incorporated into the draft Statement of Licensing Policy; and  
(3) the Cumulative Impact Assessment be published

#### **LQ4/10/18 Licensing Sub-committee Procedure – Pre-hearing Disclosure**

The Committee was reminded that in 2010 it had resolved that no documentation apart from the agenda and the licensing officer's report would be disclosed to the press and public in advance of a meeting of the Licensing Sub Committee (minute LQ05/10/10 refers).

In June 2018 a review of the position was carried out following a request from the press for sight of the additional documentation in advance of a hearing. Advice was sought from a specialist Counsel on what information could legitimately be disclosed to the press and public in advance of a hearing particularly as the normal disclosure rules relating to the various other committees and sub committees did not apply to the Licensing Committee and its sub committees. Following receipt of the advice from the specialist Counsel the Chair of the Committee was consulted and agreed that, on an interim basis and subject to a report being presented to the next meeting of the Licensing Committee, a redacted version of the appendices should be published on the Authority's website along with the agenda and licensing officer's report.

Members expressed reservations that publication of the information in advance of the hearing could potentially affect whether an applicant was able to receive a fair hearing particularly if the reporting in the press was sensationalist or exaggerated.

**Resolved** that the disclosure of all documentation referred to in reports prepared by officers for licensing hearings, subject to the appropriate redaction of sensitive information, be approved except in those circumstances when it is not in the public interest to publish some or all of the appendices.

## **Licensing Sub-Committee**

**25 April 2018**

Present: Councillors D Drummond, John Hunter and F Lott

### **LSQ16/04/18 Appointment of Chair**

Resolved that Councillor D Drummond be appointed Chair for this meeting.

### **LSQ17/04/18 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ18/04/18 Application for a Review of the Premises Licence – Rai Wine Store, 20-22 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL (Benton Ward)**

The Sub-committee met to consider an application for a review of the Premises Licence in relation to Rai Wine Store, 20-22 Forest Hall Road, Forest Hall, Newcastle upon Tyne.

The request from the Chief Officer of Northumbria Police for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Local Weights and Measures Authority, Director of Public Health and the Local Safeguarding Children's Board also supported the review of the premises licence.

The following parties were present at the hearing: Miss H Hebb, Mr N Kirkpatrick and Sergeant J Brady representing the Chief Officer of Police, Mr A Burnett and Mr M Duffy representing the Weights and Measures Authority, Mr M Foster represented the Licence Holder and the Designated Premises Supervisor and was accompanied by Mr H S Rai, Mrs K Kaur and Mr T Robson.

Following introductions the Sub-committee's legal advisor set out the procedure to be followed during the course of the hearing.

The Authority's Senior Licensing Officer presented details of the application, the representations made and the options available to the Sub-committee.

Miss Hebb on behalf of the Chief Officer of Police explained that the Police had significant concerns about the management of the premises as there had been several sales of alcohol to underage children by the Designated Premises Supervisor, who did not appear to be aware of the licence conditions and in particular the Challenge 25 age verification Policy. There were also concerns about the CCTV on the premises and the application of a number of the Premises Licence conditions.

Mr A Burnett, on behalf of the Local Weights and Measures Authority, explained that Trading Standards has serious concerns about the poor management of the premises and the licence holder's ability to promote the licensing objectives, in particular the objectives relating to the prevention of crime and the protection of children from harm.

Mr Foster explained that the Premises was a small convenience store and the sale of alcohol accounted for 70% of the income generated. Following a review of the Premises by Mr Robson, a licensing consultant, a number of changes had been made at the premises including improvements to the CCTV, the display of Challenge 25 materials and the relocation of the alcohol products away from those goods which were attractive to children. Mr Robson had also delivered additional training to the staff on the premises on the requirements of the Licensing Act 2003. Mr Foster advised the Sub-committee that it was intended to replace the current Designated Premises Supervisor.

Miss Hebb, Mr Burnett, Mr Forster and Mrs Kaur were invited to sum up their respective submissions.

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 be suspended for 3 months;  
(2) Mr Harnek Singh Rai be removed as Designated Premises Supervisor of the Premises;  
(3) the licensable hours be amended to each day from 0700 hours to 2300 hours and the Premises be open to the public each day between 0700 and 2300 hours; and  
(4) the following conditions be attached to the Premises Licence:-

1. All persons responsible for the sale or supply of alcohol at 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 at least every 6 months. This training will be provided by an external BII accredited trainer, or a trainer with accreditation from a similar awarding body to the BII, or the training provided by a legally qualified licensing practitioner.
2. Training records for each person responsible for the sale or supply of alcohol at the premises will be maintained and kept at the Premises at all times and be made available for inspection and copying by authorised officers of the Licensing Authority (including Trading Standards officers) or representatives of Northumbria Police immediately on request.
3. All persons responsible for the sale or supply of alcohol at or 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 seeking to purchase alcohol at the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, proof of age card carrying a PASS logo and hologram or Her Majesty's Services Identity Card.
4. A register (or registers) (electronic or otherwise) of all refusals to sell alcohol must be kept at the Premises at all times. The register (or registers) must include the date and time of the challenge, a description of the customer, the name of the person who refused the sale and the reason for refusal. The register (or registers) must be maintained and kept up to date. The register



(or registers) will be made available for inspection and copying 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 1998 (or replacement legislation).

5. A CCTV system will be installed and maintained in proper working order by a suitably qualified person, and the Licence Holder must ensure that:-
  - a) CCTV cameras are located at the Premises to cover all public areas including all entrances and exits, both internally and externally, and all points of sale where alcohol is sold or supplied.
  - 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 Standards Officers) or representatives of Northumbria Police forthwith in accordance with the Data Protection Act 1998 (or any replacement legislation).
6. Notices will be displayed at the Premises informing customers and staff that a CCTV system is in operation at the Premises. Such Notices will be displayed so as to be readily seen and read and must be a minimum of A5 in size.
7. Mr Harnek Singh Rai will be prohibited from being present in the licensed area of the Premises at any time when the Premises are open to the public.
8. When any test purchase undertaken at the Premises (other than those undertaken by Northumbria Police or Trading Standards) results in the sale of alcohol without the use of the "Challenge 25" Policy set out in condition 3 above, Northumbria Police and Trading Standards must be notified in writing of that result by the Designated Premises Supervisor within 24 hours of the receipt of the test purchase result being made known to the Designated Premises Supervisor.
9. The Premises will use an Electronic Point of Sale (EPOS) age prompt till system at all points of sale where alcohol is sold or supplied.

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 objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) As there have been a number of sales of alcohol to children the licensing objectives in relation to the prevention of crime and the protection of children from harm had been undermined;
- b) Both the Police and Trading Standards have offered advice and guidance to the Designated Premises Supervisor on a number of occasions in relation to CCTV, Challenge 25 and the need to maintain an up to date refusals register;
- c) The Designated Premises Supervisor did not appear to be aware that the premises operated a challenge 25 policy as part of its licence conditions which called in to question his ability to properly manage the premises in respect of the 4 licensing objectives;
- d) Mr Robson, a licensing consultant, has carried out a risk assessment of the premises, has delivered training to all involved on the requirements of the Licensing Act and has made a number of changes in relation to the operation of the premises so that they now comply with the terms of the licence;
- e) A suspension of the licence for a period of three months would give the licence holder sufficient time to implement the recommendations agreed by the Sub-committee and would provide a clear message to the local community that the Authority has taken action to address their concerns regarding the sale of alcohol to minors;
- f) The imposition of the above conditions will deter and prevent further underage sales from the Premises.

## **Licensing Sub-Committee**

**12 June 2018**

Present: Councillors L Darke, Janet Hunter and John Hunter

### **LSQ01/06/18 Appointment of Chair**

**Resolved** that Councillor Janet Hunter be appointed Chair for this meeting.

### **LSQ02/06/18 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ03/06/18 Application for the Grant of a New Premises Licence – Manhattans, 85/87 High Street West, Wallsend, NE28 8JD (Wallsend Ward)**

The Sub-committee met to consider an application for the grant of a new Premises Licence in relation to Manhattans, 85/87 High Street West, Wallsend, NE28 8JD.

The applicant, Copenhagen 1801 Ltd, sought permission to supply alcohol by way of on and off-sales, exhibition of film, provision of live and recorded music, performance of dance and anything of a similar description to live music, recorded music or performance of dance (all indoors) each Sunday to Thursday from 1100 hours to 0200 hours and each Friday and Saturday from 1100 hours to 0300 hours. In addition the Applicant sought permission to provide late night refreshment each Sunday to Thursday from 2300 hours to 0200 hours and each Friday and Saturday from 2300 hours and 0300 hours. The applicant also sought an extension to the standard timings for each of the licensable activities by 1 hour each Friday, Saturday and Sunday of a Bank Holiday weekend, Maundy Thursday, Christmas Eve, Boxing Day and New Year's Day. In addition the applicant had also requested permission to trade for an extra hour when British Summertime commences and for the premises to remain open throughout New Year's Eve/Day. The applicant also proposed that the Premises should remain open to the public for an additional 30 minutes after the terminal hour for the provision of licensable activity.

The Authority had received representations from the Chief Officer of Police.

The following parties were present at the hearing: Ms S Smith represented the applicant, she was accompanied by Mr T McGrath (Area Manager for the Applicant) and Mr G Foster (the proposed Designated Premises Supervisor of the premises); Mr N Wirz represented the Chief Officer of Police and he was accompanied by Inspector M Storey and Mr N Kirkpatrick.

Following introductions, the Sub-committee's legal advisor set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representations received and the options available to the Sub-committee.

Ms Smith explained that the Premises were located on a High Street in a commercial area with few local residents. There were also a number of other Licensed Premises in the area.

She outlined the new management's experience in the trade and explained that whilst the application was for the grant of a new Premises Licence it was in effect a variation of the existing Licence at the Premises. If the current application was approved it was the applicant's intention to surrender the existing licence.

Mr Wirz explained that the Police objected to the application on the grounds of public nuisance and the level of crime and disorder at the Premises.

Inspector Storey explained that the Police had to pick up the pieces after midnight on a Friday and Saturday. He referred to the 50 incidents which the Police had logged in relation to the Premises since the applicant had taken over the Premises. He also explained that the longer people had available to consume alcohol the more likely there were to be incidents of crime and disorder.

All parties were given the opportunity of summing up their respective submissions.

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 the application for the grant of a new Premises Licence in relation to Manhattans, 85/87 High Street West, Wallsend, NE28 8JD as amended in relation to the hours of operation on Friday and Saturday nights be approved subject to the following conditions:

1. The operator shall ensure that at all times when the Premises are open for any licensable activity there is sufficient, competent staff on duty at the Premises for the purpose of fulfilling the terms and conditions of the licence and preventing crime and disorder;
2. The operator and Designated Premises Supervisor shall conduct a risk assessment for the general operation of the Premises and in the case of individual bespoke events;
3. A CCTV system shall be installed and maintained in proper working order. Such a system shall:-
  - i) Ensure the coverage of the main bar and function room and all entrances and exits to the licensed Premises internally and externally;
  - ii) Provide continuous recording facilities for each camera to a good standard of clarity;
  - iii) Such recordings shall be retained (on tape, disc or otherwise) for a period of 28 days in real time;
  - iv) Shall be supplied promptly to a police officer or representative on request;
  - v) The CCTV shall be in operation at all times when the Premises are in use;
  - vi) The system with recording facility and any recording shall be stored in a suitable and secure manner;
  - vii) The CCTV system will display on any recording the correct time and date of the recording;
  - viii) A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
4. Signs are to be placed both internally and externally at the Premises indicating that CCTV is operating at the Premises. The signs are to be a minimum of A5 size;
5. A member of staff who is trained in the operation of the CCTV and who is able to download images on to disc or otherwise shall be on site during opening times in

- order to supply such data to the Licensing Authority or Northumbria Police on request;
6. The Premises Licence Holder will operate a Challenge 21 policy whilst the Premises are open to the public. This will be in operation by the door supervisors and bar staff:
    - i) All members of door staff and bar staff shall seek creditable photographic proof of age from any person who appears to be under the age of 21 years and is either seeking to enter the Premises or purchase alcohol;
    - ii) Such creditable photographic proof will be a current passport, a full driving licence or proof of age card carrying the PASS logo;
    - iii) All staff including door supervisors will receive training regarding this and its proper application policy; this training will be refreshed every six months and documented; such training records will be produced to a police officer or representative of Northumbria Police immediately on request.
  7. All members of bar staff to have adequate training in the Licensing Act 2003 and any subsequent variation. This training is to be given on staff entering employment and refreshed every six months. The training is to be documented and records kept on file for inspection by the Local Authority, Trading Standards, Police Officer or representative on request;
  8. The Designated Premises Supervisor is to provide written authorisation to all staff involved in the sale of alcohol; such authorisation is to be retained as part of the staff training records;
  9. A refusals register is to be kept and maintained on the Premises. This shall be documented and kept on file for inspection by the Local Authority, Trading Standards, Police Officer or representative on request;
  10. When regulated entertainment involving the playing of recorded music is taking place, all lobby doors shall be kept closed except for the purposes of access and egress;
  11. A lobby and lobby door should be fitted to the rear fire door to the first floor area whenever it is determined by the applicant to use the external area, such door to be compliant with fire regulations. The lobby doors must be self-closing to minimise noise breakout when customers enter and leave the premises;
  12. On Thursdays to Saturdays, when the Premises are open for any licensable activity, a minimum of 2 door supervisors will be employed at the Premises from 2100 hours to close of business. On all other days, if the Premises provide licensable activities after 12 midnight, a minimum of 2 door supervisors will be employed at the Premises from 2200 hours;
  13. At any time that the first floor function room is used for licensable activities after midnight the maximum customer capacity of the Premises as a whole will be restricted to 300 persons

#### 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 objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) The Applicant is an experienced operator of this type of Premises and has policies and procedures in place to promote each of the 4 licensing objectives.
- b) The Chief Officer of Police has made representations in respect of the licensing objectives relating to the prevention of public nuisance and the prevention of crime and disorder;
- c) There have been no representations received from any of the other Responsible Authorities in relation to any of the licensing objectives;
- d) There have been no representations received from local residents or businesses in the area of the premises;
- e) As most of the recorded crime and disorder takes place after midnight on a Friday and Saturday it is appropriate to restrict the hours of operation on those nights; and
- f) It is appropriate to attach those conditions set out above to promote the licensing objectives concerned with the prevention of crime and disorder and public nuisance.

## **Licensing Sub-Committee**

**15 June 2018**

Present: Councillors M A Green, G Madden and L Spillard

### **LSQ04/06/18 Appointment of Chair**

**Resolved** that Councillor G Madden be appointed Chair for this meeting.

### **LSQ05/06/18 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ06/06/18 Application for a Review of a Premises Licence – Royal Quays Food Store, 8 Prince Consort Way, North Shields, NE29 6XB (Riverside Ward)**

The Sub-committee met to consider an application for a review of the Premises Licence in respect of the Royal Quays Food Store, 8 Prince Consort Way, North Shields, NE29 6XB.

Mr Atwal, the Licensee of the Premises, addressed the meeting to request an adjournment so that he could obtain legal advice and representation at the hearing.

Having sought the views of the representatives of the Responsible Authorities present at the meeting the Sub-committee withdrew to consider the request in private. The Sub-committee returned and the Chair announced its decision.

**Resolved** that the meeting be adjourned to Friday 6 July 2018 at 10.00am.

## **Licensing Sub-Committee**

**6 July 2018**

Present: Councillors M Green, G Madden and L Spillard

### **LSQ07/07/18 Appointment of Chair**

**Resolved** that Councillor G Madden be appointed Chair for this meeting.

### **LSQ08/07/18 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

Councillor Madden explained to the parties present that he was a Personal Licence Holder and he would approach the application with an open mind and base any decision on the written and verbal evidence presented.

### **LSQ09/07/18 Application for the Review of a Premises Licence – Royal Quays Food Store, Prince Consort Way, North Shields, NE29 6XB (Riverside Ward) (Minute LSQ05/06/18 refers)**

The Sub-committee met to consider an application for a review of a Premises Licence in relation to the Royal Quays Food Store, Prince Consort Way, North Shields, NE29 6XB. The matter had been deferred from the meeting of the Sub-committee held on 15 June 2018 to allow the licensee to obtain legal advice and representation at the hearing.

The application had been received from the Local Weights and Measures Authority for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Chief Officer of Police and the Licensing Authority also supported the review of the Premises Licence.

The following parties were present at the hearing: Mr A Burnett, representing the Weights and Measures Authority; Mrs J Lee, representing the Licensing Authority; Mr N Kirkpatrick, representing the Chief Officer of Police; Mr G Jamieson representing the Licence Holder and the Designated Premises Supervisor (DPS) and he was accompanied by Mr S S Atwal (Licence Holder) and Mr S Bangar (Designated Premises Supervisor).

Following introductions the Sub-committee's legal advisor set out the procedure to be followed during the course of the hearing.

The Authority's Senior Licensing Officer presented details of the application, the representations made and the options available to the Sub-committee.

Mr Burnett explained that Trading Standards had serious concerns about the management and operation of the Premises following the sale of a bottle of wine to a 16 year old test purchaser on 16 March 2018. Subsequent visits by trading standards officers had identified a number of breaches of the Licence conditions including:

- the CCTV system not working,



- there being no one at the Premises who could supply copies of CCTV images on request;
- the failure to display Challenge 25 materials;
- the failure to maintain the refusals register and the training records on the Premises; and
- the failure to have the Premises Licence available for inspection.

Mr Kirkpatrick explained that the Police had concerns about the management of the Premises as the Licence Holder was rarely at the Premises and it was questionable whether the Designated Premises Supervisor was in a position to sustain the management of the Premises and the other premises that he was responsible for.

Mrs Lee explained that the Licensing Authority had similar concerns as the Police and Trading Standards in relation to the management of the Premises.

Mr Jamieson explained that the test purchase had been failed because of the actions of a member of staff who was heavily pregnant at the time. He also explained that following the test purchase Mr Bangar had tried to examine the CCTV footage but had been unable to do so as the system was not working. Mr Bangar had confirmed that the system had been working when he delivered training to the staff members. Mr Jamieson also explained that Mr Bangar had not been at the Premises when trading standards had visited due to family issues but confirmed that he did visit the Premises on a regular basis.

The Sub-committee was also advised that Mr Atwal and Mr Bangar's accountant was to set up different legal entity to hold the Premises Licence and Mr Atwal would no longer be the Premises Licence Holder.

Mr Burnett, Mrs Lee, Mr Kirkpatrick and Mr Jamieson were invited to sum up their respective submissions.

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 be suspended for 3 months; (2) Mr Sunil Bangar be removed as Designated Premises Supervisor of the Premises; and (3) the following additional conditions be attached to the Premises Licence:-

1. There will be at least one Personal Licence Holder in attendance at the Premises whenever it is open to the public and licensable activities are taking place.
2. The Designated Premises Supervisor will obtain from the BIIAB (or similarly accredited body) a Designated Premises Supervisor Level 2 award within 3 months of becoming a Designated Premises Supervisor of the Premises.
3. The Licence Holder or Designated Premises Supervisor must inform the Licensing Authority, within 24 hours of discovery, that the CCTV system is not fully operational due to a malfunction or for some other reason.
4. The Licence Holder or Designated Premises Supervisor will undertake a diagnostic check of the CCTV system at least once a week to ensure that the system is in good working order.

## 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 objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) There has been an underage sale of alcohol from the Premises;
- b) There has been a failure by the management of the Premises to ensure that the conditions of the licence are fully complied with, including the failure of the CCTV system and the requirement to maintain proper training records and refusal registers;
- c) A suspension of the Premises Licence for a period of three months would give the Licence Holder sufficient time to implement the recommendations agreed by the Sub-committee, for Ms Kaur to become the DPS and to obtain the Level 2 BIIAB qualification and for the CCTV system to be repaired or replaced. A period of suspension would also provide a clear message to the local community that the Authority has taken action to address their concerns regarding the sale of alcohol to minors;
- d) The imposition of the above conditions will deter and prevent further underage sales from the Premises.

## Licensing Sub-Committee

9 August 2018

Present: Councillors G Madden, J O'Shea and A Waggott-Fairley

### LSQ107/08/18 Appointment of Chair

**Resolved** that Councillor G Madden be appointed Chair for this meeting.

### LSQ11/08/18 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

Councillor Madden explained to the parties present that he was a Personal Licence Holder and he would approach the application with an open mind and base any decision on the written and verbal evidence presented.

### LSQ12/08/18 Application for the Review of a Premises Licence – Gills Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear, NE29 0DR (Riverside Ward)

The Sub-committee met to consider an application for a review of a Premises Licence in relation to Gills Off Licence, West Percy Street, North Shields, NE29 0DR.

The application had been received from the Local Weights and Measures Authority for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Chief Officer of Police, the Director of Public Health and the Local Safeguarding Children's Board also supported the review of the premises licence.

The following parties were present at the hearing: Mr A Burnett, representing the Weights and Measures Authority; Mr N Kirkpatrick, representing the Chief Officer of Police and Mrs M K Gill, the Licence Holder. She was accompanied by Mr Gill.

Following introductions the Sub-committee considered a request from Mrs Gill for the hearing to be adjourned to allow her to be legally represented at the hearing.

The Sub-committee invited the representatives of the Responsible Authority's to comment on the application for an adjournment. Both agreed that they would not object to a short adjournment if the Sub-committee was so minded.

The Sub-committee retired to give consideration to the request for an adjournment.

The meeting reconvened and the Chair announced that the Sub-committee reached a decision on the request.

**Resolved** that (1) the hearing be adjourned to allow Mrs Gill to be legally represented at the meeting; and  
(2) the reconvened hearing take place on Thursday 23 August 2018 at 10.00am

Reason for Decision:

The Sub-committee considers that a 14 day adjournment of the hearing to allow the licensee to the opportunity of being legally represented at the hearing. It has balanced the competing needs of providing the licensee with an opportunity to have a fair hearing against the need to prevent crime and protect the public, especially children, from harm.

## Licensing Sub-Committee

23 August 2018

Present: Councillors G Madden, J O'Shea and A Waggott-Fairley

### LSQ13/08/18 Appointment of Chair

**Resolved** that Councillor G Madden be appointed Chair for this meeting.

### LSQ14/08/18 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

Councillor Madden explained to the parties present that he was a Personal Licence Holder and he would approach the application with an open mind and base any decision on the written and verbal evidence presented.

### LSQ15/08/18 Application for the Review of a Premises Licence – Gills Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear, NE29 0DR (Riverside Ward)

The Sub-committee met to consider an application for a review of a Premises Licence in relation to Gills Off Licence, West Percy Street, North Shields, NE29 0DR.

The application had been received from the Local Weights and Measures Authority for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Chief Officer of Police, the Director of Public Health and the Local Safeguarding Children's Board also supported the review of the premises licence.

The following parties were present at the hearing: Mr A Burnett, representing the Weights and Measures Authority and Mr N Kirkpatrick, representing the Chief Officer of Police. Mr M Robinson was present to represent Mrs M K Gill, the Licensee and Designated Premises Supervisor. He was accompanied by Mrs M K Gill, Mr J S Gill and Miss Z Grewal.

Following introductions the Sub-committee considered a representation from Mr Robinson in relation to the legality of the hearing due to the Licensee having previously accepted a formal closure order following two sales of alcohol to minors. He argued that under the legislation the acceptance of the closure order precluded further proceedings being taken against his client.

The Sub-committee retired to give consideration to the information presented.

The meeting reconvened and the Chair announced the Sub-committee's decision.

**Resolved** that (1) the hearing be adjourned to allow all parties the opportunity of considering the information which had been presented on the morning of the hearing;

- (2) Mr Robinson be requested to provide all parties with a “Skeleton Argument” by Wednesday 27 August 2018; and
- (3) the meeting will reconvene at 10.00am on Friday 7 September 2018

Reason for Decision:

The Sub-committee considers that it was appropriate to adjourn the hearing to allow all parties the opportunity of considering the implications of the legal argument which had been presented on the morning of the hearing and if necessary for them to obtain their own legal advice on the points raised.

## Licensing Sub-Committee

7 September 2018

Present: Councillors G Madden, J O'Shea and A Waggott-Fairley

### **LSQ16/09/18 Application for the Review of a Premises Licence – Gills Off Licence, 55-57 West Percy Street, North Shields, Tyne and Wear, NE29 0DR (Riverside Ward)**

Following the adjournment of the previous meeting of the Sub-committee held on 23 August 2018 (Minute LSQ15/08/18 refers) the Sub-committee reconvened to consider an application for a review of a Premises Licence in relation to Gills Off Licence, West Percy Street, North Shields, NE29 0DR.

The application had been received from the Local Weights and Measures Authority for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Chief Officer of Police, the Director of Public Health and the Local Safeguarding Children's Board also supported the review of the Premises Licence.

The following parties were present at the hearing: Mr A Burnett, representing the Weights and Measures Authority; Mr N Kirkpatrick, representing the Chief Officer of Police. Mr M Robinson representing Mrs M K Gill, the Licence Holder, was accompanied by Mrs M K Gill, Mr Gill and Miss Z Grewal.

Following introductions the Sub-committee considered Mr Robinson's argument that the proceedings should not go ahead on the grounds that the Sub-committee did not have the legal authority to consider the request for the review of the licence, as a previous sanction had been applied for two of the offences being referred to.

The Sub-committee's legal advisor reported that Counsel's advice had been obtained which indicated that the proceedings would be lawful and could go ahead as planned. The Police's legal advice agreed with Counsels advice. Having listened to all parties the Sub-committee retired to consider the information presented.

The meeting reconvened and the Chair announced that having considered the advice presented the Sub-committee would proceed with the hearing.

Councillor Madden explained to the parties present that he was a Personal Licence Holder and he would approach the application with an open mind and base any decision on the written and verbal evidence presented.

Mrs Lee on behalf of the Authority's Senior Licensing Officer presented details of the application, the representations made and the options available to the Sub-committee.

Mr Burnett, on behalf of the local Weights and Measures Authority explained that Trading Standards had concerns about the management of the Premises as a result of two separate sales of alcohol to underage persons within a three month period as well as a quantity of smuggled tobacco being found on the Premises.

Members of the Sub-committee and Mr Robinson on behalf of the licence holder asked questions of Mr Burnett which were responded to.

Mr Kirkpatrick, on behalf of the Chief Officer of Police, explained that the Police had concerns about the operation of the Premises in relation to sales of alcohol to children. He also explained that the premises had been suspected of selling counterfeit or non-duty paid tobacco and following an inspection concealed packets of tobacco had been found at the premises.

Members of the Sub-committee and Mr Robinson asked questions of Mr Kirkpatrick which were responded to.

Mr Robinson and Ms Grewal, on behalf of the licence holder, explained the circumstances of the underage sales and how the tobacco had been acquired. Mr Robinson also explained that the family had learned from the mistakes made and had made a number of changes to the operation of the business. Reference was made to a test purchase in August which had resulted in no sale being made and which showed that lessons had been learned.

Members of the Sub-committee and Mr Burnett asked questions of Mr Robinson and Ms Grewal which were responded to.

Mr Burnett, Mr Kirkpatrick, Mr Robinson, Mr Gill and Miss Grewal were invited to sum up their respective submissions.

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 the Premises Licence in respect of Gills Off Licence, 55-57 West Percy Street, North Shields be revoked.

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 objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) As there has been a number of sales of alcohol to children the licensing objectives in relation to the prevention of crime and the protection of children from harm have been undermined;
- b) Non-duty paid tobacco had been stored on the Premises which undermined the licensing objective in relation to the prevention of crime
- c) Trading Standards had offered advice to the management of the Premises on preventing underage sales on a number of occasions including the use of a Challenge 21 Policy;
- d) The revocation of the Premises Licence is an appropriate and proportionate response to the issues raised during the review hearing; and
- e) The revocation of the Premises Licence will prevent further underage sales being made from the Premises and will also send a message to the local community that the Authority takes its duties in relation to the licensing objective of the protection of children from harm seriously.



## **Licensing Sub-Committee**

**18 September 2018**

Present: Councillors G Madden, D Drummond and L Darke.

### **LSQ17/09/18 Appointment of Chair**

**Resolved** that Councillor G Madden be appointed Chair for this meeting.

### **LSQ18/09/18 Declarations of Interest and Dispensations**

Councillor G Madden declared a non-registerable personal interest that he was a Personal Licence Holder and Designated Premises Supervisor.

### **LSQ19/09/18 Application for the grant of a Premises Licence – 46-60 Park View, Whitley Bay (Whitley Bay Ward)**

The Sub-committee met to consider an application for the granting of a new Premises Licence in relation to 46-60 Park View, Whitley Bay.

On 13 September 2018 the Licensing Authority received additional information from Sintons Solicitors, the Applicant Company's solicitors.

Prior to hearing the application the Mrs Smith on behalf of HT Leisure Ltd addressed the Sub-committee, she presented the view to why it was considered lawful for the letters and petition submitted in support of the applicant to be considered by the Sub-committee and the other parties during the hearing.

Each of the interested parties was given an opportunity to express their views. Given that there was no objection to the letters or petition the Sub-committee agreed that the letters and petition could be considered.

The applicant, HT Leisure Limited, initially sought permission to supply alcohol by way of on and off sales, together with the exhibition of films (indoors), the provision of live music and recorded music, performance of dance and anything of a similar description to live music, recorded music and the performance of dance (all such entertainment to be indoors)

Sunday to Thursday 08.00 hours to 24.00 hours and each Friday and Saturday from 08.00 hours to 01.00 hours.

It was also proposed that the Premises would provide late night refreshment (indoors) Sunday to Thursday from 23.00 hours to 00.30 hours and each Friday and Saturday from 23.00 hours to 01.30 hours.

The Premises would be open to the public each Sunday to Thursday from 08.00 hours to 00.30 hours and each Friday and Saturday from 08.00 hours to 01.30 hours. By way of non-standard timings, the Applicant sought permission for the licensable activities to be provided for an additional hour on the Friday, Saturday and Sunday of a Bank Holiday, Maundy Thursday, Christmas Eve, Boxing Day and New Year's Day in addition to an extension to the licensable hours over the New Year's Eve/New Year's Day night.

The Authority had received no representation from any of the Responsible Authorities.

The Authority had received representations from 29 persons who lived near to the premises and from Councillor O'Shea on behalf of the local Ward Councillors

Following introductions, the Sub-committee's legal advisor set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representations received and the options available to the Sub-committee.

The applicant was represented at the hearing by Mrs S Smith Solicitor for the Applicant, Mr S Talbot, Director of the Applicant Company, Mr J Heron, Director of the Applicant Company and Ms D Swanston, Proposed Manager of the Premises.

Mr D Thompson, Mr I Guthrie, Mr S Goodwin and Mr C Hood were present along with Councillor J O'Shea.

Mrs Smith addressed the Sub-committee on behalf of the applicants giving a brief overview of the applicant's background, their business and their application for a premises license.

Mrs Smith also stated that she had met concerned parties prior to the commencement of the meeting and discussed the applicants' willingness to amend their application. Mrs Smith presented the proposed amended application to the Sub-committee.

It was now proposed that the Premises will cease operating each Sunday to Wednesday at 11.00p.m and between Thursday and Saturday up to midnight.

Mrs Smith confirmed that the additional hours of trading over Bank Holiday weekends and New Year's Eve/Day were still being applied for but that those additional hours would be reduced in line with the new hours of trading now being proposed.

Mrs Smith also offered additional conditions to the proposed license to alleviate concerns with particular regard to any noise nuisance.

Members of the Sub-committee and other parties asked questions of clarification and were responded to appropriately.

Councillor O'Shea addressed the Sub-committee in relation to his own representation and as a spokesperson for the residents in attendance at the hearing.

Councillor O'Shea said that it was really helpful to have had an opportunity of speaking to Mrs Smith before the hearing and said that some of the residents' fears had been alleviated as a result of what Mrs Smith had told them. He was grateful for the additional conditions being offered by the Applicant Company including the reduction in trading hours. There were still however concerns in relation to the dispersal of people from the Premises and noise nuisance that would be caused by customers smoking and taxis visiting the Premises.

Councillor O'Shea stated that consideration be given to the need of dedicated door staff to ensure that customers leave the premises in an orderly fashion. He also suggested that the use of the Dispersal Policy should be a condition on the Licence.

All parties were given the opportunity of summing up their respective submissions.

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 application for the grant of a Premises Licence in relation to 46 – 60 Park View, Whitley Bay be granted and the following conditions be attached to the Premises Licence:-

1. All licensable activities are to cease Sunday to Wednesday at 23.00 hours and on Thursday to Saturday at 24.00 hours, save for late night refreshment which will finish 30 minutes thereafter.
2. The Premises shall operate as a restaurant and bar providing food and drink. There shall be no change to the operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for full or minor variation or a new Licence is required and the Licence Holder shall comply with that direction.
3. A substantial food offering will be available until at least one hour before the cessation of the sale of alcohol.
4. Waiter/waitress service will be available throughout the hours that the Premises are open to the public.
5. In that area known as Mr Petit there will always be a minimum of 70 seats available for customer use.
6. In that area known as Giraffe Lounge there will always be a minimum of 100 seats available for customer use.
7. Prior to commencing operation under the Premises Licence a detailed noise survey and a scheme for the sound insulation of the Premises must be submitted to and approved by the Environmental Health Officer of North Tyneside Council. Any required sound insulation must be implemented before the Premises begin to operate.

This condition has been slightly amended to require that any scheme of sound insulation identified as a result of the detailed noise survey must be in place before the Premises is ready to operate. The condition as offered required a noise survey to be undertaken but did not require any insulation to then take place. The condition as amended provides clarity and certainty that appropriate noise insulation will be in place before the Premises open for business. Once the noise survey and insulation work has been completed, the condition will cease to have effect.

8. The music noise level (MNL) when assessed 1 metre from the front, side or rear wall of any noise sensitive premises shall not exceed the background noise by more than 5dB(A) over a 15 minute period.

The condition originally used the term “façade”. In the view of the Sub-Committee that could have been taken to mean the front of a noise sensitive premises. Given that the rear wall of the homes in Roxburgh Terrace face the Premises, it would be inappropriate to take a measurement from the front of the noise sensitive premises, the wall furthest away from the Premises. Similarly other residential properties in the area that are noise sensitive premises may have rear or side walls from which a measurement should be taken, rather than the front of such premises.

9. The Premises Licence Holder or his representative shall conduct regular assessments of the noise level coming from the Premises when regulated entertainment is taking place and shall keep a written record of any steps that are taken to reduce the level of such occasions where it has been judged it is likely to cause a disturbance to local residents.
10. A Policy will be implemented and maintained at all times to ensure that customers smoking outside the Premises are appropriately supervised and made aware of the need to refrain from disturbing local residents.
11. The Premises Licence Holder shall ensure that at all times when the Premises are open for any licensable activity there is sufficient, competent staff, on duty at the Premises for the purposes of fulfilling the terms and conditions of the Licensing Act and for preventing crime and disorder.
12. The Premises Licence Holder and Designated Premises Supervisor shall conduct a risk assessment of the general operation of the Premises and in the case of individual bespoke events.
13. The maximum number of persons permitted on the Premises at any one time shall not exceed a figure prescribed by the risk assessment carried out by the Premises Licence Holder in accordance with the fire safety legislation.
14. The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the Premises at times prescribed within the management risk assessment.
15. A CCTV system shall be designed, installed and maintained in proper working order to the satisfaction of the Licensing Authority and in consultation with Northumbria Police. Such system shall:-
  - Be operated by properly trained staff;
  - Be in operation at all times that the Premises are being used for licensable activity;
  - Ensure coverage of public entrances and exits to the licensed Premises internally and externally;
  - Ensure coverage of such other areas as may be required by the Licensing Authority and Northumbria Police;
  - Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained on tape or otherwise (for a period of 28 days) and shall be supplied to the Licensing Authority or Police Officer on request.

16. No glass material or bottles shall be deposited in a skip, bin or other container which is located outside of the building between the hours of 22.00 and 07.30 and any such skip, bin or container shall not be removed from the Premises between those hours.
17. All members of staff at the Premises including door supervisors shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the Premises. 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.
18. No deliveries will be made to the Premises between 20.00 hours and 08.00 hours.
19. The Premises will operate in accordance with the Licence Holder’s dispersal policy at all times. Such policy will include, but not be limited to:-
  - Preventing the congregation of customers in the immediate vicinity of the Premises;
  - Providing customers with the contact details of local taxi firms;
  - Requesting customers to leave the Premises quietly having regard to the needs of local residents; and
  - Monitoring the behaviour of customers leaving the Premises

The implementation of the dispersal policy will be part of staff training.

## **Licensing Sub-Committee**

**26 October 2018**

Present: Councillors D Drummond, Janet Hunter and John Hunter.

### **LSQ20/10/18 Appointment of Chair**

**Resolved** that Councillor D Drummond be appointed Chair for this meeting.

### **LSQ21/10/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LSQ22/10/18 Application for the transfer of the Premises Licence in respect of Gills Off Licence, 55/57 West Percy Street, North Shields (Riverside Ward)**

The Sub-committee met to consider an application for the transfer of the Premises Licence in respect of Gills Off Licence, 55/57 West Percy Street, North Shields from Mrs M K Gill to Mr J S Gill.

The Chief Officer of Police had submitted a notice under Section 44 of the Licensing Act 2003 stating that he was satisfied that exceptional circumstances applied to the application and that granting the licence would undermine the licensing objective in relation to crime prevention.

Following introductions, the Sub-committee's legal advisor set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the Notice received from the Chief Officer of Police and the options available to the Sub-committee.

Mr Gill, the applicant, was present and accompanied by Ms Grewal. The Chief Officer of Police was represented by Mr Kirkpatrick and he was accompanied by Mr Hedley, Trading Standards Officer.

Ms Grewal on behalf of Mr Gill addressed the Sub-committee in relation to the application.

Members of the Sub-committee and other parties asked several questions which were responded to by Ms Grewal and Mr Gill.

Mr Kirkpatrick addressed the Sub-committee in relation to the Police objection to the transfer of the licence. He called Mr Hedley from Trading Standards as a witness.

Members of the Sub-committee and other parties asked questions Mr Kirkpatrick and Mr Hedley which were responded to appropriately.

All parties were given the opportunity of summing up their respective submissions.

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 application for the transfer of the Premises Licence in relation to Gills Off Licence, 55/57 West Percy Street, North Shields to Mr J S Gill be rejected.

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 which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. A previous Licensing Sub-committee had resolved to revoke the Premises Licence on the grounds that the licensing objectives in relation to the protection of children from harm and the prevention of crime and disorder had not been promoted at the Premises.
2. The Premises are a small family run off licence which had been identified as possibly selling smuggled or counterfeit tobacco. The Premises had therefore been visited with a detection dog and a number of packets of smuggled tobacco had been found stored on the Premises.
3. Changing the Premises Licence Holder would not bring about sufficient change in the operation of the premises such that the Sub-committee could be satisfied that the licensing objectives would be promoted.

## **Licensing Sub-Committee**

**8 November 2018**

Present: Councillors W Lott, G Madden and L Spillard.

### **LSQ23/11/18 Appointment of Chair**

**Resolved** that Councillor G Madden be appointed Chair for this meeting.

### **LSQ24/11/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

Councillor Madden reported that although he was the holder of a Personal Licence and a Designated Premises Supervisor of a premise in Wallsend he would approach the application with an open mind and base any decision on the evidence presented in writing and orally at the meeting.

### **LSQ25/11/18 Application for the grant of a new Premises Licence in respect of Cahoots, 42-44 Earsdon Road, West Monkseaton, Whitley Bay, NE25 9SU (Monkseaton North Ward)**

The Sub-committee met to consider an application for the grant of a Premises Licence in respect of Cahoots, 42-44 Earsdon Road, West Monkseaton, Whitley Bay, NE25 9SU.

The applicant, Cahoots Monkseaton Limited, sought permission to supply alcohol by way of on and off-sales each day of the week between 12:00 hours and 22:00 hours, the provision of live and recorded music each day of the week between 09:00 hours and 22:00 hours and for the premises to remain open to the public between 09:00 and 22:30 hours, Monday to Friday and between 08:00 and 22:30 hours on a Saturday and Sunday.

The applicant had also sought permission to provide late night refreshment at the premises but as the premises would not be open between 23:00 hours and 05:00 hours the Sub-committee concluded that this part of the application had been made in error and was therefore disregarded.

Following introductions, the Sub-committee's legal advisor set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representations received and the options available to the Sub-committee.

The applicant was represented at the hearing by Ms G Grace, Ms A Wood and Mr A Wood.

Mr D Richardson, Ms S Wood and Mrs J Bell were present along with Mrs D James who was representing her daughter Miss C James.



Mr Richardson addressed the Sub Committee in relation to his own representation and as spokesperson for the residents in attendance at the hearing. He referred to concerns about noise and smoke from people using the outside seating area of the premises. Reference was also made to smells from cooking on the premises which could be noticed in residents' houses. Another concern related to customer and staff parking in the adjacent streets which had blocked or partially blocked residents' driveways.

Mr Wood explained that the application had been made to allow those taking a meal at the premises to have an alcoholic drink with it. It was not the intention that the premises would become a pub. Mr Wood acknowledged residents' concerns over parking problems in the area but made the point that he had no control over where people parked their cars.

He explained that the designated smoking area could be moved to address residents' concerns over smoke entering their homes. An offer had also been made to one of the residents for a fence to be erected to prevent overlooking of her front room by people using the seating area.

Mr Wood responded to questions asked by Members of the Sub-committee and Mr Richardson.

All parties were given the opportunity of summing up their respective submissions.

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 the application for the grant of a Premises Licence in respect of Cahoots, 42-44 Earsdon Road, West Monkseaton be approved subject to the following conditions:

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Licence Holder will ensure that:
  - CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and areas where the consumption of alcohol takes place.
  - 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 28 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 General Data Protection Regulation and Data Protection Act 2018 (or any replacement legislation).
  3. Signs will be displayed at the Premises informing customers that a CCTV system is in operation at the Premises. Such signs will be displayed so as to be readily seen and read by customers and must be a minimum of A5 in size.
  4. 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) and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.
  5. All members of staff responsible for the sale of alcohol will receive refresher training at least once a year as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) and generally on the Act. Such training will be provided by the Designated Premises Supervisor.
  6. 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 representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
  7. 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, proof of age card carrying a 'Pass' logo and hologram.
  8. 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 and the reason for any refusal recorded in the register. The register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers).

9. Any outside seating area of the Premises will not be used by customers of the Premises for the consumption of alcohol after 21:00 hours.
10. All alcohol sold or supplied at the Premises will only be sold or supplied to customers taking a meal at or from the Premises.

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 which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises will be a tapas style restaurant where drinks will only be provided to those customers who are having food.
2. The applicant has demonstrated that they are prepared to work with local residents to try to resolve any problems identified as a result of the operation of the premises.
3. The Police, who the Sub-committee relies upon to provide advice in relation to the licensing objective concerned with the prevention of crime and disorder, have made no representation in relation to the application
4. There have been no representations from any of the other Responsible Authorities.
5. There are other routes outside of the licensing regime for the residents' concerns about car parking in the area to be addressed.

## **Licensing Sub-Committee**

**12 November 2018**

Present: Councillors L Darke, D McMeekan and J O'Shea.

### **LSQ26/11/18 Appointment of Chair**

**Resolved** that Councillor J O'Shea be appointed Chair for this meeting.

### **LSQ27/11/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LSQ28/11/18 Application for the grant of a new Premises Licence in respect of The Old Smokehouse, Tanners Bank, North Shields, NE30 1JH (Tynemouth Ward)**

The Sub-committee met to consider an application for the grant of a Premises Licence in respect of the Old Smokehouse, Tanners Bank, North Shields, NE30 1JH.

The applicant, Ralbos Limited, sought permission to supply alcohol by way of on and off-sales from Sunday to Wednesday between 10:00 hours and 00:00 hours and Thursday to Saturday between 10:00 hours and 01:00 and the provision of regulated entertainment consisting of the exhibition of films, live music, performance of dance, the provision of recorded music and anything of a similar description to live music, recorded music and performance of dance (all indoors) Sunday to Wednesday between 10:00 hours and 00:00 hours and Thursday to Saturday between 10:00 hours and 01:00 hours. In addition the Applicant sought to provide late night refreshment each Sunday to Wednesday from 23:00 hours and 00:00 hours and each Thursday to Saturday between the hours of 23:00 and 01:00. It was also proposed that the premises would be open to the public from 08:00 to 00:30 hours Sunday to Wednesday and between 08:00 and 01:30 hours Thursday to Saturday. The applicant also sought to provide licensable activities between the terminal hour and the opening hour of the premises on New Year's Day.

Initially the Sub-committee had to decide whether to proceed in the absence of the people who had made representations in respect of the application. The Sub Committee had regard to the guidance set out in the Licensing Act 2003 (Hearings Regulations) 2005 and having satisfied itself that all parties had been given proper notice of the hearing the Sub-committee decided that the hearing should proceed in the absence of the objectors.

Following introductions, the Sub-committee's legal advisor set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representations received and the options available to the Sub-committee.

The applicant was represented at the hearing by Mr R Arnot of Ward Hadaway Solicitors.

Mr Arnot explained that the Applicant intended to provide good quality food, drink and entertainment at the premises as this was what customers now wanted. He also explained that discussions had taken place with the Police on the conditions which were proposed to be attached to the operating schedule. In addition he also addressed each of the points raised by the objectors in their written representation.

Mr Arnot responded to questions asked by Members of the Sub-committee.

Mr Arnot was given the opportunity of summing up his 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 the application for the grant of a Premises Licence in respect of the Old Smokehouse, Tanners Bank, North Shields be approved subject to the following conditions:

1. A CCTV system shall be installed and maintained at the Premises giving coverage of all areas to which the public have access.
2. The CCTV system shall be maintained in good working order and shall record clear images in any light condition.
3. CCTV recordings shall be retained for a minimum of 28 days and shall be made available to the Police or an authorised officer of the Local Authority upon request, subject to such request being made in compliance with the General Data Protection Regulations and Data Protection Act 2018.
4. CCTV recordings must be retained in an easily downloadable format.
5. A member of staff at the Premises must be present during opening hours who can facilitate the viewing and downloading of CCTV footage if requested by either the Police or an officer of the Licensing Authority.
6. At least one CCTV camera must give coverage of the entrance to the Premises.
7. Notices shall be displayed in the Premises advising customers that a CCTV system is in operation.
8. The CCTV system shall be in operation whenever licensable activities are taking place at the Premises.
9. The Premises Licence Holder shall operate an Age Verification Scheme such as "Challenge 25".

10. The Premises Licence Holder shall display a notice advising customers of the operation of an Age Verification Scheme.
11. The only forms of identification for the purposes of the Age Verification scheme are a UK Driving Licence, a valid passport, a proof of age card bearing a PASS hologram logo, military identification card or any other identification from time to time approved by the Secretary of State.
12. The Premises Licence Holder shall ensure that each member of staff has received training in respect of their responsibilities under the Licensing Act 2003 before being permitted to sell alcohol.
13. Staff training shall be recorded.
14. Training records shall be kept and made available to the Police or an authorised officer of the Local Authority within 5 working days of receipt of the request.
15. All relevant staff shall undergo regular refresher training at least every 6 months.

#### 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 which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The applicant company has a track record of operating licensed premises elsewhere in the region without any issues in relation to crime and disorder and this is an indication on how the premises will be operated should a licence be granted.
2. The applicant company has engaged with the Police in developing the proposed licence conditions which gives further reassurance that the premises will be well managed.
3. The Police, who the Sub Committee relies upon to provide advice in relation to the licensing objective concerned with the prevention of crime and disorder, have made no representation in relation to the application.
4. There have been no representations received from any of the other Responsible Authorities which would indicate that they do not have any concerns about the grant of the premises licence.

## **Licensing Sub-Committee**

**10 December 2018**

Present: Councillors Janet Hunter, J O'Shea and A Waggott-Fairley.

### **LSQ29/12/18 Appointment of Chair**

**Resolved** that Councillor A Waggott-Fairley be appointed Chair for this meeting.

### **LSQ30/12/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LSQ31/12/18 Application for the grant of a new Premises Licence in respect of Miami Pizza 2, 16 West Percy Street, North Shields, NE29 0AG (Riverside Ward)**

The Sub-committee met to consider an application for the grant of a Premises Licence in respect of the Miami Pizza 2, 16 West Percy Street, North Shields, NE29 0AG.

The Applicant, Mr B Cakir, sought permission to provide late night refreshment (both indoors and outdoors) each Sunday to Thursday from 23:00 hours to 00:00 hours and each Friday and Saturday from 23:00 hours to 01:00 hours. It was also proposed that the Premises would be open to the public from 08:00 hours to 00:00 hours Sunday to Thursday and between 08:00 hours and 01:00 hours each Friday and Saturday.

Following introductions, the Sub-committee's legal advisor set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representations received and the options available to the Sub-committee.

Mr Cakir, the applicant, was present and accompanied by his representative, Mr D Craig. He was also accompanied by Mr H Cakir and Mr C Kabadayi.

Mr F K Majed, a local business owner addressed the Sub-committee in relation to his objection to the grant of the licence.

Members of the Sub-committee and the applicant's representative asked several questions which were responded to by Mr Majed.

Mr R Mohammed, a local business owner addressed the Sub-committee in relation to his objection to the grant of the licence.

Members of the Sub-committee and Mr Craig asked several questions which were responded to by Mr Mohammed

Mr E Dikaltin a local resident and employee of Mr Mohammed, addressed the Sub-committee in relation to his objection to the grant of the licence.

Members of the Sub-committee and Mr Craig asked several questions which were responded to by Mr Dikaltin

Mr Craig addressed the Sub-committee in relation to the application on behalf of the applicant.

Members of the Sub-committee and the other parties asked questions of Mr Craig which were responded to appropriately.

All parties were given the opportunity of summing up their respective submissions.

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 the application for the grant of a Premises Licence in respect of Miami Pizza 2, 16 West Percy Street, North Shields be approved subject to the following conditions:

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the 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 the area immediately outside the front of the Premises.
  - The CCTV system is able to capture clear images permitting identification of individuals.
  - The CCTV system will be in operation whenever the Premises are open to the public.
  - 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 31 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 at least one member of staff present at the Premises when the Premises are open to the public trained to operate the CCTV system and able to provide CCTV footage and screenshots to the Police on request.



3. Downloaded CCTV images will be provided to the Police and authorised officers of the Licensing Authority on a USB stick, CD or other acceptable means as soon as possible and in any event within 24 hours following a request for such images made in accordance with the General Data Protection Regulation and Data Protection Act 2018 (or any replacement legislation).
4. Signs will be displayed at the Premises informing customers that a CCTV system is in operation at the Premises. Such signs will be displayed so as to be readily seen and read by customers and must be a minimum of A5 in size.
5. An incident book will be kept at the Premises at all times and will be made available to the Police and authorised officers of the Licensing Authority. Such a book will record the following:-
  - All crimes reported by staff at the Premises
  - Any lost property found at the Premises
  - All requests made to customers to leave the Premises
  - Any complaints received about the Premises
  - Any incidents of disorder occurring at the Premises or in the immediate vicinity of the Premises
  - Any faults in the CCTV system
  - Any visit made to the Premises by a Responsible Authority or emergency service.
6. The outside area immediately to the front of the Premises will, as far as possible, be kept free of rubbish by staff employed at the Premises. At the close of business each day this area will be cleared of rubbish by the staff who will appropriately dispose of such rubbish.
7. A telephone number will be provided on request to the Police, Responsible Authority, local resident or local business operator that will connect to a member of the Premises management so that any complaints regarding the Premises can be made to that person. Such complaints regarding the Premises shall be recorded in the incident book referred to in condition 5.
8. Clear and legible notices will be displayed at the exit(s) and other circulatory areas of the Premises 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.
9. The lobby doors at the Premises shall be kept closed except for access and egress. Staff shall supervise to ensure that the doors are maintained closed as far as possible when licensable activities are taking place.

10. Suitable ventilation and extraction systems shall be provided at the Premises to eliminate noxious odours. Such systems shall be maintained on a regular basis.
11. The Premises shall enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.

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 which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The applicant has been operating the Premises for over 12 months without any issues in relation to crime and disorder and this is an indication on how the Premises will be operated should a licence be granted.
2. The objections received were from proprietors and an employee of competing businesses, many of which operate similar or longer opening hours to the hours applied for by the applicant.
3. The Police, who the Sub-committee relies upon to provide advice in relation to the licensing objective concerned with the prevention of crime and disorder, has made no representation in relation to the application which would indicate that it does not share the concerns of the objectors in relation to the licensing objectives.
4. There have been no representations received from any of the other Responsible Authorities which would indicate that they do not have any concerns about the grant of the Premises Licence

## **Licensing Sub-Committee**

**11 December 2018**

Present: Councillors M A Green, John Hunter and G Madden.

### **LSQ32/12/18 Appointment of Chair**

**Resolved** that Councillor G Madden be appointed Chair for this meeting.

### **LSQ33/12/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LSQ34/12/18 Application for the grant of a new Premises Licence in respect of Capello Hair Salon, 2a Claremont Road, Whitley Bay, NE26 3TW (Monkseaton North Ward)**

The Sub-committee met to consider an application for the grant of a Premises Licence in respect of Capello Hair Salon, 2a Claremont Road, Whitley Bay, NE26 3TW.

The applicants, Paul and Carol Forster, sought permission to supply alcohol on the Premises from Monday to Thursday between 09:00 hours and 22:00 hours, Friday and Saturday from 09:00 hours to 22:30 hours and Sunday from 09:00 hours to 16:00 hours. It was also proposed that the Premises would be open to the public from 09:00 hours to 22:00 hours Monday to Thursday, from 09:00 hours to 22:30 hours on Friday and Saturday and from 09:00 hours to 16:00 hours on a Sunday.

Councillor Madden advised those present that although he was the holder of a Personal Licence and was a Designated Premises Supervisor he would approach this application with an open mind and base any decision on the information presented in the papers and verbally at the meeting.

Following introductions, the Sub-committee's legal advisor set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representations received and the options available to the Sub-committee.

Mr Kirkpatrick, on behalf of the Chief Officer of Police, set out details of the Police Objection to the grant of the Licence in its current form and suggested a condition that could be imposed which would address the police concerns.

Mr Kirkpatrick responded to questions from members of the Sub-committee.

Mr and Mrs Forster presented details of the application and outlined how they anticipated that the Premises would be operated. It was explained that they only wished to be able to provide an additional service for the benefit of customers at the Premises. It was not intended that the Premises would become a bar.

Mr and Mrs Forster responded to questions from members of the Sub-committee.

All parties were given the opportunity of summing up their respective submissions.

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 the application for the grant of a Premises Licence in respect of Capello Hair Salon, 2a Claremont Road, Whitley Bay be approved subject to the following conditions:

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the 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 the area immediately outside the front of the Premises.
  - The CCTV system is able to capture clear images permitting identification of individuals.
  - The CCTV system will be in operation whenever the Premises are open to the public.
  - 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 31 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 at least one member of staff present at the Premises when the Premises are open to the public trained to operate the CCTV system and able to provide CCTV footage and screenshots to the Police or authorised person of the Licensing Authority on request.
3. Downloaded CCTV images will be provided to the Police and Authorised officers of the Licensing Authority (including Trading Standards officers) on a USB stick, CD or other acceptable means as soon as possible and in any event within 24 hours following a request for such images made in accordance with the General Data Protection Regulation and Data Protection Act 2018 (or any replacement legislation).

4. Signs will be displayed at the Premises informing customers that a CCTV system is in operation at the Premises. Such signs will be displayed so as to be readily seen and read by customers and must be a minimum of A5 in size.
5. No alcohol will be sold or supplied on the Premises other than to persons having a hair-cut, beauty treatment or similar service and to those persons who are accompanying the persons receiving such a service. No further sales will be made to such persons once the hair-cut, beauty treatment or similar service has been completed.
6. 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) and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.
7. 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 consume alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence, proof of age card carrying a 'Pass' logo and hologram or a military identification card showing a date of birth. If no such evidence is produced the sale will be refused.
8. 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 and the reason for any refusal to supply alcohol recorded in the Register. The Register will be made available for inspection immediately on the request of representatives of Northumbria Police or authorised officers of the Licensing Authority (including Trading Standards officers).
9. Clear and legible notices will be displayed at the exit(s) and other circulatory areas of the Premises 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.
10. No deliveries will be made to the Premises between 20:00 hours and 08:00 hours.

## 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 which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises are a small hair salon which wishes to be able to provide an alcoholic drink to customers and their guests whilst they are having a treatment.
2. The Police, who the Sub-committee rely on to provide evidence in relation to the crime and disorder licensing objective do not have any concerns in relation to the hours of operation
3. The concerns of the Police that the Premises could become a bar can be addressed by the imposition of the above conditions
4. The representations from the local community are evenly split for and against the grant of the licence.
5. There have been no representations received from any of the other Responsible Authorities which would indicate that they do not have any concerns about the grant of the Premises Licence.

## Licensing Sub-Committee

25 February 2019

Present: Councillors L Darke, Janet Hunter and A Waggott-Fairley.

### **LSQ35/02/19 Appointment of Chair**

**Resolved** that Councillor A Waggott-Fairley be appointed Chair for this meeting.

### **LSQ36/02/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LSQ37/02/19 Application for the grant of a new Premises Licence in respect of Heron Foods Ltd, Unit 2 Churchill Street, Wallsend, NE28 7TG (Howdon Ward)**

The Sub-committee met to consider an application for the grant of a Premises Licence in respect of Heron Foods Ltd, Unit 2 Churchill Street, Wallsend, NE28 7TG.

The applicant, Heron Foods Limited, sought permission to supply alcohol by way of off-sales each Monday to Saturday between the hours of 08:00 and 20:00 and on a Sunday between 10:00 hours and 16:00 hours. The premises would be open to the public for the same times.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mr A Burnett, Trading Standards and Licensing Group Leader, presented details of the application, the representations received and the options available to the Sub-committee.

The applicant was represented at the hearing by Mr L Schelvis and he was accompanied by Mr D Bulman.

Councillors J Harrison, M Madden and John Hunter were present along with Mr JS Hyare to detail their objections to the grant of the licence.

Councillor Harrison explained that the Ward Councillors' objection was not to Heron Foods or alcohol per se but on the grounds of tackling alcohol harm due to the large number of premises selling alcohol in the Howdon Ward which had high levels of deprivation and instances of anti-social behaviour. He also explained that they were also concerned about the premises selling alcohol near to a nursery.

Councillor Harrison responded to questions asked by Members of the Sub-committee.

Mr Hyare explained that he was a local resident and also ran a business which sold alcohol across the road from the premises. He said there were 26 off-licences within a three mile radius of the Premises and he was concerned that the impact on the community had been disregarded when considering the application. He referred to

problems with theft from the Premises and suggested that this would be exacerbated should alcohol be available.

Mr Hyare responded to questions asked by Members of the Sub-committee.

Mr Schelvis explained that the Premises were a convenience store which wished to provide its customers with the option of purchasing alcohol to go with their other purchases. He confirmed that it was intended that the Premises would not be selling spirits but would only supply beer, wine and cider.

He also referred to the lack of representations from the Police and the other Responsible Authorities which he took to mean that they did not share the concerns of the objectors. He also explained that the company operated 42 premises which sold alcohol and none of them had been reviewed.

Mr Bulman confirmed that the premises did not suffer from more shoplifting than the other premises for which he was responsible. He also confirmed that his staff were already conversant with their responsibilities in relation to the sale of age restricted products.

Mr Schelvis and Mr Bulman responded to questions asked by Members of the Sub-committee, Councillor Madden and Mr Hyare.

All parties were given the opportunity of summing up their respective submissions.

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 the application for the grant of a Premises Licence in respect of Heron Foods Limited, Unit 2 Churchill Street, Wallsend be approved subject to the following conditions:

1. A CCTV system will be designed, installed and maintained in proper working order at the Premises. Such a system shall:-
  - i) Provide continuous recording for each camera to a good standard of clarity, with a minimum of four frames per second;
  - ii) Ensure coverage of all entrances and exits to the Premises both internally and externally;
  - iii) Ensure coverage of such other areas as may be required by the Licensing Authority;
  - iv) Retain recordings on hard drive, disk or other storage device for a minimum period of 28 days;
  - v) Be in operation at all times the Premises are open to the public;
  - vi) Be fitted with security functions to prevent recordings being tampered with such as password protection.
2. There will be at least one person at the Premises during operating hours that is trained to provide viewable copies of the CCTV images following a request from an authorised officer of the Licensing Authority or other Responsible Authority made in accordance with a Data Protection Act 2018 and the General Data Protection Regulation. The CCTV recordings will be supplied in a removable format.



3. Signs will be displayed both internally and externally at the Premises indicating to customers that CCTV is in operation at the Premises. The signs are to be a minimum of A5 in size.
4. An incident report register will be maintained and kept at the Premises at all times to record any incidents at the Premises such as anti-social behaviour, refusal of admission to the Premises and ejection from the Premises.
5. The incident report register will be produced for inspection immediately on request from an authorised officer of the Licensing Authority or other Responsible Authority.
6. All staff at the Premises who are responsible for selling and supplying alcohol will seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol. Such credible evidence, which shall 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. If no such evidence is provided then the sale must be refused.
7. 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 and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority or other Responsible Authority.
8. All persons responsible for the sale of alcohol from the Premises will be given training on their duties and responsibilities under the Licensing Act 2003 (or any replacement legislation) before they commence selling alcohol and refresher training will be given to such persons every 3 months. This training will be provided by the Designated Premises Supervisor.
9. Training records for each person responsible for the sale of alcohol from the Premises will be maintained and kept at the Premises at all times and will be made available for inspection and copying by authorised officers of the Licensing Authority or other Responsible Authority.
10. There will be clear and legible notices displayed at exists and other circulatory areas of the Premises requesting customers to leave the Premises quietly having regards to the needs of local residents and in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.

#### 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 which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The operator of the Premises has significant experience in operating 42 Premises which sell alcohol. None of the licences for its Premises had been the subject of a review which demonstrates to the Sub-committee that the Premises will be properly managed.
2. The Police, who the Sub-committee relies upon to provide advice in relation to the licensing objective concerned with the prevention of crime and disorder, have made no representation in relation to the application
3. There have been no representations received from any of the other Responsible Authorities.
4. The operators of the adjacent nursery have made no representations in relation to the application which would appear to show that they do not have any concerns in relation to the grant of the Premises Licence

## 5.

**Title: Licensing Act 2003 and Gambling Act 2005 applications.**

**Licences granted between 01.03.18 and 28.02.19 under delegated authority**

# North Tyneside Council Report to Licensing Committee Date: 28 March 2019

**Report Author:** Mr P Scott  
Head of Environment, Housing & Leisure  
**Wards affected:** All

---

## PART 1

### 1.1 Purpose:

The purpose of this report is to provide Committee with an update as to the decisions taken by officers under delegated authority for the period 1 March 2018 to 28 February 2019.

### 1.2 Recommendation

It is recommended that the Committee:

- a) Note the decisions taken by officers under delegated authority for the period 1 March 2018 to 28 February 2019.

## 2.0 Background Information

- 2.1.1 The Licensing Act 2003 and Gambling Act 2005 provide that the functions of the licensing authority are to be taken or carried out by its Licensing Committee.
- 2.1.2 Part 2 Section 10(1)(b) of the Licensing Act 2003 provides that a Licensing Committee may arrange for the discharge of any functions exercisable by it by an officer of the licensing authority. The officer delegation scheme is set out at **Appendix 1**. This scheme was amended by Council at their meeting on 22 November 2007. It is without prejudice to officers referring an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the circumstances of the particular case.
- 2.1.3 Part 8 Section 154 of the Gambling Act 2005 is the enabling power for delegation of responsibility for licensing decisions under that Act to the Licensing Committee, Sub-Committee and officers. This scheme was agreed by the Licensing Committee on 7 June 2007. It is without prejudice to officers referring an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the circumstances of the particular case. The officer delegation scheme is set out at **Appendix 2**.

2.1.4 Decisions under the Licensing Act 2003 and Gambling Act 2005 have been delegated to the following Officers:-

Trading Standards and Licensing Group Leader  
Senior Licensing Officer  
Licensing Officer

2.1.5 The decisions listed in Appendix 3 and Appendix 4 have been made by the appropriate Officers.

## 2.2 **Applications granted and enforcement activity**

2.2.1 Officers have granted the following Licences:

### **Licensing Act 2003**

New Personal Licences – 157  
Transfer of Premise Licence – 29  
Premise/Club Licence (Variation) – 0  
New Premise Licence – 30  
Temporary Event Notices – 214  
Minor Variations – 17

### **Gambling Act 2005**

Gambling Permits (new/renewed/transferred) – 0  
New Premise Licence – 0  
Transfer/Variation of Licences – 0

2.2.2 The Licensing Sub-Committee has determined the following applications:

New Premise Licence – 8  
Variation of Premise Licence – 0  
Review of Premise Licence – 3  
Transfer of a Premise Licence - 1

2.2.3 Members have also determined the following matters without the need for a hearing

New Premise Licence - 1

### 2.2.4 Enforcement Activities

Licensing & Gambling Inspections & Statutory Notices Checked

Compliance Inspections = 181  
Statutory Notices Checked = 5

### **3.0 Decision Options**

3.1 The options available to Committee are:

#### Option 1

- a) Note the decisions taken by officers under delegated authority for the period 1 March 2018 to 28 February 2019.

### **4.0 Appendices:**

Appendix 1 – Sub-committee and officer delegation scheme for considering licence applications – Licensing Act 2003

Appendix 2 – Sub-committee and officer delegation scheme for considering licence applications – Gambling Act 2005

Appendix 3 – Granted and Varied Licences

Appendix 4 – Temporary Event Notices

### **5.0 Contact Officers:**

- 5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 643 6620  
Joanne Lee, Public Protection Manager, Tel: 643 6901  
Alan Burnett, Trading Standards and Licensing Group leader Tel: 643 6621

### **6.0 Background Information:**

- 6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

North Tyneside Council Statement of Licensing Policy.

The Licensing Act 2003

Gambling Act 2005

Delegation Scheme – Licensing Committee 7 February 2005

Delegation Scheme – Licensing Committee (Gambling) 7 June 2007

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and Other Resources:**

There are no financial implications for the Council arising from this report. The cost of collating the data can be met from the existing Licensing revenue budget.

### **2.2 Legal**

#### **2.2.1 Legislative Framework**

Part 2 Section 10(1)(b) of the Licensing Act 2003 provides that a Licensing Committee may arrange for the discharge of any functions exercisable by it by an officer of the licensing authority.

Part 8 Section 154 of the Gambling Act 2005 is the enabling power for delegation of responsibility for licensing decisions under that Act to the Licensing Committee, Sub-Committee and officers.

## **2.2.2 North Tyneside Council's Statement of Licensing Policy**

A scheme of delegation of decision making and functions is attached to the North Tyneside Council Statement of Licensing (Licensing Act 2003) and to the North Tyneside Council Statement of Licensing (Gambling Act 2005), (**Appendix 1 and 2**).

## **2.2.3 Principles of Better Regulation**

The Licensing Act 2003 and Gambling Act 2005 are specified in The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. As a result Part 2 of the Legislative and Regulatory Reform Act 2006 applies. The Council must therefore have regard to the prescribed statutory principles by ensuring that its regulatory activities are carried out in a way which is transparent, accountable, proportionate and consistent. In addition, those regulatory activities should be targeted only at cases in which action is needed.

## **2.3 Consultation/Community Engagement:**

A comprehensive 12 week public consultation exercise took place prior the adoption of the North Tyneside Council Statement of Licensing (Licensing Act 2003) and to the North Tyneside Council Statement of Licensing (Gambling Act 2005).

## **2.4 Human Rights:**

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights. Any decisions therefore made in relation to a licence application need to be fully considered. An individual also has the right to a fair hearing under Article 6 of the European Convention of Human Rights. The proposed procedure will assist in ensuring that a fair hearing does take place.

## **2.5 Equalities and Diversity:**

There are no equality and diversity implications arising from this report.

## **2.6 Risk Management:**

There are no significant risk management implications to the Council arising from this report.

## **2.7 Crime and Disorder:**

It is not considered that there are any crime and disorder implications arising from this report. The police receive copies of applications made under the Licensing Act 2003 and Gambling Act 2005 and are invited to make representations if they so wish.

## **2.8 Environment and Sustainability:**

It is not considered that there are any environment and sustainability implications arising from this report.

## Appendix 1

### Licensing Act 2003

#### Scheme of Delegation of decision-making and functions

The Licensing Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub Committee	Officers
Application for/renewal of personal licence		If a police objection	If no objection made
Application for premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated premises licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate (including summary review brought by the police)		All cases	
Consideration as to whether to take interim steps following a summary review by police		All cases	
Decision on whether a complaint is			All cases

irrelevant, frivolous, vexatious, etc			
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	
Acknowledgement of a temporary event notice			All cases
Issue of Counter Notice in relation to a temporary event notice where permitted limits are exceeded			All cases
Issue of Counter Notice in relation to a temporary event notice following a police objection		All cases	
All licensing functions under the Licensing Act 2003 except those not capable of such delegation			All cases



## Appendix 2

### Scheme of delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits		If there is an initial decision to possibly refuse a permit application and oral or written representations are received from the applicant	Where no objections made/ objections have been withdrawn
Cancellation of licensed premises gaming machine permits		If requested by applicant	If no request received
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use		X	

notice			
Order disapplying Section 279 or Section 282(1) of a specified premises holding an on premises alcohol licence		X	
Refusal to register a Small Lottery and representations are received from the Society		X	
Revocation of Small Lottery Registration and representations are received from the Society		X	

X indicates the lowest level to which decisions can be delegated

### Appendix 3

#### New licences granted by Officers 1.3.18 – 28.2.19

Heron Foods	High Street East, Wallsend
Heron Foods (Shiremoor)	Earsdon Road Shiremoor
Kettlebell Ktchen	Quorum Business Park Benton Lane Longbenton
Tyneside Autoparc Service Station	Sandy Lane Newcastle Upon Tyne
Enigma Tap	Bedford Street North Shields
Fox And Finch	Park View Whitley Bay
The Roxburgh	Park Avenue Whitley Bay
Mr Woods	The Broadway Tynemouth
Nisa	High Street West Wallsend
Bensons Brewing Co Ltd	Front Street Whitley Bay
Bishops	Church Way North Shields
Aldi Northumberland Park	Northumberland Park Way Backworth
Evolution Football Centre	Coble Dene North Shields
Rose Inn	Rosehill Bank Wallsend
Simpsons Cafe And Bistro	Claremont Crescent Whitley Bay
A L General Store	Maud Terrace West Allotment
Split Chimp	Marine Avenue Whitley Bay
Iceland Foods	Norham Road North Shields
Co-Operative	Queen Alexandra Road North Shields
Room 305	Whitley Road Whitley Bay
Home Bargains	The Killingworth Centre Citadel Killingworth
Dil And The Bear	Front Street Tynemouth
Heron Foods	Bedford Street North Shields
Black Storm Bottleshop And Tasting Rooms	York Road Whitley Bay
Hotel 52	South Parade Whitley Bay
Seaton Burn Cricket Club	Front Street Seaton Burn
The Family Activity Centre	Coble Dene North Shields
Drink Late Limited	Orion Way Orion Business Park North Shields
Lobo Rojo	Union Quay North Shields
Drinks Delivered T/A Topsy Horse	Arrow Close Killingworth

#### Licences varied by Officers (including Minor Variations) – 1.3.18 – 28.2.19

Name	Address	Nature of variation
	<b>VARIATIONS</b>	
No 14	Percy Park Road	Change of alcohol times and opening hours
Monkseaton Arms	Front Street, Whitley Bay	Change of internal layout and conditions on licence
	<b>MINOR VARIATIONS</b>	
Travellers Rest	Great North Road, Wideopen	Change to opening hours
North Eastern Co-op	John Street, Cullercoats	Change of internal layout of premise
Miners And Bella Pizza	Station Road, Wallsend	Addition of off sales to the licence
Aldi	Foxhunters, Road Whitley	Change of internal layout

	Bay	of premise
Wallsend Memorial Hall And Peoples Centre	Frank Street, Wallsend	Changes to conditions
Priory News	Percy Park Road, Tynemouth	Change of layout of Premise and alcohol times to include on and off the premises
Black Bull	Front Street, Benton	Change of internal layout of premise
Pavilion	North Backworth Business Park. Backworth	Change to opening hours
Platform 2	Tynemouth Metro Station, Tynemouth	Addition of live music
Nord Bottle Shop	Park View, Whitley Bay	Change to original layout
Park Hotel	Grand Parade, Tynemouth	Change of internal layout of premise
Shell Waitrose New York Road	New York Road, Shiremoor	Change of internal layout And name and conditions on licence
Shiremoor House Farm	Middle Engine Lane, North Shields	Change to opening hours
Juke Shed Bar	Union Quay, North Shields	Change to conditions
Travellers Rest	Front Street, Camperdown	Change of internal layout of premise
Miller And Carter Steakhouse Restaurant	White House Drive, Killingworth	Change of internal layout of premise
Backworth Stores	Ashbourne Close Backworth	Change of internal Layout of premises

**Gambling Act – Licences granted / varied – 1.3.17 – 28.2.18**

None during this period
-------------------------

## Appendix 4

### List of TEN's 1.3.18 – 28.2.19

	<b>Location of Event</b>
1.	Bistro Du Parc, Livingstone View, Tynemouth
2.	Renes, Front Street, Tynemouth
3.	Park Store, Tynemouth
4.	Whitley Bay High School
5.	Whitley Lodge Summer Fair 2019
6.	Killingworth Young Peoples Club
7.	Benton Dene Primary School, Longbenton
8.	Whitley Bay Juniors FC
9.	Park Store, Tynemouth
10.	The Parks Sport Centre, North Shields
11.	Tynemouth District Scout Headquarters
12.	Foxhunters Pavillion
13.	Tynemouth Station Market
14.	Park Store, Tynemouth
15.	Kettlebell Kitchen, Quorum Business Park
16.	Kettlebell Kitchen, Quorum Business Park
17.	Hotel 52, Whitley Bay
18.	Park Store, Tynemouth
19.	The Jolly Bowman, Wallsend
20.	Barca Art Cafe, Tynemouth
21.	Park Stores, Tynemouth
22.	Spanish City Plaza
23.	Omni, Whitley bay
24.	Killingworth Young Peoples Club
25.	The Surf Cafe, Tynemouth
26.	Barca Art Cafe, Tynemouth
27.	Cahoots, Whitley Bay
28.	Lola Jeans, Tynemouth
29.	Tynemouth Park Jungle Wipeout Area
30.	Ferryman, Wallsend
31.	Rose Inn, Wallsend
32.	Renes, Tynemouth
33.	The Dog And Rabbit Ltd, Whitley bay
34.	Renes, Tynemouth
35.	Lola Jeans, Tynemouth
36.	Mister Woods, Tynemouth
37.	201 Park View Whitley Bay
38.	Whitley Bay Football Club
39.	Kings Priory First School, Tynemouth
40.	The Wheel House, North Shields
41.	Simpsons Cafe, Whitley Bay
42.	Whitley Lodge Snooker Club
43.	Park Store, Tynemouth
44.	Barca Art Cafe, Tynemouth

45.	The Ritz, Wallsend
46.	Holystone Primary School
47.	Whitley Bay Football Club Juniors
48.	Nisa, Wallsend
49.	Nisa, Wallsend
50.	Fares Fayre Coffee Station, Monkseaton
51.	Morrisons, Whitley Bay
52.	Whitley Lodge First School
53.	Hazelwood Community Primary School, Wideopen
54.	Barca, Tynemouth
55.	The Parks. North Shields
56.	The Hub, Quorum Business Park
57.	Morrison's, North Shields
58.	Mr Woods, Tynemouth
59.	Friends Of Langley, Whitley Bay
60.	Killingworth Young Peoples Club
61.	Bellways Homes, Killingworth
62.	Queens Head, Wallsend
63.	Queens Head, Wallsend
64.	West Moor Community Centre
65.	Tyne Youth And Community Centre, Tynemouth
66.	Barca Art Cafe, Tynemouth
67.	Earsdon And Wellfield Community Centre
68.	Tynemouth Cricket Club
69.	Nisa, Wallsend
70.	Parks Sports Centre, North shields
71.	Tynemouth District Scout HQ
72.	Foxhunters Sports Pavilion
73.	65 Church Way (Bishop's Bar), North Shields
74.	Room 305, Whitley Bay
75.	Bellway Home, Killingworth
76.	19th Whitley Bay (Earsdon) Scout Group
77.	Tynemouth Squash Rackets Club
78.	Ferryman, Wallsend
79.	Evolution Football Centre, North shields
80.	Barca Art Cafe, North Shields
81.	Tynemouth Market
82.	Woods Coffee, Broadway, Tynemouth
83.	Net North Shields
84.	Rose Inn, Wallsend
85.	Up Barca, Tynemouth
86.	Roxburgh House, Whitley Bay
87.	Newcastle Cat And Dog Shelter, Benton
88.	2 Gosforth Park Way, Longbenton
89.	Holy Saviours Parish Centre, Tynemouth
90.	Rileys Fish Shack, Tynemouth
91.	Rose Inn, Wallsend
92.	Ballarat, North Shields
93.	Linskill Centre, North Shields
94.	West Moor Community Centre
95.	Net North Shields

96.	Stephenson Railway Museum, North Shields
97.	65 Church Way, North Shields
98.	Multi Packaging Solutions, Killingworth
99.	Barca Art Cafe, Tynemouth
100.	Rose Inn, Wallsend
101.	Marden Residents Association, Cullercoats
102.	WBFF Spanish City Plaza
103.	Tynemouth Cricket Club
104.	3 Tanners Bank, North Shields
105.	Sandpiper, Cullercoats
106.	Wallsend Rugby Club
107.	Holy Saviours Parish Centre, Tynemouth
108.	West Moor Community Centre
109.	Rocket Garage, Cullercoats
110.	King Edward Bay (Prom), Tynemouth
111.	Marden High School, Cullercoats
112.	The Station Masters Comm Wildlife Garden, Whitley Bay
113.	Rendezvous Cafe, Tynemouth
114.	St Marys Lighthouse
115.	Killingworth Young Peoples Club
116.	Holy Saviours Church Hall, Tynemouth
117.	65 Church Way, North shields
118.	Fire Station, Whitley bay
119.	Rose Inn, Wallsend
120.	Whitley Bay Film Festival, Whitley Bay
121.	6 Barrels, North Shields
122.	Loca Latin Food And Social, Whitley Bay
123.	Fat Ox, Whitley Bay
124.	King Edwards Bay, Tynemouth
125.	Innisfree Social Club, Longbenton
126.	King Edward Bay, Tynemouth
127.	42nd Street, Whitley Bay
128.	Village Urban Resort, Silverlink
129.	Bellway Homes, Killingworth
130.	Anson, Wallsend
131.	Rising Sun Sports Ground, Wallsend
132.	Coquet Park First School, Whitley bay
133.	Priory News, Tynemouth
134.	Southridge First School, Whitley Bay
135.	Home Group, Longbenton
136.	Foxhunters Sports Pavilion
137.	Barca Art Cafe, Tynemouth
138.	Ferryman, Wallsend
139.	TVLB, Tynemouth
140.	Utilitywise, Cobalt Business Park
141.	Pan Asia Delicatessen & Gourmet Store, Tynemouth
142.	Whitley Bay High School
143.	Rockcliffe First School, Whitley Bay
144.	Reenes, Tynemouth
145.	Wallsend Festival
146.	Wallsend Festival

147.	Wallsend Festival
148.	Benton Dene Primary School, Longbenton
149.	Whitley Lodge First School
150.	John Spence High School, North shields
151.	KYPC, Killingworth
152.	Whitley Bay Golf Club
153.	Kings Priory School, Tynemouth
154.	Tynemouth Castle And Priory (EH)
155.	Tynemouth Station
156.	Net North Shields
157.	West Moor Community Centre
158.	Innovate House, Longbenton
159.	3 Tanners Bank, North Shields
160.	Rose Inn, Wallsend
161.	Top House 2, North Shields
162.	Top House 2, North Shields
163.	North Shields Rugby Football Club
164.	Spanish City Plaza
165.	The Net, North Shields
166.	Monkhouse Primary School, Cullercoats
167.	Spanish City Plaza
168.	Whitley Bay District Scout Headquarters
169.	Innisfree Sports And Social Club, Longbenton
170.	EE, Cobalt Business Park
171.	EE, Cobalt Business Park
172.	West Moor Community Centre
173.	Proctor And Gamble
174.	Earsdon And Wellfield Comm Centre
175.	Foxhunters Sports Pavilion, North Shields
176.	Foxhunters Sports Pavilion, North Shields
177.	Tynemouth Castle And Priory
178.	Tynemouth Castle And Priory
179.	Tynemouth Castle And Priory
180.	Rising Sun Sports Ground, Wallsend
181.	Killingworth Young Peoples Club
182.	Tynemouth Castle And Priory
183.	305 Whitley Road, Whitley Bay
184.	Whitley Bay High School
185.	Tynemouth Castle And Priory
186.	Priory News, Tynemouth
187.	4 Roxburgh House, Whitley Bay
188.	19th Whitley Bay (Earsdon) Scout Group
189.	John Spence Community High School, North Shields
190.	Kings Priory School, Tynemouth
191.	Wallsend Festival
192.	3 Tanners Bank, North Shields
193.	Tynemouth District Scouts
194.	Tynemouth Market
195.	Juke Shed Bar, North Shields
196.	Family Activity Centre, North Shields
197.	Earsdon And Wellfield Community Centre



198.	WhitleyBay High School
199.	Tynemouth Priory
200.	Family Activity Centre, North Shields
201.	Gibraltar Rock, Tynemouth
202.	3 Tanners Bank, North Shields
203.	Kings Priory School, Tynemouth
204.	Havana Bar, Whitley Bay
205.	Havana Bar, Whitley Bay
206.	Havana Bar, Whitley Bay
207.	Havana Bar, Whitley Bay
208.	Manhattans, Wallsend
209.	Spanish City Plaza
210.	42nd Street, Whitley Bay
211.	No 14, Tynemouth
212.	Innisfree Social Club, Longbenton
213.	Northumberland Square, North Shields
214.	Tynemouth Station (Autumn Brewing Co)

# North Tyneside Council Report to Licensing Committee Date: 28 March 2019

**ITEM 6**  
Title: Applications  
Determined by members  
without recourse to a  
hearing

Report from Service Area: Law and Governance

Responsible Officer: Bryn Roberts, Head of Law and Governance

(Tel: (0191) 643 5339)

Wards affected: All

---

## PART 1

### 1.1 Executive Summary:

The purpose of this report is to provide Committee with details of the applications which have been determined by Members after the applicant, persons making relevant representations and the authority had agreed that a licensing hearing was unnecessary.

### 1.2 Recommendation:

It is recommended that the Licensing Committee note the report.

### 1.3 Information:

#### 1.3.1 Background

1.3.2 Under the provisions of the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005 a licensing authority may dispense with holding a licensing hearing if the applicant, each person who has made a representation and the authority itself, agree that a hearing is unnecessary.

1.3.3 Over the past year members have determined the following two applications after the parties and the authority had agreed that a hearing was unnecessary:

- Application for the grant of a new Premises Licence – Seaton Burn Cricket Club, Front Street, Seaton Burn – 8 May 2018;
- Application for the grant of a new Premises Licence – MS Boudicca, Port of Tyne International Passenger Terminal, North Shields – 16 January 2019.

1.3.4 A copy of the decision in respect of each application is attached as an appendix to the report.

#### **1.4 Appendices:**

Appendix 1: Member Decision – Seaton Burn Cricket Club

Appendix 2: Member Decision – MS Boudicca

#### **1.5 Contact officers:**

Dave Parkin, Democratic Services Officer, Law and Governance, tel. (0191) 643 5316

#### **1.6 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) North Tyneside Council Statement of Licensing Policy.

(2) The Licensing Act 2003

(3) The Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003(4) The Licensing Act 2003 (Hearings) Regulations 2005

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no financial implications arising from this report.

### **2.2 Legal**

A Licensing Authority must carry out its licensing functions under the Licensing Act 2003 (the 2003 Act) with a view to promoting the licensing objectives which underpin the 2003 Act, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In doing so, the authority must have regard to the authority's Statement of Licensing Policy and the Guidance issued by the Secretary of State. Where relevant representations are made in relation to an application for a Premises Licence or the variation of a Premises Licence, the Act states that the authority must hold a licensing hearing to consider the application unless the applicant, each person making a representation and the authority agree that a hearing is unnecessary.

When a relevant representation is made in relation to an application for a Premises Licence or a variation of a Premises Licence, Section 10(4) of the 2003 Act makes it clear that the consideration of the application can only be undertaken by Members and cannot be discharged

by officers. Therefore, in accordance with the requirements of the Act, Members duly considered each of the applications referred to in the report and made a determination in relation to each matter in accordance with Member Decisions appended to the report.

## **2.3 Consultation/community engagement**

### **2.3.1 Internal Consultation**

As part of the formal application process the responsible authorities are consulted on the application which includes the authority itself as well as other departments within the authority such as Director of Public Health, the Environmental Health Department, the Local Safeguarding Children Board, the Health and Safety Inspector and the Planning Department.

### **2.3.2 External Consultation/Engagement**

As part of the formal process external responsible authorities are consulted on the application. Notices are displayed at the premises and on the Authority's website inviting representations in respect of the application.

## **2.4 Human rights**

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights. Any decisions therefore made in relation to a licence application need to be fully considered. An individual also has the right to a fair hearing under Article 6 of the European Convention of Human Rights.

## **2.5 Equalities and diversity**

There are no equalities and diversity issues as a direct result of this report

## **2.6 Risk management**

There are no risk management issues for the authority arising directly from this report.

## **2.7 Crime and disorder**

It is not considered that there are any crime and disorder implications arising from this report. The police receive copies of applications made under the Licensing Act 2003 so that they can consider the application and make representations if they so wish.

## **2.8 Environment and sustainability**

There are no Environment and Sustainability issues arising directly from this report.

**NOTICE OF DECISION IN ACCORDANCE WITH SECTION 23 OF THE LICENSING  
ACT 2003**

This is the notice of decision taken on 8 May 2018 in relation to an application for a Premises Licence in respect of Seaton Burn Cricket Club, Seaton Burn Welfare Ground, Front Street, Seaton Burn (“the Premises”) by Seaton Burn Cricket Club Limited (“the Applicant”).

A representative of the Applicant, those making representations and the Licensing Authority have all agreed that a licensing hearing is unnecessary.

**Members Making Decision**

Councillor W Lott  
Councillor F Lott  
Councillor John Hunter

**Officers Present**

Miss D Frankland - Senior Licensing Officer,  
Mr D Parkin - Democratic Support Officer,  
Mr J Barton - Legal Advisor

**Documents before Members**

- a) Miss Frankland’s Report dated 8 May 2018
- b) Application for a Premises Licence dated 15 March 2018
- c) Plan of the Premises
- d) Map showing the location of the Premises
- e) Written representation of Mr D Hogg received 4 April 2018
- e) Written representation of Mr D O’Connell dated 11 April 2018
- f) Written representation of Councillor M Green dated 12 April 2018
- g) Written representation of Mr I Wardle, Northumberland Cricket Board Limited.

After briefly hearing from Miss Frankland, who explained the contents of her report and outlined the application being made, considering the above documentation, and noting the agreement arrived at between the Applicant and Mr Hogg in relation to the application, the Members consider that it is appropriate to grant the application for a Premises Licence subject to conditions set out below.

The Members in arriving at this decision have had regard to the need to promote the licensing objectives which underpin the Licensing Act 2003, the Licensing Authority’s Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

**Application**

The application is made by Mr Alderson on behalf of Seaton Burn Cricket Club Limited which applies for a Premises Licence to permit the supply of alcohol from the Club House

Monday to Friday from 17:00 hours to 23:00 hours, each Saturday from 11.00 hours to 00:00 hours and each Sunday from 12:00 to 23:00 hours. In addition, the Applicant seeks permission to supply alcohol on Bank Holiday Mondays and Good Friday from 11:00 hours to 23:00 hours if there is a cricket match or a training event scheduled to take place on those Public/Bank holidays.

It is also proposed that the Premises will be open for an additional 30 minutes after the terminal hour for the supply of alcohol for both the standard and non-standard timings.

The application sets out the steps that the Applicant says it will take to promote the licensing objectives and there is included as part of the application proposed conditions. These proposed conditions have been superseded following discussions between Mr Alderson and Mr Hogg.

There is nothing in the application that restricts when the Licence can be operated and therefore on the face of it, if a Licence were to be granted on the basis of the application, alcohol could be sold throughout the year to the general public during the hours of the day set out in the application.

Since the application was prepared and submitted, there have been discussions between the Applicant and Mr Hogg resulting in an agreement that the Licence will only be in operation during the cricket season (April to September) and then only when there is a cricket match or club event, such as training, taking place on the Club's grounds and that such a restriction will become a Licence condition. This is in effect a variation of the application as originally submitted by the Applicant.

Whereas there is no mechanism within the Licensing Act for the Applicant to amend its application once submitted to the Licensing Authority, the Members are entitled to take into account the Applicant's current views and intentions when considering the application. This includes taking into account the Licence conditions now agreed between the Applicant and Mr Hogg and the proposed restriction as to when the Licence will have effect.

### Representations

There have been four representations received in relation to the application.

The representations from Mr O'Connell, Councillor Green and Mr Wardle are supportive of the application.

The representation from Mr Hogg states that whilst he is supportive of the Cricket Club, he has concerns about how the application has been framed. He is concerned that if a Licence is granted, it will permit the Premises to be used as a "public bar" all year round and be available to members of the public and not just to cricket players, spectators and members of the Club. Mr Hogg is concerned that if the Premises are permitted to operate in such a fashion, then the only access road to the Premises, which is immediately adjacent to his home, will be used late into the evening by those attending at the Premises which would cause him disturbance.

Mr Hogg in his representation concludes that "We would be happy to support the application if it can be restricted to only cover match days and the cricket season itself".

Mr Alderson on behalf of the Applicant is prepared to offer a Licence condition that addresses the concerns raised by Mr Hogg and in particular Mr Hogg's desire to have the period of operation of the Licence restricted so that it can only be operated during the cricket season and then only on match days. The condition has been agreed between Mr Alderson and Mr Hogg, subject to the views of Members.

Notwithstanding the fact that there is agreement between the Applicant and Mr Hogg in relation to the restriction as to when the Licence can be utilised, it is for the Members to decide if it is appropriate and proportionate to impose such a restriction by way of a Licence condition, as well as considering the other proposed Licence conditions.

Having considered matters, the Members are content that the conditions as agreed between Mr Alderson and Mr Hogg should be attached to the Licence, with very slight grammatical amendments. The effect of condition 7 is to restrict the use of the Licence to match days or club events, such as training nights, during the cricket season (April – September) which is the type of restriction that Mr Hogg had in mind when making his representation. Given that the area to be licensed is a communal room in a cricket pavilion, the Members agree that such a restriction is appropriate and is in keeping with the Premise's main use as a cricket pavilion and not a "public bar" which was Mr Hogg's concern.

The Members note that no Responsible Authority has made a representation regarding the application. The Responsible Authorities will have received a copy of the application. Had any of those Authorities had concerns about the Club's proposed use of the Premises to supply alcohol, Members would have expected those Authorities to have made a representation. The fact that none of the Responsible Authorities have commented on the application is a strong indicator that none of the Responsible Authorities had concerns about the application as presented to them in March. Given that there is now to be a restriction as to when the Licence can be operated, it is fair to assume those Authorities will have even less concern about the application.

The Members in deciding to attach conditions to the Licence have had regard to paragraph 1.16 of the Secretary of State's Guidance which sets out the general principles to be followed when attaching conditions to the Licence. Having regard to paragraph 1.16, the Members are satisfied that the conditions agreed to between the parties are appropriate and proportionate to promote the licensing objectives concerned with the prevention of crime and disorder, the protection of children from harm and the prevention of public nuisance. The conditions are also tailored to the style and characteristics of the Premises, a cricket pavilion. The Members are content that the conditions are capable of being met by the Club, its staff and Committee, and are clear and unambiguous.

The conditions that will be attached to the Licence are set out below for the avoidance of doubt:-

1. The Committee of the Club shall ensure that when the Premises are open for a licensable activity that a member of the Committee is present at the Premises at all times.
2. The Committee of the Club will maintain a dynamic risk assessment for the general operation of the Premises, for individual bespoke events and for circumstances which potentially may increase the risk of crime or disorder; increase the likelihood of harm to children, undermine public safety, and increase the likelihood of causing nuisance to the public.

3. All persons 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 alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence, proof of age card carrying a 'Pass' logo and hologram or a military identification card showing a date of birth. If no such evidence is produced the sale will be refused.
4. A Refusals Register (electronic or paper based) will be kept at the Premises at all times and will be kept up to date, detailing all challenges made to customers as to their age and the reason for any refusal recorded in the Register. The Register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).
5. The licence holder shall ensure that all persons engaged in the sale of alcohol at the Premises will receive training in accordance with the Licence Holder's training procedures in relation to the Licensing Act 2003 before engaging in the sale of alcohol. Such training will also be given to all Committee members. Refresher training will be given on a 6 monthly basis or upon any updates to the 2003 Act to both members of staff and Committee members.
6. The training records of persons engaged in the sale of alcohol and those of Committee members shall be kept at the Premises at all times and will be made available for inspection immediately on request to an authorised officer of the Licensing Authority (including Trading Standards Officers) or police representative.
7. The Premises Licence is to have effect between April and September inclusive (the cricket season only) and can only be operated during this period on match days and when club events are taking place (e.g. training nights).

**If either party wishes to appeal against the decision of the Members then they must do so by lodging an appeal with the North Tyneside Magistrates' Court, Tynemouth Road, North Shields within 21 days of receipt of this Notice of Decision.**



**NOTICE OF GRANT OF APPLICATION FOR A PREMISES LICENCE IN ACCORDANCE WITH SECTION 23(1)(a) OF THE LICENSING ACT 2003**

1. This is a notice of a decision taken on 16 January 2019 by three Members of the Authority's Licensing Committee in relation to an application for a Premises Licence in respect of the "MS Boudicca" a 28,551 ton ocean-going passenger ship operated by Fred Olsen Cruise Lines Limited ("the Applicant Company"). The application relates to a "business event promoting the launch of the new brochure and 2020/21 cruise itineraries on 6 March 2019" that will take place when the vessel is docked at the Port of Tyne International Passenger Terminal at North Shields. There may be similar promotional or party events at this location in the future if the event on 6 March 2019 is deemed a success.
2. Representatives of the Applicant Company, the Chief Officer of Northumbria Police ("the Police"), and the Maritime and Coastguard Agency ("the MCA") and the Licensing Authority have all agreed in accordance with section 18(3)(a) of the Licensing Act 2003 that a hearing to consider the representations received from the Police and the MCA is unnecessary.
3. Members Making The Decision  
  
Councillor L Darke  
Councillor M A Green  
Councillor Janet Hunter
4. Officers Present  
  
Mr J Young - Licensing Officer,  
Mr D Parkin - Democratic Support Officer,  
Mr J Barton - Legal Adviser
5. Documents before Members
  - a) Mr J Young's Report dated 9 January 2019
  - b) Application for a Premises Licence dated 28 November 2018
  - c) Life Saving Appliance and Escape Route Plan of the vessel
  - d) Deck Plans of the vessel
  - e) Map showing the location of where the vessel will dock
  - f) Aerial Photograph of the location where the vessel will dock
  - g) Further maps showing the Port of Tyne International Passenger Terminal
  - h) Written representation of 7052 Chief Inspector Chris Stevens on behalf of the Chief Officer of Northumbria Police dated 11 December 2018
  - i) E Mail from Neil Kirkpatrick to Claire Wright dated 3 December 2018
  - j) E Mail from Claire Wright to Neil Kirkpatrick dated 3 December 2018
  - k) E Mail from Claire Wright to Jeff Young dated 19 December 2018
  - l) E Mail from Neil Kirkpatrick to Jeff Young dated 2 January 2019
  - m) E Mail from Claire Wright to Jeff Young dated 3 January 2019
  - n) E Mail from Gary Callum to Michael Groark of the Maritime and Coastguard Agency dated 8 January 2019

- o) E Mail (written representation) from Michael Groark to Gary Callum dated 9 January 2019
- p) E Mail from Jeff Young to Claire Wright dated 9 January 2019
- q) E Mail from Michael Groark to Jeff Young dated 9 January 2019
- r) E Mail from Claire Wright to Jeff Young dated 9 January 2019
- s) Minimum Safe Manning Document for the Vessel issued 12 June 2018
- t) The Applicant Company's Responsible Service of Alcohol (RSA) Policy
- u) Passenger Ship Safety Certificate for the Vessel issued 18 April 2018
- v) E Mail from Neil Kirkpatrick to Jeff Young dated 10 January 2019

6. After reading the documents set out above, hearing from Mr Young who explained the contents of his report and the application being made, and noting the agreement arrived at between the Applicant Company, the Police and the MCA in relation to the proposed conditions to be attached to a Premises Licence, the Members consider that it is appropriate to grant the application for a Premises Licence for the licensable activities and hours of operation applied for subject to the conditions set out in 9.9 below.

7. The Members reasons for granting the application are as follows.

8. Application

8.1 The application is for a Premises Licence to permit the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment from a large ocean-going vessel named the "MS Boudicca". Such a Licence could take effect whenever the vessel is docked at the Port of Tyne International Passenger Terminal at North Shields (described as Newcastle Cruise Terminal in the application) and in particular on 6 March 2019 when a promotional event is arranged to take place on the vessel. The hours applied for in relation to the provision of the licensable activities are as follows:-

- Live Music: 18:00 hours to 01:00 hours each day of the week;
- Recorded Music: 22:00 hours to 03:00 hours each day of the week;
- Performances of Dance: 18:30 hours to 23:00 hours each day of the week;
- Anything of a similar description to live music, recorded music or performances of dance: 18:30 hours to 00:00 hours (examples given of such entertainment are comedy and magic acts) each day of the week;
- Late Night Refreshment: 23:00 hours to 05:00 hours each day of the week; and
- Supply of alcohol: 12:00 hours to 05:00 hours each day of the week.

All of the licensable activities will take place indoors.

8.2 The Applicant Company states that the event on 6 March 2019, and any future events that may take place on the vessel, will be "ticketed events" and will not be available to the general public. Those attending at the vessel for such events will only be permitted to board the vessel after permission to do so is given by security staff.

8.3 The application sets out the steps that the Applicant Company says it will take to promote the licensing objectives in section M of the application. The steps that the Applicant Company says that it will take include:-

- The vessel will be manned by professional, qualified and experienced crew;

- The vessel will have full security manning (including Security Industry Authority registered contractors) working in conjunction with security personnel of the North Shields cruise terminal;
- The vessel will comply with all Maritime Safety Codes; and
- Only individuals who have a pre-booked ticket and have been “cleared” by security personnel at the terminal will be permitted to board the vessel

8.4 A copy of the application has been sent to the Responsible Authorities including those Authorities relating to vessels, namely, in this instance the Port of Tyne Authority and the Maritime and Coastguard Agency. The former is responsible for safety of river users for the area of the River Tyne where the vessel will dock. The latter is responsible for the safety of passenger ships and the regulation thereof. The Port of Tyne has not made a representation. The MCA has made a representation and its position is summed up in the e mail of Mr Groark to Mr Callum of the Authority’s Licensing Team dated 9 January 2019 namely:-

*“providing the vessel does not exceed passenger numbers, has enough crew on board to meet the requirements of the muster list and follows their documented security procedures the MCA have no objection to the application.”*

8.5 After the application was prepared and submitted for consultation, there were discussions between the Applicant Company and Neil Kirkpatrick, the Police Licensing Officer, resulting in an agreement between them that there be a further condition attached to the Licence limiting the use of the Premises Licence. This condition would mean that the Premises Licence for the vessel would permit no more than 10 days use of the Licence per calendar year when the vessel is docked in North Shields. Such a condition will allay the concerns that the Police had on receipt of the application, namely, that the vessel could become a “night club afloat” like the Tuxedo Princess/Royale, vessels that were moored at Gateshead for very many years. In the view of the Police, who are the Authority’s main source of advice and assistance in relation to the prevention of crime and disorder licensing objective, the imposition of such a condition on the Licence will promote this licensing objective.

8.6 Whereas there is no mechanism within the Licensing Act for the Applicant Company to amend its application once submitted to the Licensing Authority, the Members are entitled to take into account the Applicant Company’s current views and intentions when considering the application. This includes taking into account the Licence conditions now agreed between the Applicant Company, the Police and the MCA including the proposed restriction as to the number of days that the Licence can have effect within a calendar year.

8.7 Notwithstanding the fact that there is agreement between the Applicant Company the Police and the MCA in relation to the application and the proposed conditions to be attached to the Licence, it is for the Members to decide if it is appropriate and proportionate to impose such conditions on the Licence.

## 9.1 Reasons for Decision

9.1.1 The Members have made their decision having regard to the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, (“the Guidance”) the Authority’s Statement of Licensing Policy and the need to promote the licensing objectives that underpin the Licensing Act 2003. The Members are

aware that their decision must be evidence-based and justified as being appropriate for the promotion of those objectives.

9.1.2 In considering the application the Members have considered each of the licensing objectives in turn.

## 9.2 Public Safety

9.2.1 The Members have had regard to paragraphs 5.12 to 5.16 of the Guidance that relate to applications concerning vessels. As the vessel carries more than 12 passengers it is classed as a “passenger ship”, and is therefore subject to safety regulation by the MCA.

9.2.2 The Guidance at paragraph 5.13 is clear that in considering the application the Members should consider the promotion of the licensing objectives and should not focus on matters relating to the safe operation of the vessel, the general safety of passengers or emergency provision on-board the vessel. This is because such matters are dealt with under Maritime legislation. If a vessel, such as the MS Boudicca, has been issued with a Passenger Safety Certificate then it is the case that the vessel fully complies with the requirements under such legislation. Members have seen a copy of the vessel’s Passenger Ship Safety Certificate.

9.2.3 Paragraph 5.14 is clear that if the MCA is satisfied that the vessel complies with Merchant Shipping standards, the vessel should normally be accepted as meeting the public safety objective. The MCA has not expressed any concerns about the safety of the vessel and the Members are therefore content, in line with the Guidance, to accept that the vessel provides a safe environment for those on-board the vessel. The MCA’s representation, which the Guidance states should be given considerable weight, is clear that should the vessel be operated in accordance with its Safety Protocols and Security Procedures, the Agency would have no objection to a Premises Licence being granted in respect of the vessel.

9.2.4 The Members are of the view that as the proposed conditions includes a requirement for all Safety Protocols and Security Codes to be followed during the provision of licensable activities permitted under the Licence, such conditions will adequately promote the public safety licensing objective.

## 9.3 Prevention of Crime and Disorder

9.3.1 In terms of this licensing objective, the Guidance is clear that the Police should be regarded as the Authority’s main source of advice and assistance in relation to this licensing objective.

9.3.2 The Police are content for a Licence to be granted for the vessel provided that there is a Licence condition that prevents the Licence being utilised on more than 10 days per calendar year whilst the vessel is docked at the Port of Tyne International Passenger Terminal. As previously stated, the Applicant Company agrees to this restriction on the Licence.

9.3.3 The Guidance at paragraph 9.12 states that each Responsible Authority is an “expert” in their respective field. The Police are the “experts” in relation the promotion of the crime and disorder licensing objective. In the expert opinion of the Police, the imposition of a condition limiting when the Licence can be used by the

Applicant Company for the vessel when it is docked in North Shields will promote this licensing objective. The Police say that such a condition will prevent the vessel from becoming a floating night-club.

9.3.4 The Members note that the Guidance is clear that the Members should not simply accept the Police representation and that it is incumbent upon them to scrutinise the Police representation in the same way as they would scrutinise any other representation.

9.3.5 Having considered the rationale for the suggested limitation on the use of the Licence by the Police, which is agreed to by the Applicant Company, the Members are content to impose such a condition in the belief that such a condition will promote this licensing objective.

9.3.6 The condition limiting the use of the Licence coupled with the conditions requiring security clearance of guests before they are permitted to board the vessel and the requirement to use Security Codes are in the view of Members sufficient to adequately promote the licensing objective concerned with the prevention of crime and disorder.

#### 9.4 Prevention of Public Nuisance

9.4.1 The vessel will be docked at the Port of Tyne International Passenger Terminal, when the Licence will be in operation. The Applicant Company says that there are no “community areas” in the vicinity of the Terminal. This is not entirely accurate as there are residential properties adjacent to the Terminal at Commissioners Wharf.

9.4.2 The Members noted that no representations have been received from any local residents in relation to the application, including residents in Commissioners Wharf, and that no representation has been received from the Environmental Health Department of the Authority. Mr Young confirmed that the application had been properly advertised in the local press and notices displayed at the Terminal in accordance with the requirements of the Licensing Act and Regulations flowing from the Act.

9.4.3 The Environmental Health Department is the “expert” Responsible Authority in relation to the prevention of public nuisance licensing objective. The Department received a copy of the application for consideration. The fact that no representation has been received from the Environmental Health Department in relation to the application suggests that the Department has no concerns about potential noise nuisance from the vessel at this location should a Licence be granted for the licensable activities and hours of operation applied for.

9.4.4 Given the absence of any concerns being raised in relation to the potential for noise nuisance from the licensable activities permitted to take place on the vessel, and the limited number of days that the Licence is likely, or indeed permitted, to be used by the Applicant Company, the Members see no reason to reject the application on the basis that granting a Licence would undermine the prevention of the public nuisance objective.

#### 9.5 Protection of Children from Harm

- 9.5.1 The Applicant Company has indicated that no persons under 18 years of age will be permitted to board the vessel when the Licence is being utilised. As persons will be “vetted” by security personnel before being granted permission to board the vessel it is unlikely that persons under 18 years of age will be able to board easily, if at all.
- 9.5.2 Members have seen the Applicant Company’s Responsible Service of Alcohol (RSA) Policy and are satisfied that the Applicant Company has a responsible approach to the sale of alcohol which promotes the licensing objective concerned with the protection of children from harm.
- 9.5.3 Given that the only persons who will be attending events on the vessel will be invited persons, it is highly unlikely that the licensing objective concerned with the protection of children from harm will ever be an issue in relation to the use of the Licence.
- 9.5.4 Members would remind the Applicant Company and the Responsible Authorities that should there ever be an occasion when licensable activities on the vessel are causing a disturbance to local residents or others, or there are concerns about any aspect of how the Applicant Company is operating the Licence and promoting the licensing objectives, there is the ability for local residents or Responsible Authorities to seek a review of the Licence. If, for instance, there is evidence in the future that live or recorded music is causing a nuisance to residents, then at the conclusion of a review hearing further conditions could be imposed on the Licence, including a reduction in the hours of operation permitted for the provision of such entertainment on the vessel, or indeed the removal from the scope of the Licence such licensable activity that is the cause of the public nuisance.
- 9.6 Having considered all matters, including the comments of the MCA, Members are content that the conditions being offered by the Applicant Company in the operating schedule and the condition agreed between the Applicant Company and the Police are proportionate and appropriate for the promotion of the licensing objectives. The Members note that each of the parties have expressed agreement to the proposed conditions being attached to the Licence.
- 9.7 The fact that the only Responsible Authorities that have commented on the application are the Police and MCA is a strong indicator that none of the other Responsible Authorities have concerns about the application as presented to them, including as stated, the Environmental Protection Department of the Authority. It is also the case that no local residents living in close proximity to the International Terminal have objected to a Licence being granted.
- 9.8 There are no equality matters that the Members have had to have particular regard to in determining this application. Members are also mindful of their responsibilities under the Regulator’s Code and the need as far as possible to promote proportionate and consistent decision-making in relation to regulatory matters.
- 9.9 As stated at the start of this Notice, a Premises Licence will be granted for the vessel when it is docked at the Port of Tyne International Passenger Terminal. The Licence will be granted for the hours and activities applied for by the Applicant Company. It will have the conditions set out below attached to it which are very much consistent with those contained in the Applicant Company’s operating schedule, as slightly modified by the Members, having regard to the comments of the MCA, and the condition agreed to by the Applicant Company and the Police:-

- 1. The vessel will be manned by professional, qualified and experienced crew in sufficient numbers to meet the requirements of the Minimum Safe Manning Document and Crew Muster List for the vessel whenever licensable activities are taking place.**

This condition is consistent with the operating schedule contained in the application but has been modified to ensure that an adequate level of crew/staff will be on duty when the licensable activities are taking place. The operating schedule does mention the use of professional, qualified and experienced staff but not the level of such staffing when events are taking place on the vessel. This condition will address this issue and ensures that the Safe Manning Document will apply when the vessel is docked in line with the expectations of the MCA.

- 2. The number of persons attending at the vessel when licensable activities are taking place must not exceed the maximum number of passengers specified in the Passenger Ship Safety Certificate issued for the vessel.**

This condition addresses the issues raised by the MCA and the need to avoid excessive passenger numbers on the vessel during such events. Whilst the Applicant Company has said in the operating schedule that all Maritime Safety Codes will be complied with at all times, specific reference to the Passenger Ship Safety Certificate in this condition ensures that the requirements of the Certificate are complied with when the vessel is docked, as required by the MCA.

- 3. Only individuals who have a pre-booked ticket and have been successfully cleared by security staff (following the production of photographic identification) at the Port of Tyne International Passenger Terminal will be permitted to board the vessel whenever licensable activities are taking place on the vessel under the auspices of the Premises Licence and that all safety protocols will be followed in accordance with the International Ship and Port Security Code at all times whenever such activities are taking place.**

This condition is consistent with the operating schedule as modified by Members to ensure that the Applicant Company complies with the Safety Protocols, and Ship and Port Security Codes as required by the MCA.

- 4. The vessel will have full security manning (including Security Industry Authority registered contractors) and the Applicant Company's security staff or contractors will work in conjunction with the security personnel at the Port of Tyne International Passenger Terminal.**

This condition is also consistent with the operating schedule and is only slightly amended.

- 5. Only persons over 18 years of age will be permitted to board the vessel whenever licensable activities are taking place under the auspices of the Premises Licence.**

This condition is consistent with the operating schedule.

- 6. This Premises Licence will only permit the use of the vessel for the provision of licensable activities whilst docked at the Port of Tyne International Passenger Terminal for a maximum of 10 days per calendar year (1 January to 31 December).**

This condition is consistent with what has been agreed between the Applicant Company and the Police. The Members have clarified what is meant by a “calendar year” for the avoidance of doubt, as the calendar year could have been calculated from the date of issue of the Licence.

The Licence conditions 1 to 6 will be in addition to the mandatory conditions that apply to all such Licences.

**If either party wishes to appeal against the decision of the Members then they must do so by lodging an appeal with the North Tyneside Magistrates’ Court, Tynemouth Road, North Shields within 21 days of receipt of this Notice of Decision.**