

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.