

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