

## **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.