

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