

Licensing Sub-Committee

26 March 2019

Present: Councillors John Hunter, W Lott and G Madden.

LSQ38/03/19 Appointment of Chair

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

LSQ39/03/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

LSQ40/03/19 Application for the grant of a new Premises Licence in respect of Bistro Du Parc, 2 Livingstone View, King Edwards Road, Tynemouth, NE30 2PL (Tynemouth Ward)

The Sub-committee met to consider an application for the grant of a Premises Licence in respect of Bistro Du Parc, 2 Livingstone View, King Edwards Road, Tynemouth, NE30 2PL.

The Applicant, Ms V Chatel, sought permission for the supply of alcohol both on and off the premises each day of the week between 11:00 hours and 22:00 hours. It was also proposed that the premises would be open to the public between 11:00 hours and 22:30 hours, Monday to Saturday and 09:30 hours and 21:00 hours on a Sunday.

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

Ms Chatel, the applicant was present and accompanied by her representative, Mr A Lee.

Mr M McCheyne and Mr D McCheyne, who had submitted representations in respect of the application were present and accompanied by their representative Mr P Anderson

Mr M McCheyne, a local resident, addressed the Sub Committee in relation to his objection to the grant of the licence.

Members of the Sub Committee asked several questions which were responded to by Mr McCheyne.

Mr Anderson, on behalf of Mr McCheyne, addressed the Sub Committee in relation to his client's objection to the grant of the licence.

Members of the Sub Committee asked several questions which were responded to by Mr Anderson.

Mr Lee addressed the Sub Committee in relation to the application on behalf of the applicant, Ms Chatel, who also addressed the Sub Committee.

Members of the Sub Committee asked several questions which were responded to by Ms Chatel and Mr Lee.

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 Bistro Du Parc, 2 Livingstone View, King Edwards Road, Tynemouth 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. All staff at the Premises who are responsible for the sale or supply 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.

5. 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 6 months. This training will be provided by the Designated Premises Supervisor.
6. 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.
7. Prior to commencing operation under the Premises Licence a detailed noise survey and any scheme identified from the survey for the sound insulation of the Premises must be submitted to, and approved by, an Environmental Health Officer of North Tyneside Council. Any required sound insulation must be installed before the Premises begin to operate.
8. There will be clear and legible notices displayed at exits 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.
9. No outside area of the Premises will be used by customers after 18:00 hours and the Licence Holder, Designated Premises Supervisor or staff engaged at the Premises will ensure that this is the case at all times save for those customers smoking tobacco. No alcohol is to be taken into the outside area after 18:00 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 being changed from an off licence to an on-licence with increased hours of operation.
2. There have been a number of events at the Premises under the auspices of Temporary Events Notices which have generated disturbance to residents of the flats above and adjacent to the Premises particularly in respect of noise.

3. The Sub Committee considers that it is reasonable to impose a condition on the licence requiring that a sound survey be undertaken before any licensable activities takes place to protect the amenity of local residents.
4. 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 have any concerns in relation to the application.
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.