

## **Licensing Sub-Committee**

**11 December 2018**

Present: Councillors M A Green, John Hunter and G Madden.

### **LSQ32/12/18 Appointment of Chair**

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

### **LSQ33/12/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LSQ34/12/18 Application for the grant of a new Premises Licence in respect of Capello Hair Salon, 2a Claremont Road, Whitley Bay, NE26 3TW (Monkseaton North Ward)**

The Sub-committee met to consider an application for the grant of a Premises Licence in respect of Capello Hair Salon, 2a Claremont Road, Whitley Bay, NE26 3TW.

The applicants, Paul and Carol Forster, sought permission to supply alcohol on the Premises from Monday to Thursday between 09:00 hours and 22:00 hours, Friday and Saturday from 09:00 hours to 22:30 hours and Sunday from 09:00 hours to 16:00 hours. It was also proposed that the Premises would be open to the public from 09:00 hours to 22:00 hours Monday to Thursday, from 09:00 hours to 22:30 hours on Friday and Saturday and from 09:00 hours to 16:00 hours on a Sunday.

Councillor Madden advised those present that although he was the holder of a Personal Licence and was a Designated Premises Supervisor he would approach this application with an open mind and base any decision on the information presented in the papers and verbally at the meeting.

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 Kirkpatrick, on behalf of the Chief Officer of Police, set out details of the Police Objection to the grant of the Licence in its current form and suggested a condition that could be imposed which would address the police concerns.

Mr Kirkpatrick responded to questions from members of the Sub-committee.

Mr and Mrs Forster presented details of the application and outlined how they anticipated that the Premises would be operated. It was explained that they only wished to be able to provide an additional service for the benefit of customers at the Premises. It was not intended that the Premises would become a bar.

Mr and Mrs Forster responded to questions from members of the Sub-committee.

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 Capello Hair Salon, 2a Claremont Road, Whitley Bay 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 or authorised person of the Licensing Authority on request.
3. Downloaded CCTV images will be provided to the Police and Authorised officers of the Licensing Authority (including Trading Standards officers) 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. No alcohol will be sold or supplied on the Premises other than to persons having a hair-cut, beauty treatment or similar service and to those persons who are accompanying the persons receiving such a service. No further sales will be made to such persons once the hair-cut, beauty treatment or similar service has been completed.
6. 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.
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 consume 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 or a military identification card showing a date of birth. If no such evidence is produced the sale will be refused.
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 to supply alcohol recorded in the Register. The Register will be made available for inspection immediately on the request of representatives of Northumbria Police or authorised officers of the Licensing Authority (including Trading Standards officers).
9. 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.
10. No deliveries will be made to the Premises between 20:00 hours and 08:00 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 a small hair salon which wishes to be able to provide an alcoholic drink to customers and their guests whilst they are having a treatment.
2. The Police, who the Sub-committee rely on to provide evidence in relation to the crime and disorder licensing objective do not have any concerns in relation to the hours of operation
3. The concerns of the Police that the Premises could become a bar can be addressed by the imposition of the above conditions
4. The representations from the local community are evenly split for and against the grant of the licence.
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.