

GATESHEAD METROPOLITAN BOROUGH COUNCIL

LICENSING SUB COMMITTEE MEETING

Wednesday, 23 May 2018

PRESENT: Councillor K Dodds (Chair)
Councillor(s): J Green and M Ord

LSC1 APPLICATION FOR A PREMISES LICENCE: 20 SHIBDON ROAD, BLAYDON NE21 5AE

The applicant clarified her application was not seeking authorisation to sell alcohol in the external area shown on the plan submitted with the application. The Committee was advised that the Home Office Guidance issued under Section 182 of the Licensing Act 2003 states that, "The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an "off-sale"; and it follows that if a customer purchases alcohol at the bar then takes it to the outdoor area this would also be treated as an off-sale. In the circumstances, and having regard to the fact that the application was for on-sales only. The hearing was adjourned to allow the parties to mediate, which was successful with the parties agreeing that the licence be granted upon the following conditions volunteered by the applicant –

- 1) The Licensee, that is the person in whose name the Premises Licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the Licence and the preventing crime and disorder.
- 2) The Licensee and Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable them to know how many persons are in the premises at all times when the premises are open for a licensable activity.
- 3) A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Northumbria Police. Such as system shall –
 - a. Ensure coverage of
 - i. all public areas, entrances and exits to the Licensed Premises internally and externally
 - ii. the till area
 - iii. such other areas as may be required by the Licensing Authority and Northumbria Police
 - b. Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or

otherwise) for a period of 28 days, and shall be supplied to the Licensing Authority or a Police Officer on request.

c. Be in operation at all times the premises are in use

- 4) A 'Challenge 25' policy shall be adopted, ensuring that all members of staff at the premises shall refuse to sell alcohol to anyone who appears to be under the age of 25 and who is seeking to purchase alcohol unless that person provides credible photographic proof of age evidence.
- 5) Implementing and maintaining a 'Challenge 25' policy, including staff training to prevent underage sales, and ensuring that all members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 and who is seeking to purchase cigarettes and/or alcohol. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a 'PASS' logo
- 6) Accurate training records are to be kept for all staff involved in sales of age restricted products
- 7) A refusals register shall be maintained, and made available to Local Authority enforcement officers on request. Refusals are to be supported by the CCTV cameras.
- 8) Signs shall be clearly displayed at the entrances/exits and in the rear external area stating, "No alcoholic drinks to be taken outside"

As the application was granted automatically pursuant to section 18(2) of the Licensing Act 2003, no rights of appeal arise.

Chair.....