

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A was held on 25 April 2016.

PRESENT: Councillors J A Walker (Chair), R Brady and J Rathmell

OFFICERS: J Dixon

DECLARATIONS OF INTERESTS

There were no Declarations of Interest made by Members at this point in the meeting.

15/3 **LICENSING ACT 2003: APPLICATION FOR PREMISES LICENCE - 114 BOROUGH ROAD, MIDDLESBROUGH TS1 2ES, REF: OL/16/07.**

DECISION

ORDERED that a Premises License in respect of 114 Borough Road, Middlesbrough, Ref No: OL/16/07, be granted, for the sale of alcohol (on sales) for the following hours:-

10.00am to 10.30pm Monday to Sunday, subject to the following conditions (as agreed between the applicant and Cleveland Police):-

1. A digital CCTV system will be installed and maintained in good working order and correctly date stamped. The system will incorporate sufficient built-in hard drive capacity to suit the number of cameras installed whilst complying with Data Protection legislation. The system will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress from the premises, any outside areas and all internal areas of the premises. There will be a minimum of 31 days recording and the system will be recording whenever licensable activities are occurring. The system will also incorporate a means of transferring images from the hard drive to a format that can be played back on any desktop computer. The digital recorder will have the facility to be password protected to prevent unauthorised access, tampering or deletion of images.
2. Staff will be trained and retrained every 12 months. The training will include the laws relating to the sale of alcohol to under-age persons, persons buying on behalf of under 18s (proxy sales), persons appearing to be under the influence of alcohol and training with regards to Challenge 25. The training records must be signed by both the member of staff trained and the Designated Premises Supervisor. All training records will be kept at the premises and must be made available to the Police and/or other Responsible Authorities upon request.
3. A refusals book must be maintained and used to record all incidents when the premises refuses to sell alcohol to someone. The refusals book must be kept on the premises at all times and must be made available to the Police and/or other Responsible Authorities upon request.
4. A Challenge 25 policy will be implemented at the premises with all staff insisting on evidence of proof of age by means of a photo style driving licence, passport or other approved recognised proof of age scheme card from any person who appears to be under the age of 25 and who is attempting to purchase alcohol. There will be at least one notice/poster in prominent positions inside the premises informing customers that a Challenge 25 policy is in operation.

In reaching the above decision Members had considered the following:-

1. The case was considered on its own merits taking into account the four licensing objectives of The Licensing Act 2003.
2. The Licensing Act 2003 (and Amended Government Guidance issued under Section 182 of the Act).

3. Middlesbrough Council's Licensing Policy.
4. The case presented by the applicant at the meeting.
5. The Committee noted that the music element of the application was not licensable and was, therefore, not considered.
6. The representation made by Paul J Watson Solicitors was withdrawn at the meeting.
7. Nookies Nails had submitted a written representation but did not attend the Hearing, however, the Committee considered the relevant part of their written objection.
8. Whilst the premises was situated within the Cumulative Impact Zone, as set out in the Council's Licensing Policy, the applicant had explained that the premises would operate as a vegetarian/vegan bistro with alcohol being sold as part of the offer. The Committee considered that the premises would attract a different clientele and to ensure that this remained the case, the Committee considered it appropriate to ensure that the offer of alcohol remained only as part of the bistro offer.

The Chair advised all parties of the Right of Appeal to the Magistrates Court within 21 days of the decision.