

## Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Monday, 6th September, 2021.

**Present:** Cllr Paul Kirton (Chairman), Cllr Marylin Surtees, Cllr Bill Woodhead (MBE)

**Officers:** Jonathan Nertney (HR,L&C), Michael Fearman, Rebecca Dunmore (DCS&T), Leanne Maloney-Kelly, Nigel Hart, Kirsty Wannop, (MD)

**Also in attendance:** Applicants, Mr Nabil Mohamed, Director, and Mrs Kelly Moore-Mohamed (represented by Duncan Craig, Barrister), Mr Matthew Moore-Hamilton proposed Designated Premises Supervisor and Ward Councillors, Cllr Ted Strike, Cllr Sally Ann Watson, Cllr Alan Watson

**Apologies:** N/A

**SLS 3/21 Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS 4/21 Declarations of Interest**

There were no declarations of interest.

**SLS 5/21 Application For Grant Of A Premise Licence Ingleby Café Bistro, 1 Beckfields Centre, Beckfields Avenue**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for Grant of a Premise Licence for Ingleby Café Bistro, 1 Beckfields Centre, Beckfields Avenue.

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

A copy of the report and supporting documents had been provided to all persons present and to members of the Committee.

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee considered the above application, full details of which appeared before Members in their agenda and the background papers.

The Committee noted that the application was for the grant of a Premise Licence to authorise licensable activities as detailed within the application which was appended to the Committee report. The Live Music Act provisions applied to premises which had a licence to supply alcohol details of which were detailed within the report.

Following receipt of the initial application the applicant had amended the application to reduce the hours request for 'supply of alcohol' to Monday – Sunday 11:00 to 22:30 hours and the opening hours of the premise to 09:00 to 23:00 hours. These hours were in line with planning conditions attached to the grant of planning permission. The reduction in hours was also in line with the

Councils Licensing Policy statement.

It was noted that Cleveland Police and Environmental Health had initially made a representation however the applicant had indicated amendments to his operating schedule which would be attached by way of conditions should the application be granted.

The Senior Environmental Health Officer was in attendance to provide further clarification should it be required.

It was confirmed that a site visit had taken place by Environmental Health to check whether noise escaped from the premise. The Senior Environmental Health Officer was satisfied from his observation of the premise that there would be no noise disturbance from noise escaping from the premise.

Mr Duncan Craig (Barrister) who was representing the applicant noted that the Police and Environmental Health had both agreed conditions which addressed their concerns, and which would be added to the licence if granted.

Mr Craig stated that the business wanted a good relationship with the local community as they would hopefully become future customers, and as instructed by his client Mr Craig emailed the Council on 29th August 2021 to remove live and recorded music from the application.

It was confirmed that live and recorded music had been removed from the application and also that a self-closing device had been fitted to the door to prevent noise escaping from the premise.

It was noted that the applicant had arranged a meeting at the premise for residents who had concerns to come and understand how the applicant intended to operate the premise. The applicant wanted to engage with residents and provide reassurance that the premise would not undermine the licensing objectives during its operation.

The premise was to be food led but the applicant felt that there should be no reason why someone should not choose to visit for a glass of wine without having to order a meal. If granted, the licence would have several conditions which would ensure it operated in a manner which did not undermine the licensing objectives.

The Committee had regard to the representations received from Ward Councillors Sally Ann Watson and Alan Watson. The Councillors indicated that they were also speaking on behalf of residents who had made representations, details of which were contained within the report.

Councillor Watson indicated that they had attended the public meeting arranged by the applicant at the premise which Mr Craig had also attended in order to explain the application and the steps that had been taken by the applicant to address residents' concerns.

Ward Councillor Ted Strike asked to address the Committee, however it was noted that he had not made a representation. Mr Craig confirmed that he had no

objection to Councillor Strike addressing the Committee.

The members of the Committee and other parties were given an opportunity to ask questions.

All parties present were given an opportunity to sum up their case with the applicant invited to speak last.

Members had regard to the Committee papers, and to the oral submissions made on behalf of the applicant.

Having carefully considered those matters brought before them and in reaching their decision, the Members had full regard to both the provisions of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), the Guidance Issued under Section 182 of the Licensing Act 2003 (as amended) and the Council's Licensing Policy.

The Committee made the following findings in reaching their decision: -

- The Committee noted that extensive conditions had been agreed between the applicant and the responsible authorities including Cleveland Police and Environmental Health. The Committee gave weight to the fact given the responsible authorities had considered the application and were of the view that the proposed conditions would ensure that the premise would not undermine the licensing objectives. These conditions addressed concerns which had been expressed by residents who had objected to the application.
- The Committee noted that the applicant had amended his application to reduce the hours applied for so that they complied with planning conditions and the Councils licensing policy. After hearing from the applicant and his representative the Committee were satisfied that the applicant understood his responsibilities and would operate the premise in a responsible manner ensuring the licensing objectives were not undermined.

After considering all of the evidence the Committee granted the amended application with the following hours: -

- Supply of alcohol (Monday to Sunday) were granted as set out in the application with a start time on 11:00 hours and the amended terminal hour of 22:30 hours
- Hours premises are open to the public would have a start time of 09:00 hours and the amended terminal hour/closing time of 23:00 hours.

As well as conditions as detailed in the operating schedule the Committee attached conditions to the premises licence as detailed in the appendices from Cleveland Police and Environmental Health which are detailed below. The Committee made one small amendment to the conditions requested by Cleveland Police in relation to the use of toughened glass which now reads: -

- Pint and half pint receptacles used and supplied at the premise will be made of

toughened glass, polycarbonate or plastic.

#### Conditions to address Crime and Disorder

1. All staff will be fully trained and retrained on a 12 monthly basis in relation to the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated "Challenge 25" policy. Staff will receive refresher training at least every 12 months.
2. The business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premise Supervisor/Premises Manager/Business Owner will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request. Training records, signed by both the staff member and the Designated Premises Supervisor/Premise Manager/Business Owner will be retained for future reference and shall be updated at least every three months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities on request.
3. An incident book will be kept on the premises at all times. The book will detail in brief, incidents of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters will be timed, dated and signed by the author and produced to Police and other Responsible Authorities immediately upon request.
4. A "Challenge 25" policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be notices displayed at all points of sale and at all entrances and exits to inform customers and remind staff that the premises is operating a "Challenge 25" policy.
5. Only valid passports, UK "photo card style" driving licence, PASS approved proof-of- age cards or Ministry of Defence "Form 90" identification cards shall be accepted as proof of age.
6. There will be a minimum of two notices displayed on the premise indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under age the age of 18 are committing an offence.
7. Training records, signed by both the staff member and the Designated Premise Supervisor/Premises Manager/Business Owner will be retained for future reference and shall be updated at least every 6 months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities upon request.
8. The business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, aggressive or have committed criminal acts or have had to call police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the police were called/attended. The Designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and

the incident book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

9. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with the Data Protection legislation. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs. There will be a minimum of 30 days recording. The system will record for 24 hours a day. The system will 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. There will be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or immediately if urgently required for investigation of serious crime. CCTV must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities in request during an inspection of or visit to the premises.

#### Conditions to address Public Nuisance

1. All external doors and windows shall be kept closed (excluding for access and egress) while entertainment is in progress.
2. Any noise from the premises shall not cause a disturbance at the nearest residential premises.
3. Any music shall be played indoors only.
4. Refuse, including bottles shall only be disposed of from the premises between the hours of 07:00hrs- 18:00hrs.
5. The licence holder or his representative shall conduct periodic assessments of the noise coming from the premises and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments and shall include, the time and date of the checks, the person making them and the results including any remedial action. All records shall be retained for one year.
6. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises. This should include placing at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles)

7. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

8. Doors to the external area shall be fitted with a lobby or self closing device

9. No external plant shall operate beyond 23:00 hours on any night.

RESOLVED that the application for Grant of a Premise Licence for Ingleby Cafe Bistro, 1 Beckfields Centre, Beckfields Avenue, be granted for the reasons and with conditions as detailed above.