



**North Tyneside Council**

# Licensing Committee

21 March 2017

**Thursday 29 March 2018** Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside NE27 0BY **commencing at 6.00 pm**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for Absence</b> To receive apologies for absence from the meeting	
<b>2. Declarations of Interest and Dispensations</b>  You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.  You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.  Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
<b>3. Minutes</b>  To confirm the minutes of the previous meeting held on 30 March 2017.	<b>3</b>

Members of the public are entitled to attend this meeting and receive information about it.

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4. **Minutes of Sub-Committees**

To note the minutes of the Licensing Sub-Committee hearings held during 2017/18 as follows:

24 April 2017	Avon Discount Store	5.
2 May 2017	Avon Discount Store	6.
10 July 2017	201 Park View	10.
28 July 2017	203 Park View	15.
15 August 2017	Coast Kitchen and Bar	18.
5 September 2017	Morrisons Petrol Station	21.
15 November 2017	Rene's	24.

5. **Licences Granted under Delegated Authority: 1 March 2017 – 28 February 2018** 27.

To note the decisions taken by officers under delegated authority for the period 1 March 2017 to 28 February 2018.

6. **Review of Statement of Licensing Policies under Licensing Act 2003 and Gambling Act 2005.** 42.

To note the intention to undertake reviews of Policies under the Licensing Act 2003 and the Gambling Act 2005.

Members of the Licensing Committee: -

Councillor A Austin	Councillor G Madden
Councillor L Darke	Councillor D McMeekan
Councillor D Drummond	Councillor K Osborne
Councillor M A Green	Councillor J O'Shea
Councillor Janet Hunter	Councillor L Spillard
Councillor John Hunter	Councillor J Walker
Councillor F Lott	Councillor J Wallace
Councillor W Lott (Chair)	

# Licensing Committee

30 March 2017

Present: Councillor M A Green (Chair)  
Councillors Janet Hunter, John Hunter, W Lott, D  
McMeekan, K Osborne, A Percy and J Wallace.

## LQ01/03/17 Apologies

Apologies for absence were received from Councillors A Austin, L Darke, D Drummond, J O'Shea, M Reynolds and F Weetman.

## LQ02/03/17 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

## LQ03/03/17 Minutes

**Resolved** that the minutes of the meeting held on 7 April 2016 be confirmed and signed by the Chair.

## LQ04/03/17 Minutes of the Licensing Sub-Committees

The Committee received copies of the minutes of the following Sub-committee hearings held since its last meeting:-

18 April 2016	Vintage Powder Room and Tea Shop
18 May 2016	Albadelle Mini Market
6 June 2016	North East Convenience Store
12 July 2016	Left Luggage Room
1 August 2016	Nicholson and Son Butchers
21 September 2016	Booze Masters
5 October 2016	Rai Wine Store
13 December 2016	Easy Street
4 January 2017	Mister Woods
12 January 2017	Linskill Centre
16 January 2017	Noble News
24 January 2017	Salty Sea Dog

During consideration of the minutes Members who had served on the Sub-committees shared their experiences and licensing officers were able to provide brief updates in relation to some of the premises and applications.

**Resolved** that the minutes of the Licensing Sub-committee hearings, as listed above, be noted.

### **LQ05/03/17 Decisions taken under Delegated Authority**

The Committee considered a report which detailed those applications that had been granted by officers under delegated authority during the period 1 March 2016 to 28 February 2017.

During this period licensing officers had granted 21 new Premises Licences, 131 new Personal Licences, 178 Temporary Event Notices and had carried out 128 inspections:

**Resolved** that the decisions taken by officers under delegated authority during the period 1 March 2016 to 28 February 2017 be noted.

### **LQ06/03/17 Applications determined by Members with out recourse to a hearing**

Consideration was given to a report that, under the provisions of the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005, a Licensing Authority may dispense with a hearing if the Applicant, all persons who have made representations and the Licensing Authority itself agree that a hearing is unnecessary.

The following two applications had been considered by Members after all parties agreed that a hearing was unnecessary:

- Application for a variation of a Premises Licence in respect of B & M Stores, 238 Whitley Bay – Approved subject to conditions;
- Application for the grant of a new Premises Licence in respect of King Street Newsagent, 142 Tynemouth Road, North Shields – Approved subject to conditions.

**Resolved** that the decisions taken by Members in respect of the above applications be noted.

## **Licensing Sub-Committee**

**24 April 2017**

Present: Councillors M A Green, John Hunter and J O'Shea

### **LSQ31/04/17 Appointment of Chair**

**Resolved** that Councillor M A Green be appointed Chair for this meeting.

### **LSQ32/04/17 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ33/04/17 Application for a Review of the Premises Licence – Avon Discount Store, 47 Avon Avenue, North Shields (Chirton Ward)**

The Sub-committee met to consider an application from Northumbria Police for a review of the Premises Licence in relation to Avon Discount Store, 47 Avon Avenue, North Shields. The review request was also supported by the local Weights and Measures Authority.

Following introductions the licence holder submitted a request for the meeting to be adjourned to allow him to be legally represented at the hearing.

Having heard representations from the representatives of the Chief Officer of Police and the local Weights and Measures Authority the Sub-committee retired to consider the request.

The Sub-committee returned and announced that it would adjourn the hearing to 2 May 2017.

**Resolved** that the hearing be adjourned to 2 May 2017

## Licensing Sub-Committee

2 May 2017

Present: Councillors M A Green, John Hunter and J O'Shea

### **LSQ34/05/17 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ35/05/17 Application for a Review of the Premises Licence – Avon Discount Store, 47 Avon Avenue, North Shields (Chirton Ward) (Minute LSQ33/04/17 refers)**

The Sub-committee met to consider an application for a review of the Premises Licence in relation to Avon Discount Store, 47 Avon Avenue, North Shields. The meeting had originally been convened on 24 April 2017 and the Sub-committee had agreed to adjourn the meeting at the request of the Licence Holder to allow him to be legally represented at the hearing.

The meeting reconvened on 2 May 2017 to consider a request from the Chief Officer of Northumbria Police for a review of the Premises Licence on the grounds of the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The Local Weights and Measures Authority also supported the review of the premises licence.

Mrs Smith, representing Mr Jawed the licence holder, explained that discussions had taken place with the representatives of Northumbria Police regarding their concerns about the premises. As a result of the discussions it was explained that the Police were prepared to withdraw their request for the Premises Licence to be revoked, subject to the imposition of a number of new licence conditions which had been proposed by the local Weights and Measures Authority and the Premises Licence being suspended for a period of 3 weeks.

Miss Hebb, representing the Chief Officer of Police, confirmed that the Police were happy to support the proposal before the Sub-committee. It was considered that the period of suspension would send an appropriate message to the local community about the licensing objectives and the proposed conditions should prevent further underage sales.

Mr Burnett confirmed that the imposition of the suggested conditions would address the concerns of the Local Weights and Measures Authority.

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 (1) the Premises Licence be suspended for 3 weeks; and  
(2) the following conditions be attached to the Premises Licence:-

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises 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, points of sale and the frontage of the Premises.
  - The CCTV system is able to capture clear images permitting identification of individuals.
  - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
  - 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.
  - There will be members of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the Data Protection Act 1988 (or any replacement legislation).
2. Signs will be displayed at the Premises, both internally and externally 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.
3. 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 alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, or photographic driving licence bearing a holographic mark or ultraviolet feature or proof of age card carrying a 'Pass' logo and hologram or ultraviolet feature. If no such evidence is produced the sale will be refused.
4. 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.

5. All members of staff responsible for the sale of alcohol will receive refresher training at least once a year as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) and generally on the Act. Such training will be provided by the Designated Premises Supervisor.
6. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the Premises at all times and be made available for inspection immediately on request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).
7. A Refusals Register (electronic or paper based) is to be kept at the Premises at all times and kept up to date detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).
8. The Refusals Register will be inspected by the Designated Premises Supervisor or Manager employed at the Premises on a weekly basis. In the case of a paper based register a signed and dated declaration will be made in the book each week by the DPS or Manager declaring that the book has been duly inspected by them. In the case of an electronic register, an entry will be made and dated on the system by the DPS or Manager declaring that they have inspected the electronic Register.
9. Mr Z Kiani will not be permitted to work at the Premises whenever the Premises are selling alcohol.
10. The Premises Licence Holder will notify the Senior Licensing Officer at North Tyneside Council before the period of suspension comes to an end that the conditions imposed by the Sub-committee have been met in full. On receipt of the notification from the Licence Holder, the Senior Licensing Officer will visit the Premises to verify that the licence conditions are capable of being met. If they are not, the Senior Licensing Officer will immediately notify the Licence Holder, Northumbria Police and the Local Weights and Measures Authority (Trading Standards) of that fact.

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 objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) There have been a number of underage sales of alcohol from the premises over a period of years and each of the sales had been made by one individual;



- b) Each of the underage sales was dealt with by way of a fixed penalty notice and no application to review the premises licence was made as a result of the underage sales;
- c) The Police have confirmed that their concerns in relation to the licensing objectives of the prevention of crime and disorder and the protection of children from harm have been addressed by the addition of a number of conditions on the licence;
- d) There have been no representations received from local residents or businesses or any of the other Responsible Authorities;
- e) A suspension of the licence for a period of three weeks would give the licence holder sufficient time to implement the recommendations agreed by the Sub-committee;
- f) The imposition of the above conditions will deter and prevent further underage sales from the Premises

## **Licensing Sub-Committee**

**10 July 2017**

Present: Councillors L Darke, John Hunter and W Lott.

### **LSQ1/07/17 Appointment of Chair**

**Resolved** that Councillor W Lott be appointed Chair for this meeting.

### **LSQ2/07/17 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ3/07/17 Application for the grant of a Premises Licence – 201 Park View, Whitley Bay (Whitley Bay Ward)**

The Sub-committee met to consider an application for the grant of a new premises licence in relation to 201 Park View, Whitley Bay. The applicant, GH9 Limited, sought the grant of a premises licence to supply alcohol by way of on and off sales, the exhibition of films (indoors) and the provision of live and recorded music (indoors and outdoors) each day of the week between 1100 hours and 2300 hours. The Premises would be open to the public each day of the week from 1100 hours to 2300 hours. In addition the applicant also sought permission for the premises to remain open until 0100 hours on New Years Eve/Day and the timing of the licensable activities extended accordingly.

The Authority had received a representation from the Chief Officer of Police in respect of the licensing objective of the prevention of crime and disorder.

The Authority had also received representations from 14 persons who lived near to the premises and from Councillor O'Shea on behalf of the local Ward Councillors. A petition from local residents had also been submitted.

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.

The applicant was represented at the hearing by Mr G Harding, Director of the Applicant Company, and Ms C Gibb, Manager at the Applicant Company. Mr N Kirkpatrick, the Police Licensing Officer was present representing the Chief Officer of Police.

Mr B Wildsmith, Mr D and Mrs A Finney, Mr N Dawson, Ms D Dixon, Mr CJ and Mrs JM Adamson and Mr L Arnold were present along with Councillor J O'Shea.

Mr Kirkpatrick explained that discussions had take place with the applicant regarding the application and a set of conditions had been suggested which would address the concerns of the police in respect of the application.

Mr Wildsmith explained that he was representing himself and a number of other residents. He referred to the issues which residents had previously encountered when South Parade was in full flow including noise and disturbance, vandalism to parked cars and litter being left in the streets and gardens late into the evening. He highlighted the potential for conflict between residents and users of the premises. Reference was also made to potential parking problems as there were double yellow lines outside the premises and the need for deliveries to be made to the rear of the premises which would restrict access to residents' garages.

Mr Wildsmith also explained that the application sought permission to provide live and recorded music and this was a major concern of local residents as noise from the premises, including that of smokers standing outside, would impact on the local residents peaceful enjoyment of their homes

Councillor O'Shea explained that the premises were located in a residential area unlike the other micro pubs which had been granted licences. He also explained that patrons of the premises, when going home would be likely to walk up Beach Grove and Marine Gardens and were likely to generate noise which would upset the residents tranquil existence. There was also the potential for smokers who would gather outside the premises to generate noise to the annoyance of local residents.

Mr Kirkpatrick, on behalf of the Chief Officer of Police, explained that initially the police had concerns about the conditions offered by the applicant to address the prevention of crime and disorder licensing objective. Following a discussion with the applicant the police had suggested a number of conditions which if implemented would address those concerns. He explained that the applicant had agreed to the suggested conditions.

Mr Harding, on behalf of the Applicant, explained that the premises would not operate as a mainstream pub but as a real ale bar. He expected that the average customer would be likely to be over 30 years of age. He also explained that he was an active member of Pub Watch and the premises would operate a challenge 25 policy to prevent sales to young people. Deliveries to the premises would be managed to reduce the impact on local residents and notices displayed asking patrons to have regard to local residents when leaving the premises. He also explained that it was intended that there would be one member of staff on the premises at all times.

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 (1) the application for the grant of a premises licence in relation to 201 Park View, Whitley Bay be granted and the following conditions be attached to the premises licence:-

1. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that:
  - a) The CCTV cameras are located at the Premises to provide coverage of entrances and exits, both internally and externally and areas where the consumption of alcohol takes place.

- b) The CCTV system is able to capture clear images permitting identification of individuals.
  - c) The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
  - d) 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 28 days.
  - e) The CCTV system is capable of constantly generating an accurate date and time.
  - f) The CCTV system is fitted with security functions to prevent recordings being tempered with e.g. password protection.
  - g) There will be members of staff present at the Premises during the operating hours that are trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the Data Protection Act 1988 (or any replacement legislation).
2. 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.
  3. All members of serving staff at the Premises shall 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, proof of age card carrying the "PASS" hologram and logo or HM forces ID card.
  4. All members of staff responsible for the sale of alcohol will receive training before being permitted to serve alcohol at the Premises. All members of staff responsible for the sale of alcohol will thereafter receive training every 3 months as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) and generally on the Act. Such training will be provided by the Designated Premises Supervisor.
  5. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the Premises at all times and be made available for inspection immediately on request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
  6. A refusals register (electronic or paper) is to be kept and maintained on the Premises. This shall be supplied to a Police Officer or a representative of Northumbria Police, or a Trading Standards Officer immediately on request.
  7. The Premises Licence Holder will provide clear and legible notices displayed at exits and other circulatory areas within the Premises requesting patrons 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.

8. The area designated as a smoking area for the Premises will be inspected by a member of staff at the Premises during hours of trading at least once an hour to ensure that any discarded cigarettes are properly disposed of in receptacles provided by the Premises Licence Holder.
9. There will be at least 2 members of staff present at the Premises at all times that the Premises are open to the public.

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 objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) The premises would be operated as a micro pub and the applicant has experience of successfully running such a premises;
- b) Northumbria Police consider that with the imposition of the above conditions their concerns over the licensing objective in relation to the prevention of crime and disorder have been addressed;
- c) There have been no representations received from any of the other Responsible Authorities;
- d) The concerns of the Environmental Health Officer and residents in relation to noise emanating from the premises have been addressed as part of the Planning Permission which does not allow live and recorded music at the premises and which does not allow the rear outside areas to be used by patrons;
- e) It would not be practical for one member of staff to be serving customers and at the same time to be responsible for monitoring and tidying the outside smoking area; and
- f) It is appropriate to attach those conditions set out above to promote the licensing objectives concerned with public safety, prevention of crime and disorder, the protection of children from harm and the prevention of public nuisance.

## **Licensing Sub-Committee**

**28 July 2017**

Present: Councillors D Drummond, M A Green and Janet Hunter

### **LSQ4/07/17 Appointment of Chair**

**Resolved** that Councillor D Drummond be appointed Chair for this meeting.

### **LSQ5/07/17 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ6/07/17 Application for a Variation to a Premises Licence – Eden’s Cafe, 203 Park View, Whitley Bay (Whitley Bay Ward)**

The Sub-committee met to consider an application for a variation to a Premises Licence in relation to Eden’s Cafe, 203 Park View, Whitley Bay. The applicant, Eden’s Cafe Limited, sought permission for a variation to the Premises Licence to supply alcohol on the Premises between 1100 hours and 2200 hours, Monday to Saturday and 1100 hours and 2100 hours on a Sunday and for the premises to be open to the public between 0900 hours and 2200 hours Monday to Saturday and 0900 hours and 2100 hours on a Sunday.

The Authority had received representations from 8 local residents and the local ward councillors in respect of the 4 licensing objectives.

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 representation received and the options available to the Sub-committee.

Mr Wildsmith, a local resident, advised the Sub-Committee that he was speaking on his own behalf and on behalf of a number of local residents. He explained that the residents would wish that the premises remain as they were. Residents were concerned that the later opening times would lead to an increase in noise and disturbance for local residents.

Councillor O’Shea reiterated Mr Wildsmith’s concerns in relation to noise nuisance and general disturbance.

Mrs Eden-Bagley explained that the Premises were currently operated as an up-market cafe/restaurant and the application was to permit the Premises to operate in keeping with other restaurants in the area. It was not the intention for the Premises to become a public house and there was no intention to change the operating style of the Premises if the variation was granted.

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 a variation to the Premises Licence in relation to Eden's Cafe, 203 Park View, Whitley Bay be granted 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 Premises Licence Holder will ensure that:
  - a) The CCTV cameras are located at the Premises to provide coverage of entrances and exits, both internally and externally and the outside seating area.
  - b) The CCTV system is able to capture clear images permitting identification of individuals.
  - c) The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
  - d) 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.
  - e) The CCTV system is capable of constantly generating an accurate date and time.
  - f) The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
  - g) There will be a member of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the Data Protection Act 1998 (or any replacement legislation).
2. 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.
3. All members of serving staff at the Premises shall 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, proof of age card carrying the hologram "PASS" logo or HM forces ID card. If no such evidence is produced the sale will be refused.
4. 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.
5. After 1800 hours alcohol can only be sold or supplied to customers taking table meals at the Premises.

6. The Premises Licence Holder will provide clear and legible notices displayed at exits and other circulatory areas within the Premises requesting patrons 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.

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 objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) The Premises was a cafe/restaurant located in a primarily residential area and there is no evidence that the Premises are not well managed;
- b) The music played on the premises is background music only;
- c) The sale of alcohol is for consumption on the premises only;
- d) There have been no representations received from any of the Responsible Authorities;
- e) The application is for a variation to the hours of the Premises and not a review of the licence; and
- f) It is appropriate to attach those conditions set out above to promote the licensing objectives concerned with the prevention of crime and disorder and public nuisance.



## **Licensing Sub-Committee**

**15 August 2017**

Present: Councillors F Lott, W Lott and D McMeekan.

### **LSQ7/08/17 Appointment of Chair**

**Resolved** that Councillor W Lott be appointed Chair for this meeting.

### **LSQ8/08/17 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ9/08/17 Application for the Variation of a Premises Licence – Coast Kitchen and Bar, 69A Front Street, Tynemouth (Tynemouth Ward)**

The Sub-Committee met to consider an application for the variation of an existing premises licence in relation to Coast Kitchen and Bar, 69A Front Street, Tynemouth. The applicant, Coast Tynemouth Limited, had applied for the following variations:

- a) to extend the hours for the supply of alcohol for consumption on the premises from 11.00pm to 1.00am every day;
- b) to permit the supply of alcohol for consumption off the premises between 11:00am and 1.00am every day;
- c) to permit late night refreshment (indoors and outdoors) between 11.00pm and 1.00am every day;
- d) to extend the opening hours of the premises from 11.00pm to 1.00am; and
- d) to remove all conditions from the licence with the exception of those numbered 1 and 2 relating to the installation and operation of a CCTV system and the adoption of a "Challenge 21" policy.

The Authority had received a representation from the Chief Officer of Police in which he had requested that all licensable activities cease at 12.00 midnight. The applicants had agreed to this request.

Coast Kitchen and Bar was located within the Tynemouth Cumulative Impact Policy area. The Tynemouth Cumulative Impact Policy meant that there was a presumption that the Sub-Committee would refuse variation applications in the cumulative impact area for alcohol led premises such as bars, pubs and nightclubs and restaurants and clubs unless the applicant could demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

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 representation received and the options available to the Sub-Committee.

The applicant was represented at the hearing by Miss Rachel Errington, Director of Coast Tynemouth Ltd. Mr Neil Kirkpatrick, the Police Licensing Officer was present on behalf of the Chief Officer of Police.

Mr Kirkpatrick explained that the Chief Officer of Police had requested that all licensable activities cease at 12.00 midnight and not 1.00am so that the premises did not become another of the many public houses already operating in Front Street, Tynemouth until 1.00am or 1.30am. Based on discussions with the applicants and their observations of how the Coast Kitchen and Bar was operated the Police were content for the premises to operate up until midnight and had no issue with the removal of the conditions sought by the applicants. The Police were confident that if the application was granted, the premises would be operated in a responsible manner and that the licensing objectives would be promoted. During questioning Mr Kirkpatrick confirmed that the Police would have no objection to the premises remaining open to the public for 20 or 30 minutes after midnight.

Miss Errington explained that Coast Kitchen and Bar aimed to provide a different type of venue to the other licensed premises in Tynemouth, where customers were able to sit down and have good food and a quiet drink in comfortable surroundings, sometimes with their children. She explained that the extension of hours was being sought so that customers did not have to rush their meals and drinks by 11.00pm. Last food orders were generally taken at 9.00pm and so it would be unlikely that the premises would be operating up to midnight 7 days a week. However, if the extension to the hours was granted this would give some flexibility in terms of trading hours and avoid the need for Temporary Event Notices. Miss Errington explained that she had applied for the removal of most of the conditions because they had not been applied to other Premises Licences relating to similar premises in the area.

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 existing Premises Licence held in relation to Coast Kitchen and Bar, 69A Front Street, Tynemouth be varied to:

- a) extend the hours for the supply of alcohol on the premises from 11.00pm to 12.00 midnight every day;
- b) permit the supply of alcohol off the premises between 11:00am and 12.00 midnight every day;
- c) permit late night refreshment (indoors and outdoors) from 11.00pm to 12 midnight every day; and
- d) extend the opening hours of the premises from 11.00pm to 12:30am every day; and
- e) remove the conditions numbered 3 to 12.

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 objectives which underpin the Licensing Act 2003, the Sub-Committee concluded that:-

- a) the presumption set out in the Tynemouth Cumulative Impact Policy that the Sub-Committee would refuse variation applications in the policy area should not apply because the applicant had demonstrated that the application would not add to the cumulative impact of licensed premises in the area. The sub-committee reached this conclusion having had regard to the modest extension of hours being sought by the applicant, the small size of the premises, the operating style and characteristics of the premises, the clear advice given by Northumbria Police that the prevention of

- crime and disorder objective will not be undermined if the application is granted, and the absence of any representations from residents or their representatives;
- b) it would be appropriate for there to be a 30 minute period during which customers could finish their drinks or meals after the licensable activities at the Premises have ceased because when the terminal hour for licensable activities coincides with the terminal hour for the premises being open to the public, there is the potential for customers who purchase alcohol just before that terminal hour to rush their drink, or to remain on the premises beyond the terminal hour which may amount to a breach of the Licence condition. Granting the extension of the opening hours at the end of each day of trading to 12.30am would not place the premises in conflict with the other licensed premises whose customers will be leaving later in the evening; and
- c) it was appropriate for the condition numbered 13, requiring the display of signs requesting customers to leave the premises having regard to the needs of local residents to remain on the licence . Such a condition, whilst promoting the licensing objective concerned with the prevention of public nuisance, was also in line with what the applicants said that they would do in the application form to promote the licensing objective concerned with the prevention of public nuisance namely *“Ensure that customers act in a courteous manner when leaving the premises”*.

## **Licensing Sub-Committee**

**5 September 2017**

Present: Councillors John Hunter, W Lott and J O'Shea

### **LSQ10/09/17 Appointment of Chair**

**Resolved** that Councillor W Lott be appointed Chair for this meeting.

### **LSQ11/09/17 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ12/09/17 Application for the Grant of a New Premises Licence – Morrisons Daily Petrol Filling Station, 1 Citadel West, Killingworth, Newcastle upon Tyne, NE12 6YT (Camperdown Ward)**

The Sub-committee met to consider an application for the grant of a new Premises Licence in relation to Morrisons Daily Petrol Filling Station, 1 Citadel West, Killingworth, Newcastle upon Tyne, NE12 6YT. The applicant, Wm Morrisons Supermarkets Plc, sought permission to supply alcohol by way of off-sales each day of the week between 00.00 hours and 24.00 hours and to provide late night refreshment by way of both on and off sales each day between 23.00 hours and 05.00 hours. The premises would remain open to the public each day between 00.00 hours and 24.00 hours.

The Authority had received representations from 8 local residents.

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 Swinburne, a local resident, advised the Sub-committee that there were currently anti social behaviour and litter problems in the area and these would be exacerbated if the new licence was granted. He also referred to the potential for residents to be disturbed by lorries from the A1 and the A19 visiting the premises overnight to obtain hot food and drink and to refuel.

He also explained that the planning permission for the Premises did not allow 24 hour operation. He also made reference to Section 176 of the Licensing Act and the presumption that a licence would not be granted for a petrol filling station.

Mrs Dalby, a local resident, advised the Sub-committee that her representation was supported by a number of other residents. She referred to the notices which had been displayed on the premises and the difficulties that residents had in actually seeing them. She also reiterated the comments about litter and noise from the current premises and her concerns that this would be increased should the licence be granted. Reference was also made to the groups of youngsters currently congregating outside of Morrisons' existing

premises and that having the garage open 24 hours a day would provide another venue for them to congregate as well as try to purchase alcohol.

Mrs Johnson, solicitor for the Applicant Company, explained that the Company had evidence that customers wanted a wider range of goods to be available for longer hours in their petrol stations. She explained that the Company operated 300 convenience stores and 160 licensed petrol stations and over the past 8 years there had not been one application for a review of any of their premises.

Mrs Johnson explained that no representations had been made by the police which meant that they did not have any concerns in relation to the licensing objectives. In addition no representations had been received from Environmental Health in relation to public nuisance and the Responsible Authorities with responsibility for the protection of children from harm had not made any representations in relation to the application.

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 new Premises Licence in relation to Morrisons Daily Petrol Filling Station, 1 Citadel West, Killingworth, Newcastle upon Tyne, NE12 6YT be granted subject to the following conditions:

1. The licence holder shall ensure that all staff engaged in the sale of alcohol at the Premises will receive training in accordance with the Licence Holder's training procedures in relation to the Licensing Act 2003 before engaging in the sale of alcohol.
2. The licence holder shall ensure that all staff will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" scheme to be applied at the Premises. The following forms of identification shall be acceptable: photographic driving licence, passport, proof of age standards scheme card (PASS), HM Forces Identification Card and any other locally or nationally approved form of identification.
3. An up to date comprehensive staff training record shall be kept at the Morrisons Supermarket at the Killingworth Centre, Citadel, Killingworth at all times and will be made available immediately on request to an authorised officer of the Licensing Authority or police representative.
4. 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 points of sale.
  - The CCTV system is able to capture clear images permitting identification of individuals.
  - The CCTV system will be in operation whenever licensable activities are taking place at the Premises except in the case of a break down of the system in which case the system will be repaired as soon as reasonably practicable. The Licence

Holder will notify the Licensing Authority and Northumbria Police of the break down of the system as soon as reasonably practicable.

- 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 30 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.
  - There will be members of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the Data Protection Act 1988 (or any replacement legislation).
5. A Refusals Register (electronic or paper based) will be kept at the Morrisons Supermarket at the Killingworth Centre, Citadel, Killingworth at all times and will kept up to date, detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).

#### 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 objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) The Applicant is an experienced operator of this type of Premises and has policies and procedures in place to promote each of the 4 licensing objectives. There have been no applications to review any of the Applicant Company's licensed Premises over the past 8 years;
- b) The Premises will be a convenience store which also sells fuel and there is no evidence that the premises will not be well managed;
- c) The sale of alcohol is for consumption off the premises only;
- d) There have been no representations received from any of the Responsible Authorities in relation to any of the licensing objectives;
- e) The applicant will have to comply with the terms of its planning permission; and
- f) It is appropriate to attach those conditions set out above to promote the licensing objectives concerned with the prevention of crime and disorder and public nuisance.

## **Licensing Sub-Committee**

**15 November 2017**

Present: Councillors D Drummond, L Darke and L Spillard

### **LSQ13/11/17 Appointment of Chair**

**Resolved** that Councillor D Drummond be appointed Chair for this meeting.

### **LSQ14/11/17 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ15/11/17 Application for the Grant of a New Premises Licence – Rene’s, 22 Front Street, Tynemouth, NE30 4DX (Tynemouth Ward)**

The Sub-committee met to consider an application for the grant of a new Premises Licence in relation to Rene’s, 22 Front Street, Tynemouth, NE30 4DX. The applicant, Karen Greener, sought permission to supply alcohol, both on and off the premises, each day of the week between 09.00 hours and 23.00 hours and to remain open to the public each day between 09.00 hours and 23.00 hours.

The Authority had received representations from the Chief Officer of Police which requested that additional conditions be added to the licence and the hours of operation be amended to permit the supply of alcohol both on and off the premises every day between the hours of 11.00 and 21.30 hours and for the premises to be open to the public between the hours of 09.00 and 22.00 hours.

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 representation received and the options available to the Sub-committee.

Mr Kirkpatrick, on behalf of the Chief Officer of Police, explained that initially the police had concerns about the application due to it being within the Tynemouth Cumulative Impact Area. Following a discussion with the applicant the police had suggested an amendment to the hours of operation and the imposition of a number of conditions which if implemented would address their concerns.

Miss Greener, the applicant, explained that the premises currently operated as a vintage tea room and that some of her customers wanted a glass of wine or Prosecco with their food. She explained that the premises catered for a more mature clientele who wanted to be able to enjoy a drink in a quiet atmosphere. Miss Greener confirmed that she agreed to the suggested hours and conditions put forward by the police and confirmed that the premises would continue to be a food led business.

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 a new Premises Licence in relation to Rene's, 22 Front Street, Tynemouth, NE30 4DX be granted subject to the following conditions:

1. A digital CCTV system will be installed at the Premises and maintained in proper working order at all times, and the Premises 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 areas where the consumption of alcohol takes place.
  - The CCTV system is able to capture clear images permitting identification of individuals.
  - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
  - 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 30 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.
  - There will be members of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers) made in accordance with the Data Protection Act 1988 (or any replacement legislation).
2. 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.
3. All members of staff serving alcohol at the Premises shall 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 Standards Scheme card (PASS) containing the appropriate PASS hologram or HM Forces Identification Card.



4. 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.
5. All members of staff responsible for the sale of alcohol at the Premises will receive refresher training at least once a year as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) and generally on the Act. Such training will be provided by the Designated Premises Supervisor.
6. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the Premises at all times and be made available for inspection immediately on request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).
7. A refusals register (electronic or paper based) is to be kept and maintained on the Premises at all times and be made available for inspection immediately on request from representatives of Northumbria Police, or the Licensing Authority (including Trading Standards officers).
8. The outside seating area to the front of the Premises will not be used by customers attending the Premises, or any other person, for the consumption of alcohol after 21.00 hours.
9. Alcohol can only be supplied to customers taking table meals at the Premises.

#### 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 objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) The Premises will be a Vintage Tea Room which caters for a more mature clientele and provides alcohol to accompany food therefore it will be food led rather than alcohol led. The applicant has operated the premises for a number of years and there is no evidence that the premises will not be well managed;
- b) There have been no representations received from any of the other Responsible Authorities, members of the public, local businesses or the local Residents' Association in relation to the licensing objectives;
- c) The concerns of the Police have been addressed by an amendment to the operating hours and the imposition of a number of conditions;
- d) It is appropriate to attach those conditions set out above to promote the licensing objectives concerned with the prevention of crime and disorder, public nuisance and the protection of children from harm.

# **North Tyneside Council Report to Licensing Committee Date: 29 March 2018**

**Report Author: Mr P Scott  
Head of Environment, Leisure & Housing**

**Wards affected: All**

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## **PART 1**

### **1.1 Purpose:**

The purpose of this report is to provide Committee with an update as to the decision taken by officers under delegated authority for the period 1 March 2017 to 28 February 2018.

### **1.2 Recommendation**

It is recommended that the Committee:

- a) Note the decisions taken by officers under delegated authority for the period 1 March 2017 to 28 February 2018.

## **2.0 Background Information**

- 2.1.1 The Licensing Act 2003 and Gambling Act 2005 provide that the functions of the licensing authority are to be taken or carried out by its Licensing Committee.
- 2.1.2 Part 2 Section 10(1)(b) of the Licensing Act 2003 provides that a Licensing Committee may arrange for the discharge of any functions exercisable by it by an officer of the licensing authority. The officer delegation scheme is set out at **Appendix 1**. This scheme was amended by Council at their meeting on 22 November 2007. It is without prejudice to officers referring an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the circumstances of the particular case.
- 2.1.3 Part 8 Section 154 of the Gambling Act 2005 is the enabling power for delegation of responsibility for licensing decisions under that Act to the Licensing Committee, Sub-Committee and officers. This scheme was agreed by the Licensing Committee on 7 June 2007. It is without prejudice to officers referring an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the circumstances of the particular case. The officer delegation scheme is set out at **Appendix 2**.
- 2.1.4 Decisions under the Licensing Act 2003 and Gambling Act 2005 have been delegated to

the following Officers:-

Principal Trading Standards and Licensing Officer  
Senior Licensing Officer  
Licensing Officer

2.1.5 The decisions listed in Appendix 3 and Appendix 4 have been made by the appropriate Officers.

## 2.2 **Applications granted and enforcement activity**

2.2.1 Officers have granted the following Licences:

### **Licensing Act 2003**

New Personal Licences – 116  
Transfer of Premise Licence – 46  
Premise/Club Licence (Variation) – 4  
New Premise Licence – 15  
Temporary Event Notices – 220  
Minor Variations – 27

### **Gambling Act 2005**

Gambling Permits (new/renewed/transferred) – 6  
New Premise Licences – 0  
Transfer/Variation of Licences – 0

2.2.2 The Licensing Sub-Committee has determined the following applications:

New Premise Licences – 3  
Variation of Premise Licence – 2  
Review of Premise Licence - 1

2.2.3 Members have also determined the following matters without the need for a hearing

No applications

### 2.2.4 Enforcement Activities

Licensing & Gambling Inspections & Statutory Notices Checked

Compliance Inspections = 91  
Statutory Notices Checked = 53

## 3.0 **Decision Options**

3.1 The options available to Committee are:

### Option 1

a) Note the decisions taken by officers under delegated authority for the period 1 March 2017 to 28 February 2018.

## **4.0 Appendices:**

- Appendix 1 – Sub-committee and officer delegation scheme for considering licence applications – Licensing Act 2003
- Appendix 2 – Sub-committee and officer delegation scheme for considering licence applications – Gambling Act 2005
- Appendix 3 – Granted and Varied Licences
- Appendix 4 – Temporary Event Notices

## **5.0 Contact Officers:**

- 5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 643 6620
- Joanne Lee, Public Protection Manager, Tel: 643 6901
- Dawn Frankland, Senior Licensing Officer, Tel: 643 6902

## **6.0 Background Information:**

- 6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

North Tyneside Council Statement of Licensing Policy.  
The Licensing Act 2003  
Gambling Act 2005  
Delegation Scheme – Licensing Committee 7 February 2005  
Delegation Scheme – Licensing Committee (Gambling) 7 June 2007

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and Other Resources:**

There are no financial implications for the Council arising from this report. The cost of collating the data can be met from the existing Licensing revenue budget.

### **2.2 Legal**

#### **2.2.1 Legislative Framework**

Part 2 Section 10(1)(b) of the Licensing Act 2003 provides that a Licensing Committee may arrange for the discharge of any functions exercisable by it by an officer of the licensing authority.

Part 8 Section 154 of the Gambling Act 2005 is the enabling power for delegation of responsibility for licensing decisions under that Act to the Licensing Committee, Sub-Committee and officers.

#### **2.2.2 North Tyneside Council's Statement of Licensing Policy**

A scheme of delegation of decision making and functions is attached to the North Tyneside Council Statement of Licensing (Licensing Act 2003) and to the North Tyneside Council Statement of Licensing (Gambling Act 2005), (**Appendix 1 and 2**).

#### **2.2.3 Principles of Better Regulation**

The Licensing Act 2003 and Gambling Act 2005 are specified in The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. As a result Part 2 of the

Legislative and Regulatory Reform Act 2006 applies. The Council must therefore have regard to the prescribed statutory principles by ensuring that its regulatory activities are carried out in a way which is transparent, accountable, proportionate and consistent. In addition, those regulatory activities should be targeted only at cases in which action is needed.

### **2.3 Consultation/Community Engagement:**

A comprehensive 12 week public consultation exercise took place prior the adoption of the North Tyneside Council Statement of Licensing (Licensing Act 2003) and to the North Tyneside Council Statement of Licensing (Gambling Act 2005).

### **2.4 Human Rights:**

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights. Any decisions therefore made in relation to a licence application need to be fully considered. An individual also has the right to a fair hearing under Article 6 of the European Convention of Human Rights. The proposed procedure will assist in ensuring that a fair hearing does take place.

### **2.5 Equalities and Diversity:**

There are no equality and diversity implications arising from this report.

### **2.6 Risk Management:**

There are no significant risk management implications to the Council arising from this report.

### **2.7 Crime and Disorder:**

It is not considered that there are any crime and disorder implications arising from this report. The police receive copies of applications made under the Licensing Act 2003 and Gambling Act 2005 and are invited to make representations if they so wish.

### **2.8 Environment and Sustainability:**

It is not considered that there are any environment and sustainability implications arising from this report.

## Appendix 1

### Licensing Act 2003

#### Scheme of Delegation of decision-making and functions

The Licensing Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub Committee	Officers
Application for/renewal of personal licence		If a police objection	If no objection made
Application for premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated premises licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate (including summary review brought by the police)		All cases	
Consideration as to whether to take interim steps following a summary review by police		All cases	
Decision on whether a complaint is			All cases

irrelevant, frivolous, vexatious, etc			
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	
Acknowledgement of a temporary event notice			All cases
Issue of Counter Notice in relation to a temporary event notice where permitted limits are exceeded			All cases
Issue of Counter Notice in relation to a temporary event notice following a police objection		All cases	
All licensing functions under the Licensing Act 2003 except those not capable of such delegation			All cases

## Appendix 2

### Scheme of delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits		If there is an initial decision to possibly refuse a permit application and oral or written representations are received from the applicant	Where no objections made/ objections have been withdrawn
Cancellation of licensed premises gaming machine permits		If requested by applicant	If no request received
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Order disapplying Section 279 or Section 282(1) of a specified		X	



premises holding an on premises alcohol licence			
Refusal to register a Small Lottery and representations are received from the Society		X	
Revocation of Small Lottery Registration and representations are received from the Society		X	

X indicates the lowest level to which decisions can be delegated

**Appendix 3****New licences granted by Officers 1.3.17 – 28.2.18**

<b>Name</b>	<b>Address</b>
Allards on the Quay	Union Quay, North Shields
Jump 360 Trampoline	Benton Business Park, Benton
Flash House Brewing	Northumberland Street, North Shields
Pie Shop	West Percy Street, North Shields
La Riviera	John Street, Cullercoats
Golden Star	Percy Park Road, Tynemouth
No 14	Percy Park Road, Tynemouth
Extreme Bounce	Royal Quays Outlet, North Shields
Spanish City Dome	Marine Avenue, Whitley Bay
Lidl	George Court, Killingworth
Cafe 19	East Parade, Whitley Bay
Nord Bottle Shop	Park View, Whitley Bay
Kith and Kin	Park View, Whitley Bay
Parade (Shadow Licence)	South Parade, Whitley Bay
Dodgins Yard	Bell Street, North Shields

**Licences varied by Officers (including Minor Variations) – 1.3.17 – 28.2.18**

<b>Name</b>	<b>Address</b>	<b>Nature of variation</b>
<b>VARIATIONS</b>		
Blue Sign Filling Station	Coast Road, Wallsend	Change of alcohol times and hours
Salty Sea Dog	Union Quay, North Shields	Change of alcohol times and hours and to include outside area
Briardene	Links, Whitley Bay	Extension of premises
Verdina	South Parade, Whitley Bay	Change of alcohol times, hours and conditions on existing licence
<b>MINOR VARIATIONS</b>		
Quarry Inn	Marden Road South, Whitley Bay	Change of internal layout, amended opening hours and removal of out of date conditions
Pow Burn	Bedford Street, North Shields	Change to opening hours and to add recorded music
Lola Jeans	Arcade, Tynemouth	Change to opening hours
Blue Sea	High Street East, Wallsend	Change to late night refreshment times
Priory News	Percy Park Road, Tynemouth	Change of internal layout
Shell	New York Road, Shiremoor	Change of internal layout and conditions on licence
Blakemore Wholesale	Harvey Combe, Killingworth	Change to opening times and conditions on licence
Shawarma Allbake	High Street West, Wallsend	Change to late night refreshment times
Sainsbury	Newsteads Drive, Whitley Bay	Change of internal layout
Eden	Percy Park Road, Tynemouth	Change of internal layout and removal of conditions
Manhattans	High Street West, Wallsend	Remove condition on licence
Odeon Cinema	Silverlink	Change of internal layout

Mariners Arms	Saville Street West, North Shields	Additional conditions as agreed with Northumbria Police
Foxhunters	Preston North Road, North Shields	Change of internal layout
Hunting Lodge	Earsdon Road, Monkseaton	Change of internal layout
Percy Park Rugby Club	Preston Avenue, North Shields	Change of internal layout
Turks Head	Front Street, Tynemouth	Change of internal layout
Cookhouse & Pub (formerly Stonebrook)	Edmund Avenue, Holystone	Change of internal layout
Miller & Carter	White House Farm, Killingworth	Change of internal layout
Border Terrier	Hartington Road, Cullercoats	Change of internal layout
Dog & Rabbit	Park View, Whitley Bay	Changes to conditions
Savers	High Street West, Wallsend	Change of internal layout
Rileys Fish Shack	King Edwards Bay, Tynemouth	Additional conditions as agreed with Northumbria Police
Monkseaton Arms	Front Street, Monkseaton	Additional conditions as agreed with Northumbria Police
Loca Latin Food	South Parade, Whitley Bay	Change of internal layout and conditions
Staith House	Union Quay, North Shields	Change of internal layout and removal of conditions
Tyne Diner	Percy Park Road, Tynemouth	To add exhibition of films to the licensable activities

**Gambling Act – Licences granted / varied – 1.3.17 – 28.2.18**

None during this period
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**Appendix 4****List of TEN's 1.3.17 – 28.2.18**

	<b>Location of Event</b>
1.	Pulp Fiction. Park View
2.	Havana Bar, Whitley Bay
3.	Lonestar Bar, Royal Quays Marina
4.	Earsdon & Wellfield Comm Centre
5.	Whitley Bay Scout HQ, Marden Quarry
6.	Southlands School, Beach Rd, Tynemouth
7.	Wallsend Hall, The Green
8.	Tynemouth Volunteer Life Brigade
9.	Top House, Albion Road, North Shields
10.	Spanish City Plaza, W/Bay - Food Festival
11.	Whitley Lodge Shopping Centre
12.	Northumberland Square, N/S - Food Festival
13.	Kings Priory School, Tynemouth
14.	Tynemouth District Scout HQ
15.	Christ Church Parish Centre
16.	Havana Bar, Whitley Bay
17.	Pearey House, North Shields
18.	Spanish City Plaza
19.	West Moor Community Centre
20.	Spanish City Plaza
21.	WBFC Jnrs - Foxhunters Sporting Pavilion
22.	Cullercoats Library
23.	Cullercoats Library
24.	Tynemouth Priory - Food Festival
25.	Northumberland Square, N/S - Food Festival
26.	Tynemouth District Scout HQ - Norfolk St, NS
27.	Jillys Homebake @ Rose Inn, Wallsend
28.	Tynemouth Priory - Food Festival
29.	Pie Shop, West Percy Street, North Shields
30.	Tynemouth Priory - Food Festival
31.	Tynemouth Priory - Food Festival
32.	Tynemouth Priory - Food Festival
33.	Tynemouth Priory - Food Festival
34.	Flash House Brewery Co, Unit 1A N/Land St, NS
35.	Innisfree Social Club, Longbenton
36.	Flash House Brewery Co, Unit 1A N/Land St, NS
37.	Whitley Bay FC Juniors
38.	Whitley Bay FC Juniors
39.	Havana Bar, Whitley Bay
40.	Tynemouth Food Festival (Castle & Priory)
41.	Tyne Youth and Community Centre
42.	Tynemouth Squash Racket Club
43.	Tynemouth Castle & Priory (English Heritage)
44.	Tynemouth Food Festival (Castle & Priory)

45.	Tynemouth Food Festival (Castle & Priory)
46.	Immaculate Heart of Mary RC Church
47.	Edward Eccles Church Hall, Front St, Earsdon
48.	Whitley Bay High School, Deneholm
49.	Whitley Lodge First School
50.	Percy Park Rugby Club, North Shields
51.	Cullercoats Brewery, Wallsend
52.	St Andrews United Reformed Church
53.	Monkhouse Primary School
54.	Benton Dene Primary School
55.	St Cuthbert's Parish Centre
56.	Flash House Brewery Co, Unit 1A N/Land St, NS
57.	Pie Shop, West Percy Street, North Shields
58.	Tynemouth Golf Club
59.	Multi Packaging Solution Killingworth
60.	Friends of the Star of the Sea Roman catholic school
61.	King Primary School
62.	Flash House Brewery Co, Unit 1A N/Land St, NS
63.	Wallsend Forum Festival
64.	JTF North Shields
65.	Tynemouth Scouts and Guides TEN
66.	Percy Hedley Foundation - Hedley's Able2, Station Rd, F/Hall
67.	Tynemouth Golf Club
68.	Tynemouth District Scout HQ
69.	Innisfree Social Club
70.	No 14 Percy Park Road
71.	Whitley Bay District Scout Head Quarters
72.	Flash House Brewery Co, Unit 1A N/Land St, NS
73.	Southridge First School, Cranleigh Place, W/B
74.	Havana Whitley Bay
75.	Wallsend Hall Wallsend
76.	Tynemouth Golf Club
77.	Golden Star 33 Percy Park Road Tynemouth
78.	Golden Star 33 Percy Park Road Tynemouth
79.	Golden Star 33 Percy Park Road Tynemouth
80.	Rockcliffe First School, Whitley Bay
81.	Tynemouth Station - Market
82.	Coquet Park First School
83.	TVLB Watch House Museum, Spanish Battery, N/S
84.	Whitley Bay Juniors FC - Foxhunters Pavilion
85.	No 14 Percy Park Road
86.	King Edwards Bay Beach
87.	Tynemouth Golf Club
88.	Flash House Brewery Co, Unit 1A N/Land St, NS
89.	W/Bay Film Festival - w/Bay Lighthouse
90.	W/Bay Film Festival - Rendezvous Cafe
91.	W/Bay Film Festival - The Station Masters Comm Wildlife
92.	W/Bay Film Festival - Spanish City Plaza

93.	W/Bay Film Festival - W/Bay Masonic Hall
94.	Beaconsfield Summer Family Fayre
95.	Shiremoor Library, Shiremoor Centre, Earsdon Road
96.	W/Bay Film Festival - Rendezvous Cafe
97.	Beaconsfield Summer Family Fayre
98.	Westmoor Community Centre
99.	Flash House Brewery Co, Unit 1A N/Land St, NS
100.	Beaconsfield Summer Family Fayre
101.	Victoria Avenue, Wallsend
102.	The Forum Retail Park, Wallsend
103.	Jolly Bowman, Addington Drive, Wallsend
104.	New York Club
105.	Flash House Brewery Co, Unit 1A N/Land St, NS
106.	New York and Murton Social Club
107.	Rising Sun Sports Ground
108.	Wallsend Hall Wallsend
109.	Innisfree Sports and Social
110.	The Blue Bell, Shiremoor
111.	Edward Eccles Church Hall, Front St, Earsdon
112.	Tynemouth Volunteer Lifeboat Brigade
113.	Flash House Brewery Co, Unit 1A N/Land St, NS
114.	Manhattans Wallsend
115.	Wallsend Rugby Club
116.	The Sandpiper, Cullercoats
117.	Killingworth Young Peoples Club
118.	Tynemouth Volunteer Life Brigade Museum
119.	Tynemouth Priory
120.	Collingwood Bowling Club, Heaton Tce, North Shields
121.	Cullercoats Library
122.	Tynemouth Cricket Club
123.	The Old Low Light The Net North Shields
124.	The Old Low Light The Net North Shields
125.	Cullercoats Primary School
126.	Whitley Bay FC Juniors
127.	Whitley Bay Scout HQ, The Links
128.	Evans Bistro, 201-203 Whitley Rd, W/Bay
129.	Flash House Brewery Co, Unit 1A N/Land St, North Shields
130.	Top House 2, North Shields
131.	Linskill Centre North Shields
132.	The Ferryman, East Howdon
133.	Benton Dene School, Benton
134.	Wallsend Ex-Service & Working Mens Club
135.	WBFC Jnrs - Foxhunters Sporting Pavilion
136.	The Fax Ox, Whitley Bay
137.	Tynemouth Cricket Club
138.	For the Love of the North, 266 Whitley Rd, W/Bay
139.	For the Love of the North, 266 Whitley Rd, W/Bay
140.	For the Love of the North, 266 Whitley Rd, W/Bay

141.	For the Love of the North, 266 Whitley Rd, W/Bay
142.	For the Love of the North, 266 Whitley Rd, W/Bay
143.	Manhattans, 85-87 High Street West, Wallsend
144.	Fenwick Warehouse, Killingworth
145.	The Old School, 3a Church Way, Earsdon
146.	Ballarat, North Shields
147.	9A Oak Road, West Chirton Ind Est, North Shields
148.	Unit 4-7 Whitley Bay Metro Station
149.	Tynemouth District Scout HQ
150.	Killingworth Young Peoples Club
151.	Havana Bar, Whitley Bay
152.	Havana Bar, Whitley Bay
153.	Tynemouth Priory
154.	Holy Saviour Parish Hall
155.	The Cannon, Earsdon
156.	The Dog and Rabbit, Whitley Bay
157.	Loca Latin Food & Social, 46-50 South Parade, W/Bay
158.	Aston Martin Showroom, Cobalt Park Way, Silverlink
159.	Tynemouth Priory Winter Food Festival
160.	Tanners Smith, Whitley Bay
161.	Tynemouth Squash Racket Club
162.	Tynemouth Priory Winter Food Festival
163.	Innisfree Social Club - Wrestling Event
164.	Fat Ox, Whitley Bay
165.	Tynemouth Priory
166.	Fat Ox, Whitley Bay
167.	Queens Head, High St West, Wallsend
168.	Percy Hedley Fndtn - Hedley's Able2, Station Rd, F/Hall
169.	Star of the Sea Primary School, Seatonville Road, W/Bay
170.	Hazlewood Comm Primary School, Canterbury Way, W/Open
171.	Cullercoats Library
172.	Earsdon and Wellfield Comm Centre
173.	Whitley Lodge First School
174.	Odeon Cinema, Silverlink
175.	Jolly Bowman, Addington Drive, Wallsend
176.	Rising Sun Public House
177.	WBFC Jnrs - Foxhunters Sporting Pavilion
178.	Tynemouth Station - Market
179.	Manhattans, 85-87 High Street West, Wallsend
180.	Manhattans, 85-87 High Street West, Wallsend
181.	Priory News 27 Percy Park Road, Tynemouth
182.	Holy Saviours Parish Hall
183.	Rileys Fish Shack, King Edwards Bay
184.	Wallsend Coronation Club
185.	Barca, Front Street, Tynemouth
186.	Surf Cafe, Tynemouth
187.	Bridge Inn, Annitsford
188.	Lola Jeans , Arcade, Tynemouth

189.	65 Church Way, North Shields
190.	Rose Inn, Wallsend
191.	Colonel Linskill
192.	Colonel Linskill
193.	Ora, 31-32 Front Street, Tynemouth
194.	Salty Sea Dog, 17 Union Quay, North Shields
195.	NORD Bottle Shop, 167 Park View, Whitley Bay
196.	Omni, Front Street, Monkseaton
197.	Black Horse, Monkseaton
198.	Eden, Percy Park Road, Tynemouth
199.	Davanti Italia, Claremont Crescent
200.	Top House 2, North Shields
201.	Black Storm Brewery, 10 York Rd, Whitley Bay
202.	2 Gosforth Park Way, Newcastle upon Tyne
203.	Innisfree Sports & Social Club, Longbenton
204.	Tynemouth Station
205.	Tynemouth Dist Scouts HQ, Norfolk St, North Shields
206.	Rising Sun Sports Ground, Kings Road North, Wallsend
207.	Black Storm Brewery 10 York Road, Whitley Bay
208.	Drinks Delivered T/A Topsy Horse, Unit S3, Arrow Close BC, K/Worth
209.	Renes 22 Front Street, Tynemouth
210.	Top House 2, Nile Street, North Shields
211.	Black Storm Brewery
212.	Black Storm Brewery
213.	Black Storm Brewery
214.	Tynemouth Volunteer Life Brigade
215.	2 Gosforth Park Way, Newcastle upon Tyne
216.	Kings Priory School
217.	South Wellfield 1st School
218.	Whitley Lodge Shopping Centre
219.	Renes, 22 Front Street, Tynemouth
220.	Cullercoats Library



# **North Tyneside Council Report to Licensing Committee Date: 29 March 2018**

**Report Author: Mr P Scott  
Head of Environment and Leisure**

**Wards affected: All**

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## **PART 1**

### **1.1 Purpose:**

The purpose of this report is to provide Committee with an update as to the reviews of the Policies that are to be undertaken under the Licensing Act 2003 and the Gambling Act 2005.

### **1.2 Recommendation**

It is recommended that the Committee:

- a) Note the reviews of policies that are to be undertaken under the Licensing Act 2003 and the Gambling Act 2005.

## **2.0 Background Information**

### **2.1.1 Licensing Act 2003**

Section 5 of the Act requires the Authority to prepare and publish a Statement of Licensing Policy every five years after undertaking the necessary consultation. The initial Policy came into force in 2005. The current Policy came into force on 23 January 2014 with a revision on 24 July 2014 to include a Cumulative Impact Policy for Tynemouth. The revised Policy for 2019 - 2024 is to be in force by January 2019.

### **Gambling Act 2005**

The Authority is required to produce and publish a Statement of Licensing Policy under the Gambling Act 2005. The initial Policy came into force on 31 January 2007 and has been reviewed and where necessary amended every three years thereafter.

The three year period for the Policy runs from 31 January as determined by The Gambling Act 2005 (Licensing Authority Policy Statement)(First Appointed Day) Order 2006. The current Statement of Licensing Policy (Gambling) came into force on 31 January 2016 and the next Policy must be in force from 31 January 2019.

## 2.1.2 Timetable for Reviews

### Licensing Act 2003

The intention is to review the Policy to the following timetable:

Action	Date
Working Group commence amendment of Policy	April
Responsible Authority meeting to discuss required amendments	May
Amended 1 <sup>st</sup> draft Policy	May
Receipt of amendments from Responsible Authorities	June
Residents meeting to discuss cumulative impact	June/July
8 week consultation start date	August
Consultation end date	September
Responses collated	October
Member Working Group convene to consider responses	October
Council consider Policy	November

### Gambling Act 2005

The intention is to review the Policy to the following timetable:

Action	Date
Working Group commence amendment of Policy	January
Responsible Authority meeting to discuss required amendments	April
Amended 1 <sup>st</sup> draft Policy	May
Cabinet	29 May
8 week consultation O & S	June/July
Draft Policy amended	August
O & S as required	September
Cabinet	October
Council consider Policy	November
Notice published in newspaper and Policy published on internet	December
Policy take effect	January 2019

### **3.0 Decision Options**

3.1 The options available to Committee are:

Committee is not being asked to make a decision in relation to this matter. This report is for Committee to note the reviews of policies under the Licensing Act 2003 and Gambling Act 2005.

### **4.0 Appendices:**

There are no appendices to this report.

### **5.0 Contact Officers:**

5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 643 6620  
Joanne Lee, Public Protection Manager, Tel: 643 6901  
Dawn Frankland, Senior Licensing Officer, Tel: 643 6902  
Ana Burnett, Trading Standards and Licensing Group Leader, Tel: 643 6621

### **6.0 Background Information:**

6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

North Tyneside Council Statement of Licensing Policy  
North Tyneside Council Statement of Licensing Policy (Gambling)  
The Licensing Act 2003  
Gambling Act 2005

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and Other Resources:**

There are no financial implications for the Council arising from this report. The cost of reviewing the policies can be met from the existing Licensing revenue budget.

### **2.2 Legal**

#### **2.2.1 Legislative Framework**

The Authority is required to produce and publish a Statement of Licensing Policy under the Gambling Act. This statement must be reviewed, and if necessary revised, every three years. This new draft Policy must be brought into effect by 31 January 2019. The revised Policy must however be formally approved by Council before December 2018 to enable the revised Policy to be publicly advertised at least 4 weeks prior to the date it comes into effect.

The production and approval of the Gambling Act Policy is a function that is shared between Cabinet and Council.

The Authority by virtue of section 5 of the Licensing Act 2003 has a duty to publish a Statement of Licensing Policy at least every 5 years. The Authority as it is required to

do has undertaken statutory consultation on its revised draft Policy.  
The approval of the Licensing Act Policy is a Council function.

### **2.3 Consultation/Community Engagement:**

A comprehensive public consultation exercise will take place prior the adoption of the North Tyneside Council Statement of Licensing (Licensing Act 2003) and to the North Tyneside Council Statement of Licensing (Gambling Act 2005).

### **2.4 Human Rights:**

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights. Any decisions therefore made in relation to a licence application need to be fully considered. An individual also has the right to a fair hearing under Article 6 of the European Convention of Human Rights. The proposed procedure will assist in ensuring that a fair hearing does take place.

### **2.5 Equalities and Diversity:**

There are no equality and diversity implications arising from this report.

### **2.6 Risk Management:**

There are no significant risk management implications to the Council arising from this report.

### **2.7 Crime and Disorder:**

It is not considered that there are any crime and disorder implications arising from this report.

### **2.8 Environment and Sustainability:**

It is not considered that there are any environment and sustainability implications arising from this report.