



North Tyneside Council

Licensing Sub-Committee

5 April 2019

Monday 15 April 2019 in Room 0.01, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

Agenda Item	Page
1. Appointment of Chair	
The Sub-Committee to appoint a Chair for this meeting	
2. Declarations of Interest and Dispensations	
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.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
3. Procedure for Licensing Act Hearings	2
Procedure for hearing an application for the grant of a Premises Licence.	
4. Bilash Tandoori Restaurant, 5 Station Road, Cullercoats, NE30 4PQ. (Cullercoats Ward)	7
To consider an application for the variation of a Premises Licence.	

Circulated to all Members of the Licensing Sub-Committee:-

Councillor G Madden
Councillor L Darke
Councillor L Spillard

LICENSING ACT 2003

NORTH TYNESIDE COUNCIL

PROCEDURE FOR HEARING OF AN APPLICATION BEFORE THE LICENSING SUB-COMMITTEE (“the Committee”)

The four licensing objectives, as set out in the Licensing Act 2003, are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Each application that comes before this Committee will be treated on its own merits, and this Licensing Authority will take its decision based upon:

- The merits of the application
- The promotion of the four licensing objectives
- The Statement of Licensing Policy of North Tyneside Council
- The guidance issued under Section 182 of the Licensing Act 2003.

The Procedure of the Committee is as follows:

1. The Chair of the Committee will open the hearing and will ask all persons present at the hearing to identify themselves. The Chair will then explain the procedure to be followed at the hearing.
2. The Committee will then consider any request made by a party under regulation 8(2) of the Licensing Act 2003 (Hearings) Regulations 2005 for permission for a person to attend as a witness on his/her behalf.
3. The Licensing Officer will present a report to the Committee outlining the application, any relevant representations and the relevant sections of the Council’s Statement of Licensing Policy and the statutory guidance.
4. The Committee may ask any relevant questions they have of the Licensing Officer.
5. The Applicant or their representative will then be invited to address the Committee to clarify any information arising from the officer’s report, if necessary.
6. Each of the Responsible Authorities which have made representations will be invited to address the Committee about the application, to indicate why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If a Responsible Authority has obtained prior permission to call a particular witness, then they may call that witness.

7. The Committee may ask any relevant questions they have of the Responsible Authorities.
8. Other Persons may ask any relevant questions they have of the Responsible Authorities.
9. The Applicant or their representative may ask any relevant questions they have of the Responsible Authorities.
10. Each of the Other Persons who have made representations will be invited to address the Committee about the application, indicating why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If any Other Person has obtained prior permission to call a particular witness, then they may call that witness.

Note: In order to avoid repetition and to expedite proceedings at the hearing, objectors within the same group of Other Persons are encouraged to appoint an agreed spokesperson to address the Committee.

11. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).
12. The Responsible Authorities may ask any relevant questions they have of the Other Persons or their witness(es).
13. The Applicant or their representative may ask any relevant questions of the Other Persons or their witness(es).
14. The Applicant or their representative will be invited to address the Committee, as to why they consider the issues raised by the Responsible Authorities and Other Persons to be irrelevant to the licensing objectives and why they consider the Committee should grant their application or notice (as applicable).

If the Applicant has obtained prior permission to call a particular witness, then they may call that witness.

15. The Committee may ask any relevant questions they have of the Applicant, their representative or their witness(es).
16. The Responsible Authorities may ask any relevant questions they have of the Applicant, their representatives or their witness(es).
17. Any of the Other Persons may ask any relevant questions they have of the Applicant, their representative or their witness(es).

18. The Chair of the Committee will invite each of the Responsible Authorities to make a brief closing statement. Each Responsible Authority should ideally take no longer than 10 minutes to make their closing statements
19. The Chair will invite each of the Other Persons to make a brief closing statement. Each of the Other Persons will be entitled to a maximum of 10 minutes in which to make their closing statements.
20. The Chair will invite the Applicant or their representative to make a brief closing statement. Each Applicant should ideally take no longer than 10 minutes to make their closing statements.
21. The Chair will ask all parties if they are satisfied that they have said all they wish to.
22. The Committee will retire in private to consider the application and make its determination. The Legal Adviser will be present to ensure that all matters of law, evidence and procedure are adhered to appropriately but will not take part in the decision.
23. In considering any representations or a notice made by any party, the Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as the case may be) either before the hearing or, with the consent of all the other parties, at the hearing.
24. The Committee shall disregard any information given by a party or by any person to whom permission to appear at the hearing is given by the Committee, which is not relevant to:
 - (i) their application, representations or a notice (as the case may be) or, in the case of another person, the application, representations or notice of the party requesting their attendance; and
 - (ii) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the prevention of crime and disorder licensing objective.

NB Parties are reminded that any documentary or other information or evidence they wish to produce in support of their application or representation must have been disclosed to all parties prior to the hearing taking place. **Late representations, documents or evidence will only be considered with the agreement of all parties present.**

25. The Committee will return to announce its decision. A written notice of the decision will be provided to all parties in accordance with statutory requirements. The decision letter will include the reasons for the decision, and any conditions placed upon the licence (if granted) and the licensing objective(s) they relate to. The notification of decision will include information on a party's right to appeal against the Committee's decision.

General Matters

1. Expectations on parties

The Licensing Authority expects all parties to a hearing to endeavour to address any issues openly and to work towards an amicable resolution, if at all possible, prior to the hearing taking place.

All parties will be expected to:

- (i) demonstrate which of the four licensing objectives are addressed in relation to each of the issues they wish to raise at the hearing; and
- (ii) draw to the Committee's attention any relevant aspects of the National Guidance or local Statement of Licensing Policy which they also consider are particularly relevant to the Committee's consideration of the issues the party(ies) has/have raised.

2. Agreement that a hearing is unnecessary

A Licensing Authority can dispense with holding a hearing if all persons concerned (applicants and parties raising a representation) give notice to the Licensing Authority prior to the hearing date that they consider it unnecessary.

Where all such persons have given such notice, and the Licensing Authority agrees that a hearing is unnecessary, the Licensing Authority will give notice to the parties that the hearing has been dispensed with.

3. Failure of parties to attend

The hearing may proceed in the absence of any party who has informed the Licensing Authority that they do not intend to attend or be represented at the hearing.

If a party fails to attend or be represented at a hearing without notifying the Licensing Authority, the Committee may adjourn the hearing to a specific date if it considers it to be in the public interest to do so, or alternatively may proceed with the hearing in the party's absence. In the interests of the other parties, costs and efficiency, hearings will generally proceed notwithstanding the absence of any party (including the Applicant).

Where it is decided to proceed in a party's absence, all notices and representations received from the absent party will be considered by the Committee.

If, in exceptional circumstances, a decision is made to adjourn a hearing all parties will be advised of the date, time and venue to which the hearing has been adjourned.

4. Questioning of parties

The Licensing Authority will generally allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited.

5. **Further clarification**
When addressing the Committee each party shall respond specifically to any points of which it received notice (with the Notice of Hearing) upon which the Committee was seeking clarification.
6. **Questioning by Legal Adviser**
The legal adviser to the Committee may ask questions on behalf of, or in addition to, the Committee members themselves.
7. **Hearsay evidence**
Hearsay evidence will be admissible provided that it is relevant. The weight to be attributed to hearsay evidence will be a matter for the Committee.
8. **Persons behaving in a disruptive manner**
The Committee has the right to exclude any person disrupting the hearing, at their discretion. The Committee can refuse to allow that person to return or, alternatively, may permit him/her to return on such conditions as the Committee may decide. Any person required to leave the hearing may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give orally had they not been required to leave.
9. **No decision-making by Ward Members**
A member of the Licensing Committee shall not be entitled to participate in any decision-making in relation to any licensing application concerning premises in the Ward for which he/she serves as Councillor.

REPORT

**Meeting/
Decision
Maker(s)** Licensing Sub-Committee

Date: 15th April 2019

Report by: Jeff Young
Licensing Officer
☎ 643 6903

**Contact
Officer(s):** Jeff Young
Licensing Officer
☎ 643 6903

**Title of
Report:** Licensing Act 2003 -
Bilash Tandoori Restaurant
5 Station Road
Cullercoats
Tyne & Wear
NE30 4PQ

Ward(s): Cullercoats

1.0 Summary / Purpose of Report

- 1.2** The Licensing Act 2003 provides that, where representations have been received from a Responsible Authority or Other Person in respect of an application, variation or review of a licence, a hearing must be held to consider those representations. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.
- 1.3** Members are asked to consider and determine an application from Numan Jaigirdar 5 Station Road Cullercoats to vary his existing premises licence.
- 1.4** The applicant has been invited to attend the meeting to put forward their case in support of the application. All persons making relevant representations have also been invited to attend.

1.5 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Weights and Measures Authority, Home Office Immigration Enforcement and the Local Safeguarding Children Board with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application. The application has been advertised at the premises, in a local newspaper and also on the Council Website as prescribed. Representations have been received from local residents which are attached at **Appendix 5**.

1.6 Authority to make decisions

In relation to an Application for the variation of a Premises Licence or Club Premise Certificate the Licensing Sub-Committee can, under the Licensing Act 2003:

- grant a variation to a Licence subject to conditions consistent with the operating schedule and necessary for the promotion of the licensing objectives in addition to the mandatory conditions,
- exclude from the scope of the Licence any of the licensable activities to which the Application relates,
- or reject the Application

1.7 Once the Sub-Committee has reached a decision, the decision and reasons for the decision must be given in accordance with the **Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005**.

2.0 Background

2.1 This report relates to an application for the variation of a Premises Licence in respect of Bilash Tandoori Restaurant 5 Station Road Cullercoats.

2.2 The licence currently permits the following licensing activities and times:

Supply of Alcohol on the premises (Ground Floor Only)

- Monday – Saturday 11.00 – Midnight
- Sundays 12.00 – 23.30

Late Night Refreshment (Ground Floor Only)

- Monday – Saturday 23.00 – Midnight
- Sundays 23.00 – 23.30

General Opening Times, as follows:

- Not limited.

3.0 The Application for the Variation of a Premises Licence under Section 34 of The Licensing Act 2003

3.1 The Application for the variation of the Premises Licence is made pursuant to Section 34 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 35 of the Act.

3.2 The variation application is to add an upstairs function room to the existing licence to operate with the following licensable activities and times:

Supply of Alcohol on the premises:

- Monday – Saturday 11.00 – Midnight
- Sundays 12.00 – 23.30

Late Night Refreshment:

- Monday – Saturday 23.00 – Midnight
- Sundays 23.00 – 23.30

General Opening Times:

- Monday – Saturday 17.00 – Midnight
- Sundays 17.00 – 23.00

3.3 There is an anomaly in the application in that the applicant has requested sales of alcohol 11.00am Monday to Friday and 12.00 noon on Sundays. The applicant has however requested general opening hours from 17.00.

3.4 The variation application is attached at **Appendix 1**, a plan of the new upstairs area is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**.

3.5 If the variation is granted it will be subject to Mandatory Conditions which are attached at **Appendix 4** of the report.

4.0 Promotion of Licensing Objectives

4.1 The applicant has included the following additional steps in the operating schedule which they intend to take in order to promote the licensing objectives.

(Please see **Appendix 1**).

5.0 The Representations

5.1 Relevant representations have been made as follows and are attached at **Appendix 5:**

- The Chief Officer of Police has made no representations.
- Tyne and Wear Fire and Rescue Service have made no representations.
- The Health and Safety Officer of North Tyneside Council has made no representations.
- The Local Planning Authority has made no representations.
- The Environmental Health Officer of North Tyneside Council has made no representations.
- The Local Safeguarding Children's Board for North Tyneside have made no representations.
- The Weights and Measures Authority for North Tyneside have made no representations.
- The Licensing Authority has made no representations.
- The Director of Public Health has made no representations.
- Home Office Immigration Enforcement has made no representations.
- Other persons have made representations which are attached at **Appended 5.**

6.0 The Parties

6.1 The Parties to the hearing will be:

1. The Applicant - Mr Numan Jaigirdar
2. Interested Parties – Local residents

7.0 For consideration

7.1 The areas for consideration by the Licensing Sub-Committee are:

Application for the variation of a Premises Licence in relation to Bilash Tandoori Restaurant 5 Station Road Cullercoats Tyne & Wear NE30 4PQ

8.0 The North Tyneside Council Statement of Licensing Policy

8.1 The Sub-Committee's attention is drawn to the relevant part of the Policy - Section 10 Licensing Objectives.

9.0 The Revised Guidance issued under Section 182 Licensing Act 2003

9.1 The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under S182 Licensing Act 2003 - Chapter 2 Licensing Objectives.

10.0 For Decision

10.1 The Sub-Committee is asked to determine the application in whatever way it sees fit.

11.0 Associated Papers

Appendix 1 – The application for the variation of a Premises Licence

Appendix 2 – Plan of the Premises

Appendix 3 – Map

Appendix 4 – Mandatory Conditions

Appendix 5 – Relevant representation

12.0 Background Information

12.1 The following background papers have been used in the compilation of this Report and are available for inspection at the offices of the authors of the Report:

North Tyneside Council Statement of Licensing Policy

The Licensing Act 2003 and Regulations

Amended Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office

Delegation Scheme – Licensing Committee 7 February 2005.

APPENDIX 1



North Tyneside Council

North Tyneside
Application to vary a premises licence
Licensing Act 2003

For help contact
liquor.licensing@northtyneside.gov.uk
Telephone: 0191 6432175

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

- Yes
- No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

5,600

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

I already have license for the ground floor of the restaurant, I want to extend licensable activity to the upstairs banquet room as per current license downstairs.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

It is unlikely but sometimes customers who came in earlier might be finishing off their food and/or drinks as its very near closing time but we normally don't take in customers at that time.

Continued from previous page...

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- 'Challenge 18' where anyone that looks 18 or younger will be asked for ID or refused service.

The prevention of crime and disorder

CCTV cameras are in place for the protection of children and crime prevention

c) Public safety

fire risk assessment has been undertaken.

d) The prevention of public nuisance

CCTV cameras are operating at the premises at all times.

e) The protection of children from harm

member of staff will always be present
CCTV cameras

Continued from previous page...

Challenge 18

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/north-tyneside/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

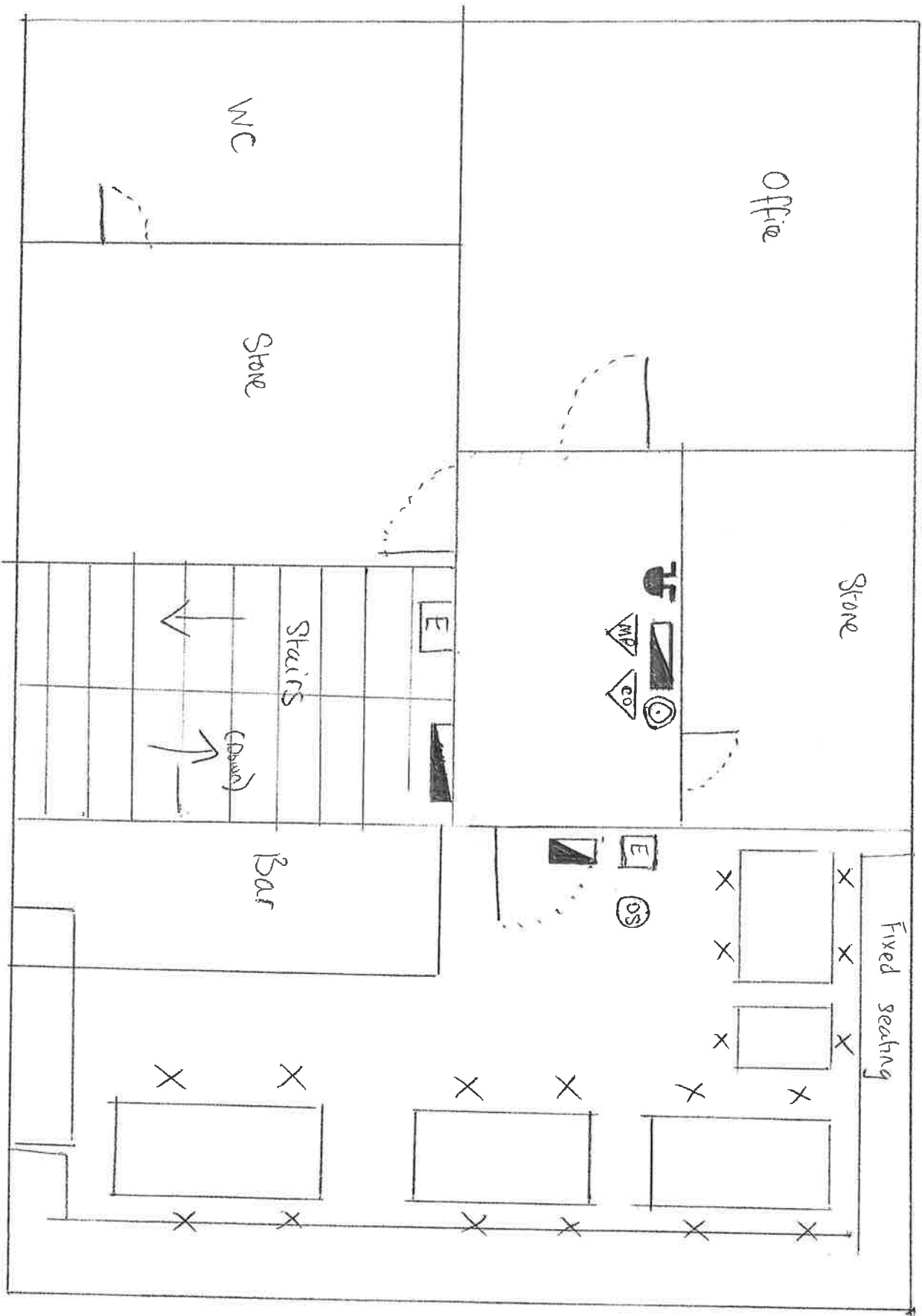
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

APPENDIX 2



APPENDIX 3

Bilash

5 Station Road Cullercoats



North Tyneside Council



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Organisation	North Tyneside Council	Date	03 April 2019
Department	North Tyneside Council	SLA Number	100016801
Comments		Scale :	1:692

APPENDIX 4

Appendix 4

Mandatory Conditions

Section 19 Licensing Act 2003

1. No supply of alcohol may be made under this premises licence:-
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence
 - Or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st April 2010 as amended on 1st October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of disability).

2. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st October 2010 as amended on 1st October 2014

3. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premise licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person shall ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 – with effect from 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

1. The admission of children to the exhibition of any film must be restricted in accordance with Section 20 Licensing Act 2003.

APPENDIX 5

Susan Vert

From:
Sent: 09 March 2019 10:18
To: Liquor Licensing
Cc: Planning Enforcement
Subject: Objections to the application by the Bilash Indian Restaurant for Variation of a Premise Licence. [Scanned]
Attachments: Bilash Council letter, planning.pdf
Importance: High

EXTRNL

Please find attached copies of our correspondence with the planning department and below an email copy of our letter to the following:-

The Licensing Section,
 The Killingworth Site,
 Harvey Combe,
 Killingworth,
 Newcastle upon Tyne
 NE12 6UB

Representation regarding variation of premise licence of Bilash Restaurant, Cullercoats.

Dear Licensing Department,

We live next to the Bilash Indian Restaurant in Cullercoats and have been in contact with the planning department since December 2018 regarding the change of upstairs space in the restaurant from residential flat to commercial restaurant space. We have enclosed correspondence with the planning department and have listed below our objections to the licence now being proposed by the Bilash.

Point 1, Public nuisance:-External noise on the street until 1am. The Bilash Restaurant is now open every night, most nights closing at midnight. During late evening hours and after closure there is external street noise of cars, loud conversation fuelled by alcohol from diners, staff clearing up until the noise eventually peters out around 1am.

Point 2, Environmental impact:- Since the conversion of the upstairs residential flat to a dining space the restaurant has now doubled it's capacity of diners, therefore there is double the amount of kitchen refuse in the back lane. We have voiced our concerns before about fat being poured out into the back lane and blocking the main communal drain, making the lane hazardous for pedestrians, distasteful and unsanitary. The skip used for the restaurant is inadequate for use and is often spilling over with waste products onto the lane and in front of the garages.

Point 3, Personal impact:- As pointed out in the letters to the planning department the noise emanating from the new upstairs conversion is so loud that it is detrimental to our quality of life. Our bedroom wall adjoins the wall of the new dining space, which is now being used as a large dining party space. The noise is fuelled by alcohol being served, there is shouting, singing, which we can assume is prompted by a large TV screen that is now insitue for the diners.

Point 4, Law Infringement:- From the new application for an alcohol licence extension we can only assume that consumption is not at present allowed in this new upstairs space although it has been sold and served in that space since December 2018. If the application is allowed the intense noise we experienced, especially during the months of December and January, will return and we will be helpless to do anything about it.

We therefore wish to contest the application for extension of the licence to include the upstairs completely and our greater wish is that the upstairs space be designated back to it's original purpose, that of a residential flat.

Sincerely,

In December 2018 I wrote a letter to the Planning Department of the Council alerting them to a possible breach of planning permission. As my husband and I do not dine in the Bilash Indian restaurant very often I was unaware that the space above the restaurant had always been a residential apartment. I have since talked to our neighbours who have assured me that in the 20+ years they have lived on the other side of the restaurant the upstairs has always been used as a living space by either the owner or his family. I have therefore amended my original letter to the council and wish this now to be the original statement from me, I have changed the wording from that of 'storage' to residential space now as I have been better informed. The amended letter is below in parenthesis.

Since my initial correspondence this new space was used almost every night over Christmas and the New Year by loud parties of people consuming alcohol and dining there. There has been loud singing, we can only assume prompted by a large TV screen that has been installed for the diners. Our neighbours told us yesterday to look at the notice placed in the window of the Bilash, an application for an alcohol license! This to us is proof that the space above the restaurant has now altered it's original purpose (from residential to business) without gaining any kind of planning permission, license etc. and so we are appalled that dining and consuming alcohol upstairs has been allowed to continue, even after we have alerted the council. As the new space apparently has no Alcohol Licence attached to it the law has been broken. We and the planning department have been aware that alcohol has been served and consumed there on many occasions since it's conversion in November 2018. My husband and I and the neighbours in the vicinity are opposed to the Bilash restaurant now operating on both levels. I have mentioned the noise we now have to endure whilst trying to sleep, the owner told us he would sound proof the space, which has been completely unsuccessful, if he ever did that at all. The other major concerns are that the noise outside the restaurant in the late evening has increased, the restaurant now operates until midnight and is open every day. Exterior and interior noise continues well after midnight as the staff clear up and then leave. The rubbish, that has always been a concern in the back lane, has increased dramatically, often spilling over onto the pavements behind the restaurant and in front of our garage entrance. My other concern, which saddens me greatly, is that we now have a noisy, party space in our residential street which has significantly lowered the value of our property and the surrounding homes.

in relative harmony for 14 years now without much disturbance from the diners in the evenings.

The restaurant has always operated out of the ground floor and the upstairs was a residential apartment, used by the owner or his extended family. About 2 months ago there was an alarming 3 weeks of construction noise coming from the upstairs part, which reverberated through our dividing wall as if there

wasn't a wall there at all.

I had a good talk with the owner, Newman, and was told he was just renovating the old apartment because of damp walls and soon the noise would stop. He also told me that the workmen were removing a Murphy Bed that had been attached to the chimney breast for 30 years.

Imagine now our alarm to find Newman has extended his restaurant space to include the upstairs of his premise, and now this space hosts very loud and rowdy party dining.

we can hear everything going on, making it impossible to sleep before midnight.

To my knowledge no planning permission was ever put in from Newman to make these changes from residential space to restaurant dining. We have never been notified of his plans to expand and if we had we would not have given our consent for obvious reasons.

The noise last night in particular was horrendous and went on for a good 4 hours. There was a large party of people who were screaming, using obscene language, stomping and singing at the top of their lungs. My husband went into the restaurant to talk to Newman, who said he would try and calm things down by stopping the alcohol being served, but then the noise got even louder and we had to endure it until the party finally left, around 11.30pm.

The majority of Station Road is a residential street, apart from the Bilash the other businesses that operate nearby close at 5pm.

Our quality of life has now been greatly disturbed by the above events and I plead with the council to step in and help us in getting the upstairs of the premises put back to it's original use, that of a residential space, so we can go back to getting a decent night's sleep."

25 March 2019

The Licensing Section
The Killingworth Site
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

Dear Licensing Department

RE: Representation regarding variation of premises licence of Bilash Restaurant, Cullercoats

We wish to contest the application for extension of the liquor license being proposed to include the upstairs of the Bilash restaurant. Find below a list of concerns that we have:

Bilash Restaurant and we already experience considerable disturbance specifically that one of our bedrooms at ground floor level cannot be used as a bedroom because of the noise and disturbances between the hours of 5 and 11 pm, every day. Our concern is that development of the upstairs room would further decommission a second bedroom on the first floor in our home due to the noise.

For the past eleven years, until very recently, the upstairs flat has been used as a residential dwelling and it was our belief that it would remain so. Recently we have been disturbed by loud music and singing but believed that this was just our neighbours entertaining their friends so we were tolerant of this. We are worried that the change of use of this residential space will affect our quality of life, that of our neighbours on the other side of Bilash and others in our community.

Already, there are disturbances from patrons of the restaurant who use the street outside of the exit for smoking and socialising and this can feel quite threatening when groups of people convene and we dread to think how this will manifest with a larger function space which we presume will increase patronage and increase disturbance. The restaurant and its staff are appropriate in how they manage their client group of restaurant goers but we are concerned that an increase in the size of function will encourage a different client group that would be much more difficult to manage and we are not confident that it would be possible to manage this appropriately in our residential setting.

There is an increased risk of public nuisance and environmental impact as well as a personal impact upon ourselves. We are a residential street which does not lend itself

to noisy, heavily populated, social space. We believe that a change in license would change the character of the restaurant which at present is a respected venue which serves its community well. Our concern is that the potential for detriment is too great to take a risk. There are other venues in our vicinity where events can be hosted such as Cullercoats Club and Cullercoats Community Centre where rooms can be hired to the management of Bilash if they wish to host larger events without detriment to anybody.

We hope that this matter can be resolved to the benefit of all concerned and our good relationship with our lovely neighbours is maintained.

Yours faithfully

Hi

Re: Licence act 2003 notice of application for a variation of premises/licence club premises certificate for Bilash Indian restaurant Station Road Cullercoats

As Discussed with Gary Callum on 26th March 2019 please find enclosed a copy of the email that we tried to send on the 26th March 2019 at 14.24 pm

From
To gary.callum@northtyneside.co.uk

Sent from my iPad

- > On 26 Mar 2019, at 13:22, > wrote:
- >
- > I would like to object to the above application.
- >
- > As far as I'm aware & according to the telephonist I spoke to at North Tyneside council this morning no application has ever been made to convert the upstairs flat into a function room/restaurant (this has already been converted however not in use at the moment).
- >
- > I can see no fire exit the only way out for customer would be to come back down the main stairs & through the downstairs restaurant or kitchen.
- >
- > There is also a problem with residents not being able to park during the day & in the evening in Station Road, St Oswins Avenue & Eleanor Street the council are considering permit parking but only between 9 in the morning till 5.30 at night so I can only feel parking will be an even bigger nightmare for us as residents.
- >

Regards