

Licensing Sub-Committee

15 April 2019

Present: Councillors L Darke, G Madden and L Spillard.

LSQ44/04/19 Appointment of Chair

Resolved that Councillor G Madden be appointed Chair for this meeting.

LSQ45/04/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

LSQ46/04/19 Application for the variation of a Premises Licence in respect of Bilash Tandoori Restaurant, 5 Station Road, Cullercoats, NE30 3PQ (Cullercoats Ward)

The Sub-committee met to consider an application for the variation of an existing Premises Licence in respect of Bilash Tandoori Restaurant, 5 Station Road, Cullercoats, NE30 3PQ.

The Applicant, Bilash Tandoori Limited, had sought permission to vary the Premises Licence to add an upstairs banquet room to the Premises Licence. The applicant initially sought to supply alcohol from the banquet room from Monday to Saturday between 11:00 hours and 00:00 hours and between 12:00 hours and 23:30 hours on a Sunday. During the course of the hearing the Applicant confirmed that the banquet room would only be open from 17:00 hours and would be closed by 22:00 hours

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mr A Burnett, Trading Standards and Licensing Group Leader, presented details of the application, the representations received and the options available to the Sub-committee

Mr N Jaigirdar the manager of the premises and spokesperson of the applicant company was present.

Mrs E Stanley, Mrs H Price, Mrs J Dabbs and Mr W Dabbs, local residents, were present to speak in relation to their representations about the application.

Mrs Stanley addressed the Sub-committee in relation to her concerns about the application.

Members of the Sub-committee asked several questions which were responded to by Mrs Stanley.

Mrs Dabbs addressed the Sub-committee in relation to her concerns about the application.

Members of the Sub-committee asked several questions which were responded to by Mrs Dabbs.

Mr Dabbs addressed the Sub-committee in relation to his concerns about the application.

Members of the Sub-committee asked several questions which were responded to by Mr Dabbs.

Mr Jaigirdar addressed the Sub-committee in support of his application.

Members of the Sub-committee asked several questions which were responded to by Mr Jaigirdar.

All parties were given the opportunity of summing up their submission.

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 variation of the Premises Licence in respect of Bilash Tandoori Restaurant, 5 Station Road, Cullercoats be approved subject to the following conditions:

1. There will be no public access to the banquet room at the Premises until such time as a detailed Noise Survey has been undertaken by the Premises Licence Holder. The Survey and any Scheme resulting from the Survey must be submitted to, and approved by, an Environmental Health Officer of North Tyneside Council. Any sound insulation required under the Scheme must be fully installed in accordance with the Scheme before any activities take place in the banquet room.

This condition will fall away once the Survey and Scheme have been approved by an Environmental Health Officer at North Tyneside Council.

2. Any sound insulation installed at the banquet room must be properly maintained and shall not be removed without the written consent of the Environmental Health Department of North Tyneside Council.
3. The noise level from activities in the banquet room, when assessed in any of the residential properties in Station Road or St Oswin's Avenue, Cullercoats, must not exceed a level of 30 dB LAeq at night (after 23:00 hours) measured

over a 15 minute period or 35 dB LAeq during the day (between 07:00 hours and 23:00 hours) measured over a 1 hour period.

If the residents in these streets, including those who have made representations, are troubled by noise nuisance in the future they should either contact the Environmental Health Department of the Council or the Licensing Department so that arrangements can be made, with the consent of the residents, for noise monitoring equipment to be installed in the homes in question to measure the noise levels to ascertain if this condition has been breached.

4. The banquet room will be open to the public each day of the week from 17:00 hours to 22:00 hours.

These hours reflect the revised hours for the banquet room being applied for by the Applicant Company.

5. The supply of alcohol at the banquet room each day will be between 17:00 hours and 22:00 hours.

These hours also reflect the revised hours for the banquet room being applied for by the Applicant Company.

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 objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises already has a Licence to sell alcohol from the ground floor of the Premises;
2. As the Premises does not operate beyond 23:00 hours there is no need for the Premises Licence to include permission for the provision of late night refreshments;
3. The Police, who the Sub-committee relies upon to provide advice in relation to the licensing objective concerned with the prevention of crime and disorder, has made no representation in relation to the application;

4. There has been a representation submitted on behalf of the Local Planning Authority and the applicant will be required to comply with the relevant planning legislation;
5. There have been no representations received from any of the other Responsible Authorities;
6. The concerns of the residents who have made representations relate to noise from the use of the upstairs room of the Premises can be addressed by the imposition of the above conditions which will ensure that residents are not disturbed by the activities taking place in the banquet room.