



North Tyneside Council

Licensing Sub Committee

13 February 2024

Wednesday, 14 February 2024 0.02 Chamber – Quadrant, The Silverlink North,
Cobalt Business Park, North Tyneside, NE27 0BY commencing at 10.00 am.

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To give consideration to an application for the grant of a
Premises Licence in respect of Horticulture, 201-203 Whitley
Road, Whitley Bay, NE26 2SY

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Members of the Licensing Sub Committee

Councillor John Johnsson
Councillor Pat Oliver

Councillor Matthew Thirlaway

Horticulture Coastal, 201-203 Whitley Road, Whitley Bay, NE26 2SY

Operating Schedule

and

Cumulative Impact Assessment Statement

Horticulture Coastal, 201-203 Whitely Road, Whitley Bay NE26 2SY
Operating Schedule

1. The premises shall operate as a café bar providing food and drink. There shall be no change to the operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for full or minor variation or a new licence is required and the licence holder shall comply with that direction.
2. The premises will trade primarily as a café bar and sale or supply of alcohol will be ancillary to the premises main use as a café bar.
3. A substantial food offering will be available until at least two hours before the cessation of sale of alcohol.
4. Waiter/waitress service will be available throughout the hours that the premises are open.
5. The consumption of alcohol will be predominantly to seated customers. The premises will not operate as a vertical drinking establishment, being predominantly people standing consuming alcohol.
6. At any given time, a minimum of 70% of the public trading area will be set aside for tables and chairs ensuring the premises are predominantly seated. The definition of tables to include poseurs and pot shelves.
7. The operator shall ensure that at all times when the premises are open for any licensable activity there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for promoting the licensing objectives.
8. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events.
9. A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Northumbria Police. Such a system shall:-
 - (a) be operated by properly trained staff;
 - (b) be in operation at all times that the premises are being used for a licensable activity;
 - (c) ensure coverage of all entrances and exits to the licensed premises internally and externally;
 - (d) ensure coverage of such other areas as may be required by the Licensing Authority and Northumbria Police;
 - (e) provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained on paper or otherwise may be put on tape or otherwise (for a period of 28 days), and shall be supplied to the Licensing Authority or Police Officer on request;
 - (f) During times licensable activities are provided, a member of management or staff will be contactable and trained in the retrieval of CCTV footage, with the ability to download relevant footage onto a disc within a reasonable time of any request from Northumbria Police to do so.

10. An incident and refusals book or log shall be kept at the premises which is utilised and maintained at all times. This book will be available to the police and local authority on request.
11. The premises licence holder shall ensure that all relevant members of staff receive training in their responsibilities under the Licensing Act 2003. Such training shall be documented and records made available upon request of an authorised officer of the licensing authority. Refresher training will take place at 6 monthly intervals and will also be documented.
12. Noise from the premises, including noise from patrons, amplified music or live music shall not be audible beyond the boundary or within any parts of the building which do not form part of the licensed premises, so as to cause a statutory nuisance.
13. A Challenge 25 policy shall be adopted ensuring that all members of staff at the premises shall refuse to sell alcohol to anyone who appears to be under the age of 25 and who is seeking to purchase alcohol unless that person provides credible photographic proof of age evidence. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, military ID or Proof of Age card carrying a 'Pass' logo.

Cumulative Impact Assessment Statement - Horticulture Coastal, 201-203 Whitley Road, Whitley Bay NE26 2SY

1. Horticulture Leisure 2 Limited have purchased the above premises and seek to convert it from a restaurant operation into a café bar offering. The premises has had the benefit of a premises licence for some years and operated under the trading name Evan's Bistro. The restrictions on the licence only permitted alcohol sales to those taking a table meal with the consumption of alcohol being taken as an ancillary to that meal.
2. The previous operator was not able to make a success of the business. As a result, the business closed in 2019 and has remained empty since that time.
3. The applicant wishes to apply for a new premises licence which will allow a change of operating style at the premises by changing the offering from pure restaurant to café bar
3. The councils Statement of Licensing Policy states at paragraph 13.3:

"In summary, the Cumulative Impact Assessment has demonstrated that there is an evidential basis to justify creating a rebuttable presumption against granting premises licence applications, or variations of existing licences, in relation to alcohol led licensed premises (where alcohol is consumed on the premises) within areas of Whitley Bay and Tynemouth referred to in the Assessment and shown on the maps forming part of the Assessment"
4. This premises would operate in the Whitley Bay Cumulative Impact Area so consideration must be given to whether the policy applies to this application and if so whether to grant it will add to the cumulative impact in the area. In considering the rebuttable presumption we would submit the following points.
5. Offering – The style of offering is food-led. Whilst customers can come and enjoy drinks without food, the sale of food from breakfast to evening is an integral part of the offer. This venue will be marketed as a sister venue to Horticulture on Pilgrim Street in Newcastle which gives an understanding of the style that is proposed. The customer experience is that of a café rather than a bar, with a casual and relaxed environment with the majority of customers seated and the food and drink offering being priced at a level to attract an older clientele.
6. Conditions – The conditions offered under the operating schedule will provide assurance that the venue will be tied to the operating style proposed and will not add to the issues experienced in the area. The terms of the licence sought by the applicant will permit the premises to operate with more flexibility whilst still ensuring that the venue will have no negative cumulative impact on the licensing objectives.
7. Benefit – The application provides an opportunity to review and update the conditions from those on the current licence, adding more nuanced and effective control over the venue.

8. Location – The premises lie at the very edge of the cumulative impact map. They are away from the main strip of licensed venues. Notably it is outside of the main hot spots identified in North Tyneside Council's Cumulative Impact.
9. Hours - The operating hours proposed do not vary from the hours already permitted under the premises licence for Evan's Bistro. The hours during which alcohol sales are permitted do not vary significantly from that which is already permitted. The start time is 1 hour earlier but the evidence would show that the start time does not cause issues giving rise to the Cumulative Impact Policy being in place. The only extension to the finish time is a half hour extension on Sundays, which we would submit is very modest and will not cause issues bearing in mind the style of offerings.
10. Size – the venue is small operating over ground floor only with a seated capacity of around 80.

Conclusion

The councils Statement of Licensing Policy at para 13.8 states:

"The Authority welcomes the introduction of well operated, high quality licensed premises in the Borough, including the areas referred to in the Cumulative Impact Assessment that will enhance diversity in terms of licensed premises and will add to the economic vitality of the Borough. The Authority on the other hand is aware that large capacity "vertical drinking" premises that are used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons can have a significant impact on the likelihood of crime and disorder. Such establishments are not therefore likely to be granted a licence in the areas referred to in the Cumulative Impact Assessment "

It is our submission that the application proposed will be a "well operated, high quality licensed premises" due to the applicant's experience and proposals for the site.

Due to the size of the premises and the conditions offered the venue does not fall within the category of "large capacity "vertical drinking" premises that are used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons" as they are food-led and predominantly seated.