



North Tyneside Council

Thursday 18 June 2020

Thursday, 25 June 2020 commencing at 10.00 am.

The meeting will be held virtually and live streamed

Agenda Item	Page
1. Appointment of Chair The Sub-committee to appoint a Chair for this meeting.	
2. Declarations of Interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
3. Procedure for Licensing Act Hearings To note the procedure for hearing and determining an application to vary a Premises Licence.	3 - 6
4. Woods, 1 and 2 King Edward Court, Front Street, Tynemouth, NE30 4DZ (Tynemouth Ward) To consider an application to vary the Premises Licence in respect of the above premises.	7 - 56

Circulation overleaf ...

Members of the public are entitled to attend this meeting and receive information about it. North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

Members of the Licensing Sub Committee

Councillor Janet Hunter
Councillor Julie Cruddas

Councillor Willie Samuel

LICENSING ACT 2003

NORTH TYNESIDE COUNCIL

PROCEDURE FOR VIRTUAL 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 involved in the hearing to identify themselves in turn. 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 participate 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 Members of the Committee may ask any relevant questions they have of the Licensing Officer.
5. The Applicant will then be invited to address the Committee to clarify any information arising from the officer’s report, if necessary.
6. Any of the Other Persons may ask any relevant questions they have of the Licensing Officer.
7. 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.

8. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).
9. The Applicant may ask any relevant questions of the Other Persons or their witness(es).
10. The Applicant will be invited to address the Committee, in relation to their application. If the Applicant has obtained prior permission to call a particular witness, then they may call that witness.
11. The Committee may ask any relevant questions they have of the Applicant or their witness(es)
12. 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.
13. The Chair will invite the Applicant to make a brief closing statement, ideally taking no longer than 10 minutes.
14. The Chair will ask all parties if they are satisfied that they have said all they wish to.
15. 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.
16. 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.
17. 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.**

- 18. 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 virtual hearing.

If a party fails to attend or be represented at a virtual 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 (if any) 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: 25 June 2020

Report by: Jeff Young
Licensing Officer
☎ 643 6903

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

**Title of
Report:** Licensing Act 2003
Woods, 1 – 2 King Edward Court,
Front Street, Tynemouth,
NE30 4DZ.

Ward(s): Tynemouth

1.0 Summary / Purpose of Report

Licensing Sub-Committee

- 1.1** The Licensing Act 2003 (“The Act”) provides that, where representations have been received from a Responsible Authority or Other Parties in respect on an application for the variation of a Premises Licence, a hearing must be held to consider such applications, unless the parties and the Authority agree that a hearing can be dispensed with. Licensing Sub-Committees have therefore been established in accordance with the provisions of the Act for the purpose of hearing applications such as this.
- 1.2** The Sub-Committee is asked to consider and determine an application from Mr Steven Smallwood for the variation of a Premises Licence in relation to Woods, 1 – 2 King Edward Court, Front Street, Tynemouth (“The Premises”).
- 1.3** Mr Smallwood has been invited to attend the meeting in support of his application. All persons making relevant representations have also been invited to attend.
- 1.4** **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 North Tyneside

Safeguarding Children Partnership (formerly 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.

There have been no representations received from any of the Responsible Authorities.

Representations have been received from Other Parties and are appended to this report at **Appendix 4**.

1.5 Authority to make decision

In relation to an Application for the Variation of a Premises Licence, the Licensing Sub-Committee can, in accordance with section 35(4) of the Licensing Act 2003:

- Modify the conditions of the licence; or,
- Reject the whole or part of the application.

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 an existing Premises Licence in respect of Woods, 1 – 2 King Edward Court, Front Street, Tynemouth.

The current Premises Licence permits the following licensing activities and times:

Supply of Alcohol (for consumption on the premises)

• Monday to Saturday	12.00 – 21.00
• Sunday	12.00 – 19.00

General Opening Times

• Monday to Friday	08.00 – 21.00
• Saturday	09.00 – 21.00
• Sunday	09.00 – 19.00

Non-Standard Times – Bank Holidays

Supply of Alcohol	12.00 – 19.00
General Opening Hours	09.00 – 19.00

2.2 In 2019, an application was submitted by Mr Smallwood for the grant of a Premises Licence in respect of the premises. The application was considered by a Licensing Sub-Committee on 28 June 2019, having regard to representations from local residents.

2.3 A Premises Licence was granted following the licensing hearing on 28 June 2019 with conditions attached. The licence is attached to the report at **Appendix 3** and the

conditions imposed by the Sub-Committee following the hearing are found at Annex 3 of the licence. The licence provides for the supply of alcohol for consumption **on** the premises only and does not permit the supply of alcohol for consumption **off** the Premises. The 'premises' is the area indicated at Annex 4 of the licence .

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 a Premises Licence is made under Section 34 of The Licensing Act 2003 and the Section of the Act dealing with the determination of such an application is Section 35.

3.2 Mr Smallwood seeks to vary the licence by having included in the licence, permission to supply alcohol for consumption off the premises. Mr Smallwood does not request any changes be made to the existing licence in terms of the licensing hours or opening hours despite an indication to the contrary in the application which he has confirmed as being an error on his part as he simply wants to trade for the hours currently permitted.

3.3 Although the Premises is situated in the Tynemouth Cumulative Impact Policy area, because the Premises is not an alcohol led establishment, the Policy does not apply to them and there is therefore no rebuttable presumption against granting the variation of the licence.

3.4 A copy of the application for the variation of the Premises Licence is attached at **Appendix 1** and a map of the area is attached at **Appendix 2**.

3.5 A copy of the current Premises Licence is attached at **Appendix 3**.

4.0 Promotion of Licensable Activities

The applicant has set out the further steps that he proposes to take to promote the licensing objectives as outlines within the operating schedule, details of which can be found within **Appendix 1**.

5.0 The Parties

The parties to the hearing will be;

1. The Applicant – Mr Smallwood
2. Those Other Parties making relevant representations.

6.0 For consideration

The area for consideration by the Licensing Sub-Committee are:

- The application for the variation of a Premises Licence in relation to Woods, 1 – 2 King Edward Court, Front Street, Tynemouth.

7.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the relevant part of the Policy – Section 10 Licensing Objectives and Section 6 – Premises Licences which includes reference to the variation of such licences. Section 13 – Cumulative Impact Policy and Assessment.

8.0 The Relevant Guidance under Section 182 Licensing Act 2003

The Sub-Committee's attention is drawn to the relevant parts of the Statutory Guidance issued under Section 182 of The Licensing Act 2003 – Chapter 2 The Licensing Objectives; Paragraph 8.50 – 8.77 concerning variations and Chapter 9 – Determining Applications and Chapter 14 – Statement of Licensing Policy in relation to Cumulative Impact.

9.0 Decision

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

10.0 Associated Papers

Appendix 1 – The application for the variation of a Premises Licence
Appendix 2 – Map of the area in which the premises is situated
Appendix 3 – Current Premises Licence
Appendix 4 – Relevant representations

11.0 Background Information

The following background information has been considered in the compilation of this report and are available for inspection at the offices of the author of the report:

The Licensing Act 2003 and Regulations,
Guidance issued under Section 182 of The Licensing Act 2003,
North Tyneside Council's Statement of Licensing Policy,
North Tyneside Council's Cumulative Impact Assessment,
The Equality Act 2010.

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

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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

Not Currently In Use

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?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

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

11228036

Business name

Front St Ltd

If your business is registered, use its registered name.

VAT number

- 297639536

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

Legal status

Private Limited Company

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

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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 (£)

23,750

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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.

To include off sales of alcohol to the Premises License. There will be no changes to the operating hours .

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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

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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

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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

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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

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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

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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

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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

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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

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

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.

Continued from previous page...

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

MONDAY

Start

End

Start

End

TUESDAY

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.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="19:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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.

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

supply of alcohol on the premises / change to - supply of alcohol on and off the premises

I have enclosed the premises licence

Continued from previous page...

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.

we are a family run coffee shop which strives to provide our guests with a safe , comfortable , enjoyable experience, we take our guests welfare very serious indeed. we train our staff on every new aspect we bring to the coffee shop, we provide fire alarms, serviced weekly, we have a security alarm, we are totally covered by CCTV recorded on a hard drive for 21 days. All our staff will be trained in the licensing objectives. we will only sell quality branded drinks from a reputable company, and no cheap promotions will take place. We will promote the challenge 25 program in place. We will promote signage to encourage our guests to be mindful of our neighbors. we will supply extra bins if needed to reduce the possibility of extra waste, we will also carry on promoting the no plastic issue we so care about. we basically would like a carbon copy of our other store at the Broadway, iam sure we could provide this extra service to our guests

b) The prevention of crime and disorder

CCTV in place, door staff if ever needed but highly unlikely.
no sales of alcohol to drunk people
be part of pub watch
display appropriate signage, security alarm system in place

c) Public safety

CCTV in place, security system in place
provide door supervision if needed (highly unlikely) fire alarms in place, serviced regulary, well lit outside,staff trained in health and safety

d) The prevention of public nuisance

no cheap drink promotions, no sales of alcohol to drunk people, challenge 25 in place, music to a reasonable level and kept to allocated hours , signs promoting mindfulness to our neighbors and to leave quietly , staff supervising customers leaving regular staff checks outside

e) The protection of children from harm

always ask for ID, implement the challenge 25 policy, regular staff training ,introduce time policy , (no children after a certain time)
Clear signage stating our laws on alcohol to under 18's, drunk people

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

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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

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

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?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Add another signatory

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.

APPENDIX 2

Woods, 1-2 King Edwards Court



North Tyneside Council



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Organisation	North Tyneside Council	Date	03 June 2020
Department	North Tyneside Council	SLA Number	100016801
Comments		Scale:	1:490

APPENDIX 3



North Tyneside Council

PREMISES LICENCE

Schedule 12 – Part A

Premises Licence number:

00CK/19/1244

Part 1 - Premises details

Postal address of premises:

Woods

1 - 2 King Edwards Court
Front Street
Tynemouth
Tyne And Wear
NE30 4DZ

Licensable activities authorised by the licence:

Supply of Alcohol – On the Premises
Playing of Recorded Music - Indoors

The times the licence authorises the carrying out of licensable activities:

Supply of Alcohol Monday to Saturday **From:**12:00 **Until:**21:00, Sunday **From:**12:00 **Until:**19:00
Playing of Recorded Music Monday to Friday **From:**08:00 **Until:**21:00, Saturday **From:**09:00 **Until:**21:00
Sunday **From:**09:00 **Until:**19:00

The opening hours of the premises:

Monday to Friday **From:**08:00 **Until:**21:00
Saturday **From:**09:00 **Until:**21:00
Sunday **From:**09:00 **Until:**19:00

Non-Standard Times and Seasonal Variations – Bank Holiday's

Supply of Alcohol **From:**12:00 **Until:**19:00
Playing of Recorded Music **From -** 09:00 **Until:**19:00
General Opening Hours **From -** 09:00 **Until:**19:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

On the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Steven Smallwood
Front St Ltd T/a Woods Coffee,

Registered number of holder, for example company number, charity number (where applicable):

11228036

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Steven Smallwood

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

00CK/18/2552 North Tyneside Council

Annex 1 - Mandatory conditions

- 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 personal licence.**

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.

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

1. (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.**

2. 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.

Annex 2 - Conditions consistent with the operating schedule

Annex 3 - Conditions attached after a hearing by the licensing authority

1. The noise level from the licensable activity at the Premises and noise associated with such activity when assessed in any of the residential premises in King Edwards Court must not exceed 35 dB LAeq during the operation of the Premises Licence measured over a 15 minute period with the windows of the residential premises closed.
2. 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:
 - i. 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.
 - ii. The CCTV system is able to capture clear images permitting identification of individuals.
 - iii. The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
 - iv. 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.
 - v. The CCTV system is capable of constantly generating an accurate date and time.
 - vi. The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
3. There will be at least one 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 2018 (or any successor legislation).
4. All staff at the Premises who are responsible for selling and supplying alcohol will 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 photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a PASS logo and hologram. If no such evidence is provided then the sale must be refused.
5. No alcohol will be sold or supplied at the Premises other than to persons taking table meals at the Premises and for the consumption of such alcohol to be ancillary to their meal.
6. There will be clear and legible notices displayed at exists and other circulatory areas of the Premises requesting customers to leave the Premises quietly having regards to the needs of local residents and in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.

7. No refuse or glass containers will be deposited in any skip, bin or other container of a similar nature located on the Premises or any areas in the immediate vicinity of the Premises under the control of the Premises Licence Holder between the hours of 20.00 hours and 08.00 hours and no skip, bin or other container will be removed from the Premises or the immediate vicinity of the Premises under the control of the Premises Licence Holder or Designated Premises Supervisor between those hours.
8. No deliveries will be made to or from the Premises between the hours of 20.00 hours and 08.00 hours.
9. At the close of business each day there will be a clean-up of any litter and waste in the immediate vicinity of the Premises.

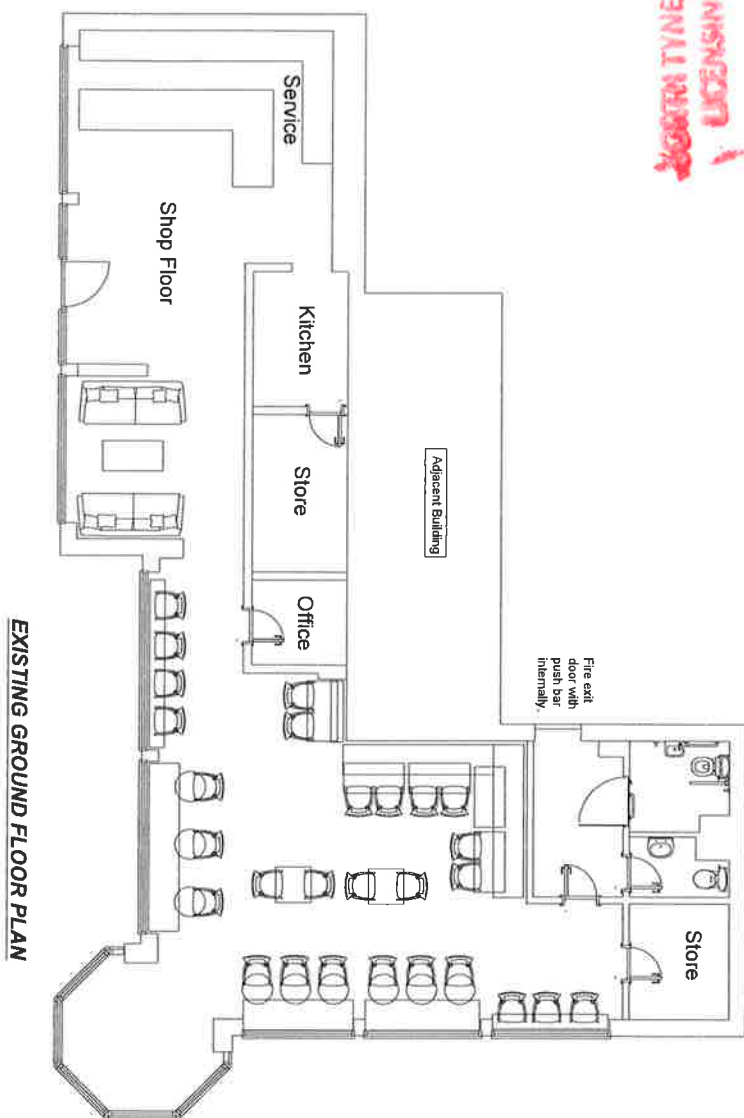
Annex 4 - Plans

See attached

APPROVED

27 MAY 2019

**NORTH TYNESIDE COUNCIL
LICENSING SECTION**



EXISTING GROUND FLOOR PLAN

Rev	Revision Note	Date
	Proposed alterations to WOODS Front Street Tynemouth	
		Scale 1:100
		Date 12.04.19
	Title Existing Ground Floor Plan	Sheet No 001

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APPENDIX 4

①

REC 1315120
PREVIOUSLY ACKNOWLEDGED

The Licencing Section

The Killingworth Site

Harvey Combe

Killingworth

Newcastle upon Tyne

NE12 6UB

6 May 2020

Woods, 1&2 King Edwards Court, Front Street, Tynemouth, NE30 4BX

Dear Sirs,

Your decision of 28 June 2019 to grant Woods Café a premises licence for the sale of alcohol instantly blighted our lives by rendering our property unsaleable given that mortgage finance cannot be secured on residential properties located above licenced premises. You are now proposing to blight our lives even further by allowing off sales and the consumption of alcohol to the outside of our premises, with all the associated public nuisance, increased noise and disorder, and alcohol-related, anti-social behaviour that this entails.

The incessant noise and raised voices from people drinking coffee and smoking cigarettes outside at present until 6.00pm is inconvenient enough. However, as we are all well aware, when alcohol is involved, the volume rises dramatically. This is what we are now being asked to endure all day, every day, until 9.00pm (7.00pm on Sunday) plus, in reality, a further hour after closing time to allow for the drinkers to disperse and to clear up after them. Add to that the constant scraping of metal chairs on the pavement, the collection and emptying of beer bottles into refuse bins, and the increased levels of cigarette smoke. This will make continued living here untenable.

As for the applicant's proposal to include signage to encourage drinkers to be mindful of the residents, this is both laughable and delusional if he seriously thinks the public would take any notice of it. Even your own Environmental Health department objected to the original application citing the detrimental effect of additional noise from the external areas due to intensification of use. Given the minimal toilet facilities available inside the café, this will also include increased use of the rear exterior of the building adjacent to our front door as a public urinal, not to mention other nefarious activities also witnessed here through our entry door security camera including open drug dealing.

The crowds gathered outside the café are already extensive. It is the largest outdoor area by far of any licenced premises on Front Street. If this application is allowed, it will inevitably become the mecca for the drinking hordes who descend on Tynemouth every weekend. It will be a glorified pub in all but name. The noise and associated public nuisance will make our lives intolerable. With respect, would you tolerate close to 100 drunken revellers outside your window all day and every night ?

Once off sales of alcohol is also granted, the applicant, or any subsequent owner of the premises, could of course then readily seek to extend the opening hours until 11.00pm and convert the premises into a fully fledged public house.

Our understanding is that the café has planning permission for 16 tables providing outside seating for 64 people based upon 4 seats per table. Of these, 50% are within the boundaries of the property and 50% are on the public footpath. This includes two rows of seating to the pavement on East Street. However, this designated area is routinely flouted by the applicant with four rows of tables and chairs deliberately set out across the public footpath.

By his own admission, he currently operates with 22 tables outside. This is in clear breach of the terms of his planning permission. Given the Council's continued failure to enforce this breach then, by simply adding more chairs, he has potential seating capacity for up to 88 people. This both obstructs and intimidates pedestrians, particularly, when groups of motorcyclists gather here and park their vehicles on the same pavement.

There is currently a complete bottleneck at weekends on the return pavement to Front Street due to customers outside his café. The narrow two meter wide pavement in this area is regularly totally blocked with the result that pedestrians have to step out onto the road to get past. This footpath obstruction is already a serious public safety issue with both children and adults at risk of being hit by a car. By granting consent for off sales of alcohol the problem would only be compounded by drinkers also gathering here and causing even further obstruction.

This danger is readily evident outside the next door premises, the Turks Head public house where smokers and drinkers regularly spill out from beyond the designated seating area and block the entire public footpath. On the pavement outside of these two premises alone there are more than enough fixed obstacles that members of the public have to negotiate including a bus stop, two street lamps and a mounted security camera column.

Clearly the rights and concerns of the residents of Tynemouth are subordinate to the interests of the night time economy by virtue of the Council's presumption to grant alcohol licenses anyway. Witness some 20 plus licensed premises now already within a 200 metre stretch of Front Street to facilitate the current all day, binge drinking culture. Even with a food and drink-led licence, this can be readily circumvented when even a bag of crisps or a packet of nuts shared among 5/6 people can be legally interpreted as being food-led.

We object therefore in the strongest possible terms to this application given the negative impact that this amount of public nuisance would have on the quality of our lives, and that of our neighbours, as well as the quiet enjoyment of our home.

Yours Faithfully

Gary Callum

From: Stephanie Graham
Sent: 11 May 2020 09:38
To: Gary Callum
Subject: FW: Woods, 1-2 King Edwards Court, Tynemouth
Attachments: Woods 15_01046_FUL-SITE_LOCATION_AND_SITE_LAYOUT_PLAN-436369.pdf

From:
Sent: 10 May 2020 13:12
To: Stephanie Graham <Stephanie.Graham@northtyneside.gov.uk>
Subject: RE: Woods, 1-2 King Edwards Court, Tynemouth

EXTRNL

Stephanie Graham
Senior Licensing Officer

Thank you for your email dated 05 05 20 and I wish to submit an objection as stated below.

Licensing Section

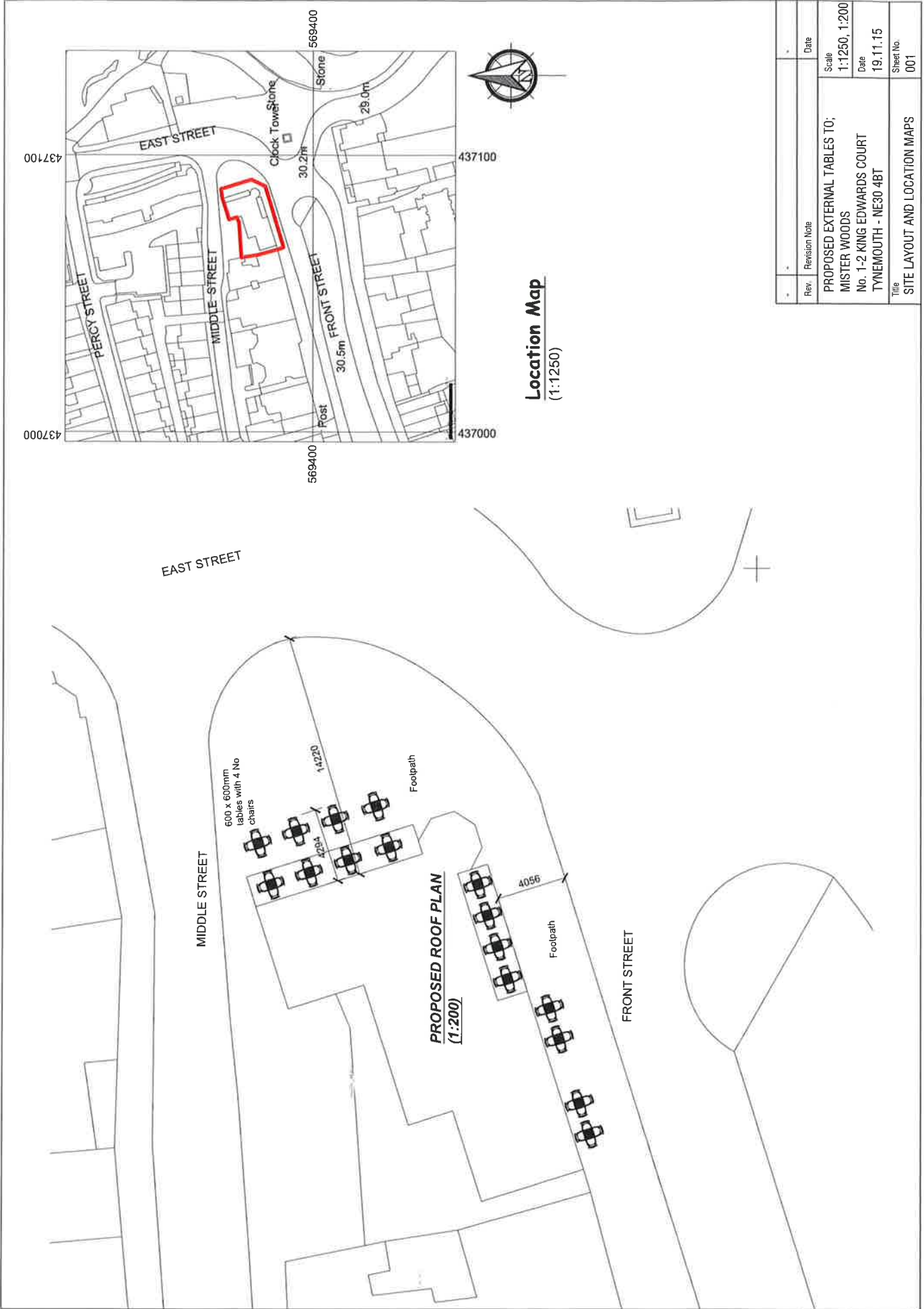
Woods 1&2 King Edwards Court, Tynemouth – Variation to a Premises Licence

I wish to object to the above referenced Licensing application.

This business, in King Edward's Court, is part of Prior's Haven which is a residential development completed 23 years ago in the heart of the Tynemouth Conservation Area. The development includes two ground floor retail units which were intended to be compatible with the residential dwellings above and nearby. The change to a coffee shop and now licensed premises is adversely affecting what was intended to be a predominantly residential community.

- Tynemouth already has more than enough licensed premises with external alcohol opportunities and another one in this location will adversely add cumulative impact to undesirable noise, behaviour and disruption.
- The area and location of the tables shown by the applicant in the Variation Plan is greater than the boundary of the premises and encroaches on the public footway. This is a safety risk for pedestrians using the footway.
- The area and proposed number of tables are located beyond that which has planning approval by reference to 15_01046_FUL and related Location plan (copy attached).

I ask that the application be rejected.



Rev.	Revision Note	Date
PROPOSED EXTERNAL TABLES TO: MISTER WOODS No. 1-2 KING EDWARDS COURT TYNEMOUTH - NE30 4BT		Scale 1:1250, 1:200
		Date 19.11.15
Title SITE LAYOUT AND LOCATION MAPS		Sheet No. 001

Gary Callum

From:
Sent: 06 May 2020 15:12
To: Liquor Licensing
Subject: FW: Licence Number 00CK/19/1244
Attachments: -196501.tif

EXTRNL
Good Afternoon,

I write with reference to the proposed alteration to the Licence Number 00CK/19/1244 for Woods Café at 1 & 2 King Edward Court Tynemouth.

Having received notification that the premises intends on altering its licence to sell alcohol outdoors I feel as the property manager I must make you aware that this is against the terms of the lease.

The terms of the lease for 1 and 2 King Edwards Court state that the property is not to be used for any other purpose than as a retail shop within the uses stipulated in Class A1 of the Town & Country Planning (Use Classes) Order 1987, relevant clause set out below:

Covenants enforceable by the Lessor and Lessees of other Properties

Not to use or suffer to be used the Demised Premises for any purpose other than as a retail shop within the uses stipulated in Class A1 of the Town and Country Planning (Use Classes) Order 1987 or any re-enactment thereof

The lease is clear that the property is only to be used as A1 and the use as A3, in our view, is a breach of the terms of the lease.

It appears that the Woods Café have previously been given Council approval for a change of use from A1 retail use to A3 café/coffee shop in 2010 (document attached). Within this document it also states that the premises should not be using an outdoor seating area of any form to avoid disruption to neighbouring properties.

There have been no applications made to alter the use class noted in the lease and applications of this nature would be rejected due to the risk of disruption to the domestic properties above the café.

I hope that you can consider this information when reviewing the approval of this alteration.

Thank you for your time,



North Tyneside Council

Development Directorate
North Tyneside Council
Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Tel: (0191) 643 2310
Fax: (0191) 643 2426

Misterwoods Cafe
FAO Mr Steven Smallwood

Application No:
10/00022/FUL

Tyne And Wear

Date of decision issue:
10 March 2010

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country (General Development Procedure) Order 1995
Town and Country (Applications Regulations) 1988

GRANT OF PLANNING PERMISSION

TAKE NOTICE that in pursuance of its powers under the above mentioned Act and Regulations North Tyneside Council as Local Planning Authority hereby **GRANTS** planning permission

For: Change of use from A1 retail use to A3 cafe/coffee shop

at: 1 - 2 King Edwards Court Front Street Tynemouth Tyne And Wear NE30 4DZ

in accordance with the application numbered 10/00022/FUL, deemed valid by the Council on 19 January 2010, and the plans stamped as approved on 10 March 2010.

SUBJECT TO CONDITIONS as follows:

- 1) The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.
Reason: To ensure that the development as carried out does not vary from the approved plans.
- 2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 3) No deep fat frying of foods shall occur, only the re-heating of foods and use of domestic kitchen equipment at the host premises.
Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policies H13 and DCPS

16 of the North Tyneside Unitary Development Plan 2002.

- 4) Notwithstanding the approved plans, the premises opening hours shall be restricted to 08:00 - 20:00 hours Monday to Saturdays and 09:00 - 19:00 hours Sundays and Bank Holidays.
Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policies H13, DCPS 8, DCPS 16 and E16/2 of the North Tyneside Unitary Development Plan 2002, and the Tynemouth Village Conservation Area Character Statement 2002.
- 5) There shall be no outside seating or eating or drinking facilities including furniture, heaters and canopies fixed or otherwise.
Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policies H13, DCPS8, E16/2 and DCPS16 of the North Tyneside Unitary Development Plan 2002, and the Tynemouth Village Conservation Area Character Statement 2002.
- 6) No development shall take place until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.
Reason: In order to safeguard the amenities of the area having regard to policy DCPS No. 8, E16/2 and H13 of the North Tyneside Unitary Development Plan 2002.
- 7) No development shall take place until details of facilities to be provided for the storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. The facilities which shall include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.
Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents having regard to policy DCPS No. 8, E16/2 and H13 of the North Tyneside Unitary Development Plan 2002.
- 8) No extraction equipment or chimneys shall be attached or fixed to the external walls of the premises without the prior written approval of the local planning authority.
Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13, DCPS 8, E16/2 and DCPS16 of the North Tyneside Unitary Development Plan 2002, and the Tynemouth Village Conservation Area Character Statement 2002.
- 9) No activity shall take place at the premises outside of the hours of 07:00 and 23:00 on any day.
Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policies H13, DCPS 8, E16/2 and DCPS 16 of the North Tyneside Unitary Development Plan 2002, and the Tynemouth Village Conservation Area Character Statement 2002.

- 10) No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.
Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

Summary of reasons for granting permission and policies and proposals in the development plan relevant to the decision:

The proposals are considered to accord with the policies and provisions of the North Tyneside Unitary Development Plan 2002 and in particular policies DCPS No. 8, E16/2, DCPS No. 16, H13 and S7.

Signed



Head of Development, strategy and planning

INFORMATION FOR APPLICANTS

- 1) The applicant's attention is drawn to the requirements of the Building Regulations. The applicant must submit a formal Building Regulation application to ensure full compliance with the Building Regulations. The Council's Building Control offer a pre-submission facility where major design issues such as fire safety, means of escape, access to buildings, structural stability and sound resistance can be agreed. Contact Building Control on: Tel.: 0191 643 2200 Fax: 0191 643 2426 or by Email: building.control@northtyneside.gov.uk or via the web site at www.northtyneside.gov.uk/environment/buildingcontrol
- 2) This permission does not include consent for the display of advertisements. Therefore separate application must be made to this Authority in respect of any advertisement which requires consent under the Town and Country Planning (Control of Advertisements) Regulations 1969.
- 3) It is an offence to obstruct the public highway (footway and/or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Highway Authority.

Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a particular hazard to those who are disabled, either by lack of mobility or impaired vision.

Please assist the Council by instructing your building contractor and materials suppliers that obstruction of the highway will not be tolerated by the Council, which is prepared to take legal action against those responsible for such obstructions.

Should you find it impossible to avoid placing materials on the public highway, contact the Highways Maintenance Section (tel 0191 643 6130) in advance to discuss the circumstances. In such cases the Council may authorise the placing of materials subject to specified conditions being met.

- 4) Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over adjoining property.

All foundations, gutters and downpipes should be wholly within the application site.

Note 1 This approval must not be construed as giving approval under Building Regulations or for improvement grant purposes. Building Regulations consent may be required for development involving the extension or construction of a building for which an application may be required. For further information telephone Building Control on 0191 6432200.

Note 2 A condition of this permission requires that the development shall be carried out in complete accordance with the approved plans. Failure to do so could render the development unauthorised. Any material change to the approved plans will require a formal planning application to vary this condition, make a minor material amendment or apply for a non-material change to the plans through an appropriate submission to and the approval of the Local Planning Authority prior to any change being made. For further information telephone Development Control on 0191 6432310.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal you must do so within six months of the date of this notice, using a form which you can only get from: The Planning Inspectorate, Registry/Scanning, Room 3/01 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0117 3726372)or e-mail: enquiries@planning-inspectorate.gsi.gov.uk
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practise, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonable beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In Certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

REC 18/5/20
④ PREVIOUSLY ACKNOWLEDGED

8th May 2020

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

Dear Sirs,

Re: Woods Cafe, 1-2 Front Street, Tynemouth, NE30 4DZ - Variation to Licence Application

I formally object to the above licence application to allow the sale and consumption of alcohol to the outside of the premises. This is on the grounds of (1) public nuisance, (2) public safety, and (3) prevention of crime and disorder.

Until very recently I was the owner of 4 Arcade Park, Tynemouth and I know only too well about the frequent rowdiness and drunken behaviour that the residents of Front Street in particular have to endure, as well as the often hostile and intimidating atmosphere that all day drinking creates. Consequently, after years of experiencing increasing anti-social behaviour and disorder in the village, I decided to sell my property.

Sections of footway in Front Street often become congested by customers congregating outside of premises such as Woods Café resulting in the general public being unable to pass safely by and forcing them to walk out onto the busy road. Extended opening hours and intensified use to now accommodate alcohol consumers outside of the premises will result in endangering the general public even further.

Yours sincerely

Gary Callum

ACKNOWLEDGED
⑤ 18/5/20

From: publicaccess@northtyneside.gov.uk
Sent: 13 May 2020 11:20
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0808/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:20 AM on 13 May 2020 from

Application Summary

Address: 1 - 2 King Edwards Court Front Street Tynemouth Tyne
And Wear NE30 4DZ

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Committer Type: MAKE REPRESENTATION ie.object or support

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Opening Hours
- Planning
- Prevention of Crime Disorder
- Prevention of Public Nuisance
- Public Safety
- Traffic

Comments: 11:20 AM on 13 May 2020 Dear Sir / Madam
I wish to object to the proposed application on the grounds that this application will only exacerbate the current problems that resident living above and near Woods already face. Crime and disorder persists on Front Street Tynemouth residents will get little if any respite if the application is allowed, people living close by are faced, on a daily basis, public nuisance from noise and anti-social behaviour caused by excessive alcohol consumption on the street.

I strongly object to the application and recommend that it is not accepted by the licensing committee.

Rec B.05.20.

ACK. 18-5-20.

②

THE LICENCING SECTION

THE KILLINGWORTH SITE

HARVEY COMBE

KILLINGWORTH

NEWCASTLE UPON TYNE

NE12 6UB

07 MAY 2020

WOOD'S 1-2 KING EDWARDS COURT, FRONT STREET, TYNEMOUTH, TYNE & WEAR NE30 4DZ

Dear Sirs,

I wish to formally object to the above license application.

Yet even more outside drinking of alcohol on Front Street than there is currently would I consider only create increased public nuisance, crime and disorder than we already have, particularly, at weekends when the external seating areas to cafes and bars are at saturation point.

It is difficult enough currently to walk past Woods Café given the volume of seated customers, as well as passers by standing talking to them and obstructing the narrow public pavement in this location. Added to this is the large number of standing customers awaiting takeaway service from the open window counter. I regularly have to step out on the road to get by them. The serving of alcohol will I consider only add to the congestion with vertical drinkers who refuse to sit and compound what is already a significant public safety problem.

Approval of this application would also be detrimental to any residents living in the immediate area due to the increased levels of noise and public nuisance. I note that the applicant is also seeking to extend his operating hours from his current closing time of 6.00pm until 9.00pm. This means therefore that nearby residents would be disturbed even longer and well into the night by the time drinkers actually disperse. This to me does not prevent public nuisance but, on the contrary, only increases it by extending the period for a further three hours.

Yours Faithfully

Stephanie Graham

From: .
Sent: 24 May 2020 18:16
To: Stephanie Graham
Subject: Fw: Variation to premises licence Woods 1-2 King Edwards Court NE304DZ

Importance: High

EXTRNL

Dear Stephanie
Please see below.
Regards

Sent from my Huawei phone

----- Original message -----

From: .
Date: Sun, 24 May 2020, 18:12
To: Liquor.licensing@northtyneside.co.uk
Subject: Variation to premises licence Woods 1-2 King Edwards Court NE304DZ

Sent from my Huawei phone
24th May 2020

Dear Sir

My objection to the above is the same now as it was to the previous application. So please see below.

Please confirm receipt of this.

I look forward to hearing from you.

Regards

----- Original message -----

From: .
Date: Tue, 7 Apr 2020, 20:21
To: Liquor.licensing@northtyneside.co.uk
Subject: Licensing allocation Woods 1-2 King Edwards Court NE304DZ

Dear Sir

I am writing to object to the above application to sell and allow people to consume alcoholic drinks outside the cafe up until 9pm Monday to Saturday and until 7pm on Sunday.

This will cause significant noise and nuisance to me as I live immediately above the cafe. When the cafe is open I can hear noise from customers constantly already. This will be significantly worse should customers be allowed to sit /stand outside drinking alcohol. The noise will be worse firstly because people will be drinking alcohol and therefore their voices more likely to be raised and also because people will be outside as opposed to inside the cafe. This will be a

significant nuisance to me also because of the opening hours of up to 9pm Monday to Saturday and also to 7pm on Sunday. This will be a significant disturbance to me every day and evening of the week therefore.

I hope you will take notice of my objection and refuse this licensing application.

Yours sincerely

Sent from my Huawei phone

Gary Callum

From:
Sent: 27 May 2020 09:01
To: Liquor Licensing
Subject: Mr Woods

EXTRNL

I would like to object to the change of licence applied for by Mr Woods in Front Street in Tynemouth.

Whilst I am a supporter of the business I am also responsible for representing the residents and particularly those who live directly above the premises

I believe the the use of the outside area for drinking would the not only be detrimental to the immediate residents but also to Front Street in general as as it would potentially create a huge area of outside drinking.

Despite the best intentions of the the applicant the the area would undoubtedly increase crime disorder, anti-social behaviour and public nuisance, not only for those living immediately adjacent but also those passing by.

I am aware that Mr Woods is a responsible and professional business but once this is granted any future tenant could also so take advantage of this in a less responsible fashion.

E:
T:
FB:
A:

The Licensing Section
The Killingworth Site
Harvey Combe
Killingworth
NE12 6UB

Te

6th May 2020

Dear Sirs,

Woods Café - 1 & 2 King Edwards Court, Tynemouth
Variation to Premises License - 04th May 2020

As owners of residential flat above the Woods Café premises, we would have objections to the granting of any alcohol licensing for these premises.

The outside seating around the café covers a large pavement area which is often full with people sitting with coffee, soft drinks etc. If alcohol was being served, the noise levels would increase significantly.

Please bear in mind that there are 4 residential flats above Woods Café which would suffer adversely from alcohol being added to the current trading license.

We appreciate that businesses should be allowed to operate in what is a popular tourist area, but not at the expense of the residents right to peace and quiet.

Yours faithfully

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