



**North Tyneside Council**

# Licensing Sub Committee

Date Not Specified

**Thursday, 17 December 2020** This meeting will be held remotely via Teams - Remote Meeting **commencing at 10.00 am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Appointment of Chair</b>	
The Sub-Committee to appoint a Chair for this meeting.	
<b>2. Declaration of Interest and Dispensations</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>3. Procedure for Licensing Act Hearings</b>	<b>3 - 6</b>
To note the procedure for hearing and determining an application for a variation to a Premise License.	
<b>4. Morrisons Supermarket, Preston North Road, North Shields, Tyne and Wear, NE29 9QR</b>	<b>7 - 44</b>
To consider an application for a variation to a Premises Licence.	

**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 Overview, Scrutiny & Policy Development Committee**

Councillor Janet Hunter  
Councillor Willie Samuel

Councillor Tommy Mulvenna

## 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 or their representative will then be invited to address the Committee to clarify any information arising from the officer's report, if necessary.
6. The Applicant, or their representative, 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.

7. The Committee may ask any relevant questions they have of the Applicant, their representative or their witness(es).
8. Any of the Other Persons may ask any relevant questions they have of the Applicant, their representative or their witness(es).
9. 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.

10. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).
11. The Applicant or their representative may ask any relevant questions of the Other Persons or their witness(es).
12. The Chair will invite the Applicant or their representative to make a brief closing statement, ideally taking no longer than 10 minutes.
13. 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.
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:** 18 November 2020

**Report by:** Susan Vert  
Licensing Officer  
☎ 643 6904

**Contact  
Officer(s):** Susan Vert  
Licensing Officer  
☎ 643 6904

**Title of** Licensing Act 2003

**Report:** Morrisons Supermarket  
Preston North Road  
North Shields  
Tyne and Wear  
NE29 9QR.

### 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 WM Morrison Supermarkets PLC for the variation of a Premises Licence in relation to Morrisons Supermarket, Preston North Road, North Shields, Tyne and Wear, NE29 9QR.
- 1.3** The applicant has been invited to attend the meeting in support of their 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.

A representation has been received from Environmental Health. Representations have also 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 Morrisons Supermarket, Preston North Road, North Shields, Tyne and Wear, NE29 9QR. A copy of the application form is attached at **Appendix 1**, a plan of the premises and a map of the area is attached at **Appendix 2**.

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

### **Supply of Alcohol** (for consumption off the premises)

- Every Day 06.00 – 00.00

### **General Opening Times**

- Every Day 06.00 – 00.00



- 2.2 The current licence is attached to the report at **Appendix 3**. The licence provides for the supply of alcohol for consumption **off** the premises only and does not permit the supply of alcohol for consumption **on** 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 WM Morrison Supermarkets PLC seeks to vary the licence to extend the hours for the sale of alcohol and the opening hours of the premises and to include the provision of Late-Night Refreshment as a licensable activity as follows:
- Supply of Alcohol** (for consumption off the premises)
- Every Day 00.00 – 24.00
- General Opening Times**
- Every Day 00.00 – 24.00
- Late Night Refreshment** (for consumption on and
- Every Day 23.00 – 05.00
- 3.3 A copy of the application for the variation of the Premises Licence is attached at **Appendix 1** and a plan of the premises and a map of the area is attached at **Appendix 2**.
- 3.4 A copy of the current Premises Licence is attached at **Appendix 3**.
- 4.0 **Promotion of Licensable Activities**
- 4.1 The applicant has advised that there are no further steps that they propose to take to promote the licensing objectives as outlined within the operating schedule, details of which can be found within **Appendix 1**.
- 5.0 **The Parties**
- 5.1 The parties to the hearing will be;
1. The Applicant – Gosschalks Solicitors
  2. Those Other Parties making relevant representations.

**6.0 For consideration**

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

- The application for the variation of a Premises Licence in relation to Morrisons Supermarket, Preston North Road, North Shields, Tyne and Wear, NE29 9QR.

**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.

**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.

**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 – A plan of the premises and a map of the area.  
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,  
The Equality Act 2010.

## **APPENDIX 1**



**North Tyneside**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[liquor.licensing@northtyneside.gov.uk](mailto:liquor.licensing@northtyneside.gov.uk)  
 Telephone: 0191 6432175

\* required information

**Section 1 of 18**

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

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

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

Are you an agent acting on behalf of the applicant?

☒ 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 the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

Business name  If the applicant's business is registered, use its registered name.

VAT number   Put "none" if the applicant is not registered for VAT.

Legal status

**Continued from previous page...**

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent 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:

☒ An agent that is a business or organisation, including a sole trader

☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

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

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

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

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

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

\* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable  
value of premises (£)

### Section 3 of 18

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒ Yes

☐ No

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

☐ Yes

☒ No

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

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

#### Describe Briefly The Nature Of The Proposed Variation

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

1. TO VARY THE HOURS FOR THE SALE BY RETAIL OF ALCOHOL AND OPENING TO 0000 TO 2400 HOURS MONDAY TO SUNDAY INCLUSIVE.

2. TO PERMIT LATE NIGHT REFRESHMENT FROM 2300 TO 0500 HOURS MONDAY TO SUNDAY INCLUSIVE.

### Section 4 of 18

#### PROVISION OF PLAYS

See guidance on regulated entertainment

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

☐ Yes

☒ No

### Section 5 of 18

#### PROVISION OF FILMS

See guidance on regulated entertainment

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

☐ Yes

☒ No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 7 of 18

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 8 of 18

#### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 9 of 18

#### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 10 of 18

#### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 11 of 18

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

See guidance on regulated entertainment

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

☐ Yes ☒ No

#### Section 12 of 18

#### PROVISION OF LATE NIGHT REFRESHMENT



Continued from previous page...

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

☒ Yes

☐ No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

☐ Indoors

☐ Outdoors

☒ Both

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

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

Continued from previous page...

State any seasonal variations.

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

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

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

## Section 13 of 18

### SUPPLY OF ALCOHOL

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

☒ Yes ☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

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

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 00:00

End 24:00

Start

End

SUNDAY

Start 00:00

End 24:00

Start

End

Will the sale of alcohol be for consumption?

☐ On the premises ☒ Off the premises ☐ Both

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

State any seasonal variations.

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

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

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

#### Section 14 of 18

##### 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.

NONE.

#### Section 15 of 18

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

**Continued from previous page...**

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

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

THE LICENCE HAS NOT YET BEEN ISSUED TO US FOLLOWING A PREVIOUS VARIATION APPLICATION.

**Section 16 of 18**

**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.

AS EXISTING.

b) The prevention of crime and disorder

AS EXISTING.

c) Public safety

AS EXISTING.

d) The prevention of public nuisance

AS EXISTING.

e) The protection of children from harm

AS EXISTING.

Section 17 of 18

**NOTES ON REGULATED ENTERTAINMENT**

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

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - 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.

**Section 18 of 18**

**PAYMENT DETAILS**

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

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

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](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 (£)

635.00

**DECLARATION**

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

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

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

Continued from previous page...

\* Full name

GOSSCHALKS

\* Capacity

SOLICITORS FOR AND ON BEHALF OF THE  
APPLICANT

\* Date

30 / 09 / 2020  
dd mm yyyy

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.**

OFFICE USE ONLY

Applicant reference number

RJT/CME/109500.11807

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐

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

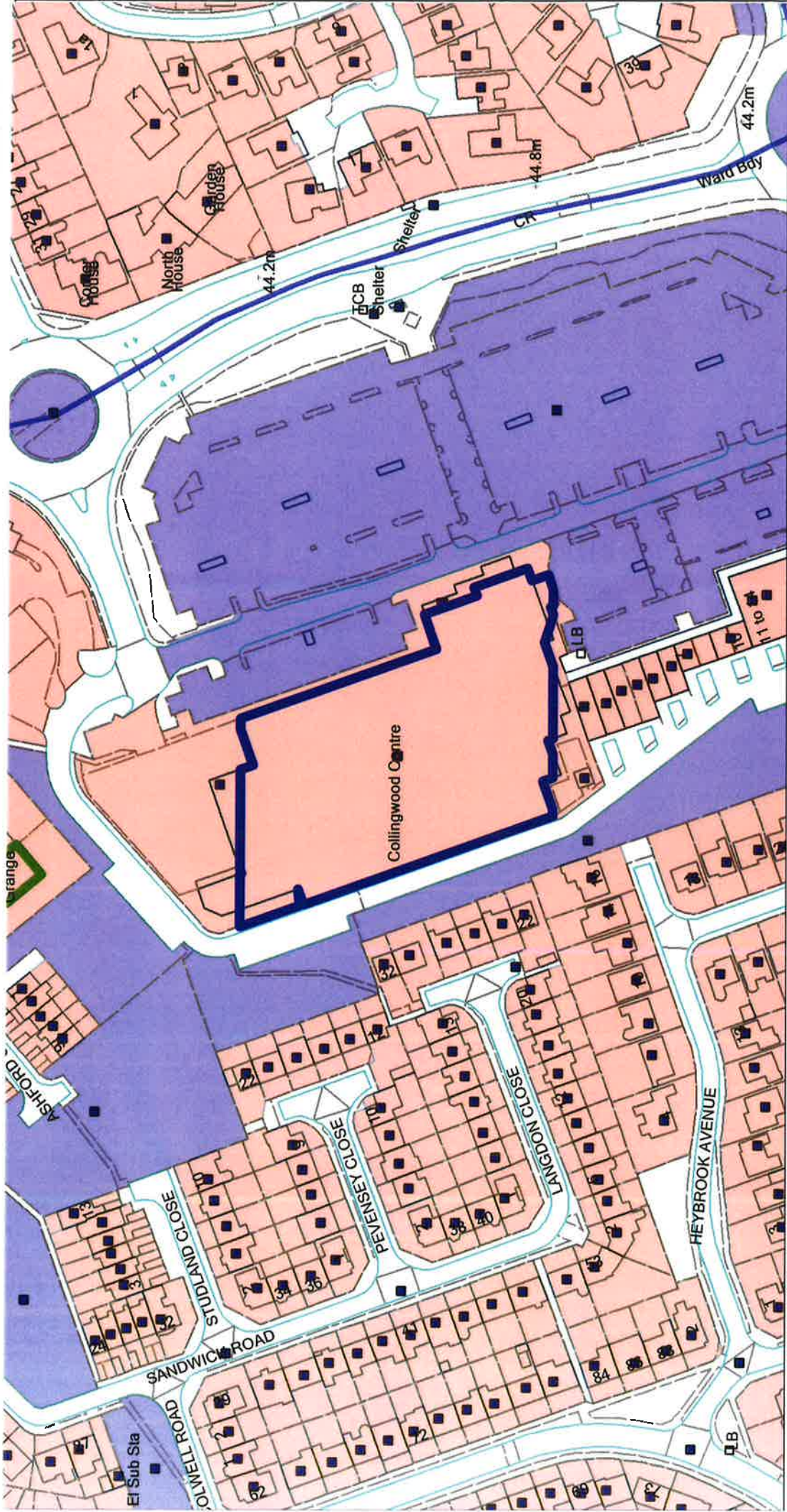


## APPENDIX 2

Not Set



North Tyneside Council



Reproduced from the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
North Tyneside Council © Crown Copyright and database right 2012.  
Ordnance Survey Licence Number 0100016801

Organisation	North Tyneside Council	Date	09 November 2020
Department	North Tyneside Council	SLA Number	100016801
Comments	Not Set	Scale :	1:1739





This page is intentionally left blank

## **APPENDIX 3**

### **Premises Licence Summary**

**Premises Licence Number: 00CK/16/0024**

**Postal Address of Premises:**

**Morrisons Supermarket**  
Preston North Road  
North Shields  
Tyne And Wear  
NE29 9QR

**Licensable activities/times authorised by the licence:**

**Supply of Alcohol:**Every Day **From:**06:00 **Until:**00:00

**Opening hours of the premises:**

Every Day **From:**06:00 **Until:**00:00

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

Off Premises

**Name,(registered) address of holder of premises licence:**

Wm Morrison Supermarkets Plc  
Hilmore House, Gain Lane, Bradford, West Yorkshire

**Registered number of holder eg company number, charity number (where applicable):**

**Registered Number:** 00358949

**Name of designated supervisor where the premises licence authorises the supply of alcohol:**

**State whether access to the premises by children is restricted or prohibited:**



North Tyneside Council

## **PREMISES LICENCE**

### Schedule 12 – Part A

**Premises Licence number:** 00CK/16/0024

#### **Part 1 - Premises details**

##### **Postal address of premises:**

**Morrisons Supermarket**  
Preston North Road  
North Shields  
Tyne And Wear  
NE29 9QR

##### **Licensable activities authorised by the licence:**

Supply of Alcohol

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

**Supply of Alcohol:** Every Day **From:**06:00 **Until:**00:00

##### **The opening hours of the premises:**

Every Day **From:**06.00 **Until:**00.00

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

Off Premises



**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Wm Morrison Supermarkets Plc  
Hilmore House, Gain Lane, Bradford, West Yorkshire

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

00358949

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:****Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:**



**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 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.

**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.

## **Annex 2 - Conditions consistent with the operating schedule**

1. All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" Scheme to be applied on the premises. The following forms of identification are acceptable; photo driving licence, passport, proof of age standards scheme (PASS) card and any other locally or nationally approved form of identification.

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

**Annex 4 - Plans**

See attached

This page is intentionally left blank

## **APPENDIX 4**



Working in partnership with

**Capita**

## REPORT

To: Licensing Section

Author: Claire Wilson  
Environmental Health  
Telephone: 0191 643 6645

Date: 21<sup>st</sup> October 2020

Licensing Act 2003

**RE: Application to vary the premise licence at Morrison, Preston Grange, North Shields, NE29 9QR**

My representation is being made under the licensing objective(s) your representation for the Prevention of Public Nuisance.

The Morrisons store is located adjacent to Preston Road North. The site shares a complex with a number of other small commercial units but is surrounded by residential properties of Ashford Close and Bishopbourne Court to the north of the premises and Heybrook Avenue to the west of the premises.

The application is to vary the premise licence to permit the sale of alcohol from 0000 to 2400 hours Monday to Sunday inclusive and 2300-0500 hours Monday to Sunday for late night refreshment.

The variation of hours to permit 24hour sales of alcohol will result in increased noise in the area with associated noise from the customers visiting the store and potential noise from delivery operations if an extended delivery service is provided. Noise will arise from vehicles using the car park, loud voices of customers and clatter and bangs from trolleys and the slamming of car doors and car boots. In addition there will be noise from car radios that will impact on nearby residents of Ashford Close and Bishopbourne Court.

There will be a cumulative noise impact arising from the operation of the supermarket including extended use of plant and equipment, additional deliveries of goods to the store will be required to replenish stocks resulting in extended use of the service yard. This department is already in receipt of complaints in relation to the use of the service road late at night.

The Morrisons store currently closes at 10pm and although there are other smaller shops in the complex that open later e.g. Domino's, the extent of the customer base is considered to be smaller and the potential noise impacts minimal for local neighbouring residents. The proposed 24 hour opening for the sale of alcohol will



result in a new noise source from its activities during the later evening and night period and give rise to additional noise from customers, plant noise and vehicle noise resulting in potential disturbance for residents.

The variation of their operating hours for late night refreshment and sale of alcohol will result in attracting more people to this area during the late evening and night period causing additional noise for nearby residents and this will have an adverse impact on the quality of life for the local residents. Normal conversation speech can be between 60-80 dB and loud shouting and loud voice between 80-100 dB based on 1 metre to the source. If an average of 80-90 dB from raised voices, is taken then the likely noise levels inside the nearest residents properties some 70 m away will be in the region of 43 to 63 dB. World Health guidelines give a peak level of 45 dB(A) inside bedrooms and as outlined above, residents may be subject to noise levels that exceed the guidance level of 45 dB L<sub>Amax</sub>.

The applicant has provided no evidence to show how noise impacts arising from the variation of their operating hours will be adequately mitigated to prevent a public nuisance. I would therefore ask that the committee consider refusing this application that is requesting to vary the premise licence to permit the sale of alcohol from 0000 to 2400 hours Monday to Sunday inclusive and 2300-0500 Monday to Sunday for late night refreshment.

**Susan Vert**

---

**From:**  
**Sent:** 07 October 2020 10:36  
**To:** Liquor Licensing  
**Cc:** Cllr Martin Rankin; Claire Wilson; Wendy Burke; Amelia Robson  
**Subject:** Morrisons Licensing variation 20/1704/MIN/VAR

\*EXTRNL\*

The above variation application seeks permission:-

- to sell alcohol 24/7,
- to provide late night refreshment 11pm to 5am 7days a week; and
- "general opening" 24/7.

Various Council planners and environmental health managers will be only too aware of a litany of problems, arising from the operation of the Tynemouth supermarket (and associated retail units), causing considerable nuisance to residents in streets adjoining the Morrisons site. These problems persist to this date, the most recent being increased noise generated through two roof mounted ventilation units close to Heybrook Avenue and Langdon Close.

The licensing variation application is lacking in detail to say the least, but it is reasonable to assume that any permission, granted by the Council, would enable the operator to open the store, 24/7, not just for the sale of alcohol, but also of general provisions, giving rise to increased staff and customer activity.

So in addition to public health concerns about increased availability of alcohol, there is also anxiety, expressed to me by a number of neighbours in Heybrook Avenue, that there is an increased risk of public nuisance arising from longer hours operation of the store.

Our concerns include:-

- Internal movement of store equipment
- Noise generated by ventilation and air conditioning plant
- Possible air pollution e.g. baking smells
- Additional vehicular movements, involving food /alcohol deliveries into and out of the store and customer cars using the store beyond currently permitted opening hours.

It is our view that the applicant has provided scant or insufficient detail to enable a considered opinion to be taken of the merits or otherwise of the proposal and should therefore be rejected in its current form. Should further information be forthcoming and after consultation with all stakeholders, the Council be minded to grant approval, residents would at the very least expect officers to apply enforceable conditions aimed at avoiding additional public nuisance.

I should be grateful if residents could be kept informed of developments in this matter.

**From:**  
**Sent:** 08 October 2020 16:29  
**To:** Liquor Licensing  
**Subject:** 20/1704/MINVAR

\*EXTRNL\*

I am contacting you regarding the above application by Morrison's Tynemouth and their request to:  
Open 24/7;  
Sell alcohol 24/7; and  
Provide late night refreshment between 11.00om - 05.00am.

The application available on line provides little or no information as to what the last request entails

The store and adjacent retail units are within a residential area with only a rear access road between the shops and residential homes

Over the years, issues with noise from equipment and ventilation units within and external to the shops and traffic noise on the rear road 24/7 has increased, this road is or was supposed to be closed between 11.00pm and 07.00am. These issues are a great source of nuisance to residents

These issues will only be increased and create additional public nuisance if the store had this application permitted

Although staff work nightshift it is without customers. If open 24/7 machinery, ventilation and air conditioning units will be fully active, thereby increasing the already persistent hum that can be heard, staff will be heard on the rear access road with trollies and bins more frequently through the night, smells from the bakery will increase, Success with this application could also see businesses within the other retail units apply for 24/7opening or longer opening hours

Noise issues have been reported to Environmental Health on several occasions and are well documented

From a health perspective there is s concern of alcohol being available 24/7and the associated risks and health concerns that can bring

I hope these factors can be considered as part of any decision making process

This page is intentionally left blank