



**North Tyneside Council**

23 March 2021

**Thursday, 31 March 2022** 0.02 Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 6.00 pm.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for Absence</b>	
To receive any apologies for absence	
<b>2. Appointment of Substitutes</b>	
To be informed of the appointment of Substitute Members at the meeting	
<b>3. Declarations 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>4. Minutes</b>	<b>5 - 12</b>
To confirm the minutes of the previous meetings held on 1 April, 3 June and 7 October 2021	
<b>5. Minutes of Sub Committees</b>	<b>13 - 44</b>
To note the minutes of the Licensing Sub Committee hearings held during 2021/2022 as follows:	
<ul style="list-style-type: none"><li>• 5 May 2021 – The Tipsy Horse, Unit 2 Arrow Close, Stephenson Industrial Estate, Killingworth</li><li>• 22 June 2021 – On the Corner Café, 45 Ilfracombe Gardens, Whitley Bay</li></ul>	

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.

- 27 July 2021 – St Edwards Centre, Roxburgh Terrace, Whitley Bay
- 17 August 2021 – Amaze Gourmet Spice, 6 Cauldwell Lane, Monkseaton, Whitley Bay
- 2 September 2021 – Somals, 21-23 Benton Lane, West Moor, Newcastle upon Tyne
- 9 November 2021 – Canny Leisure North East Limited, 75 Park View, Whitley Bay
- 16 November 2021 – Tynemouth 61, 61 Front Street, Tynemouth
- 21 January 2022 – Kork Wine and Deli, 74 Whitley Road, Whitley Bay
- 25 February 2022 – Ali Baba, 51/51A Nile Street, North Shields

6. **Licensing Act 2003 and Gambling Act 2005 Applications. Licences granted between 01.03.2021 and 28.02.2022 under delegated authority** **45 - 60**

To give consideration to a report which details the decisions taken by officers under delegated authority between 1 March 2021 and 28 February 2022.

7. **Cumulative Impact Assessment - Park View and Fish Quay** **61 - 100**

To consider a report which sets out the data collected in relation to the potential inclusion of Park View and/or the Fish Quay in the Cumulative Impact Assessment.

8. **Remote Licensing Hearings** **101 - 104**

To consider a report which invites the Committee to consider how it wishes to conduct its business.

**Circulation overleaf ...**

## **Members of the Licensing Committee**

Councillor Lewis Bartoli  
Councillor Naomi Craven  
Councillor Cath Davis  
Councillor Janet Hunter  
Councillor Wendy Lott  
Councillor Maureen Madden  
Councillor John O'Shea  
Councillor Paul Richardson (Deputy Chair)

Councillor Sean Brockbank  
Councillor Linda Darke  
Councillor Davey Drummond  
Councillor John Hunter  
Councillor Gary Madden  
Councillor Tommy Mulvenna  
Councillor Steven Phillips (Chair)

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## Licensing Committee

Thursday, 1 April 2021

Present: Councillor T Mulvenna (Chair)  
Councillors T Brady, J Cruddas, E Darke, L Darke,  
D Drummond, Janet Hunter, G Madden, T Brady,  
J Cruddas, E Darke, W Samuel and J Wallace

### LC1/20 Apologies for Absence

Apologies for Absence were submitted on behalf of Councillors C Davis and J O'Shea.

### LC2/20 Declarations of Interests and Dispensations

There were no Declarations of Interest or Dispensations reported.

Councillor E Darke referred to the reports in respect of licences issued by officers between 1/3/2019 and 29/2/2020 and 1/3/20 and 28/2/2021 and in particular the Temporary Event Notices in respect of Innisfree Sports and Social Club, Chester Avenue, Longbenton and advised the Committee that he was the Chair of the Club.

### LC3/20 Minutes

**Resolved** that the minutes of the meeting held on 28 March 2019 be confirmed and signed by the Chair.

### LC4/20 Minutes of the Sub-Committees

The Sub-committee received copies of the minutes of the following Sub-committee hearings held since the last meeting:

28 May 2019 – Prudhoe Off Licence, 4-5 Prudhoe Street, North Shields  
12 June 2019 – Rai Wine Stores, 20 Forest Hall Road, Forest Hall  
19 June 2019 – Namaste Taste of India, 195 Park View, Whitley Bay  
21 June 2019 – Modern Tandoori, 174 High Street West, Wallsend  
28 June 2019 – Woods, 1-2 King Edward Court, Tynemouth  
17 July 2019 – Longsands Clothing, 4 Albion Street, North Shields  
16 September 2019 – Manhattans, 85-87 High Street West, Wallsend  
15 October 2019 – Zynk, South Parade, Whitley Bay  
22 October 2019 – Shields Off Licence, 11A Saville Street West, North Shields  
15 November 2019 – Shields Off Licence, 11A Saville Street West, North Shields  
16 December 2019 – Square and Compass, 207 Park View, Whitley Bay  
18 December 2019 – All Fur Coat, 25 High Street East, Wallsend  
13 May 2020 – Pranzo Italian Tapas and Wine Bar, 16 Station Road, Whitley Bay  
28 May 2020 – The Barking Dog, Kings Road North, Wallsend  
25 June 2020 – Woods, 1-2 King Edward Court, Tynemouth

4 August 2020 – Kork, 74 Whitley Road, Whitley Bay  
5 August 2020 – Scott and Wilson, 1 Trevor Terrace, North Shields  
6 October 2020 – 99 North Road, Wallsend  
17 December 2020 – Morrisons, Preston North Road, North Shields  
11 February 2021 – How Do You Do, Hudson Street, North Shields

**Resolved** that the minutes of the Licensing Sub-committee hearings, as listed above, be noted.

**LC5/20            Licensing Act 2003 and Gambling Act 2005 Applications. Licences granted between 01.03.2019 and 29.02.2020 under delegated authority**

The Committee considered a report which set out the numbers and types of applications under the Licensing Act 2003 and the Gambling Act 2005 which had been determined by officers, under delegated authority, between 1 March 2019 and 29 February 2020.

During this period there had been 104 Personal Licences and 19 new Premises Licences issued and 34 Premises Licences transferred. Officers had also issued 240 Temporary Event Notices.

It was also explained that during this period officers had carried out 57 compliance inspections and 52 Statutory Notices had been checked.

**Resolved** that the decisions taken by officers, under delegated authority, between 1 March 2019 and 29 February 2020 be noted.

**LC6/20            Licensing Act 2003 and Gambling Act 2005 applications. Licences granted between 01.03.2020 and 28.02.2021 under delegated authority**

The Committee considered a report which set out the numbers and types of applications under the Licensing Act 2003 and the Gambling Act 2005 which had been determined by officers, under delegated authority, between 1 March 2020 and 28 February 2021.

During this period there had been 70 Personal Licences and 21 new Premises Licences issued and 24 Premises Licences transferred. Officers had also issued 78 Temporary Event Notices.

It was also explained that during this period officers had carried out 132 compliance inspections and 50 Statutory Notices had been checked.

**Resolved** that the decisions taken by officers, under delegated authority, between 1 March 2020 and 28 February 2021 be noted.

**LC7/20            Review of Cumulative Impact Assessment**

Consideration was given to a report which provided an update on the process to be adopted for a review of the Authority's Cumulative Impact Assessment (CIA) which formed part of the Authority's Statement of Licensing Policy.

It was explained that under section 5A of the Licensing Act 2003 a local authority could publish a Cumulative Impact Assessment if it considered that the number of licences issued in one or more areas of the borough would be inconsistent with its duty under section 4 (1) of the Licensing Act 2003. It was also explained that cumulative impact recognised that the number of licensed premises concentrated in one area of the borough could result in problems such as public nuisance, crime and disorder and anti-social behaviour.

Prior to April 2018 any Authority that wished to introduce a Cumulative Impact Policy did so when it reviewed its Statement of Licensing Policy. Section 5A of the Licensing Act 2003 now required that a Cumulative Impact Assessment must be carried out every three years whereas the Statement of Licensing Policy was reviewed at 5 yearly intervals. As the current CIA had been published in October 2018 the Authority was required to consider whether its opinion in relation to its CIA remained the same.

A timetable for the review of the CIA was set out and it was explained that a report was to be presented to a future meeting to enable the Committee to give consideration to what steps, if any, were needed once the findings of the assessment were known. If it was decided that the CIA should be renewed or expanded then arrangements needed to be made to update the Statement of Licensing Policy

**Resolved** that (1) the process outlined in the report for the review of the Cumulative Impact Assessment be noted; and

(2) a further report be presented to a meeting in September 2021, at the conclusion of the review of the Cumulative Impact Assessment, to enable the Committee to determine what steps, if any, should be taken once the findings of the assessment are known.

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## Licensing Committee

Thursday, 3 June 2021

Present: Councillor S Phillips (Chair)  
Councillors L Bartoli, L Darke, C Davis, D Drummond,  
John Hunter and G Madden

Apologies: Councillors S Brockbank, N Craven, W Lott, M Madden,  
T Mulvenna, J O'Shea and P Richardson

### L1/21 Remote Licensing Hearings

Consideration was given to a report on the operation of the Committee and its Sub-committees for the remainder of the municipal year.

It was explained that proceedings of the Committee were governed by the Licensing Act 2003 (The Act) and the Licensing Act 2003 (Hearings) Regulations 2005 (Regulations). Regulation 21 of the Regulations enabled the Committee to determine the procedure to be followed at licensing hearings.

Over the past year meetings of the Licensing Committee and the Licensing Sub-committee had been held virtually as a result of the Covid-19 pandemic. These meetings had been live streamed on the Authority's YouTube channel so that the press and public could observe proceedings. Although there had been several technical issues at the start of the process these had now been resolved and the Authority had successfully held a number of licensing hearings since May 2020. A copy of the procedure used for virtual meetings was set out for members' information.

Members noted that the current advice was to minimise the number of face to face meetings where possible and it was suggested that virtual meetings could be more convenient for elected members as they could participate in a hearing wherever they were and this would save travel to Quadrant. It was also suggested that it was safer and more convenient for members of the public as they could observe proceedings without the need of having to travel to Quadrant.

A number of members considered that, in line with other meetings of the Authority, meetings of the Licensing Committee and its Sub-committees should revert to face to face meetings.

It was also noted that in order to comply with equalities legislation the Committee needed to have flexibility to make alternative arrangements where necessary to take account of individual needs. It was also suggested that any decision taken could be subject to review by the Committee at a future meeting at the appropriate time.

**Resolved** that (1) where considered appropriate future meetings of the Licensing Committee and Sub-committee be held remotely until April 2022;  
(2) the procedure as used for meetings over the past year continue to be used for future remote meetings; and  
(3) a report be presented to a future meeting of the Committee on the continuation of remote meetings or not.

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## **Licensing Committee**

**Thursday, 7 October 2021**

Present: Councillor S Phillips (Chair)  
Councillors L Bartoli, S Brockbank, L Darke, C Davis,  
Janet Hunter, John Hunter, G Madden, T Mulvenna and  
P Richardson

### **L2/21 Apologies for Absence**

Apologies for Absence were submitted on behalf of Councillors D Drummond, M Madden and J O'Shea.

### **L3/21 Appointment of Substitutes**

There were no Substitute Members reported.

### **L4/21 Declarations of interest and Dispensations**

Councillor Bartoli declared a registerable personal interest in relation to agenda item 5 – Cumulative Impact Assessment as he has an interest in a licenced premises within one of the current cumulative impact areas. Having declared the interest Councillor Bartoli left the meeting.

### **L5/21 Cumulative Impact Assessment**

Consideration was given to a report which set out the responses to the consultation exercise carried out following a review of the Authority's Cumulative Impact Assessment (CIA).

At the meeting of the Committee held on 1 April 2021 (Minute LC7/20 refers) the process for the review of the CIA had been agreed and this included a further report to the committee on the options available.

As a result of the consultation 27 responses had been received from residents, licence holders, Responsible Authority's and a local business. Of the responses received 74% of the respondents had agreed that the current area of Whitley Bay should remain in a CIA and 84% of respondents agreed that the current area of Tynemouth should remain in a CIA.

Northumbria Police had provided the crime statistics for the two areas which had supported the continuation of the CIA in Whitley Bay and Tynemouth.

During the consultation exercise a number of additional areas for including in a CIA had been suggested including the Park View Area of Whitley Bay and the North Shields Fish Quay. It was explained that the current evidence did not support the inclusion of the two areas but that further work could be undertaken and the outcome of the work reported to a future meeting of the Committee.

**Resolved** that (1) the North Tyneside Cumulative Impact Assessment be published; and (2) further work be undertaken in relation to the potential inclusion of additional areas in the CIA should the evidence warrant it and the outcome of the work be reported to a future meeting of the Committee.

## Licensing Sub Committee

**Wednesday, 5 May 2021**

Present: Councillors D Drummond, Janet Hunter and T Mulvenna

### **LS18/19 Appointment of Chair**

Resolved that Councillor Mulvenna be appointed Chair for this meeting.

### **LS19/19 Declaration of Interests and Dispensations**

There were no Declarations of Interest or Dispensations Reported.

### **LS20/19 The Topsy Horse, Unit 20 Arrow Close, Stephenson Industrial Estate, Killingworth, NE12 6QN**

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of The Topsy Horse, Unit 20, Arrow Close, Killingworth.

The Applicant, The Topsy Horse Limited, sought permission for the following:

- The performance of plays outdoors each day from 11.00 hours to 23.30 hours;
- The exhibition of films outdoors each day from 11.00 hours to 23.30 hours;
- The performance of live music outdoors each Sunday to Thursday between 11.00 hours and 23.00 hours and each Friday and Saturday between 11.00 hours and 23.30 hours and on New Years Day the performance of live music to end at 01.00 hours;
- The playing of recorded music outdoors each day from 11.00 hours to 23.30 hours and on New Years Day recorded music to be played until 01.00 hours;
- The provision of late night refreshment outdoors on New Years Eve until 23.59 hours and on New Years Day from 00.00 hours to 01.00 hours;
- The sale of alcohol for consumption on and off the premises each day of the week from 11.00 hours to 23.00 hours and until 00.30 hours on New Years Day;
- The premises to be open to the public each day from 10.30 hours to 23.30 hours and until 01.00 hours on New Years Day

Following introductions the Chair set out the procedure to be followed at the hearing.

Mrs Vert, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee.

Mrs Wilson, Senior Environmental Health Officer, presented details of her concerns in relation to the application. She responded to a series of questions from the members of the Sub Committee and the Sub-committee's legal advisor.

Mr Thompson, on behalf of the Applicant, addressed the Sub-committee in relation to the

application. He was supported by Mr Robson, Licensing Consultant. Members of the Sub-committee asked a series of questions of both Mr Thompson and Mr Robson.

All parties were then given the opportunity to sum up their case and the Sub-committee retired to make its decision in private.

**Resolved** that the application for the grant of a Premises Licence in respect of The Tipsy Horse, Unit 20, Arrow Close, Killingworth be approved subject to the following conditions:

1. Before the premises licence takes effect, the Applicant must submit to the Licensing Authority a plan of the Premises that will be clear and legible, and which will show those matters listed in Regulation 23(3) of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
2. Before the premises licence takes effect, the Applicant will provide to the Licensing Authority a copy of the Fire Risk Assessment for the Premises.
3. 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: -
  - a) The CCTV cameras are located at the Premises so as to provide coverage of entrance(s) and exit(s), both internally and externally and areas where the sale and consumption of alcohol takes place.
  - b) The CCTV system is able to capture clear images permitting identification of individuals.
  - c) The CCTV system will be in operation whenever the Premises are open to the public.
  - d) 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.
  - e) The CCTV system is capable of constantly generating an accurate date and time.
  - f) The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
4. 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).
5. All members of staff responsible for the sale of alcohol will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) including the use of a "Challenge 25 Policy" and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.
6. All members of staff responsible for the sale of alcohol will receive refresher training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) every 6 months. Such training will be provided by the

Designated Premises Supervisor or external accredited trainer.

7. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the Premises at all times and will be made available for inspection immediately on request from authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
8. An incident report register will be maintained and kept at the Premises at all times to record any incidents at the Premises or in any area adjacent to the Premises under the direct control of the Applicant, such as anti-social behaviour, refusal of admission to the Premises and ejection from the Premises or external areas provided by the Licence Holder.
9. The incident report register will be produced for inspection immediately on request from authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
10. All members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase or obtain alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a 'Pass' logo and hologram, HM Forces Identity Card or European Union Identity Card.
11. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age when attempting to purchase alcohol and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
12. The performance of live music, the playing of recorded music, the exhibition of films or the performance of plays will cease at 21.00 hours.
13. The noise level from the performance of live music, the playing of recorded music, the exhibition of films or the performance of plays at the Premises when assessed in any of the residential premises in Sharon Close, including Nellie Gormley House, must not exceed 35 dB LAeq measured over a 15 minute period between 11.00 hours and 23.30 hours.
14. The noise level in the Premises associated with the sale and consumption of alcohol when assessed in any of the residential premises in Sharon Close, including Nellie Gormley House, must not exceed 35 dB LAeq measured over a 15 minute period between 11.00 hours and 23.30 hours.

15. The Licence Holder will ensure that clear and legible notices are displayed at exits and other circulatory areas of the Premises requesting patrons to leave the Premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors and discouraging the sounding of car horns.

16.2 Security Industry Authority registered staff members will be employed at the Premises each Friday and Saturday from 20.00 hours to 01.00 hours.

17.1 Security Industry Authority registered security staff member will be employed at the Premises each Sunday to Thursday from 21.00 hours to 23.30 hours.



## **Licensing Sub Committee**

**Tuesday, 22 June 2021**

Present: Councillors L Bartoli, T Mulvenna and J O'Shea

### **LS1/21 Appointment of Chair**

Councillor Mulvenna was appointed Chair for this meeting.

### **LS2/21 Declarations of Interest**

There were no Declarations of Interest or Dispensations reported.

### **LS3/21 On the Corner Cafe, 45 Ilfracombe Gardens, Whitley Bay, NE26 3LZ**

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of On the Corner Café, 45 Ilfracombe Gardens, Whitley Bay.

The Applicant Ms Della Veronica Carter sought permission for the following:

- The performance of live music indoors each day from 08.00 hours to 19.00 hours;
- The playing of recorded music indoors each day from 08.00 hours to 19.00 hours;
- The provision of anything similar to live and recorded music each day from 08.00 hours to 19.00 hours;
- The supply of alcohol for consumption on and off the premises each day from 08.00 hours to 18.30 hours;
- The premises to be open to the public each day from 08.00 hours to 19.00 hours; and
- The supply of alcohol and the provision of regulated entertainment between 19.00 hours on New Years Eve and 08.00 hours on New Years Day.

Following introductions the Chair outlined the procedure to be followed at the hearing.

Mr J Young, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. Members of the Sub-committee asked a series of questions of the officer which were responded to appropriately.

Ms Carter addressed the Sub-committee in relation to her application. Members of the Sub Committee, Mr Cowie and the Sub Committee's legal advisor asked a series of questions which were responded to.

Mr Cowie addressed the Sub-committee in relation to his concerns about the application. Members of the Sub-committee asked a series of questions of Mr Cowie.

All parties were given the opportunity of summing up their respective cases and the Sub-committee then withdrew to make its decision in private.

**Resolved** that the application for the grant of a new Premises Licence in respect of On the Corner Café, 45 Ilfracombe Gardens, Whitley Bay be granted apart from the period of 19.00 hours on New Years Eve to 8.00am on New Years Day and subject to the following conditions:

1. The Premises are permitted to supply of alcohol for consumption on and off the Premises each day of the week from 10.00 hours to 18.30 hours.
2. The Premises will be open to the public each day of the week from 08.00 hours to 19.00 hours.
3. The Premises will operate as a café and there will be no change to this operating style without prior written notice being given to the Licensing Authority and Northumbria Police of any proposed change in the style of operation. The Licensing Authority will advise the Licence Holder within 21 days whether a new application for a premises licence is required and the licence holder will comply with that direction and submit an appropriate application within 21 days of receiving such a direction.
4. 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:
  - a) The CCTV cameras are located at the Premises so as to provide coverage of entrance(s) and exit(s), both internally and externally and areas where the sale and consumption of alcohol takes place.
  - b) The CCTV system is able to capture clear images permitting identification of individuals.
  - c) The CCTV system will be in operation whenever the Premises are open to the public.
  - d) 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.
  - e) The CCTV system is capable of constantly generating an accurate date and time.
  - f) The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
5. 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).

6. The Licence Holder will ensure that whenever the Premises are open to the public and a licensable activity is taking place there will be a sufficient number of competent staff on duty to ensure that the terms and conditions of the licence are complied with at all times.
7. No alcohol will be sold or supplied at the Premises other than to persons taking a meal or snack at the Premises and for the consumption of such alcohol to be ancillary to their meal or snack.
8. Alcohol sold for consumption off the Premises will only be made to customers who have the remainder of their alcoholic beverage to take away with them, or, to customers who have purchased food with the alcohol and who intend to be consume the alcohol and food off the Premises. All such sales will be made in a sealed container.
9. Waiter/waitress service will be available throughout the hours that the premises are open to the public.
10. The maximum number of customers in any outside area of the Premises shall not at any time exceed 30 persons.
11. All furniture in any outside area of the Premises will be removed at the end of each trading day and will be stored securely in the indoor area of the Premises or other secured internal area.
12. At the end of each trading day staff will inspect the immediate vicinity of the Premises for waste and will ensure that any waste is removed and properly disposed of.
13. All members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase or obtain alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a 'Pass' logo and hologram or HM Forces Identity Card.
14. All members of staff responsible for the sale of alcohol will receive training in

relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) including the use of a “Challenge 25 Policy” and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.

15. All members of staff responsible for the sale of alcohol will receive refresher training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) annually. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.
16. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the Premises at all times and will be made available for inspection immediately on request from authorised officers of Northumbria Police or the Licensing Authority, (including Trading Standards Officers).
17. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date and will detail all challenges made to customers as to their age when attempting to purchase alcohol and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
18. An incident register will be maintained and kept at the Premises at all times to record any incidents at the Premises or in any area adjacent to the Premises under the direct control of the Applicant such as anti-social behaviour, refusal of admission to the Premises and ejection from the Premises.
19. The incident register will be produced for inspection immediately on request from authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
20. No glass material, bottles or refuse shall be deposited in any skip, bin or any other container located in any external areas of the Premises or any other areas under the direct control of the Licence Holder or its staff between the hours of 20.00 hours and 08.00 hours. Any such skip, bin or container shall not be removed from the Premises between those hours.
21. Noise from customers attending at the Premises shall not be audible in any home or business premises in Ilfracombe Gardens, Windsor Gardens, Claremont Gardens, Gladstone Avenue or Bournemouth Gardens so as to

amount to a statutory nuisance.

22. There will be displayed at the Premises clear and legible notices displayed at the exit and other circulatory areas requesting customers to leave the Premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors and discouraging the sounding of car horns.

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## Licensing Sub Committee

Tuesday, 27 July 2021

Present: Councillors W Lott, S Phillips and P Richardson

### LS4/21 Appointment of Chair

**Resolved** that Councillor Phillips be appointed Chair for this meeting,

### LS5/21 Declarations of Interest

There were no declarations of interest or dispensations reported.

### LS6/21 St Edwards Centre, Roxburgh Terrace, Whitley Bay, NE26 1DS

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of St Edwards Centre, Roxburgh Terrace, Whitley Bay, NE26 1DS.

The Applicant, Alastair McGillivray, sought permission to:

- supply alcohol on and off the premises every day from 10.00 hours to 23.00 hours;
- provide films every day from 10.00 hours to 23.00 hours; and
- for the premises to be open every day from 08.00 hours to 23.00 hours.

Following introductions the chair set out the procedure which would be followed during the course of the meeting. Mr G Callum, the Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. All parties present were given the opportunity of asking questions of the information presented by the Licensing Officer.

The Sub-committee referred to the written representations submitted in respect of the application and heard from Councillor John O'Shea and Mr and Mrs Borthwick who addressed the Sub Committee in respect of their representations in relation to the application. All parties were given the opportunity of asking questions of the information presented.

Mr Arnot, on behalf of the applicant addressed the Sub-committee. Both he and Mr McGillivray responded to questions from the members of the Sub-committee, Councillor O'Shea, Mrs Borthwick and the Sub-committee's legal advisor.

All parties were then given the opportunity of summing up their respective cases and the Sub-committee withdrew from the meeting to consider its decision in private.

**Resolved** that the application for the grant of a Premises Licence in respect of St Edwards Centre, Roxburgh Terrace, Whitley Bay be approved subject to the following conditions:

1. 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: -
  - a) CCTV cameras are located at the Premises so as to provide coverage of entrances and exits to the Premises, and to the area immediately to the front of the building in which the Premises are located on Roxburgh Terrace and any smoking area provided by the licence holder.
  - b) CCTV cameras are located in any area where the sale and consumption of alcohol takes place.
  - c) The CCTV system is able to capture clear images permitting identification of individuals
  - d) The CCTV system will be in operation whenever the Premises are open to the public.
  - e) The CCTV footage must be securely retained for a minimum period of 28 days.
  - f) The CCTV system is capable of constantly generating an accurate date and time
  - g) The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
2. There will be at least one member of staff present at the Premises during the operating hours who is able to fully operate the CCTV system and who can provide viewable copies of CCTV footage to representatives of Northumbria Police or authorised officers of the Licensing Authority (including Trading Standards officers) as soon as possible, but in any event no later than within 24 hours of a request for the footage being made by those Responsible Authorities in accordance with the Data Protection Act 2018 (or any successor legislation).
3. An incident log (either in written or electronic format) will be maintained and kept at the Premises at all times to record any incidents at the Premises or in any area adjacent to the Premises under the direct control of the Licence Holder such as crime, disorder, anti-social behaviour, refusal to sell alcohol to a person or a refusal of admission on to the Premises and ejection from the Premises. The incident log will retain information relating to a particular incident for a period of no less than 12 months from its date of entry into the incident log.
4. The incident log will be produced for inspection to representatives of Northumbria Police or authorised officers of the Licensing Authority (including Trading Standards officers) immediately on request.
5. All members of staff responsible for the sale of alcohol at the Premises, and anyone else who may be selling alcohol under the provisions of the premises licence, will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase or obtain alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic



driving licence or proof of age card carrying a 'Pass' logo and hologram or HM Forces Identity Card or any other form of identification approved by the Secretary of State.

6. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age when attempting to purchase alcohol and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
7. All members of staff responsible for the sale of alcohol will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) including the use of a "Challenge 25 Policy" and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.
8. All members of staff responsible for the sale of alcohol will receive refresher training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) annually. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.
9. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the Premises at all times and will be made available for inspection immediately on request from representatives of Northumbria Police or authorised officers of the Licensing Authority, (including Trading Standards Officers).
10. The licence holder, or a nominated member of staff, will ascertain who is responsible for the sale of alcohol at the Premises during an event held at the Premises and will inform all such individuals of their duties and responsibilities under the Licensing Act 2003 and make them aware of the licence conditions and in particular condition 5 above relating to the use of a "Challenge 25" Policy and to record that such information has been given.
11. The Licence Holder and his staff will ensure that no noise will emanate from the Premises as a consequence of a licensable activity permitted by this licence that will be audible above background level at any residential property in Roxburgh House or Roxburgh Terrace that gives rise to a nuisance.
12. The Premises shall operate in terms of licensable activities as an "events space" only and only pre-arranged events booked in advance through the Licence Holder, or his staff will take place on the Premises.
13. There will be clear and legible notices displayed at the exits used by those leaving the building in which the Premises are located, as well as on the

Premises, requesting customers to leave the building quietly having regard 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.

## **Licensing Sub Committee**

**Tuesday, 17 August 2021**

Present: Councillors L Darke, T Mulvenna and S Phillips

### **LS7/21 Appointment of Chair**

**Resolved** that Councillor Phillips be appointed Chair for this meeting.

### **LS8/21 Declarations of Interest**

There were no Declarations of Interest or Dispensations reported.

### **LS9/21 Amaze Gourmet Spice, 6 Cauldwell Lane, Monkseaton, NE25 8LN**

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Amaze Gourmet Spice, 6 Cauldwell Lane, Monkseaton, NE25 8LN.

The Applicant, Goldmatt Leisure Limited, sought permission to:

- Supply alcohol for consumption on the Premises each day of the week from 10:00 hours to 23:00 hours;
- Supply alcohol for consumption off the Premises each day of the week from 10:00 hours to 23:30 hours;
- Provide late night refreshment on and off the Premises each day of the week from 23:00 hours to 23:30 hours; and
- Open the Premises to the public each day of the week from 08:00 hours to 23:30 hours.

Following introductions the Chair set out the procedure which would be followed during the course of the meeting. Ms S Vert, the Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. All parties present were given the opportunity of asking questions of the information presented by the Licensing Officer.

The Sub-committee referred to the written representations submitted in respect of the application and heard from Mrs Charlton and Mr and Mrs Watts who addressed the Sub-committee in respect of their representations in relation to the application. Councillor J Kirwin also addressed the Sub-committee on behalf of a number of residents and Councillor Shaw. All parties were given the opportunity of asking questions of the information presented.

Mr M Foster, on behalf of the applicant, addressed the Sub-committee. Both he and the representative of the applicant company responded to questions from the members of the Sub-committee, Councillor Kirwin, Mrs Charlton, Mrs Watts and the Sub-committee's legal advisor.

During the course of the hearing Mr Foster, on behalf of the applicant, offered to amend the

proposed operating hours.

All parties were then given the opportunity of summing up their respective cases and the Sub-committee withdrew from the meeting to consider its decision in private.

**Resolved** that the application for the grant of a Premises Licence in respect of Amaze Gourmet Spice, 6 Cauldwell Lane, Monkseaton be approved for the following hours

- a) Supply of alcohol for consumption on the Premises each day from 12:00 hours to 22:30 hours;
- b) Supply of alcohol for consumption off the Premises each day from 12:00 hours to 22:30 hours;
- c) Premises open to the public each day from 09:00 hours to 23:00 hours

and subject to the following conditions:

1. The Premises will operate as a restaurant/café providing food and drink There shall be no change to this operating style without prior written notice being given to the Licensing Authority which shall include details of the proposed operating style. The Licensing Authority will advise the Licence Holder within 21 days whether an application for a full or minor variation of the licence is required or if an application for a new premises licence is required and the licence holder will comply with that advice and submit an appropriate application within 21 days of receiving such advice.
2. A member of staff will be on duty each day from 17:30 hours to meet and greet customers on their entry to the Premises to direct customers to their tables.
3. Waiter/waitress service will be available throughout the hours that the Premises is open to the public.
4. A substantial food menu will be available and offered to customers each day from 12:00 hours until 21:30 hours
5. From 18:00 hours the sale of alcohol for consumption off the Premises will be restricted to customers taking away re-sealed unfinished containers of alcohol purchased with food for consumption on the Premises, all alcohol sold for consumption off the Premises will be made using sealed containers and no customer will be permitted to leave the Premises with an open container of alcohol.
6. The Licence Holder will ensure that whenever the Premises are open to the public and a licensable activity is taking place there will be a sufficient number of competent staff on duty to ensure that the terms and conditions of the licence are complied with at all times.
7. 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: -
  - a) The CCTV cameras are located at the Premises so as to provide coverage of entrance(s) and exit(s), both internally and externally and areas where the sale and consumption of alcohol takes place.

- b) The CCTV system is able to capture clear images permitting identification of individuals.
  - c) The CCTV system will be in operation whenever the Premises are open to the public.
  - d) 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.
  - e) The CCTV system is capable of constantly generating an accurate date and time.
  - f) The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
8. 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).
9. The Licence Holder and her staff will ensure that no noise will emanate from the Premises as a consequence of a licensable activity permitted by this licence that will be audible above background level at any residential property in Cauldwell Lane, Elmwood Road, Pykerley Road or Front Street Monkseaton that gives rise to a nuisance.
10. Subject to the exemption under section 150(4) of the Licensing Act 2003 all members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase, obtain or consume alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a 'Pass' logo and hologram or HM Forces Identity Card.

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## Licensing Sub Committee

Thursday, 2 September 2021

Present: Councillors Janet Hunter, T Mulvenna and S Phillips

### LS11/21 Appointment of Chair

**Resolved** that Councillor S Phillips be appointed Chair for this meeting.

### LS12/21 Declarations of Interest

There were no declarations of interest or dispensations reported.

### LS13/21 Somals, 21-23 Benton Lane, West Moor, Newcastle upon Tyne, NE12 7NP

The Sub-committee met to consider an application to vary the Premises Licence in respect of Somals, 21-23 Benton Lane, Westmoor, Newcastle upon Tyne, NE12 7NP.

The applicant, Mrs R Johal, sought permission to extend the existing licence in respect of the sale of alcohol off the Premises to permit off sales Monday to Saturday between 08:00 hours and 04:00 hours for deliveries only.

Following introductions the Chair set out the procedure which would be followed during the course of the hearing. Mr G Callum, Licensing Officer, presented details of the application, the representation received and the options available to the Sub-committee.

The Sub-committee referred to the written representation received in respect of the application.

Mrs Johal addressed the Sub-committee in relation to her application. Members of the Sub-committee asked a series of questions in relation to the application which were responded to by Mrs Johal.

Mrs Johal was then given the opportunity of summing up her submission.

The Sub-committee withdrew from the meeting to make its decision in private.

**Resolved** that the application to vary the Premises Licence in respect of Somals, 21-23 Benton Lane, Westmoor, Newcastle upon Tyne be approved for the following hours and subject to the following conditions:

- Monday to Saturday 08:00 hours to 03:30 hours
- Sunday 10:00 hours to 22:30 hours
- Good Friday 10:00 hours to 22:30 hours
- Christmas Day 12:00 hours to 15:00 hours and 19:00 hours to 22:30 hours

1. Between 23:00 hours and 03:30 hours all sales of alcohol from the Premises will only be by way of online or telephone order and by way of delivery to a known address. No sale of alcohol will be made to a customer attending at the Premises after 23:00 hours.
2. The last delivery of alcohol from the Premises must be completed by 04:00 hours.
3. No alcohol will be delivered to any customer until details of the customer, including his/her name, date of birth, the address where alcohol is being delivered to, quantity, description, and price of the alcohol is entered into a register (electronic or otherwise) that will be kept at the Premises at all times. The register will be available for inspection by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request made in accordance with the Data Protection Act 2018/General Data Protection Regulation (or any replacement legislation).
4. All customers seeking to purchase alcohol from the Premises and requesting the delivery of the alcohol at an address away from the premises will be informed that any person taking delivery of the alcohol who appears to be under the age of 25 years will be required to produce photographic evidence of the type set out in condition 9 below as to their age and that without the production of such photographic evidence the delivery of the alcohol will not take place.
5. Any vehicle delivering alcohol away from the Premises will be clearly marked to show that the vehicle is operating from the Premises.
6. A minimum of 2 persons will be present at all times when an alcohol delivery is made away from the Premises.
7. All persons responsible for the sale, supply, or delivery of alcohol at or from the Premises will be given training on their duties and responsibilities under the Licensing Act 2003 (or any replacement legislation) before they commence employment at the Premises and refresher training will be provided annually. This training will be provided by the Designated Premises Supervisor.
8. Training records for each person responsible for the sale, supply, or delivery of alcohol at or from the Premises will be maintained and kept at the Premises at all times and will be made available for inspection by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request to see the records.
9. All persons responsible for the delivery of alcohol away from the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is taking delivery of alcohol supplied by the Premises. Such credible evidence, which shall include a photograph of the customer, will be a passport, photographic driving licence, proof of age card carrying a PASS logo and hologram or Her Majesty's Services Identity Card.
10. A register (electronic or otherwise) of all refusals to sell/deliver alcohol must be kept at the Premises at all times. The register must include the date and time of the refusal, a description of the customer, the name of the person who refused the



sale/delivery and the reason for refusal. The register will apply to all sales of alcohol from the Premises including the sale of alcohol resulting in the delivery of alcohol away from the Premises. The register must be maintained and kept up to date. The register will be made available for inspection by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request to see a register in accordance with the Data Protection Act 2018/General Data Protection Regulation (or replacement legislation). If the challenge is made as a result of a delivery to a customer, the address of the customer will be recorded in the register.

11. Any delivery of alcohol from the Premises must be made to residential premises, the address of which is duly recorded in the register referred to in condition 3. No delivery of alcohol will be made to an open area or public place such as parks, beaches, playing fields, street, or any similar type of location.
12. All payments received by the licence holder or his/her staff for the purchase of alcohol from the Premises for delivery to customers at a location away from the Premises must so far as possible be received in advance of the delivery to the customer by way of card payment or other electronic payment method.
13. A CCTV system will be installed and maintained in proper working order and the Licence Holder must ensure that: -
  - a) CCTV cameras are located within the Premises to cover all public areas including all entrances and exits, both internally and externally, and in particular any exit from which alcohol leaves the Premises to be taken to delivery vehicle(s) and the area in which the delivery vehicle is loaded with alcohol.
  - b) The CCTV system records clear images permitting the identification of individuals.
  - c) 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.
  - d) The CCTV system operates at all times that the Premises are being used for licensable activities.
  - e) The CCTV system is able to generate a constant and accurate time and date.
  - f) The CCTV system is fitted with security functions to prevent recordings being tampered with, such as password protection.
  - g) There are persons at the Premises during operating hours able to provide viewable copies on request to authorised officers of the Licensing Authority (including Trading Standard Officers) or representatives of Northumbria Police as soon as is reasonably practicable in accordance with the Data Protection Act 2018/General Data Protection Regulation (or any replacement legislation).
14. The licence holder and his/her staff will ensure that no noise will emanate from the Premises or the immediate vicinity of the Premises as a consequence of any activity connected to the delivery of alcohol from the Premises that will be audible above background level at any residential property in Benton Lane, West Moor Drive or Chiltern Drive that gives rise to a nuisance.

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## **Licensing Sub Committee**

**Tuesday, 9 November 2021**

Present: Councillors C Davis, John Hunter and P Richardson

### **LS14/21 Appointment of Chair**

**Resolved** that Councillor P Richardson be appointed Chair for this meeting.

### **LS15/21 Declarations of Interest**

There were no Declarations of Interest or Dispensations reported.

### **LS16/21 Canny Leisure Group North East Limited, 75 Park View, Whitley Bay, NE26 1DS**

The Sub-committee met to consider an application for the grant of a new premises Licence in respect of 75 Park View, Whitley Bay, NE26 1DS.

The Applicant, Canny Leisure Group North East Limited, sought permission for the following:

- The supply of alcohol on the premises each Sunday to Wednesday from 11:00 hours to 23:00 hours, Thursday from 11:00 hours to 23:30 hours and Friday and Saturday from 11:00 hours to midnight.
- The premises to be open on Sunday from 10:00 hours to 23:30 hours, Monday to Wednesday from 10:00 hours to 23:00 hours, Thursday from 10:00 hours to 23:30 hours and Friday and Saturday from 10:00 hours to midnight.

Following introductions the Chair outlined the procedure to be followed at the hearing.

Mr Callum, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. He responded to a series of questions from the participants at the hearing.

Ms Burns addressed the Sub-committee in relation to her concerns about the application.

Ms Bolton addressed the Sub-committee in relation to her concerns about the application.

Ms H Turnock addressed the Sub-committee in relation to her concerns about the application.

Ms C Turnock addressed the Sub-committee in relation to her concerns, and those of another resident, about the application. She responded to questions from the applicant.

Ms L Guss addressed the Sub-committee on behalf of her mother in relation to their concerns about the application.

Councillor J O'Shea, Ward Councillor, addressed the Sub-committee in relation to his concerns about the application.

Mrs V Bones, on behalf of the applicant, addressed the Sub-committee in support of the application. She responded to questions from members of the Sub-committee and the representees.

All parties to the hearing were given the opportunity of summing up their respective cases and the Sub-committee then withdrew to make its decision in private.

**Resolved** that the application for the grant of a new Premises Licence in respect of 75 Park View, Whitley Bay be rejected.

#### Reasons for Decision

- The difficulties presented by the inability for vehicles to park, or stop safely to the front of the premises, given the location of the pedestrian crossing immediately outside the front of the premises, which would undermine the public safety licensing objective; and
- The likelihood of public nuisance to residents, who are already facing difficulties because of the existing number of licensed premises in Park View, which would undermine the prevention of public nuisance licensing objective.

## Licensing Sub Committee

Tuesday, 16 November 2021

Present: Councillors L Darke, Janet Hunter and S Phillips

### LS17/21 Appointment of Chair

Resolved that Councillor S Phillips be appointed as Chair for this meeting.

### LS18/21 Declarations of Interest

There were no declarations of interest or dispensations reported.

### LS19/21 Tynemouth 61, 61 Front Street, Tynemouth, NE30 4BT

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Tynemouth 61, 61 Front Street, Tynemouth, NE30 4BT.

The Applicants, Mr S Minns and Mr N McWhirter, sought permission for the following:

- The supply of alcohol for consumption on the premises each day of the week from 10:30 hours to 20:00 hours;
- The premises to be open to the public each day of the week between the hours of 10:30 hours and 20:00 hours.

Prior to consideration of the application the Sub-committee considered whether it wished to proceed in the absence of the person who had submitted representation in relation to the application. Having been advised that objector had been notified of the date and time of the hearing and having had a copy of the papers for the hearing sent to him the Sub Committee agreed to proceed in his absence.

Following introductions the Chair outlined the procedure to be followed in the hearing.

Mrs S Vert, Licensing Officer, presented details of the application, the representation received and the options available to the Sub-committee.

Mr McWhirter addressed the Sub-committee in relation to the application. Mr Minns also addressed the Sub-committee in relation to the application. Both responded to questions from the members of the Sub-committee and the Sub-committee's legal advisor.

The applicants having been invited to sum up their application confirmed that they had nothing further to add.

The Sub-committee retired to make its decision in private.

**Resolved** that the application be approved subject to the following hours and the following conditions:

## Hours

- Supply of Alcohol on the premises each day of the week between 10:30 hours and 19:30 hours;
- The premises to be open to the public each day of the week between 10:30 hours and 20:00 hours.

## Conditions

1. 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: -
  - a) CCTV cameras are located at the Premises so as to provide coverage of entrances and exits to the Premises, including any smoking area provided by the licence holder.
  - b) CCTV cameras are located in any area where the sale and consumption of alcohol takes place.
  - c) The CCTV system is able to capture clear images permitting identification of individuals
  - d) The CCTV system will be in operation whenever the Premises are open to the public.
  - e) The CCTV footage must be securely retained for a minimum period of 30 days.
  - f) The CCTV system is capable of constantly generating an accurate date and time.
  - g) The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
2. There will be at least one member of staff present at the Premises during the operating hours who is able to fully operate the CCTV system and who can provide viewable copies of CCTV footage to representatives of Northumbria Police or authorised officers of the Licensing Authority (including Trading Standards officers) as soon as possible, but in any event no later than within 24 hours of a request for the footage being made by those Responsible Authorities in accordance with the Data Protection Act 2018 (or any successor legislation).
3. An incident log (either in written or electronic format) will be maintained and kept at the Premises at all times to record any incidents at the Premises such as crime, disorder, anti-social behaviour, or a refusal of admission on to the premises or ejection from the Premises. The incident log will retain information relating to a particular incident for a period of no less than 12 months from its date of entry into the incident log.
4. The incident log will be produced for inspection to representatives of Northumbria Police or authorised officers of the Licensing Authority (including Trading Standards officers) immediately on request.
5. All members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who

appears to be under 25 years of age and who is seeking to purchase or obtain alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a 'Pass' logo and hologram or any other form of identification approved by the Secretary of State.

6. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age when attempting to purchase alcohol and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of authorised officers of Northumbria Police or the Licensing Authority (including Trading Standards Officers).
7. All members of staff responsible for the sale of alcohol will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) including the use of a "Challenge 25 Policy" and generally on the Act before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.
8. All members of staff responsible for the sale of alcohol will receive refresher training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) annually. Such training will be provided by the Designated Premises Supervisor or external accredited trainer.
9. All training received by staff in relation to the Licensing Act 2003 (or any replacement legislation) will be recorded, and such records kept at the Premises at all times and will be made available for inspection immediately on request to representatives of Northumbria Police or authorised officers of the Licensing Authority, (including Trading Standards Officers).
10. A waiting service will be available throughout the hours that the Premises are open to the public.
11. There will be clear and legible notices displayed at the exits and other circulatory areas of the Premises requesting customers to leave the building quietly having regard 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.

Reason for the Decision:

- The Sub-committee noted that the Premises were primarily operated as a Guest House and were satisfied that the Premises were not to be operated as a public house;
- There had not been any representations received from any of the Responsible Authorities which indicated that they did not have any concerns relating to the application;
- There has been one representation from a local resident which related to the prevention of public nuisance licensing objective and no representations received

from any other local residents.



## **Licensing Sub Committee**

**Friday, 21 January 2022**

Present: Councillors Janet Hunter, T Mulvenna and S Phillips

Apologies: Councillors John Hunter

### **LS20/21 Appointment of Chair**

**Resolved** that Councillor Phillips be appointed Chair for the meeting.

### **LS21/21 Declarations of Interest**

There were no declarations of interest reported.

### **LS22/21 Kork Wine and Deli, 74 Whitley Road, Whitley Bay, NE26 2NE**

The Sub-committee met to consider an application to vary the Premises Licence in respect of Kork Wine and Deli, 74 Whitley Road, Whitley Bay, NE26 2NE.

The Applicant, Mr S Darling-Cooper, sought permission for the following:

- The supply of alcohol for consumption off the premises each day from 09:00 hours to 23:00 hours;
- The supply of alcohol for consumption on the premises each day from 12:00 hours to 23:00 hours;
- The premises to be open to the public from 08:00 hours to 23:00 hours each day;
- Seasonal variations to increase the standard hours for the sale of alcohol and for the premises to be open to the public on Christmas Eve/Day and New Years Eve/Day; and
- To vary the layout of the premises.

Following introductions the Chair outlined the procedure to be followed at the hearing.

Mr Young, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. He responded to a series of questions from Councillor O'Shea.

Councillor J O'Shea addressed the Sub-committee in relation to his, and a number of residents', concerns about the application. He responded to questions from members of the Sub-committee.

Mr and Mrs Darling-Cooper addressed the Sub-committee in support of the application. During the hearing Mr Darling-Cooper confirmed that he wished to amend the application to remove the seasonal variations and to change the time for the last on-sale of alcohol to 22:45 hours each day. Mr Darling -Cooper responded to questions from Councillor O'Shea and members of the Sub-committee.

All parties at the hearing were given the opportunity to sum up their respective cases and the Sub-committee then withdrew to make its decision in private.

**Resolved** that the application to vary the premises licence in respect of Kork Wine and Deli, 74 Whitley Road, Whitley Bay, as amended during the hearing, and set out below be approved:

- The supply of alcohol for consumption off the premises each day between 09:00 hours and 23:00 hours;
- The supply of alcohol for consumption on the premises each day between 12:00 hours and 22:45 hours;
- The premises to be open to the public each day between 08:00 hours and 23:00 hours;
- There were no changes made to the use of the outside area; and
- The plan of the premises be amended in accordance with the plan submitted with the application.

#### Reasons for decision

- There have been no representations submitted by any of the Responsible Authorities which indicated that they do not have any concerns that granting the variation applied for will adversely impact on the promotion of the licensing objectives.
- There is both opposition to and support for the application from the local community which indicates that the decision is finely balanced.
- The Sub-committee does not consider that the granting of the variation to the Licence will undermine prevention of crime and disorder, the public safety, the protection of children from harm and the prevention of public nuisance licensing objectives.
- The Sub-committee considers that the conditions attached to the licence will address any concerns in relation to the operation of the premises in respect of the licensing objectives.

## **Licensing Sub Committee**

**Friday, 25 February 2022**

Present: Councillors Janet Hunter, T Mulvenna and J O'Shea

### **LS23/21 Appointment of Chair**

**Resolved** that Councillor T Mulvenna be appointed Chair for this meeting.

### **LS24/21 Declarations of Interest**

There were no Declarations of Interest or Dispensations reported.

### **LS25/21 Ali Baba, 51 Nile Street, North Shields, NE29 0BG**

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Ali Baba, 51/51A Nile Street, North Shields, NE29 0BG.

The Applicant, Matios Limited, sought permission for the supply of alcohol by way of off-sales from 08:00 hours to 23:00 hours each day of the week.

Following introductions the Chair outlined the procedure to be followed at the hearing.

Mr Young, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. He responded to a question from a member of the Sub-committee.

Mrs Lee, Public Protection Manager, set out her objections to the grant of the licence on behalf of the Licensing Authority. She responded to a question from a member of the Sub-committee.

Mr Burnett, Senior Trading Standards Officer, set out his representation in relation to the grant of the licence on behalf of the Weights and Measures Authority. He responded to questions from a member of the Sub-committee and the applicant.

Sergeant Morgan set out the representation on behalf of Northumbria Police and responded to questions from a member of the Sub-committee and the applicant.

Mr Dara, on behalf of the Applicant, addressed the Sub-committee in support of the application and responded to questions from members of the Sub-committee and the representatives of the Responsible Authorities. He advised the Sub-committee that he wished to amend the application as follows:

- to permit the sale of alcohol by way of off sales from 08:00 hours to 20:00 hours each day of the week and for the Premises to be open to the public for the same hours.

All parties to the hearing were given the opportunity of summing up their respective cases and the Sub-committee retired to make its decision in private.

All parties were invited back into the hearing and the Chair announced the decision of the Sub-committee.

**Resolved** that the application for the grant of a Premises Licence in respect of Ali Baba, 51/51A Nile Street, North Shields be rejected.

Reason for Decision

- The Sub-committee was not satisfied that the Applicant understood the seriousness of the shortcomings which have occurred at the Premises.
- The Sub-committee is satisfied that the Applicant has failed to adhere to the requirements of the Licensing Act 2003, the various tobacco products legislation, the Trade Marks Act 1994 and the Consumer Protection from Unfair Trading Regulations 2008 which demonstrates to the Sub-committee that the applicant company disregards the need for it to operate in accordance with the law at all times and the likely outcome if a licence was granted would be a failure to promote the licensing objectives related to the prevention of crime and disorder and the protection of children from harm.

**Title: Licensing Act 2003 and Gambling Act 2005 applications. Licences granted between 01.03.2021 and 28.02.2022 under delegated authority**

## North Tyneside Council Report to Licensing Committee Date:

**Report Author:** Mr P Scott  
Head of Environment, Leisure & Housing

**Wards affected:** All

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### PART 1

#### 1.1 Purpose:

The purpose of this report is to provide Committee with an update as to the decisions taken by officers under delegated authority for the period 1 March 2021 to 28 February 2022.

#### 1.2 Recommendation

It is recommended that the Committee:

- a) Note the decisions taken by officers under delegated authority for the period 1 March 2021 to 28 February 2022.

#### 2.0 Background Information

2.1.1 The Licensing Act 2003 and Gambling Act 2005 provide that the functions of the licensing authority are to be taken or carried out by its Licensing Committee.

2.1.2 Part 2 Section 10(1)(b) of the Licensing Act 2003 provides that a Licensing Committee may arrange for the discharge of any functions exercisable by it by an officer of the licensing authority. The officer delegation scheme is set out at **Appendix 1**. This scheme was amended by Council at their meeting on 22 November 2007. It is without prejudice to officers referring an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the circumstances of the particular case.

2.1.3 Part 8 Section 154 of the Gambling Act 2005 is the enabling power for delegation of responsibility for licensing decisions under that Act to the Licensing Committee, Sub-Committee and officers. This scheme was agreed by the Licensing Committee on 7 June 2007. It is without prejudice to officers referring an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the circumstances of the particular case. The officer delegation scheme is set out at **Appendix 2**.

2.1.4 Decisions under the Licensing Act 2003 and Gambling Act 2005 have been delegated to the following Officers:-

Senior Licensing Officer  
Licensing Officer

2.1.5 The decisions listed in Appendix 3 and Appendix 4 have been made by the appropriate Officers.

## 2.2 **Applications granted and enforcement activity**

2.2.1 Officers have granted the following Licences:

### **Licensing Act 2003**

New Personal Licences – 118  
Transfer of Premise Licence – 31  
Variation of Designated Premises Supervisor - 109  
Premise/Club Licence (Variation) – 7  
New Premise Licence – 46  
Minor Variations – 9  
Temporary Event Notices – 203

### **Gambling Act 2005**

Gambling Permits (new/renewed/transferred) – 2  
New Premise Licence – 0  
Transfer/Variation of Licences – 0

2.2.2 The Licensing Sub-Committee has determined the following applications:

New Premise Licence – 7  
Variation of Premise Licence – 2  
Review of Premise Licence – 0

2.2.3 Matters determined by Members without the need for a hearing

Nil.

### 2.2.4 Enforcement Activities

Licensing & Gambling Inspections & Statutory Notices Checked

Compliance Inspections = 2347  
Statutory Notices Checked = 85

This year, compliance inspections have included Covid Compliant visits to licensed premises.

## 3.0 **Decision Options**

3.1 The options available to Committee are:

## Option 1

- a) Note the decisions taken by officers under delegated authority for the period 1 March 2021 to 28 February 2022.

### **4.0 Appendices:**

- Appendix 1 – Sub-committee and officer delegation scheme for considering licence applications – Licensing Act 2003  
Appendix 2 – Sub-committee and officer delegation scheme for considering licence applications – Gambling Act 2005  
Appendix 3 – Granted and Varied Licences  
Appendix 4 – Temporary Event Notices

### **5.0 Contact Officers:**

- 5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 643 6620  
Joanne Lee, Public Protection Manager, Tel: 643 6901  
Stephanie Graham, Senior Licensing Officer, Tel: 643 6969

### **6.0 Background Information:**

- 6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

North Tyneside Council Statement of Licensing Policy.  
The Licensing Act 2003  
Gambling Act 2005  
Delegation Scheme – Licensing Committee 7 February 2005  
Delegation Scheme – Licensing Committee (Gambling) 7 June 2007

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and Other Resources:**

There are no financial implications for the Council arising from this report. The cost of collating the data can be met from the existing Licensing revenue budget.

### **2.2 Legal**

#### **2.2.1 Legislative Framework**

Part 2 Section 10(1)(b) of the Licensing Act 2003 provides that a Licensing Committee may arrange for the discharge of any functions exercisable by it by an officer of the licensing authority.

Part 8 Section 154 of the Gambling Act 2005 is the enabling power for delegation of responsibility for licensing decisions under that Act to the Licensing Committee, Sub-Committee and officers.

## **2.2.2 North Tyneside Council's Statement of Licensing Policy**

A scheme of delegation of decision making and functions is attached to the North Tyneside Council Statement of Licensing (Licensing Act 2003) and to the North Tyneside Council Statement of Licensing (Gambling Act 2005), (**Appendix 1 and 2**).

## **2.2.3 Principles of Better Regulation**

The Licensing Act 2003 and Gambling Act 2005 are specified in The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. As a result, Part 2 of the Legislative and Regulatory Reform Act 2006 applies. The Council must therefore have regard to the prescribed statutory principles by ensuring that its regulatory activities are carried out in a way which is transparent, accountable, proportionate and consistent. In addition, those regulatory activities should be targeted only at cases in which action is needed.

## **2.3 Consultation/Community Engagement:**

A comprehensive 12 week public consultation exercise took place prior the adoption of the North Tyneside Council Statement of Licensing (Licensing Act 2003) and to the North Tyneside Council Statement of Licensing (Gambling Act 2005).

## **2.4 Human Rights:**

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights. Any decisions therefore made in relation to a licence application need to be fully considered. An individual also has the right to a fair hearing under Article 6 of the European Convention of Human Rights. The proposed procedure will assist in ensuring that a fair hearing does take place.

## **2.5 Equalities and Diversity:**

There are no equality and diversity implications arising from this report.

## **2.6 Risk Management:**

There are no significant risk management implications to the Council arising from this report.

## **2.7 Crime and Disorder:**

It is not considered that there are any crime and disorder implications arising from this report. The police receive copies of applications made under the Licensing Act 2003 and Gambling Act 2005 and are invited to make representations if they so wish.

## **2.8 Environment and Sustainability:**

It is not considered that there are any environment and sustainability implications arising from this report.



## Appendix 1

### Licensing Act 2003

#### Scheme of Delegation of decision-making and functions

The Licensing Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub Committee	Officers
Application for/renewal of personal licence		If a police objection	If no objection made
Application for premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated premises licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate (including summary review brought by the police)		All cases	
Consideration as to whether to take interim steps following a summary review by police		All cases	
Decision on whether a complaint is			All cases

irrelevant, frivolous, vexatious, etc			
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	
Acknowledgement of a temporary event notice			All cases
Issue of Counter Notice in relation to a temporary event notice where permitted limits are exceeded			All cases
Issue of Counter Notice in relation to a temporary event notice following a police objection		All cases	
All licensing functions under the Licensing Act 2003 except those not capable of such delegation			All cases

## Appendix 2

### Scheme of delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits		If there is an initial decision to possibly refuse a permit application and oral or written representations are received from the applicant	Where no objections made/ objections have been withdrawn
Cancellation of licensed premises gaming machine permits		If requested by applicant	If no request received
Consideration of temporary use notice			X

Decision to give a counter notice to a temporary use notice		X	
Order disapplying Section 279 or Section 282(1) of a specified premises holding an on premises alcohol licence		X	
Refusal to register a Small Lottery and representations are received from the Society		X	
Revocation of Small Lottery Registration and representations are received from the Society		X	

X indicates the lowest level to which decisions can be delegated

### Appendix 3

#### New licences granted by Officers 01.03.2021 – 28.02.2022

Carville Service Station	Hadrian Road, Wallsend
Sushi Me Rollin	14 Station Road, Whitley Bay
Frydays	82 Wallsend Road, North Shields
Gutterball Alley	Rotary Way, North Shields
Aldi	Hawkeys Lane, North Shields
Reggies	20 Park Avenue, Whitley Bay
Pink Carnation	62 Chicken Road, Wallsend
Hazy Daze Bottle Shop	Unit 3, Spanish City Dome
Laurels Tapas Bar	212 Whitley Road, Whitley Bay
Two by Two Brewing	Unit 28, Point Pleasant Industrial Estate, Wallsend
Thirsty Trading Ltd	New York Industrial Estate
J & J Wilson Shops Ltd	Whitley Bay Holiday Park, Whitley Bay
Forest Hall YPC	Forest Hall
Ouseburn Coffee Co	13 South Parade, Whitley Bay
Pigalos	49 West Percy Street, North Shields
Porkys	3-9 Union Quay, Fish Quay, North Shields
ZG & S Booze News	100-102 Bewicke Road, Wallsend
On the Corner Café	45 Ilfracome Gardens, Whitley Bay
Discover North East	Unit 6 Royal Quays, North Shields
Second Bite	Unit 55, Royal Quays, North Shields
Travelodge	3 Silver Fox Way, Cobalt Business Park
Gilbert & Smiths	201 Park View, Whitley Bay
Spinnaker	(Formerly Bella Italia) Unit 1, Osprey Drive, Silverlink
Ferry Homely	Nevilles House, Bell Street, North Shields
The Brewery	South Parade, Whitley Bay
Hérons	Units 8 & 9 Boulevard Shopping Centre, Longbenton
Co-op	Station Road, Wallsend
Little Lobo Rojo	33/33a Percy Park Road, Tynemouth
Cassia Italian Street Fusion	Silverlink Retail Park, Wallsend
Salty Sea Dog	North Shields
Chewbz	Unit 25, Flexspace Business Centre, Tyne Tunnel Trading Estate
Relish Coffee Shop	27 Marine Avenue, Whitley Bay
Lidl	Park Lane, Shiremoor, NE27 0BS
Geordie Gin Distribution Ltd	6 Trewitt Road, Whitley Bay, Tyne and Wear, NE26 2QS
Chloe Mae's	12 Station Road, Cullercoats, NE30 3JY
Milano Pizza	7 Station Road, Forest Hall, NE12 7AR
Next Retail Ltd	Unit 1, Silverlink Retail Park, Wallsend, NE28 9ND
Morrisons Store & Filling Station	Killingworth Centre, Citadel, Killingworth, Newcastle upon Tyne, NE12 6YT
The Chocolate Smiths	Unit C22, Tromso Close, North Shields, Tyne and Wear
Morrisons	Hillheads Road, Whitley Bay, NE25 8HN
Baba Yagas House	216 Whitley Road, Whitley Bay
Pablo Eggs Go Bao	12 Station Road, Whitley Bay
J & J Café	Potters Way, Willington Quay
Forest Hall Express	29-31 Station Road, Forest Hall, NE12 7AR
Mrs W	66 Park View, Whitley Bay, Tyne and Wear
North East Homeless	Unit A3 Fish Quay Hub, North Shields, Tyne and Wear

**Licences varied by Officers (including Minor Variations) – 1.3.2021 – 28.02.2022**

Name	Address	Nature of variation
<b>VARIATIONS</b>		
North Shields Holdings Limited	Clubhouse John Spence Community High School Preston North Road North Shields	To add Off Sales and outside consumption within the boundaries and adjoining their building.
Café 19	19 East Parade, Whitley Bay	To extend the licensing hours To supply alcohol on and off the premises.
Top House	30 Nile Street, North Shields	To increase trading hours from 11:00 hours Monday to Saturday to 0800 hours.
Rileys Fish Shop	3-5 Percy Park Road, Tynemouth	Amended layout, add off sales, add Christmas and new year.
Aldi	Tynemouth Road, Wallsend, NE28 0EB	To extend opening hours of the premises
How Do You Do	Hudson Street, North Shields, NE30 1JS	To remove condition 10 of Annex 3 on the licence and replace it with the condition as agreed with Northumbria Police in relation to Door Supervision.
Best One	44-46 Front Street, Chirton	Layout change is slight to create a larger retail area. There are no changes to the existing licence save for the layout changes and in all other respects the licence is to remain the same.
<b>MINOR VARIATIONS</b>		
Cumberland Arms	Front Street, Tynemouth	Change to the layout and design of the premises. The main changes include the repositioning of the bar servery, addition of trade kitchen and new fixed seating.
Kittiwake	Claremont Crescent, Whitley Bay	Amend the licensing plan in accordance with the drawing attached to the application.

Morrisons	Preston Road North, Tynemouth	Amendment to internal layout.
Heron Foods	43 Station Road, Forest Hall	To seek approval of the plan submitted with the application showing the layout change.
The Kings Arms	Killingworth Centre, Killingworth, NE12 6HS	Amendment to internal layout and change of name.
The Beacon Hotel	Earsdon Road, Whitley Bay	Amendment to layout.
Vineyard 72 Whitley Bay Ltd	10 York Road, Whitley Bay	Amendment to internal layout.
Britta's (Imperial Dragon)	84-86 High Street East, Wallsend, Tyne and Wear	To change opening hours from 23:00 to 00:00. Alcohol times to remain the same.
Morrisons Daily	94 Tynemouth Road, North Shields, Tyne and Wear	Change internal layout of the premises and change premises name from McColls to Morrisons Daily.

**Gambling Act – Licences granted / varied – 1.3.2021 – 28.2.2022**

None during this period
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## Appendix 4

### List of TEN's 01/03/2021 – 28.02.2022

	Location of Event
1.	Planet House Car Park, Northumbrian Way, Killingworth
2.	Planet House Car Park, Northumbrian Way, Killingworth
3.	Beer Box, Unit 6 Royal Quays Outlet Centre, Coble Dene, North Shields
4.	Second Bite, Unit 55 Royal Quays Outlet Centre, North Shields
5.	Scott & Wilson, 1 Trevor Terrace, North Shields (Outside area)
6.	Scott & Wilson, 1 Trevor Terrace, North Shields (Outside area)
7.	Scott & Wilson, 1 Trevor Terrace, North Shields (Outside area)
8.	Scott & Wilson, 1 Trevor Terrace, North Shields (Outside area)
9.	Scott & Wilson, 1 Trevor Terrace, North Shields (Outside area)
10.	Second Bite, Unit 55 Royal Quays Outlet Centre, North Shields
11.	Beer Box, Unit 6 Royal Quays Outlet Centre, Coble Dene, North Shields
12.	Porkys Takeaway/Restaurant, 3-9 Union Quay, North Shields
13.	Porkys Takeaway/Restaurant, 3-9 Union Quay, North Shields
14.	Porkys Takeaway/Restaurant, 3-9 Union Quay, North Shields
15.	Two by Two Brewing, Unit 28, Point Pleasant Ind Estate, Wallsend
16.	Two by Two Brewing, Unit 28, Point Pleasant Ind Estate, Wallsend
17.	Planet House Car Park, Northumbrian Way, Killingworth
18.	Planet House Car Park, Northumbrian Way, Killingworth
19.	Beer Box, Unit 6 Royal Quays Outlet Centre, North Shields
20.	Second Bite, Unit 55 Royal Quays Outlet Centre, North Shields
21.	Second Bite, Unit 55 Royal Quays Outlet Centre, North Shields
22.	Beer Box, Unit 6 Royal Quays Outlet Centre, North Shields
23.	Pigolas American, 49 West Percy Street, North Shields
24.	Twelve Twenty Five, 18-21 Union Quay, North Shields
25.	Twelve Twenty Five, 18-21 Union Quay, North Shields
26.	Twelve Twenty Five, 18-21 Union Quay, North Shields
27.	Twelve Twenty Five, 18-21 Union Quay, North Shields
28.	Planet House Car Park, Northumbrian Quay, Killingworth
29.	Springfield Park, Forest Hall
30.	Springfield Park, Forest Hall
31.	Zone 2, Planet House Car Park, Northumbria Way, Killingworth
32.	Pigolas American, 49 West Percy Street, North Shields
33.	Z G & S Booze News, 100-102 Bewicke Road, Willington Quay
34.	Z G & S Booze News, 100-102 Bewicke Road, Willington Quay
35.	Two by Two Brewing, Unit 28, Point Pleasant Ind Estate, Wallsend
36.	Omni Café, 12 Front Street, Monkseaton, Whitley Bay
37.	Zone 2, Planet House Car Park, Arrow Close Business Centre
38.	Zone 2, Planet House Car Park, Arrow Close Business Centre
39.	Zone 2, Planet House Car Park, Arrow Close Business Centre
40.	Zone 2, Planet House Car Park, Arrow Close Business Centre
41.	Zone 2, Planet House Car Park, Arrow Close Business Centre
42.	Tub Time, Longsands, Tynemouth
43.	The Wheatsheaf, Whitley Road, Benton Square
44.	Havana Bar, 34-36 South Parade, Whitley Bay
45.	Z G & S Booze News, 100-102 Bewicke Road, Willington Quay
46.	Pigolas American, 49 West Percy Street, North Shields



47.	The Wheatsheaf, Whitley Road, Benton Square
48.	The Wheatsheaf, Whitley Road, Benton Square
49.	The Wheatsheaf, Whitley Road, Benton Square
50.	The Brewery, 2-4 South Parade, Whitley Bay
51.	Twelve Twenty Five, 18-21 Union Quay, North Shields
52.	The Wheatsheaf, Whitley Road, Benton Square
53.	The Wheatsheaf, Whitley Road, Benton Square
54.	The Wheatsheaf, Whitley Road, Benton Square
55.	The Wheatsheaf, Whitley Road, Benton Square
56.	The Wheatsheaf, Whitley Road, Benton Square
57.	The Wheatsheaf, Whitley Road, Benton Square
58.	The Wheatsheaf, Whitley Road, Benton Square
59.	The Wheatsheaf, Whitley Road, Benton Square
60.	Annitsford Welfare, Barrass Gardens, Annitsford
61.	Tynemouth Station, Station Terrace, Tynemouth
62.	Stephenson Railway Museum, Middle Engine Lane, North Shields
63.	The Brewery, 1-2 South Parade, Whitley Bay
64.	Northumberland Square, North Shields
65.	Gilbert & Smiths, 201 Park View, Whitley Bay
66.	Gilbert & Smiths, 201 Park View, Whitley Bay
67.	The Sandpiper, Farringdon Road, Cullercoats
68.	The Brewery, 1-2 South Parade, Whitley Bay
69.	The Brewery, 1-2 South Parade, Whitley Bay
70.	Fat Ox, Whitley Road, Whitley Bay
71.	Ales by the Sea, Tynemouth Market, Tynemouth Metro Station, Tynemouth
72.	Bar 52, South Parade, Whitley Bay
73.	The Chocolate Smiths, Unit C22, Tyne Tunnel Industrial Estate
74.	Holy Saviours Parish Hall, Manor Road, North Shields
75.	Wallsend Shopping Centre & High Street, Wallsend
76.	Salt House, 1 Liddell Street, Fish Quay, North Shields
77.	Station Pub, Killingworth
78.	Two Pennies Café & Bar, No 1 The Basement, NE30 1QP
79.	Pearey House Centre for Visually Impaired, Peary House, NE29 0JR
80.	Ales by the Sea, Tynemouth Market, Tynemouth Metro Station, Tynemouth
81.	Ales by the Sea, Tynemouth Market, Tynemouth Metro Station, Tynemouth
82.	Parks Sports Centre, Howdon Road, North Shields
83.	The Brewery, 1-2 South Parade, Whitley Bay
84.	Feast, Events Space above Watts Slope, Spanish City Plaza, Whitley Bay
85.	The Ticket Office, Unit 5, Whitley Bay Metro Station, Whitley Bay
86.	The Queens Head, 6 Front Street, Cullercoats
87.	Karma Coast, 6A Percy Park Road, Tynemouth
88.	St Peters Fields, Wallsend, NE28 7JN
89.	The Blind Pig (within Land of Green Ginger) Front Street, Tynemouth
90.	The Brewery, 2-4 South Parade, Whitley Bay
91.	The Brewery, 2-4 South Parade, Whitley Bay
92.	The Salt Market, North Shields
93.	Shiremoor Community Association, Shiremoor
94.	Westholme Farm Social Club, Mullen Road, Wallsend, NE28 9HA
95.	Zone 4, Arrow Close, Killingworth
96.	Newcastle Dog & Cat Shelter, Benton Lane
97.	Scott & Wilson, 1 Trevor Terrace, North Shields

98.	Scott & Wilson, 1 Trevor Terrace, North Shields
99.	3 Tanners Bank, North Shields
100.	Tynemouth Watch House, Spanish Battery, Tynemouth
101.	Station Pub, Killingworth
102.	Annitsford Welfare, Barrass Gardens, Annitsford
103.	Karma Coast, 6A Percy Park Road, Tynemouth
104.	Two Pennies Café & Bar, No 1 The Basement, NE30 1QP
105.	The Chocolate Smiths, Unit 22 Tyne Tunnel Industrial Estate
106.	Ales by the Sea, Tynemouth Metro Station, Tynemouth
107.	Fiesta Whitley Bay, Whitley Bay Town Centre, Whitley Bay
108.	Wallsend Shopping Centre, Bandstand, Wallsend
109.	Ales by the Sea, Tynemouth Metro Station, Tynemouth
110.	Feast, Events Space above Watts Slope, Spanish City Plaza, Whitley Bay
111.	Tynemouth Cricket Club Cottage, Preston Avenue, North Shields
112.	3 Tanners Bank, North Shields
113.	44 Palmers Green, Forest Hall
114.	Odeon Cinema, Osprey Drive, Wallsend (Screens 1 & 2)
115.	Odeon Cinema, Osprey Drive, Wallsend (Screens 4 & 5)
116.	Odeon Cinema, Osprey Drive, Wallsend (Screens 1 & 2)
117.	Odeon Cinema, Osprey Drive, Wallsend (Screens 4 & 5)
118.	Highway of Arrow Close, Killingworth
119.	North Sea Weekender, Spanish City Plaza, Plaza area near Beefeater & Dome
120.	West Allotment Community Centre, Benton Road
121.	The Ticket Office, Unit 5, Whitley Bay Metro Station, Whitley Bay
122.	Salt Market, 1 Liddell Street, North Shields
123.	Salt Market, 1 Liddell Street, North Shields
124.	Kith & Kin, 172 Park View, Whitley Bay
125.	Flash House Brewing Co, Unit 1A, Northumberland St, North Shields
126.	Bar 52, South Parade, Whitley Bay
127.	Karma Coast, 6A Percy Park Road, Tynemouth, NE30 4LY
128.	The Ticket Office, Unit 5, Whitley Bay Metro Station, Whitley Bay, NE26 2QT
129.	3 Tanners Bank, North Shields, NE30 1JH
130.	Salt Market, 1 Liddell Street, North Shields, NE30 1HE
131.	Tynemouth Cricket Club, Preston Avenue, North Shields, NE30 2BG
132.	Tipsy Horse, Highway of Arrow Close, Killingworth, NE12 6QN
133.	Renes, 22 Front Street, Tynemouth, NE30 4DX
134.	Kith & Kin, 172 Park View, Whitley Bay, NE26 3QW
135.	The Chocolate Smiths, Unit C22, Tromso Close, North Shields, NE29 7XH
136.	Tynemouth Sailing Club, Priors Haven, Tynemouth, North Shields, NE30 4DQ
137.	Parks Sports Centre, Howdon Road, North Shields, NE29 6TL
138.	3 Tanners Bank, North Shields, NE30 1JH
139.	Westmoor Community Centre, Benton Lane, West Moor, NE12 7NP
140.	Karma Coast, 6A Percy Park Road, Tynemouth, NE30 4EY
141.	Tynemouth Sailing Club, Priors Haven, Tynemouth, North Shields, NE30 4DQ
142.	High Tide, 5 Victoria Crescent, Cullercoats, North Shields, NE30 4PN
143.	High Tide, 5 Victoria Crescent, Cullercoats, North Shields, NE30 4PN
144.	Fish Quay Hub, Unit 3a, 3 Northumberland Street, North Shields, NE30 1DS
145.	West Allotment Community Centre, Benton Road, West Allotment
146.	Salt Market, 1 Liddell Street, North Shields
147.	Hazy Daze Bottle Shop, Unit 3 Spanish City, Whitley Bay
148.	Quorum Park Sports Centre (area adjacent)

149.	Whitley Bay Town Centre Grid Ref NZ 3538 7238
150.	North Shields Holdings, North Shields Jnr Football Club
151.	Friends of Hazelwood PTFA
152.	Havana Bar, 34-36 South Parade, Whitley Bay
153.	North East Homeless, 3a3 Northumberland Street, North Shields
154.	Newcastle Dog and Cat Shelter, Benton Lane, Newcastle upon Tyne, NE12 8EH
155.	3 Tanners Bank , North Shields, NE30 1JH
156.	North Shields Holdings Jnr Football Club, John Spence High School, North Shields
157.	Ritz Wetherspoon, 87-93 High Street West, Wallsend, NE28 8JD
158.	Dog and Rabbit, 36 Park View, Whitley Bay, Tyne and Wear
159.	Signature Lounge, 146-148 Park View, Whitley Bay
160.	Border Terrier, Hartington Road, Cullercoats
161.	Salthouse, 6-7 Victoria Crescent, Cullercoats
162.	Primal Fitness, Unit 23, Camperdown Ind Estate
163.	The Sandpiper, Farrington Road, Cullercoats
164.	High Tide, 5 Victoria Crescent, Cullercoats, NE30 4PN
165.	All Fur Coat, 25 High Street East, Wallsend
166.	Ora, Front Street, Tynemouth
167.	High Tide, 5 Victoria Crescent, Cullercoats, Tyne and Wear, NE30 4PN
168.	High Tide, 5 Victoria Crescent, Cullercoats, Tyne and Wear, NE30 4PN
169.	Scott and Wilson, 1 Trevor Terrace, North Shields
170.	3 Tanners Bank, North Shields
171.	Lola Jeans, Front Street, Tynemouth
172.	New Fordley Juniors FC, Barras Gardens, Annitsford, NE23 7RB
173.	High Tide, 5 Victoria Crescent, Cullercoats, Tyne and Wear, NE30 4PN
174.	High Tide, 5 Victoria Crescent, Cullercoats, Tyne and Wear, NE30 4PN
175.	Renes, 22 Front Street, Tynemouth, Tyne and Wear, NE30 4DX
176.	The Cullercoats Fish Lass, 56 Newington Drive, North Shields, NE29 9JA
177.	WL Distillery, Tynemouth Market, Tynemouth
178.	Whitley Bay High School, Deneholm, Whitley Bay, NE25 9AS
179.	The Ballarat, 13 Borough Road, North Shields
180.	The Ballarat, 13 Borough Road, North Shields
181.	Two Pennies Café and Bar, Basement 1 Northumberland Place, North Shields
182.	Two Pennies Café and Bar, Basement 1 Northumberland Place, North Shields
183.	Turks Head, 41 Front Street, Tynemouth
184.	High Tide, 5 Victoria Crescent, Cullercoats, NE30 4PN
185.	High Tide, 5 Victoria Crescent, Cullercoats, NE30 4PN
186.	North East Homeless, 3a3 Northumberland Street, North Shields, NE30 1DS
187.	High Tide, 5 Victoria Crescent, Cullercoats, NE30 4PN
188.	The Anson, Station Road, Wallsend, Tyne and Wear, NE28 8QS
189.	Salt Market, North Shields, Tyne and Wear
190.	High Tide, 5 Victoria Crescent, Cullercoats, NE30 4PN
191.	Karma Coast, 6A Percy Park Road, Tynemouth, NE30 4LY
192.	Karma Coast, 6A Percy Park Road, Tynemouth, NE30 4LY
193.	Karma Coast, 6A Percy Park Road, Tynemouth, NE30 4LY
194.	WL Distillery, Tynemouth Market, Tynemouth Station, Tyne and Wear
195.	King Edwards Bay, Tynemouth
196.	Fiesta Whitley Bay, Grid Ref: NZ 3538 7238, Whitley Bay Town Centre, Whitley Road between the junctions with Park View and North Parade/Victoria Terrace

197.	Springfield Park & Community Café, Forest Hall, Newcastle upon Tyne, NE12 9AG
198.	Odeon, Silverlink
199.	Odeon, Silverlink
200.	Forest Hall YPC – East Palmersville Sports Pavilion, NE12 9HW
201.	North East Homeless,, 3a3 Northumberland Street, North Shields, NE30 1DS
202.	Salt Market, 1 Liddell Street, North Shields, NE30 1HE
203.	Salt Market, 1 Liddell Street, North Shields, NE30 1HE

## **North Tyneside Council Report to Licensing Committee Date: 31 March 2022**

**Report Author:** Mr P Scott  
Director of Environment, Housing and  
Leisure

**Wards affected:** All

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### **PART 1**

#### **1.1 Purpose:**

The purpose of this report is to provide Committee with the data collated in respects of the Park View area of Whitley Bay and the North Shields Fish Quay area. The Committee at its meeting in October 2021 requested that this data be collected and reported back to Committee.

#### **1.2 Recommendation**

It is recommended that the Committee:

1. Consider the data attached at Appendix 1 to this report and determine if formal consultation on a proposed revised Cumulative Impact Assessment should be undertaken with those persons listed in section 5(3) of the Licensing Act 2003.

#### **2.0 Background Information**

##### **2.1.1 Licensing Act 2003 (“the Act”)**

Section 5A of the Act permits a Licensing Authority to publish a “Cumulative Impact Assessment” and states that if: -

“the licensing authority considers that the number of relevant authorisations in respect of premises in one or more of its area described in the assessment is such that it is likely that it would be inconsistent with the duty under section 4(1) [of the Licensing Act 2003 – the duty to promote the licensing objectives] to grant any further relevant authorisations in respect of premises in that part or those parts.”

The concept of cumulative impact is a recognition that the number of licensed premises or clubs concentrated in one area can result in problems such as public nuisance, crime and disorder or anti-social behaviour at or near those licensed premises. Such problems may occur because of large numbers of people being concentrated in a particular area.

Section 5A of the Act requires the CIA to set out the evidence that the Authority has relied upon for arriving at its opinion that issuing further premises licences or club premises certificates in a particular area, or areas, would undermine the licensing objectives.

On 11 October 2018 this Committee approved the publication of a CIA. The Committee's opinion was that no further licences for alcohol led premises should be granted to such premises in the South Parade area in Whitley Bay and an area around Front Street in Tynemouth. The Committee considered that granting further such licences or variations thereof would fail to promote the licensing objectives.

On 22 November 2018 full Council endorsed that opinion and included in the Statement of Licensing Policy a rebuttable presumption against granting premises licences for alcohol led establishments permitting the consumption of alcohol on such licensed premises such as public houses in the areas of Whitley Bay and Tynemouth mentioned above.

Section 5A of the Act requires that where a Licensing Authority publishes a CIA it must, before the end of the "relevant period", which is 3 years from the publication of the CIA consider whether its opinion remains as stated in the CIA published then.

Accordingly, on 7 October 2021 the Committee considered the consultation responses to the review of the CIA and considered that it remained of the view that granting premises licences and variations of such licences would be contrary to the promotion of the licensing objectives and therefore agreed to a further CIA with no changes to the areas included in the CIA. A copy of the CIA is attached at Appendix 1 to this report.

This Committee recognised that the consultation responses highlighted that the level of evidence available for the North Shields Fish Quay and Park View in Whitley Bay to support these new areas being included in the CIA was insufficient to make amendments to the CIA at that time. This Committee requested officers to commence work on the possible inclusion of North Shields Fish Quay and Park View in Whitley Bay in the Cumulative Impact Assessment. This was to include data from the police on crime and disorder in a more "normal" environment hopefully free from any further restrictions imposed on individuals and businesses because of the Covid-19 pandemic and including the Christmas and New Year period.

At the conclusion of such work, a further report was to be brought to the Committee setting out the conclusion of that work, so that a decision could be taken whether or not to consult on the inclusion of those areas in a revised Cumulative Impact Assessment.

Officers have now undertaken this work for the Fish Quay and Park View areas. This included gathering data from Northumbria Police, Environmental Health (Appendix 2) and Licensing for the period from July to December 2021.

#### North Shields Fish Quay

For the period stated Northumbria Police have provided data as attached at Appendix 2. They have provided details for violent crime as well as anti-social behaviour. The conclusion states:

'In terms of ASB in this area, the levels are particularly low for the seven month period and there is very little to indicate any impact caused by licenced premises. There has

been no directed ASB and every incident appears to be unrelated and spread evenly over a wide time frame.'

In that period there were several licensing visits to the area and no concerns were found. Complaints were received regarding an outside seating area of one licensed premises but no issues were found during these visits.

Environmental Health have provided data for this area and advised that there were 2 complaints for excessive noise during this period. This information is included at the report attached at Appendix 2.

### Park View, Whitley Bay

For the period stated Northumbria Police have provided data as attached at Appendix 2. They have provided details for violent crime as well as anti-social behaviour. The report shows low level of crimes in that area and very few attributed to the night time economy, with most associated with shoplifting.

As with the Fish Quay, several licensing visits were undertaken in this area. No issues were found during the visits. Two complaints were received, one involving rowdy behaviour in an outside seating area.

Environmental Health have provided data for this area and advised that there were 2 complaints for excessive noise. This information is included at the report attached at Appendix 2. One complaint was received for this period which was for alleged loud voices and shouting from patrons attending licensed premises.

It must be stressed that even where a Cumulative Impact Policy exists, there is still a requirement for individuals such as local residents and/or responsible authorities to make representations in relation to a particular application. If no representations are made then the Authority will be obliged, in accordance with the Act, to issue a premises licence or grant any variation, irrespective of whether there is a Cumulative Impact Assessment in force for the area in which the premises is situated. The Cumulative Impact Assessment will therefore only be taken into consideration in circumstances where relevant representations are made.

A Cumulative Impact Assessment can never be absolute, and that there may be occasions where it is considered appropriate by a Licensing Sub-Committee, hearing an application, to depart from the Assessment. This may be because, for instance, the premises seeking a licence is different in style and characteristics from the other existing licensed premises in the area, to the extent that it is considered that granting a licence will not have a negative impact on the licensing objectives and can therefore rebut the presumption against granting the licence or variation.

It should be pointed out that representations citing cumulative impact as an issue can be raised in connection to licensed premises outside of the Cumulative Impact Area and considered as part of the determination of a licensing Sub-Committee considering an individual application for a premises licence.

## **3.0 Decision Options**

### **3.1 The options available to Committee are:**

#### Option 1

To consider the evidence provided in connection to the Fish Quay and Park View areas and instruct Officers on the next appropriate steps. The next steps can be to commence consultation on the inclusion of either or both of these area in the CIA. Alternatively, this Committee may feel there is insufficient evidence to consider the inclusion at this time.

#### **4.0 Appendices:**

Appendix 1 –Cumulative Impact Assessment

Appendix 2 – Data from Northumbria Police and Environmental Health

#### **5.0 Contact Officers:**

- 5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 643 6620  
Joanne Lee, Public Protection Manager, Tel: 643 6901  
Stephanie Graham, Senior Licensing Officer, Tel: 643 6969

#### **6.0 Background Information:**

- 6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

North Tyneside Council Statement of Licensing Policy.  
The Licensing Act 2003  
Policing and Crime Act 2018

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and Other Resources:**

The costs of preparing and applying the Cumulative Impact Assessment and the associated consultation arrangements can be met from the Licensing revenue budget.

### **2.2 Legal**

#### **2.2.1 Legislative Framework**

All licensing functions undertaken by the Authority under the Licensing Act 2003 are the responsibility of Council. This is made clear by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Section 7 of the Licensing Act 2003 states that all matters relating to the discharge of licensing functions are referred to the Authority's Licensing Committee which discharges those functions on behalf of the Authority. This would include the approval of the proposed Cumulative Impact Policy and agreement to have the Cumulative Impact Assessment published.

The Statement of Licensing Policy summarises the contents of the Cumulative Impact Policy and the CIA must be considered when the Policy is reviewed. The approval of the Policy is reserved for full Council.



## **2.2 Consultation/Community Engagement:**

At this time data has been provided by Northumbria Police, Licensing and Environmental Health. Should this Committee feel there is sufficient data to indicate a potential reason for including these areas in the CIA a comprehensive borough wide consultation will be undertaken.

## **2.4 Human Rights:**

There are human rights issues with cumulative impact insofar as such an Assessment will affect existing licence holders wishing to vary their licence in the area in question as well as new applicants seeking a premises licence.

The decisions made by the Licensing Committee/Sub-Committees and officers can have implications under the Human Rights Act 1998. Decisions of the Authority as Licensing Authority could be said to interfere with the property of the licence holder (a licence, or its goodwill, is classed as property) and also impact on the rights of parties to a family and private life. However, these rights are qualified rights and those rights can be interfered with if such interference is permitted in law. Any party who wishes to make representations in relation to a licensing matter has the right to express their views without interference and any person appearing before a Committee/Sub-Committee will be afforded an opportunity to a fair hearing.

There is also an appeal process available to those aggrieved by a decision of a licensing Sub-Committee.

## **2.5 Equalities and Diversity:**

The Authority ensured that anyone wishing to take part in the consultation process had an equal opportunity to participate. This included ensuring that translated copies of the Assessment are available upon request.

As the licensing authority the Authority ensures that all stakeholders in the licensing process have an equal opportunity to participate.

The Authority will ensure that any decision taken under the Licensing Act 2003 will not discriminate against any person or group in society.

The introduction of this Assessment has the potential to contribute to the achievement of a key aim of our public sector duty under the Equality Act 2010, which is to eliminate unlawful discrimination, victimisation and harassment.

## **2.6 Risk Management:**

There are no significant risk management implications to the Council arising from this report.

## **2.7 Crime and Disorder:**

The prevention of crime and disorder is one of the licensing objectives that may be engaged when dealing with a licensing application. It is a requirement under the Licensing Act 2003 and subordinate Regulations that the Police are forwarded a copy of an application for a licence or certificate so that the Police are able to scrutinise the application and make representations in relation to the application insofar as the

prevention of crime and disorder licensing objective is concerned. The Police have been consulted in relation to the proposed Cumulative Impact Assessment and are supportive of the aims of the Assessment.

## **2.8 Environment and Sustainability:**

There are no sustainability implications arising directly from this report. In terms of environmental implications, one of the licensing objectives is the prevention of public nuisance. Noise created by the number of individuals visiting licensed premises in an area can be said to cause a nuisance to the residents.

# NORTH TYNESIDE COUNCIL CUMULATIVE IMPACT ASSESSMENT



# North Tyneside Council Cumulative Impact Assessment

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## Introduction

1. North Tyneside Council in common with many Licensing Authorities introduced a Cumulative Impact Policy for two areas within the borough, namely parts of Whitley Bay and Tynemouth. That Policy formed part of its Statement of Licensing Policy. Cumulative Impact Policies were only a concept contained in the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and had no statutory basis for their existence. However, this changed in 2018 with the introduction of the Policing and Crime Act 2017.
2. The Policing and Crime Act 2017 amended the Licensing Act 2003 by inserting section 5A into the Act which states: -

**“A licensing authority may publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.”**

3. In October 2018 the Authority formed the opinion that a Cumulative Impact Assessment should be published for parts of Whitley Bay and Tynemouth. That Assessment informed the Authority's Statement of Licensing Policy published in November 2018 which included a Cumulative Impact Policy for those parts of Whitley Bay and Tynemouth. That Policy created a rebuttable presumption against granting premises licences for alcohol led establishments in those areas.
4. For the avoidance of doubt, “cumulative impact” has been described as the potential impact on the promotion of the licensing objectives because of a significant number of licensed premises concentrated in one area. Serious problems of nuisance or disorder may arise at or near licensed premises and may occur from a large number of people being concentrated in a particular area.
5. Within 3 years of the publication of its Cumulative Impact Assessment, the Authority has a duty to consider if it remains of the opinion that that it is likely that it would be inconsistent with the authority's duty to promote the licensing objectives to grant premises licences in respect of alcohol led licensed premises in the relevant areas of Whitley Bay and Tynemouth.
6. On 7 October 2021 following consultation with persons mentioned in section 5(3) of the Licensing Act 2003, the Authority decided that it remains of the opinion that the number of alcohol led licensed premises with premises licences in the relevant areas of Whitley Bay and Tynemouth described and shown below is such that it is likely that it would be inconsistent with the Authority's duty to promote the licensing objectives to grant any further premises licences, or variations of those licences, in those areas..
7. This revised Cumulative Impact Assessment was published on 11 October 2021.

8. The Cumulative Impact Assessment does not change the fundamental way in which licensing decisions are made. The Authority must consider and determine applications based on their merits. If an Applicant can demonstrate through their operating schedule that they would not add to the cumulative impact, then an exception to the Licensing Authority's policy to refuse applications within this area may be made on the basis that the Applicant has rebutted the presumption against granting a premises licence or variation of a licence.
9. The Cumulative Impact Assessment does not relieve Responsible Authorities, local residents, or any other person of the need to make representations where they consider it appropriate to do so as part of the licence application process. Anyone making a representation can base it on the information provided in the Cumulative Impact Assessment. It will be the responsibility of anyone making a representation, including a Responsible Authority, to ensure it can withstand the scrutiny to which it will be subjected to at a licensing hearing.
10. Applicants for new premises licences or the variation of existing premises licences within the specified areas of Whitley Bay and Tynemouth that are included in the Authority's Statement of Licensing Policy must consider the potential cumulative impact issues when setting out the steps that they will take to promote the licensing objectives when making their application. Therefore, an applicant wishing to obtain a new premises licence, or seeking to vary an existing licence, is strongly advised to examine the evidence contained in the Cumulative Impact Assessment and to read the Authority's Statement of Licensing Policy before submitting an application.

## Section 1 Cumulative Impact Assessment

### Cumulative Impact Assessment

1. Cumulative impact is the potential impact on the promotion of the licensing objectives due to the number of licensed premises concentrated in one area.
2. There is evidence to suggest that in specified areas of the borough, (see the maps at Appendix 1) the number and density of alcohol led licensed premises, such as public houses, that have the benefit of a premises licence is such that it is likely that it would be inconsistent with the Authority's duty to promote the licensing objectives to grant any further premises licences for premises of this type or variations of such licences in those areas.
3. The evidence suggests that the issues caused by cumulative impact referred to in this Assessment only relate to alcohol led licensed premises that have a premises licence that permits the consumption of alcohol on the premises and that premises that hold club premises certificates do not add to the cumulative impact in the areas concerned.
4. The evidential basis for suggesting that there is an issue with cumulative impact in Whitley Bay and Tynemouth is set out in Appendix 2 of this Assessment. The evidential basis in Appendix 2 includes statistical information provided by Northumbria Police for January to December 2019. Due to the closure or restrictions on licensed premises for the majority of 2020 because of the Covid-19 pandemic representative data is not available for that year. However, there is no reason not to form the view that the figures for 2020 would be greatly different to the figures to the period used in this Assessment. The Authority takes the view that its opinion on the Cumulative Impact Assessment should not be based on the artificial shutdown of the licensed trade in 2020/early 2021.
5. As part of the review of this Assessment Northumbria Police were asked to collate data for the Fish Quay area of North Shields in order to analyse the level of crime and disorder in that area. The data has shown that there were low numbers of offences and incidents of anti-social behaviour for the period between January and December 2019. There is therefore no evidential basis at this time to justify the inclusion of this area in any Cumulative Impact Assessment. Of course, this position could change, and any Cumulative Impact Assessment published by the Authority can be reviewed at any time if evidence is received of there being cumulative impact in relation to this particular area.

## Section 2 Cumulative Impact Areas

### Cumulative Impact Area

1. This Assessment relates to two areas of the Borough delineated on the maps at Appendix 1 and described below:

#### Whitley Bay

2. This Assessment applies to the area of Whitley Bay bordered by Promenade, Park Avenue, Marden Road, Station Road, Whitley Road and Percy Road.

This area has been identified because evidence shows that the cumulative impact of the number and density of licensed premises in the area adversely affects the promotion of the licensing objectives

3. A summary of the evidence of the problems being experienced in the area is included in this Assessment at Appendix 2.

#### Tynemouth

4. The Assessment applies to the area of Tynemouth bordered by Percy Park Road, Bath Terrace, East Street, Lovaine Row and Prudhoe Terrace.
5. This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in the area adversely affects the promotion of the licensing objectives.
6. A summary of the evidence of the problems being experienced in the area is included in this Assessment at Appendix 2.



## Section 3 Contact Information

### Contact and Applications

For further information on this Cumulative Impact Assessment please contact:

Licensing Team  
Killingworth Site  
Harvey Combe  
Killingworth  
Newcastle upon Tyne  
NE12 6UB

The Licensing Section can be contacted on the following telephone numbers:  
(0191) 643 2175

E-mail address: [liquor.licensing@northtyneside.gov.uk](mailto:liquor.licensing@northtyneside.gov.uk)

Web: <http://www.northtyneside.gov.uk>

# Appendix 1

## Cumulative Impact Maps

### Whitley Bay



# Tynemouth

PROPOSED CUMULATIVE IMPACT AREA - TYNEMOUTH \_\_\_\_\_



## Appendix 2

The evidential basis for this Assessment has been supplied by Northumbria Police. The data for the cumulative impact areas in Whitley Bay and Tynemouth focuses on four key areas:

- Crime
- Anti-social behaviour
- Alcohol related anti- social behaviour
- Violent crime.

The data covers the 12 month period from 1 January 2019 to 31 December 2019.

The data relates to incidents within the cumulative impact areas and sets out the days and times when incidents have occurred within the cumulative impact areas. The maps show the location of crimes in Whitley Bay and Tynemouth and demonstrate that there is a clear concentration of crime and anti-social behaviour in the cumulative impact areas.

### Statistical Data

Total number of recorded incidents (crime and anti-social behaviour) in the cumulative impact areas are set out below:

#### Whitley Bay

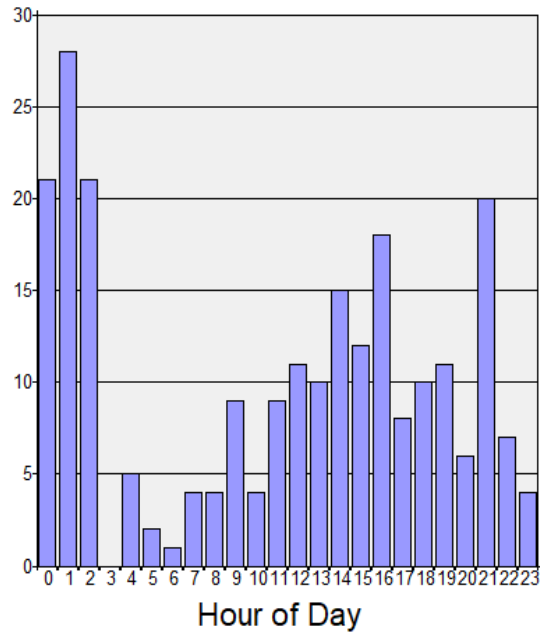
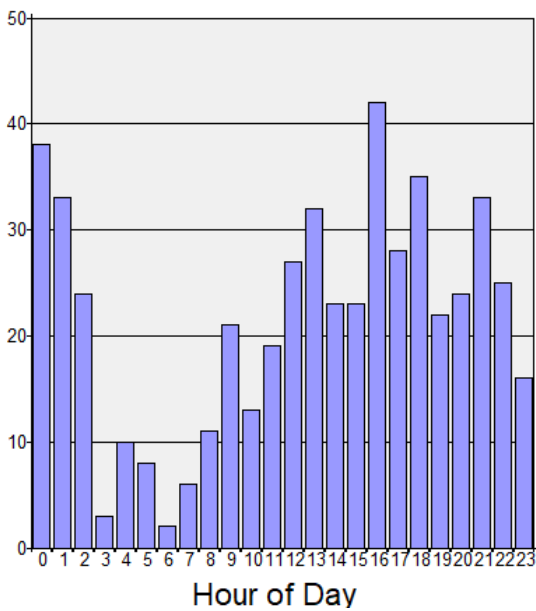
Year	Total Number of Crimes	% of Crime in Whitley Bay
2018	623	15%
2019	519	13%

### Crime levels by day of the week

2018		2019	
Monday	72	Monday	73
Tuesday	73	Tuesday	73
Wednesday	77	Wednesday	84
Thursday	86	Thursday	49
Friday	105	Friday	79
Saturday	102	Saturday	78
Sunday	108	Sunday	83

Time analysis for all crime Monday to Sunday

Time analysis for all crime Friday to Sunday



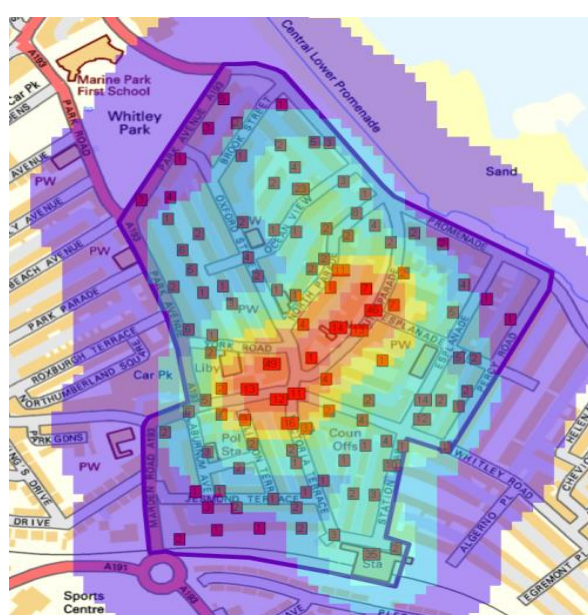
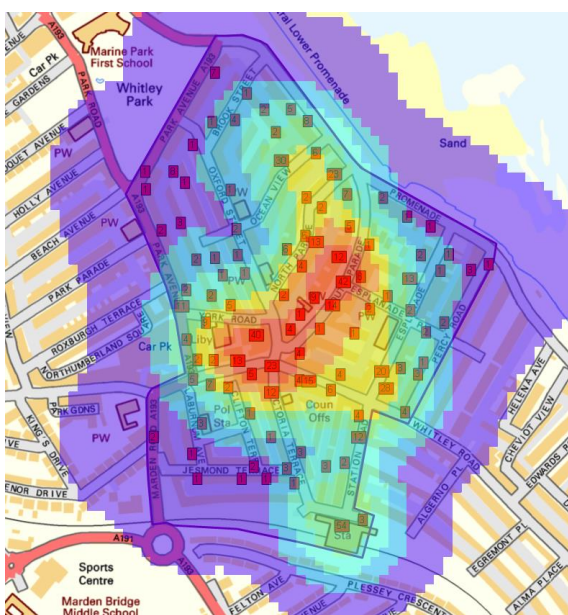
Analysis of peak days indicates peak days in 2018 at the weekend, with Friday through Sunday recording, on average per day, 36% more crime than Monday through Thursday. Levels within 2019 are not as dramatic, however the Friday through Sunday levels are fractionally higher than the rest of the week.

Analysis of the times of day for the whole week shows a spike in offences between midnight and 3am. This is more noticeable when viewing the same chart for just Friday, Saturday and Sunday.

Hot spot areas of crime in Whitley Bay

All crimes in area for 2018 (offences)

All crimes in area for 2019 (offences)



Violent Crime

2018 – 223 incidents of violent crime reported

2019 – 207 incidents of violent crime reported

Violent Crime levels by day of the week:

<b>2019</b>	
Monday	26
Tuesday	33
Wednesday	33
Thursday	17
Friday	32
Saturday	31
Sunday	35

Analysis of peak days shows an increase in violent crime on Sunday.

It can be seen from the table below that the increase in violent crime is likely due to the night time economy since the increase is from midnight till 3am on the Sunday morning.

Analysis of peak days of the week, and hours of the day indicate that mid-night through to 03:00 Fridays to Sundays record elevated levels, most notably in relation to assaults. In fact 25% of all assaults within the Whitley bay Cumulative Impact Area occur during this period.

2019 - Violence offences by day of the week and hour of the day (Assaults only)

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Totals
00			2		4	2	6	14
01					4	1	5	10
02			1			4	6	11
03		1						1
04		3	1			2	2	8
05			2					2
06								0
07						1		1
08				1				1
09	3		1				1	5
10		1						1
11	3						1	4
12	1		1	1	2			5
13	2		5	1				8
14		1			2	1		4
15	1	1	1				1	4
16		3		1	3	1	1	9
17		1		1			2	4
18		1		3	1	2		7
19			1	1	1	1		4
20	2	2					1	5
21	1				3	3	1	8
22	1	1	3					5
23	1	1	1	1			2	6

### Anti- Social behaviour (ASB)

2018 243 incidents of anti-social behaviour reported

2019 230 incidents of anti-social behaviour reported

Anti-social behaviour incidents by day of the week:

<b>2019</b>	
Monday	50
Tuesday	38
Wednesday	48
Thursday	49
Friday	54
Saturday	67
Sunday	89

It can be seen that the number of reported ASB incidents slightly decrease between 2018 and 2019 however they still account for 15% of all ASB in Whitley Bay as a whole. Levels are elevated towards the weekend from around 14:00 on Friday through to 02:00 Saturday and again Saturdays from around 10:00 through to 03:00 on Sunday morning.

### Alcohol Related Anti –Social Behaviour Incidents

2018 – 46 incidents of alcohol related anti-social behaviour reported

2019 – 35 incidents of alcohol related anti-social behaviour reported

Alcohol related anti-social behaviour incidents by day of the week:

<b>2019</b>	
Monday	5
Tuesday	3
Wednesday	6
Thursday	4
Friday	7
Saturday	5
Sunday	5

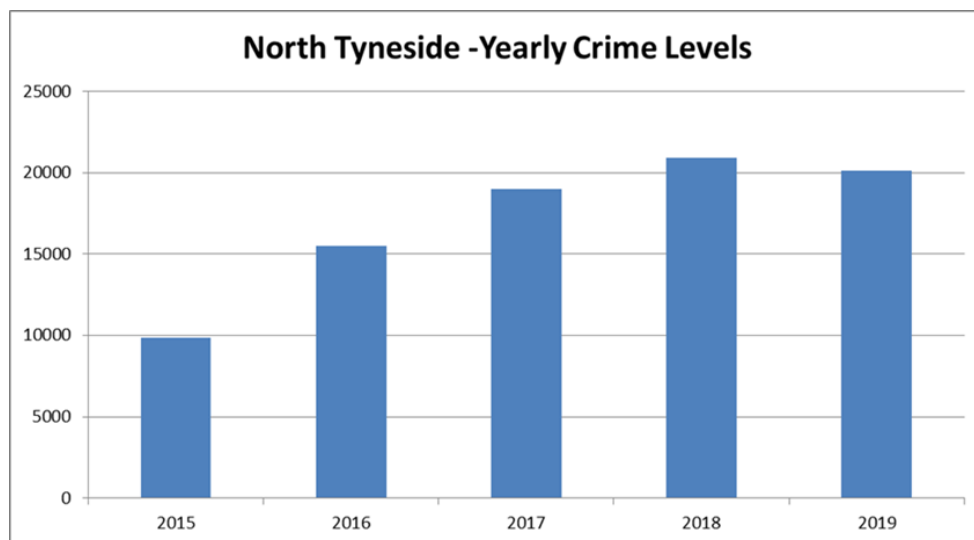
The data indicates that the levels of alcohol related ASB has reduced between 2018 and 2019. Historic figures indicate levels have in fact seen a significant reduction since 2016 which recorded 108 incidents within the same geographic area. Within 2019, Fridays did record slightly higher levels, however this is spread-out throughout the day and there is nothing to indicate levels of alcohol related ASB is higher throughout the weekend or throughout the evening periods.

Times of the day when alcohol related anti-social behaviour occurs is shown in the table below:

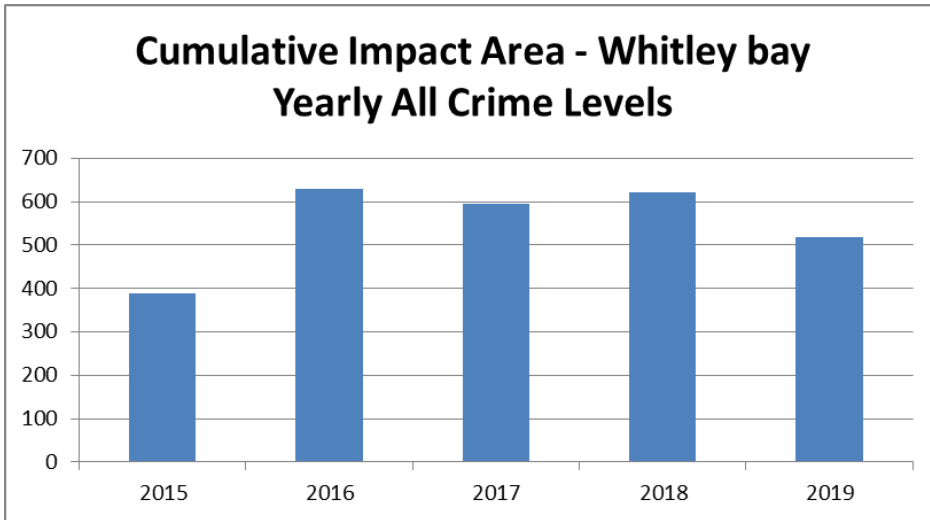
2019 - ASB/Alcohol - Cumulative Impact Area (Whitley bay)								
Hours	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
00	1		1		1		1	4
01								0
02							1	1
03								0
04								0
05								0
06								0
07								0
08		1			2			3
09			2		1			3
10						1		1
11	1			1				2
12					1			1
13	1							1
14			1					1
15		1		1			1	3
16		1	1	1	1			4
17								0
18						1		1
19								0
20			1		1			2
21						1		1
22							1	1
23	2			1		2	1	6

### Historic crime levels

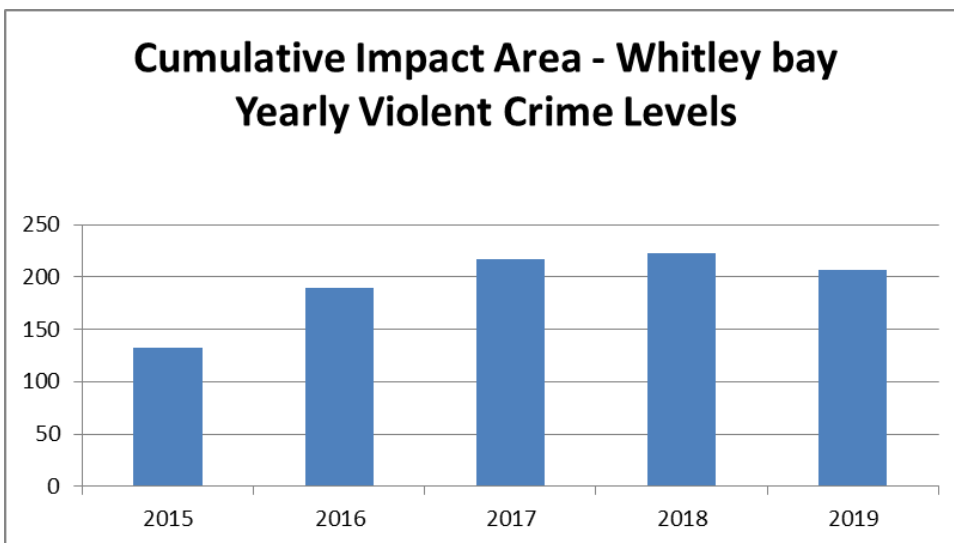
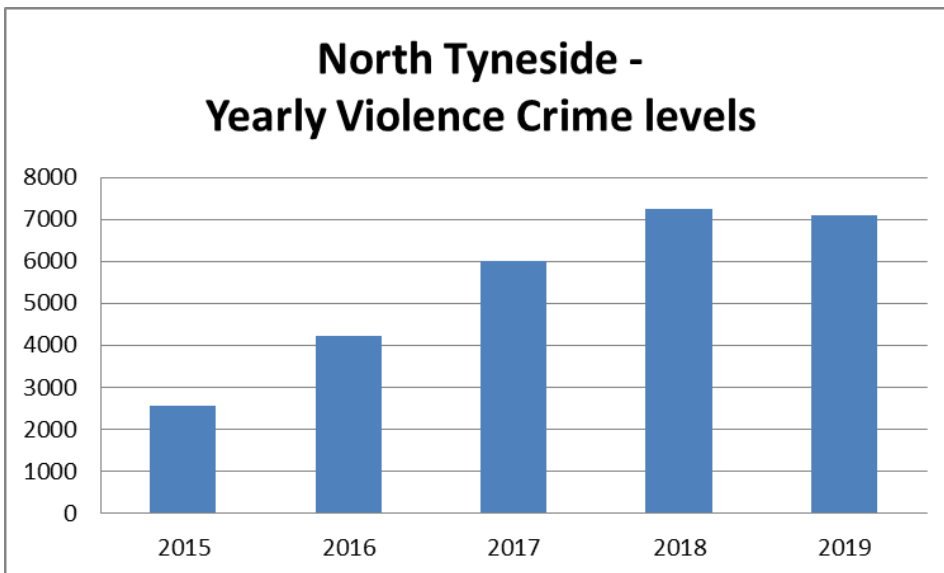
The tables below show the historic crime levels for North Tyneside and for the cumulative impact area of Whitley Bay.



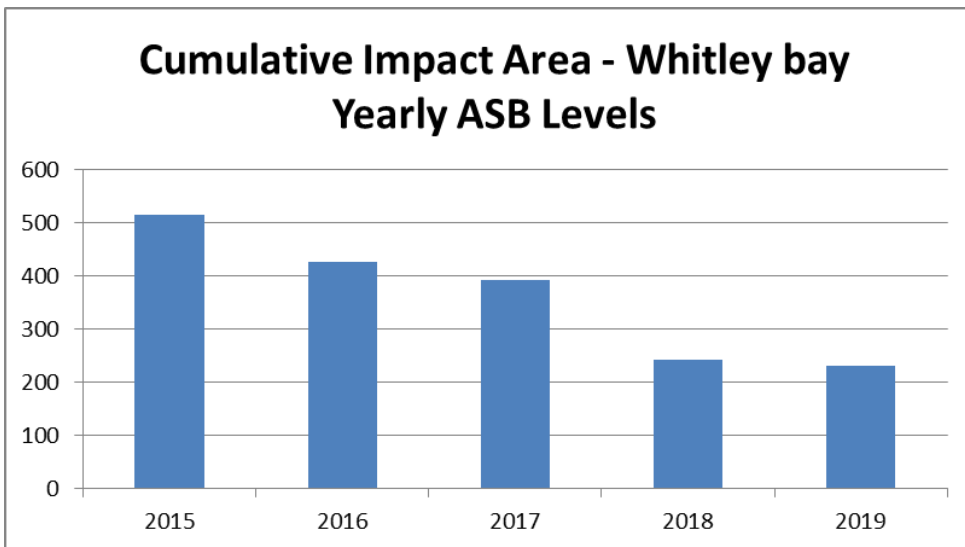
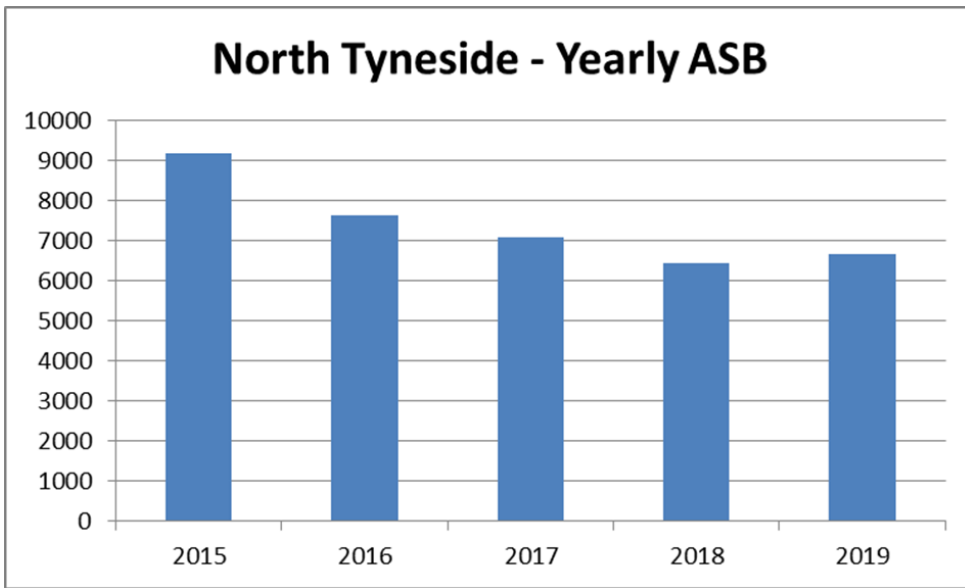




The tables below show the historic violent crime levels for North Tyneside and for the cumulative impact area of Whitley Bay:



The below tables show the historic levels of anti-social behaviour within North Tyneside and the Whitley bay Cumulative Impact Area:



### Conclusion

The cumulative impact area in Whitley Bay accounts for a small percentage (1%) of the geographic area covered by the Whitley Bay Policing Sectors. However, despite that small geographic area there is evidence that 13% of all crime and 5% of all violent crime recorded in Whitley Bay in 2019 was in the cumulative impact area.

Historical figures have shown a rise in crimes being recorded between 2015 and 2018 with 2019 recording a reduction. Levels of recorded crimes do increase from Mid-afternoon on a Friday until early Morning on a Sunday. This is consistent with an effect of the night time economy.

ASB levels have shown a decline with levels in 2018 and 2019 being below 50% of the level recorded in 2015.

## Tynemouth

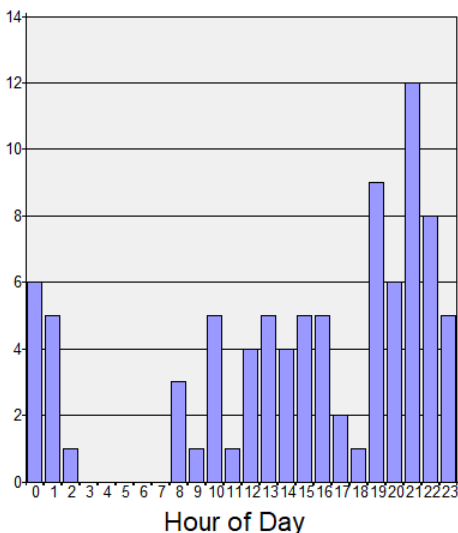
Year	Total Number of Crimes	% of Crime in Tynemouth
2018	100	1.5%
2019	90	1.5%

### Crime levels by day of the week

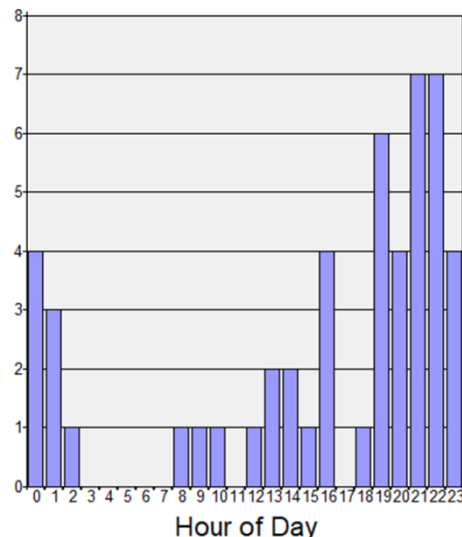
2018		2019	
Monday	15	Monday	6
Tuesday	4	Tuesday	15
Wednesday	9	Wednesday	10
Thursday	8	Thursday	9
Friday	15	Friday	19
Saturday	11	Saturday	22
Sunday	38	Sunday	9

Analysis of 2018 indicates that peak days were the weekend, with Friday through Sunday recording, on average per day, 78% more crime than Monday through Thursday. Sunday being by far the highest day of the week, Levels within 2019 are more uniform across the breadth of the week, with Tuesdays and Wednesdays also recording raised levels. Friday through Saturday continued to show higher levels than the rest of the week, however Sundays have seen a noticeable reduction in offending.

### Time analysis for all crime Monday to Sunday



### Time analysis for all crime Friday to Sunday

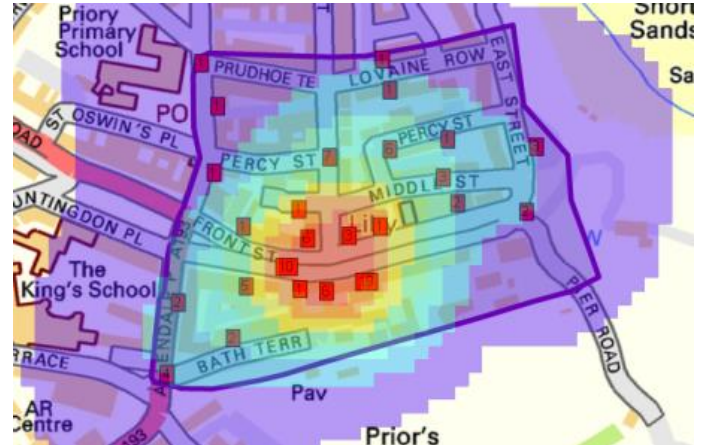
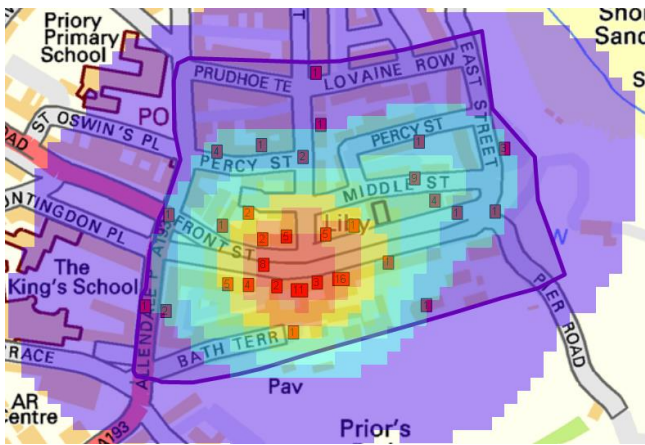


The graphs highlight a peak in offending which begins around 19:00 to around 02:00.

Hot spot areas of crime in Tynemouth

All crimes in area for 2018 (100 offences)

All crimes in area for 2019 (90 offences)



Violent Crime

Year	Total Number of Violent Crimes	% of Crime in Tynemouth
2018	49	0.7%
2019	38	0.6%

Violent Crime levels by day of the week:

2019	
Monday	4
Tuesday	4
Wednesday	5
Thursday	3
Friday	7
Saturday	11
Sunday	4

Analysis of peak days shows an increase in violent crime at weekends. These two days account for 40% of violent crime in the area.

Analysis of peak days of the week, and hours of the day indicate that levels are mainly confined to 20:00 on a Friday evening through to 02:00 on Saturday, and again 21:00 through to 02:00. This is consistent with the timings associated with the Night Time Economy. 78% of all assaults within the Tynemouth Cumulative Impact Area occurred during these hours.

Violent crime (Assaults only) table by hour and day of week:

Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Totals
00							1	1
01						2	1	3
02								
03								
04								
05								
06								
07								
08								
09		1						1
10								
11								
12								
13								
14								
15								
16								
17								
18					1			1
19								
20			1		1			2
21					1	2	1	4
22					2	3		5
23					1			1

Anti- Social behaviour

2018 171 incidents of anti-social behaviour reported

2019 141 incidents of anti-social behaviour reported

Anti-social behaviour incidents by day of the week:

<b>2019</b>	
Monday	16
Tuesday	17
Wednesday	18
Thursday	17
Friday	23
Saturday	26
Sunday	24

ASB incident levels within Tynemouth Cumulative Impact Area are recording a slight decrease between 2018 and 2019, with ASB in the area accounting for 7% of the total for North Shields as a whole.

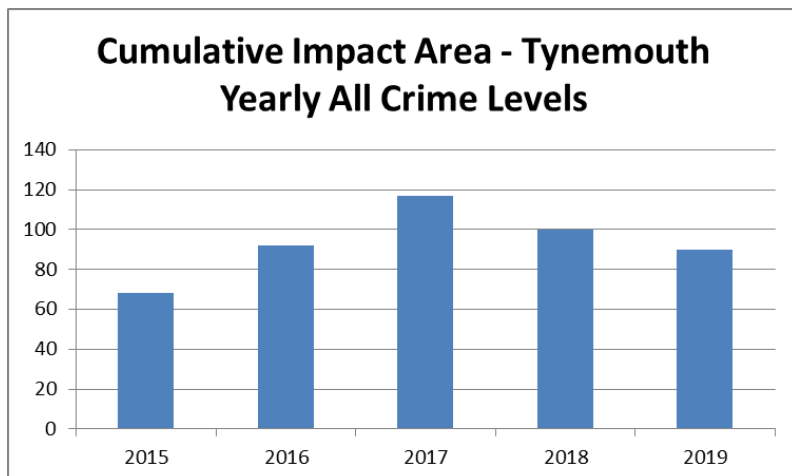
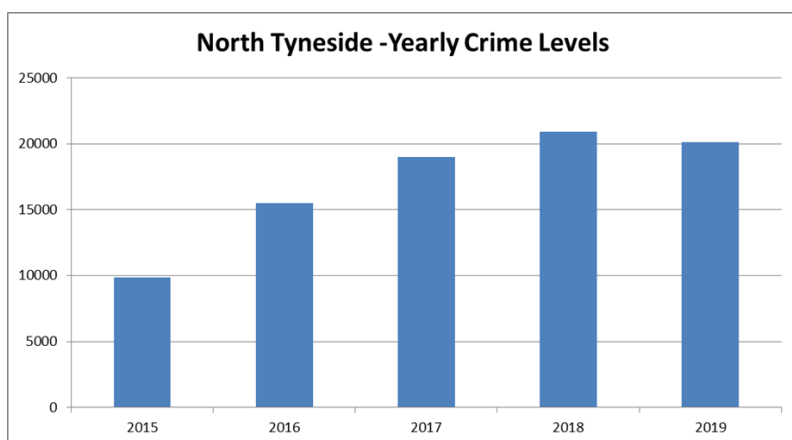
Levels can be argued to be slightly increased during the weekend with Friday through to Sunday recording higher levels than any other day of the week. The incidents appear to be spread over the breadth of the day however, with a slight increase around 21:00 on a Friday. The only period in which ASB has been reported between midnight and 02:00 have occurred on a Saturday and Sunday.

## Alcohol Related Anti –Social Behaviour Incidents

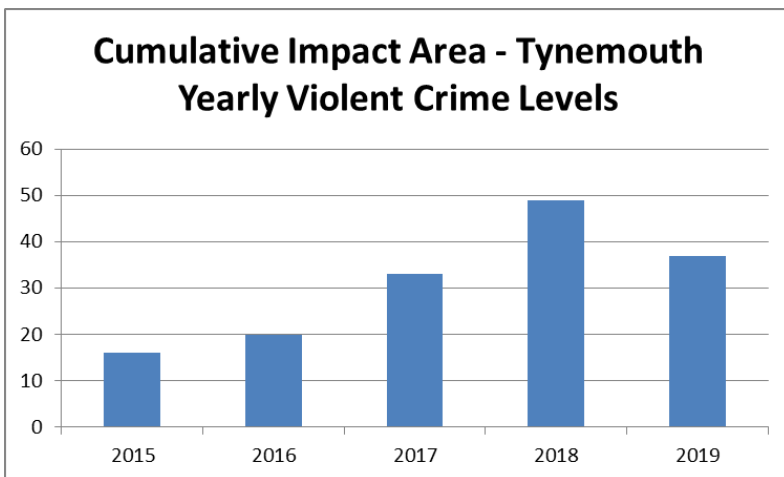
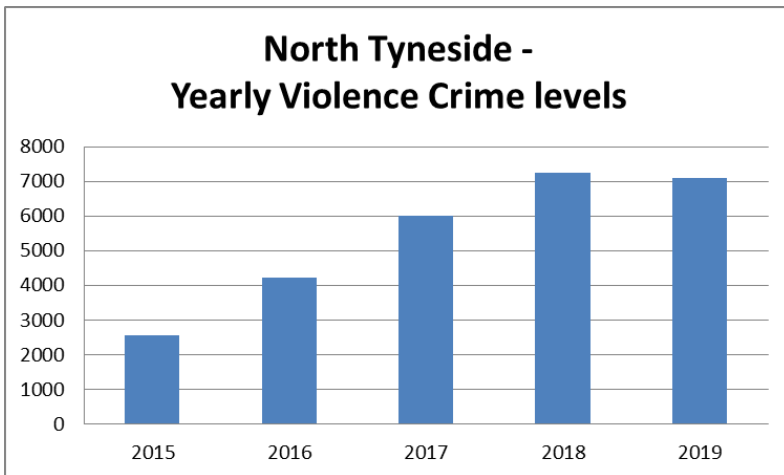
There were only four Alcohol related ASB incidents reported in the Tynemouth Cumulative Impact Area in 2019. This is compared to six in 2018 and 18 recorded in 2017. As such there is limited analysis which can be conducted on four incidents over a 12 month period. It is of note however two of the four incidents have been reported by public houses, refusing to serve people who they considered to be drunk and requested police assistance to remove the individuals from the premises.

## Historic crime levels

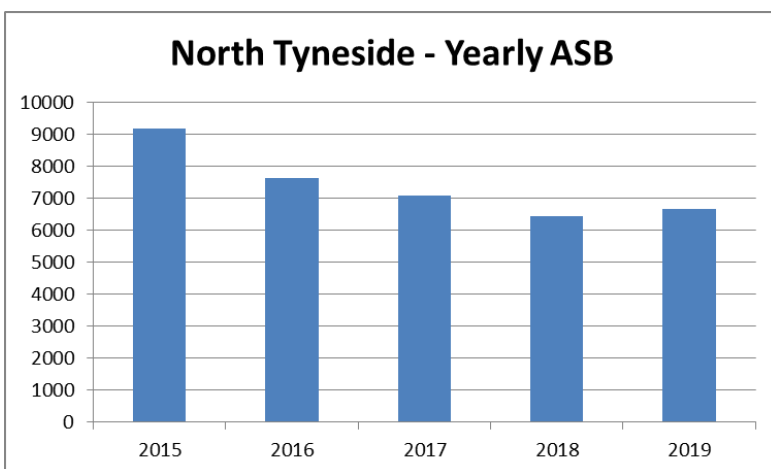
The tables below show the historic crime levels for North Tyneside and for the cumulative impact area of Tynemouth:

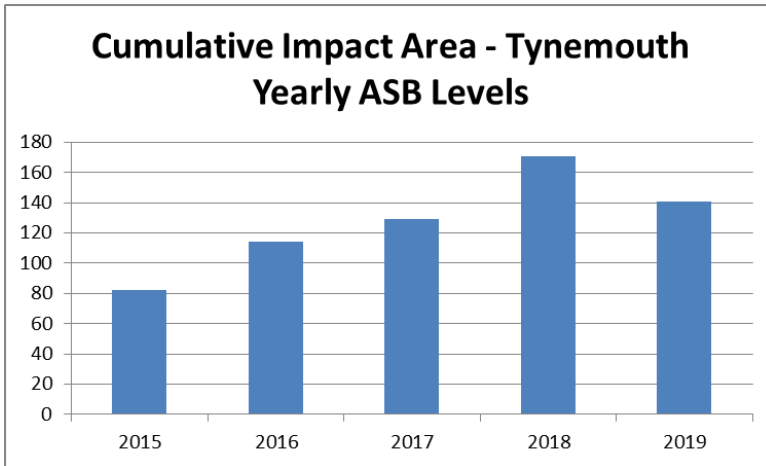


The tables below show the historic violent crime levels for North Tyneside and for the cumulative impact area of Tynemouth:



The tables below show the historic levels of anti-social behaviour within North Tyneside and the proposed Tynemouth Cumulative Impact Area:





### Conclusion

The proposed cumulative impact area in Tynemouth accounts for a small percentage of the geographic area covered by the Tynemouth Policing Sectors. The Crime and Disorder statistics provided show that 1.5% of all crime and 0.6% of all violent crime recorded in Tynemouth in 2019 was in this area. 78% of assaults reported in the proposed Tynemouth cumulative impact area occurred within a time period consistent with the Night Time Economy.

ASB levels do rise towards the weekend, ASB is spread over the course of the days with only four ASB incidents in 2019 with a link to alcohol, two of which were reports by public houses asking for police assistance to eject customers.





**NORTHUMBRIA  
POLICE**

# CUMULATIVE IMPACT ASSESSMENT - NORTH TYNESIDE

Park View and North Shields Fish Quay  
Update (June 2021 to December 2021)

*Author; CV 4294  
Turner*

### Park View.



### All recorded crime within the Park View:

Year	Total Number of Crimes	Percentage of Crime in Whitley Bay	Monthly Avg
2018	29	0.7%	2.4
2019	28	0.7%	2.3
June 2021 – December 2021	18	0.8%	2.6

### Crime levels for Park View by day of the week

	2018	2019	2021
Monday	9	2	2
Tuesday	1	3	3
Wednesday	5	3	5
Thursday	3	7	5
Friday	4	4	0
Saturday	5	4	1
Sunday	2	5	2

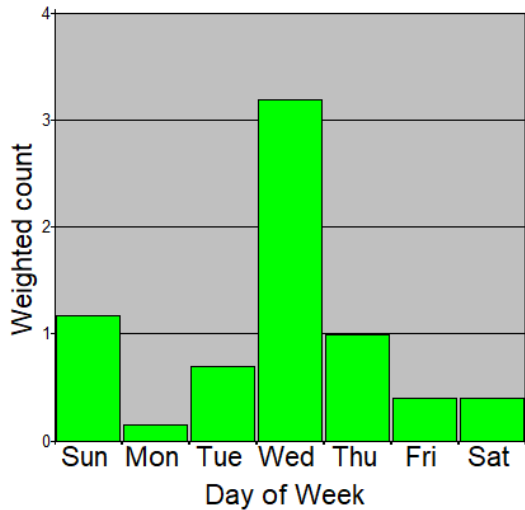
Peak day analysis in **2018**, do not show any distinct pattern with Monday recording the highest levels, and Wednesday and Saturdays recording similar levels. Friday through Sunday only recorded two more crimes combined than Tuesday through Thursday. Given that this is a 12 month period, it could be argued the difference is negligible.

Levels within **2019** equally have no real pattern, with a Thursday recording the highest level. Levels are slightly increased across the weekend, with Friday through Sunday recording higher levels than Monday to Wednesday. Sunday has recorded an increase from two offences in 2018 to five offences in 2019, however again over a 12 month period an increase of three offences is negligible.

The data for 2020 and the first few months of 2021 is not representative of crime trends and issues due to COVID restrictions on movements and store closures.

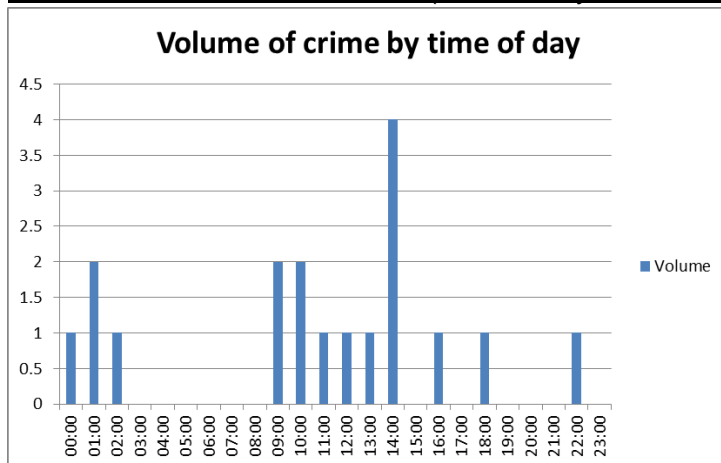
Although only 18 crimes have been reported between **June 2021 to December 2021**, the monthly average is comparable to 2018 and 2019, and in fact has seen a very slight increase in its percentage of overall crime in the Whitley bay sector from 0.7% to 0.8%. Friday through Sunday appear to be the quietest time with mid-week recording slightly higher levels, although with such a small volume of crimes over seven months, this should be read with caution.

June 2021 to December 2021 Aoristic Temporal Analysis of day of the week – (Park View)



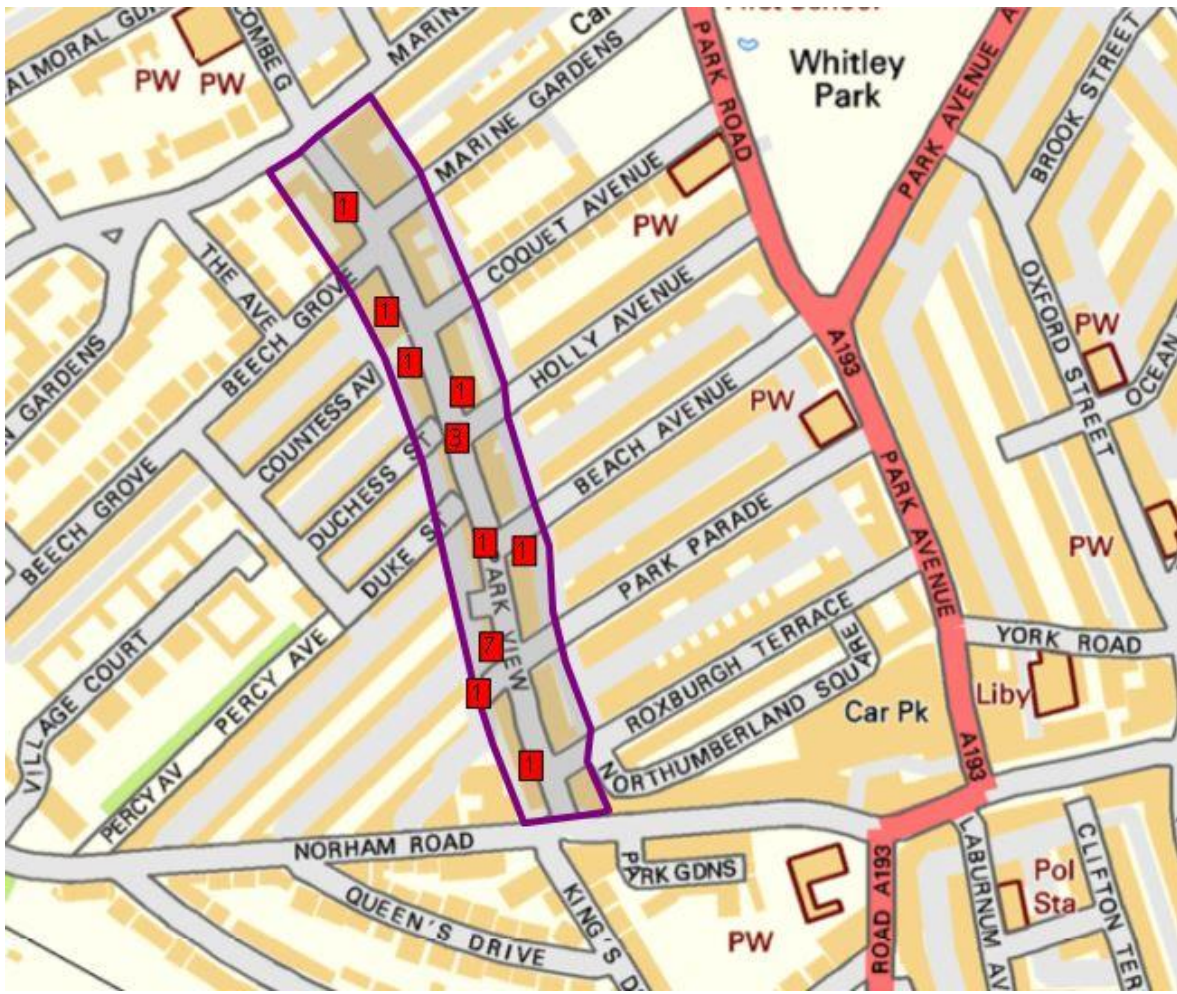
Most crime will be recorded with duration, over the periods of minutes, days and in some cases could have occurred over a period of weeks. As such further to the above table of days of the week, a weighted analysis has been conducted in relation to the days of the week in which offences may have occurred. From this analysis, Wednesdays have recorded the highest volume, however in terms of a seven month period, only three offences have been reported and as it shouldn't be viewed as a trend.

June 2021 and December 2021 (Time of day/Volume of crime.)



Although the volume of offences is low it is still possible to infer that offences mainly occur during main business hours between 09:00 and 14:00. There is very little activity in the late evening however four offences have been reported in the early hours between 00:00 and 02:00. This again however is over a seven month period and should be considered with caution.

All Crime levels for Park View June 2021 and December 2021 – Crime locations



### **Violent Crime - Park View;**

The data includes Violence against the person offences, ranging from Common Assault, Harassment and Malicious communication, injuries consistent with Section 47 and Public Order. The data does not differentiate between offences within private dwellings or public places.

Year	Total of Violence Crimes	Percentage of all Crime in Whitley Bay	Monthly Average
2018	9	0.2%	0.75
2019	4	0.1%	0.3
June 2021 and December 2021	7	0.3%	1

There are no days of note or hours of the day in terms of violence offences which were reported across a range of days and times with no real trend being identified.

### **Anti-Social - Park View;**

Anti-social behaviour (ASB) is recorded as an incident, which is a report made to Northumbria Police which is then logged and given an incident number. Each Incident is then provided a number of codes identifying the type of incident being reported. The data presented are incidents which received the coding identifying it as ASB.

Year	Number of ASB Incidents	Percentage of All Whitley Bay ASB	Monthly Average
2018	4	0.3%	0.3
2019	6	0.4%	0.5
June 2021 to December 2021	6	0.8%	0.9

During the period, June 2021 to December 2021 there has been six ASB incidents reported within the area of Parkview as outlined in the maps.

One incident is linked to COVID regulations and as such is not comparable with previous years and one incident relates to poor parking. Three of the six incidents relates to aggressive behaviour, including a report of a male grabbing their partner by the throat, a female refusing to leave a store, and several females exiting a restaurant whilst being loud and aggressive to each other. The remaining incident relates to "students" being loud and rowdy. All six incidents are reported on a Thursday, Friday and Sunday. There is no real pattern in terms of time of day, especially given such a small volume. Only one of the incidents can be suggested as involved with the Night Time Economy however this is only one incident over a seven month period.

## **Summary:**

The area covered by the data relating to Park View is shown in the map above. As such Incidents and crimes not directly recorded on Park View has also been included. Despite this, volumes in terms of both Crimes and ASB incidents are very low with only 18 crimes being recorded between June 2021 and December 2021. This is a monthly average 2.6 which is slightly higher than the two years prior to COVID restrictions, with 2018 recording 2.4 and 2019 recording 2.3 but in reality indicates that only two crimes a month are reported. Due to the limited volume of data, analysis in terms of trends both in terms of daily levels and hour of the day levels is very problematic. However on viewing the actual details of the crimes and ASB incidents it could be argued that neither the Night Time Economy (NTE) nor licenced premises are having an impact on crime and ASB level. Violence is not a contributing issue in the area in terms of the overall crime levels, with in essence Shoplifting being the greatest crime generator.

Crime and ASB incidents in the Park View area account for less than 0.8% of all recorded crimes and incidents throughout all of Whitley bay. Given the small geographic area under review this is to be anticipated, however it does indicate there is no notable issue within the area.

Historical yearly trends for the Park View area show no real trend, which is expected due to the low annual volumes of crime and ASB incidents. Small variations can present themselves as notable changes in graph form and percentage changes.

**North Shields Fish Quay, the impact of crime in this area.**

**North Shields Fish Quay**



**All recorded crime within the Fish Quay:**

Year	Total Number of Crimes	Percentage of Crime in North Shields	Monthly average
2018	38	0.5%	3.2
2019	35	0.5%	2.9
June 2021 to December 2021	17	0.6%	2.4

**Crime levels for the Fish Quay Area by day of the week**

	2018	2019	2021
Monday	7	4	1
Tuesday	3	3	4
Wednesday	8	5	2
Thursday	6	1	1
Friday	3	7	5
Saturday	7	9	2
Sunday	4	6	2

The overall crime levels for the area are low, with total crime for a 12 month period being 35 for 2019. The low volume does make temporal analysis limited in its reliability.

In 2018 there is no indication of a particular trend in terms of offences on particular days of the week. Certainly there is nothing to indicate that weekends are particularly of interest.

Levels in 2019, demonstrate a clearer pattern with Friday through Sundays being peak days.

In the seven months between June 2021 and December 2021, 17 crimes have been recorded, which makes it difficult to identify any trends however, it could be suggested that Tuesday and Friday have recorded the peak volumes, but offences do occur over the range of the week.

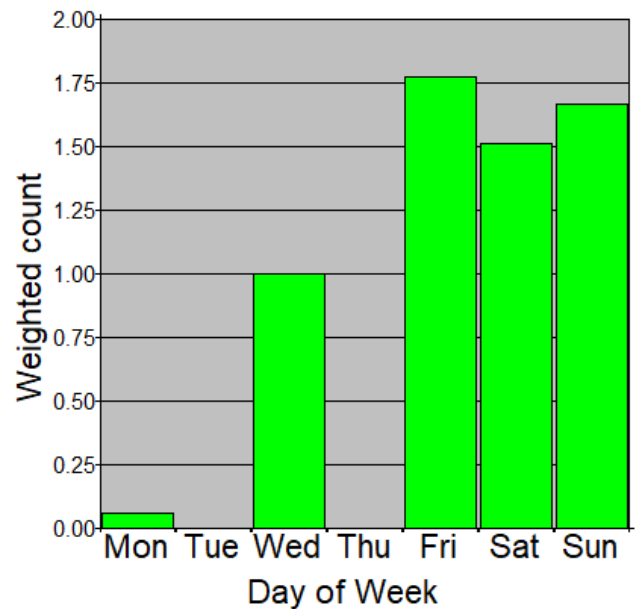
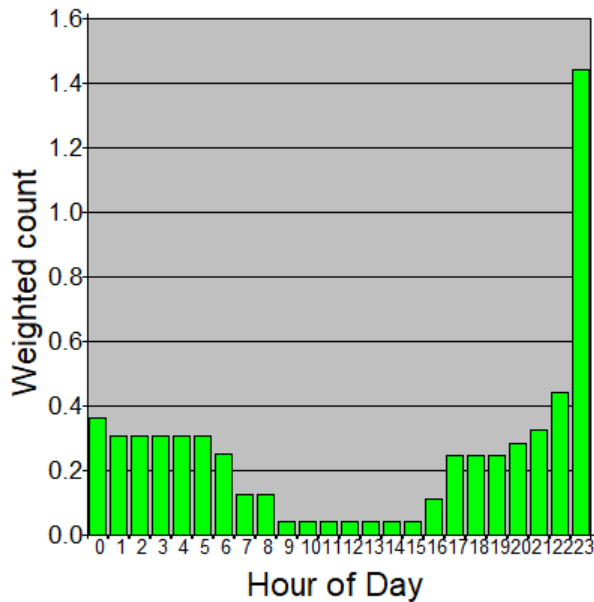
2021 Aoristic Temporal Analysis of day of the week – (Fish Quay)

Most crime will be recorded with duration, over the periods of minutes, days and in some cases could have occurred over a period of weeks. As such further to the above table of days of the week, a weighted analysis has been conducted in relation to the days of the week in which offences may have occurred.

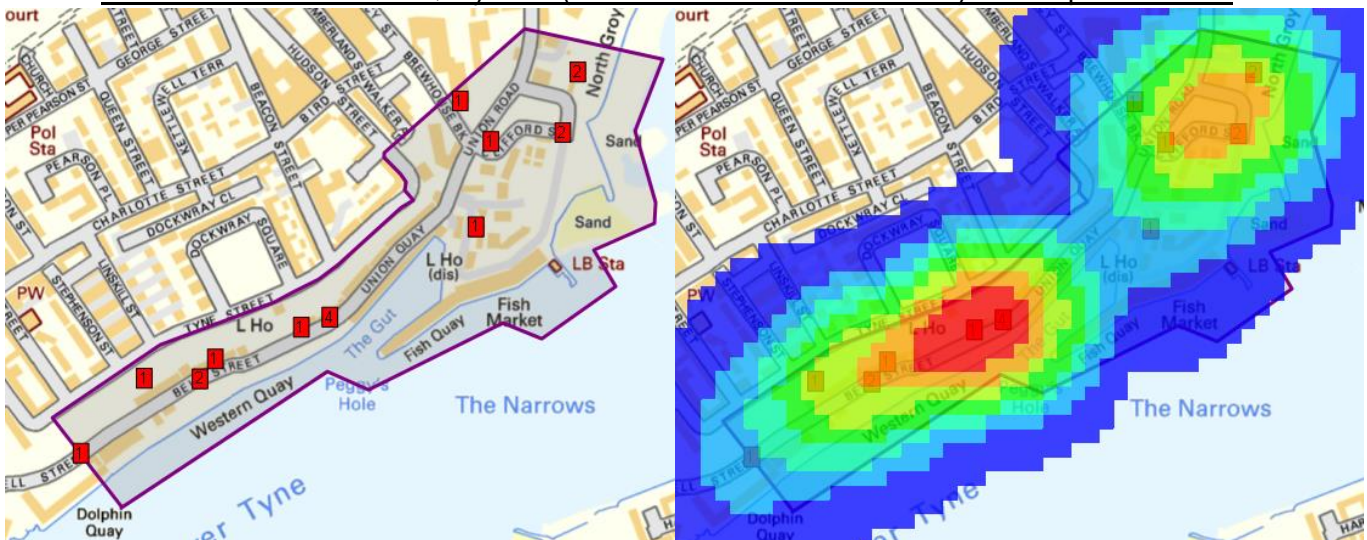
The Aoristic analysis indicates that Friday, through Sundays are the peak period of the week in terms of all crime. 53% of all crime in the Fish Quay Area occurs between a Friday and Sunday.

The weighted average specifically for Friday through Sunday indicates that levels begin to increase around 16:00 peaking before midnight. Residual levels are recorded in the early hours which are likely to be offences which are discovered in the morning but could have occurred at any time over night.

Crime levels for Fish Quay Area by hours of the day



All Crime levels for Fish Quay 2021(June 2021 to December 2021) – Hotspot locations





### All Crime levels for Fish Quay Area 2019 – Hotspot locations



### Violent Crime within the Fish Quay area;

There has been only two reports of violence against the person offences during the seven month period, a sexual assault of touching and a malicious communications. The data does not differentiate between offences within private dwellings or public places; however neither of these offences are domestic in nature. This would place the area well below the 0.1% of violence for all of the North Shields area.

Year	Total Number of Crimes	Percentage of Crime in North Shields
2018	14	0.2%
2019	8	0.1%

Similarly there have only been four public order crimes recorded over the seven month period, all occurring between 12:00 to 15:00.

### Anti-Social Behaviour within the Fish Quay area;

Anti-social behaviour (ASB) is recorded as an incident, which is a report made to Northumbria Police which is then logged and given an incident number. Each Incident is then provided a number of codes identifying the type of incident being reported. The data presented are incidents which received the coding identifying it as ASB.

Between June 2021 and December 2021, 12 incidents of ASB have been reported.

Years	Number of ASB Incidents	Percentage of ALL North Shields ASB	Monthly Average
2018	12	0.60%	1
2019	11	0.60%	0.9
June 2021 and December 2021	12	1.30%	1.7

ASB levels within the Fish Quay Area are particularly low with 12 incidents over a seven month period.

In reality only three of the 12 incidents could be linked to the Night Time Economy or public houses. An incident was reported by staff at the Ships Cat, at 19:36 on a Sunday in which they have asked a group of males to leave due to believed drug use. One male has remained in the Foyer in a calm manner but would not move on. An incident has been recorded at the Brewhouse at 22:59 on a Monday night in which one male has made threats

to hurt individuals within. The male has exited however a call was made due to concerns he may re-enter, which he didn't. The remaining potential NTE incident was reported on Union Quay in which 10 males and four females were acting aggressively at 01:21 on a Saturday Morning, however there was nothing to indicate they were intoxicated or the reason for their aggression.

Of the remaining nine incidents, two relate to COVID breaches, two relate to youths entering derelict building, two relate to drunk males fishing off the Quay. One report was made of motorcycle disorder and one report was made of Jet-ski miss use in the river. The remaining incident refers to a police road traffic stop.

Given the mixed nature of the incident types, and that there is on average less than two reports made on a monthly basis it is difficult to identify any areas of concern and in fact the reports made by licenced premises appears to show appropriate action is taken if drug use or aggression is used.

There is no particular day of the week of note although it could be suggested that Wednesday and Thursdays appear to be the quietist but levels of incident reporting certainly do not see any increase over the weekends.

#### Summary;

The area of North Shields Fish Quay, is around 0.8% of the square miles of D1 (North Shields) Police sector. The all crime levels are 0.6% of the overall crime for the same sector, which indicates a low concentration of crime. It must be noted however that this is not a dense residential area, but being a scenic coastal area it does draw visitors.

Of the 17 crimes recorded in the area, between June 2021 and December 2021, 12% (two crimes) are recorded as violence offences, although one is recorded as a Malicious communication which could have originated anywhere. One of the assaults in the area is reported at licenced premises which was a sexual touching by a male under the influence of alcohol.

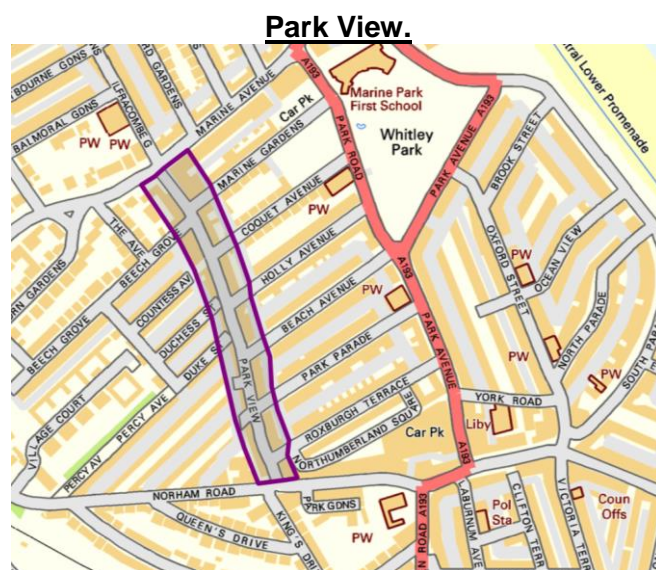
In terms of ASB in this area, the levels are particularly low for the seven month period and there is very little to indicate any impact caused by licenced premises. There has been no directed ASB and every incident appears to be unrelated and spread evenly over a wide time frame.

## Park View Cumulative Impact Assessment:

### Noise Complaint Data

The data for 2020 and the first few months of 2021 is not representative of noise complaint trends due to COVID restrictions on live music and entertainment restrictions for licensed premises.

The area considered is detailed in the map shown below:



### **Noise Complaints – Park View**

Year	Park View – Total Complaints	Whitley Bay Ward – Total no. Complaints
2018	1	10
2019	0	11
June 2021 – December 2021	1	28

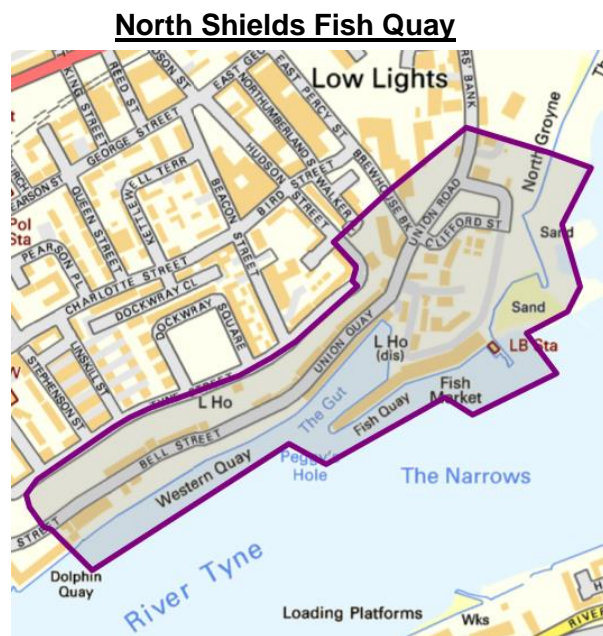
The complaints received in 2018 and in 2021 were regarding alleged loud voices and shouting from patrons attending licensed premises located in Park View.

## North Shields Fish Quay Cumulative Impact Assessment

### Noise Complaint Data

The data for 2020 and the first few months of 2021 is not representative of noise complaint trends due to COVID restrictions on live music and entertainment restrictions for licensed premises.

The area considered is detailed in the map shown below:



### Noise Complaints – Fish Quay

Year	Fish Quay – Total Complaints	North Shields Ward – Total no. Complaints
2018	1	21
2019	0	21
June 2021 – December 2021	2	15

Complaints received for the Fish Quay area in 2021 were regarding alleged loud amplified music and in 2018 the complaint was also regarding alleged loud amplified music.

## North Tyneside Council Report to Licensing Committee Date: 31 March 2022

**ITEM**  
**Title: Remote**  
**Licensing Hearings**

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**Report from Service Area:** Law and Governance

**Responsible Officer:** Jacqueline Laughton Assistant Chief Executive and Monitoring Officer (Tel: 0191 6435724)

**Wards affected:** All

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### PART 1

#### 1. Purpose:

This report concerns the review of the decision taken by the Committee on 3 June 2021 that: -

1. Where considered appropriate future meetings of the Licensing Committee and its Sub-Committees be held remotely until April 2022;
2. The procedure that was adopted for remote hearings over the past year would continue to be used for future remote meetings; and
3. A report would be presented to a future meeting of the Committee on the continuation, or otherwise, of remote meetings.

#### 1. Recommendations

It is recommended that the Committee:

- (1) Consider and determine whether licensing hearings should continue to be held remotely (virtually), or whether such hearings should now require the physical attendance of parties before the Committee or its Sub-Committees.

#### 2. Background

##### The Law

The Authority is obliged by virtue of section 6 of the Licensing Act 2003 ("the 2003 Act") to establish a Licensing Committee consisting of at least 10 but no more than 15 Members of the Authority. All matters, (save for those matters expressly dealt with by full Council), relating to the discharge by the Authority of its licensing functions under the 2003 Act are referred to this Committee and the Committee must discharge those functions on behalf of the Authority. The Committee can establish one or more Sub-Committees to discharge its functions.

The proceedings of the Licensing Committee are governed by the 2003 Act and Regulations made under that Act.

On 28 April 2021 the High Court decided that as from 7 May 2021 meetings of local authorities in England held under the Local Government Act 1972 must take place in person. The emergency Regulations introduced because of the Covid-19 pandemic in the early stages of the first lockdown permitting remote (virtual) local authority meetings expired on 7 May 2021.

The High Court decision focussed on local authority meetings held under the provisions of the Local Government Act 1972 and not local authorities (acting in their capacity as licensing authorities) holding licensing hearings under the provisions of the 2003 Act and Regulations made under that Act.

As stated above, the Licensing Committee is not one that is established under the Local Government Act 1972. It is established by virtue of the 2003 Act. Committees of this nature are sometimes referred to as “statutory committees” because they must be established by law rather than at the discretion of the Authority. The usual mechanism used to establish Committees and Sub-Committees is the Local Government Act 1972. However, the 1972 Act is clear that Licensing Committees exercising licensing functions under the 2003 Act cannot be established using the 1972 Act.

The 2003 Act provides for licensing hearings before Sub-Committees of Members of the Authority. This enables parties to be “heard”. The 2003 and the Regulations made under that Act do not specify how a person is to be “heard”.

Section 9(2) of the 2003 Act says that Regulations may be made about the proceedings of Licensing Committees and Sub-Committees i.e. licensing hearings and the public access to such hearings, agendas and record of decisions. The Regulations that deal with the proceedings of licensing hearings are The Licensing Act 2003 (Hearings) Regulations 2005 (“the 2005 Regulations”).

The 2005 Regulations use language such as “attendance”, “appearance”, “leave” and “return” and say that the hearing must ordinarily be in public. The Regulations do not prevent the use of remote hearings. The “attendance”, “appearance” etc. of parties at hearings can be achieved remotely (virtually) and the Committee can therefore determine if licensing hearings should proceed by way of virtual hearings in the future notwithstanding the fact that meetings held under the Local Government Act 1972 cannot be held in this way. Those participating in the hearings can “attend” and be “heard” remotely.

Regulation 21 of the 2005 Regulations enable the Committee, subject to the provisions of the 2005 Regulations, to determine the procedure to be followed at licensing hearings.

It must be said that there has been a minority view expressed by some lawyers that the holding of remote licensing hearings is unlawful. However, the majority view is that there are strong arguments that remote hearings can continue. Ultimately, it will be a matter for the Courts to determine if it is ever presented with that opportunity.

### Equality Issues

When deciding whether or not a licensing hearing should be held remotely, the Committee must recognise that some of the parties may be without any, or good, internet

facilities or be unfamiliar with communication platforms used for such hearings which could mean that such parties cannot participate fully in a hearing. In such circumstances and other circumstances, such as the need to promote equality and inclusion under the Equality Act 2010, some hearings may need to take place with the physical attendance of the Members of the Committee and the parties in a particular location.

### Licensing Hearings since June 2021

There have been seven licensing hearings held remotely since June 2021 including review hearings, with numerous parties participating the hearing and being “heard”. The remote hearings have been concluded without any great difficulty and both the Members and the parties were able to fully participate in the proceedings.

Since June 2021 there has been one hearing at which the parties were in physical attendance before a Sub-Committee.

The Committee indicated in June 2021 that it would review its decision to proceed with remote hearings at this time and that this further report would be produced for Committee. It is a matter for Committee to determine if licensing hearings should continue to be conducted remotely, or whether such hearings ought to now be conducted with the parties being physically required to attend before the Committee and its Sub-Committees.

### **3. Appendices:**

Appendix 1 – Procedure to be followed for remote (virtual hearings)

### **4. Contact officers:**

Jacqueline Laughton, Assistant Chief Executive and Monitoring Officer (0191) 643 5724

John Barton, Principal Lawyer (0191) 643 5354

### **1.1 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

The Licensing Act 2003

The Licensing Act 2003 (Hearings) Regulations 2005

The Local Government Act 1972

The judgment in R (Hertfordshire County Council) v Secretary of State [2021] EWHC 1093 (Admin)

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