



# Licensing Committee

**North Tyneside Council**

24 March 2021

**Thursday, 1 April 2021** The meeting will be held virtually and live streamed - please use the link below. - **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. Declarations of Interests and Dispensations</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>3. Minutes</b>	<b>5 - 8</b>
To confirm the minutes of the previous meeting held on 28 March 2019	
<b>4. Minutes of the Sub-Committees</b>	<b>9 - 84</b>
To note the minutes of the Licensing Sub Committee hearings held during 2019/20 and 2020/21 as follows:	
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 and 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	

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.

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 and 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

5. **Licensing Act 2003 and Gambling Act 2005 Applications. Licences granted between 01.03.2019 and 29.02.2020 under delegated authority** **85 - 100**

To note the decisions taken by officers under delegated authority for the period 1 March 2019 to 29 February 2020.

6. **Licensing Act 2003 and Gambling Act 2005 applications. Licences granted between 01.03.2020 and 28.02.2021 under delegated authority** **101 - 112**

To note the decisions taken by officers under delegated authority for the period 1 March 2020 and 28 February 2021.

7. **Review of Cumulative Impact Assessment** **113 - 116**

To give consideration to a report on the process to be adopted for a review of the Cumulative Impact Assessment.

**Circulation overleaf ...**

## **Members of the Licensing Committee**

Councillor Linda Darke  
Councillor Janet Hunter  
Councillor John O'Shea  
Councillor Alison Austin  
Councillor Julie Cruddas  
Councillor Eddie Darke  
Councillor Judith Wallace

Councillor Davey Drummond  
Councillor Gary Madden  
Councillor Cath Davis  
Councillor Trish Brady  
Councillor Tommy Mulvenna (Chair)  
Councillor Willie Samuel (Deputy Chair)

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## Licensing Committee

28 March 2019

Present: Councillor G Madden (Chair)  
Councillors L Darke, D Drummond, M A Green,  
Janet Hunter, John Hunter, W Lott, A Percy, K Osborne,  
J O'Shea, L Spillard and A Waggott-Fairley.

### **LQ5/03/19 Apologies for Absence**

An apology for absence was submitted on behalf of Councillor J Walker.

### **LQ6/03/19 Announcements**

The Committee was advised that this would be the last meeting of the Committee which would be attended by Councillors Waggott-Fairley and Spillard as they had not put themselves forward for re-election at the forthcoming election in May 2019. The chair thanked both councillors for their service to the committee and its sub committees and wished them well in the future. These sentiments were echoed by the members of the Committee.

The Committee was also advised that Miss D Frankland, the Senior Licensing Officer, had recently left the authority. The Committee expressed their appreciation for the helpful advice and support provided by Miss Frankland to members over the years and it was agreed that a letter of thanks be sent to Miss Frankland on behalf of the Committee.

### **LQ7/03/19 Declarations of Interest and Dispensations**

There were no declarations of interest and dispensations reported.

The following members advised the Committee that they had submitted representations in relation to the following applications which were included in the Sub Committee minutes before the Committee:

Councillor D Drummond – Cahoots, 42/44 Earsdon Road, West Monkseaton  
Councillor Janet Hunter – Rai Wine Stores, Forest Hall Road, Forest Hall  
Councillor John Hunter – Heron Foods Limited, Churchill Street, Howdon  
Councillor J O'Shea – 46-60 Park View, Whitley Bay

The following member advised the Committee that she had submitted a representation in relation to the following application which was included in the report entitled Member Decisions taken without recourse to a hearing:

Councillor M A Green – Seaton Burn Cricket Club, Seaton Burn

### **LQ8/03/19 Minutes**

**Resolved** that the minutes of the meetings held on 29 March 2018 and 11 October 2018 be confirmed and signed by the Chair.

### **LQ9/03/19 Sub Committee Minutes**

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

25 April 2018	Rai Wine Stores, 20/22 Forest Hall Road, Forest Hall
12 June 2018	Manhattans, 85/87 High Street West, Wallsend
15 June 2018	Royal Quays Food Stores, 8 Prince Consort Way, North Shields
6 July 2018	Royal Quays Food Stores, 8 Prince Consort Way, North Shields
9 August 2018	Gills Off Licence, 55/57 West Percy Street, North Shields
23 August 2018	Gills Off Licence, 55/57 West Percy Street, North Shields
7 September 2018	Gills Off Licence, 55/57 West Percy Street, North Shields
18 September 2018	46-60 Park View, Whitley Bay
26 October 2018	Gills Off Licence, 55/57 West Percy Street, North Shields
8 November 2018	Cahoots, 42/44 Earsdon Road, West Monkseaton
12 November 2018	The Old Smokehouse, Tanners Bank, North Shields
10 December 2018	Miami Pizza 2, 16 West Percy Street, North Shields
11 December 2018	Capello Hair Salon, 2a Claremont Road, Whitley Bay
25 February 2019	Heron Foods Limited, Unit 2 Churchill Street, Wallsend

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

### **LQ10/03/19 Licences Granted under Delegated Authority: 1 March 2018 to 28 February 2019**

The Committee considered a report which set out the number 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 2018 and 28 February 2019.

During this period there had been 157 Personal Licences and 30 new Premise Licences issued and 29 Premise Licences transferred. Officers had also issued 214 Temporary Event Notices.

It was also explained that during this period officers had also carried out 181 compliance inspections and 5 Statutory Notices had been checked.

**Resolved** that the decisions taken by officers, under delegated authority, between 1 March 2018 and 28 February 2019 be noted.

### **LQ11/03/19 Member Decisions taken without recourse to a hearing**

Consideration was given to a report that, under the provisions of the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005, a Licensing Authority may dispense with a hearing if the Applicant, all persons who have made representations and the Licensing Authority itself agree that a hearing is unnecessary.

The following two applications had been considered by Members after all parties agreed that a hearing was unnecessary:

- Application for the grant of a new Premises Licence in respect of Seaton Burn Cricket Club, Front Street, Seaton Burn – Approved subject to conditions; and
- Application for the grant of a new Premises Licence in respect of MS Boudicca, Port of Tyne International Ferry Terminal, North Shields – Approved subject to conditions.

**Resolved** that the decisions taken by Members in respect of the above applications be noted.

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## Licensing Sub Committee

**Tuesday, 28 May 2019**

Present: Councillor W Samuel (Chair)  
Councillors L Darke and Janet Hunter

### **LS1/19 Appointment of Chair**

**Resolved** that Councillor W Samuel be appointed Chair for this meeting.

### **LS2/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LS3/19 Prudhoe Off Licence, 4-5 Prudhoe Street, North Shields, NE29 6QZ. (Riverside Ward)**

The Sub-committee met to consider an application for a review of the Premises Licence in respect of Prudhoe Off-Licence, 4-5 Prudhoe Street, North Shields, NE29 6QZ.

The Applicant, the Local Weights and Measures Authority, had invited the Sub-committee to revoke the Premises Licence in respect of Prudhoe Off-Licence, 4-5 Prudhoe Street, North Shields. The application had also been supported by the Chief Officer of Police, the Director of Public Health and the Local Safeguarding Children Board who had all requested that the Premises Licence be revoked.

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 representations received and the options available to the Sub-committee.

Mr A Burnett, the Local Weights and Measures Inspector, was in attendance and he was accompanied by Mr D Hedley, Trading Standards Officer. Mr N Kirkpatrick, representing the Chief Officer of Police, and Mrs W Burke, the Director of Public Health were also in attendance.

Mr G Nabi the Premises Licence holder and designated premises supervisor was in attendance and he was accompanied by his son, Mr K Nabi, co-manager of the Premises.

Mr Burnett addressed the Sub-committee in relation to his concerns about the operation of the premises and the failure to uphold the licensing objectives in relation to the prevention of crime and disorder and the protection of children from harm.

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

Mr Kirkpatrick addressed the Sub-committee in relation to his concerns about the operation of the premises. He referred to the sale of alcohol to a child and the persistent storage and sale of illegal tobacco at the Premises.

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

Mrs Burke addressed the Sub-committee in relation to her concerns about the operation and management of the Premises particularly in relation to the protection of children from harm and the prevention of crime and disorder licensing objectives. She explained that she was also representing the Local Safeguarding Children Board at the hearing.

There were no questions of Mrs Burke from either the Sub-committee or Mr Nabi.

Mr Nabi addressed the Sub-committee in response to the points raised by Mr Burnett, Mr Kirkpatrick and Mrs Burke. He explained that there had only been one sale of alcohol to a minor in 35 years and the tobacco, which had been on the Premises on the last occasion referred to, was for his own personal use.

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

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

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

The Sub-committee returned and the Chair announced its decision.

**Resolved** that (1) the Premises Licence in respect of Prudhoe Off-Licence, 4-5 Prudhoe Street, North Shields be suspended for a period of 3 months; and  
(2) The following additional conditions be attached to the Premises Licence:

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:
  - The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and all points of sale.
  - The CCTV system is able to capture clear images permitting identification of individuals.
  - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
  - 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 30 days.
  - The CCTV system is capable of constantly generating an accurate date and time.
  - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
2. There will be members 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 replacement legislation).

3. All members of staff responsible for the sale of alcohol and any other age restricted products from the Premises will receive training relation to their duties and responsibilities under the relevant legislation concerned with the sale of all age restricted products from the Premises before being permitted to sell age restricted products at the Premises. Such training will be provided by an external BIIAB accredited trainer, or a trainer with accreditation from a similar awarding body to the BIIAB or the training provided by a legally qualified licensing practitioner.
4. All members of staff responsible for the sale of age restricted products will receive refresher training at least one a year as to their duties and responsibilities under the relevant legislation concerned with the sale of the age restricted products from the Premises. Such training will be provided by an external BIIAB accredited trainer, or a trainer with accreditation from a similar awarding body to the BIIAB or the training provided by a legally qualified licensing practitioner.
5. All training received by staff in relation to the sale of age restricted products will be recorded, and such records kept at the Premises at all times and be made available for inspection immediately on request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime and disorder which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. There have been 2 successful prosecutions in relation to the storage and sale of illicit tobacco from the premises and one pending prosecution for a similar offence;
2. There has been an underage sale of alcohol from the premises;
3. A number of Responsible Authorities including the Police, the Local Weights and Measures Authority, Public Health and the Local Safeguarding Children's Board, have made representations in relation to the operation and management of the Premises;
4. A suspension of the Licence for a period of 3 months would afford the Licensee a suitable period to reflect on their behaviour and thus deter them from engaging in further criminal behaviour;
5. The imposition of additional conditions relating to the requirement for persons employed on the Premises to undergo regular training on their responsibilities in relation to the licensing objectives would be appropriate for the promotion of the licensing objectives, particularly those concerned with the prevention of crime and disorder.

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## **Licensing Sub Committee**

**Wednesday, 12 June 2019**

Present: Councillor T Mulvenna (Chair)  
Councillors J O'Shea and W Samuel

### **LS4/19 Appointment of Chair**

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

### **LS5/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LS6/19 Rai Wine Stores, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL. (Benton Ward)**

The Sub-committee met to consider an application for a variation of the Premises Licence in respect of Rai Wine Stores, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL.

The Applicant, Mr Gurdeep Singh Rai, sought to vary the Premises Licence by the removal of Condition 7 from the Licence which stated that Mr Harnek Singh Rai will be prohibited from being present in the licensed area of the Premises at any time that the Premises are open to the public.

Mrs K Kaur, the designated premises supervisor, was present and representing the applicant and she was accompanied by Mr H S Rai.

The Chief Officer of Police was represented by Mr N Kirkpatrick and Sergeant J Brady.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mrs S Vert, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee

Sergeant Brady addressed the Sub-committee in relation to his concerns about the removal of the condition from the Premises Licence

Members of the Sub-committee and Mrs Kaur asked several questions which were responded to by Sergeant Brady.

Mrs Kaur and Mr Rai addressed the Sub-committee in support of the application. Members of the Sub-committee and the representatives of the Police asked several questions which were responded to by Mrs Kaur and Mr Rai.

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

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

**Resolved** that (1) the existing conditions, numbers 7 and 8 be removed from Annex 3 of the Premises Licence in respect of Rai Wine Stores, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne;

(2) the following conditions be added to Annex 3 of the Premises Licence:

7. The Premises Licence Holder or the Designated Premises Supervisor must make arrangements with an external test purchase provider so that the provider undertakes at least 3 test purchases per calendar year at the Premises in relation to the sale of alcohol including the implementation of the "Challenge 25" Policy. The external test purchase provider must be to the satisfaction of the Licensing Authority.

8. The outcome of each test purchase exercise undertaken by the external test purchase provider will be made known to the Licensing Authority in writing within 24 hours of the Premises Licence Holder or Designated Premises Supervisor being made aware of the outcome of the test purchase exercise. The written notification of the outcome of each test purchase exercise will be given to the Licensing Authority by the Premises Licence Holder or Designated Premises Supervisor.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. Since the review of the Premises Licence in April 2018 there has been an improvement in the way that the Premises is run under the control of the new Designated Premises Supervisor, Mrs Kaur. In that time there has been no evidence provided by the Police or Trading Standards which indicates that the Premises has been involved in the sale of alcohol to minors;

2. There comes a time when Mr Rai should be given the opportunity to prove that he can operate the Premises responsibly and within the law;

## Licensing Sub Committee

Wednesday, 19 June 2019

Present: Councillors T Brady, D Drummond and T Mulvenna

### LS8/19 Appointment of Chair

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

### LS9/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

### LS10/19 Namaste Taste of India, 195 Park View, Whitley Bay, NE26 3RD (Whitley Bay Ward)

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Namaste Taste of India, 195 Park View, Whitley Bay, NE26 3RD.

The Applicant, Mrs Sangeeta Chopra, sought permission to supply alcohol for consumption on the Premises each Monday to Saturday between 11:30 hours and 22:00 hours and between 12:00 hours and 22:00 hours on a Sunday. The Premises would be open to the public each day of the week between 09:30 hours and 22:00 hours.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mr J Young, 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 representations submitted in respect of the application.

Mrs Chopra addressed the Sub-committee in relation to her application.

Members of the Sub-committee asked a series of questions which were responded to by Mrs Chopra.

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

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

**Resolved** that the application for the grant of a Premises Licence in respect of Namaste Taste of India, 195 Park View, Whitley Bay be approved subject to the following conditions:

1. All members of staff responsible for the sale or service 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 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. If no such evidence is produced the sale or service will be refused;

2. No alcohol will be sold or supplied on the Premises other than to persons taking table meals there and for the consumption of that alcohol by such persons to be ancillary to their meal.
3. No glass bottles, cans or similar receptacles will be disposed of by way of placing them in external recycling bins or similar containers between 18:00 hours and 09:00 hours each day of the week.
4. There will be clear and legible notices displayed at exits and other circulatory areas of the Premises requesting customers to leave the Premises quietly having regards to the needs of local residents and in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.
5. The Premises Licence will not take effect until a Fire Risk Assessment has been undertaken by a suitably qualified person and a copy of the Assessment provided to the Licensing Authority.  
(This condition will fall away once the Fire Risk Assessment has been completed and a copy provided to the Licensing Authority).
6. The Premises Licence will not take effect until an amended plan is provided to the Licensing Authority showing all points of access to and egress from the Premises, the location of escape routes from the Premises and the location and type of any fire safety and other safety equipment.  
(This condition will fall away once an amended plan of the Premises has been provided to the Licensing Authority).

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises currently operate as a casual café selling Indian Cuisine, albeit without the sale of alcohol, and there have been no representations made in relation to the current operation of the Premises;
2. There have not been any representations submitted by any of the Responsible Authorities;
3. The Planning Authority has advised that there is a restriction in relation to the days and hours that the Premises are allowed to operate;
4. There has been a representation from a nearby resident which covers a number of licensing objectives including the prevention of public nuisance and the prevention of crime and disorder;
5. Issues around parking are outside of the remit of the Licensing Sub-committee.



## Licensing Sub Committee

Friday, 21 June 2019

Present: Councillors E Darke, T Mulvenna and J O'Shea

### 10 Appointment of Chair

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

### 11 Declarations of Interests and Dispensations

There were no declarations of interest or dispensations reported.

### 12 Modern Tandoori, 174 High Street West, Wallsend, NE28 8HZ (Wallsend Ward)

The Sub-committee met to consider an application for the grant of a Premises Licence in respect of Modern Tandoori, 174 High Street West, Wallsend NE28 8HZ.

The Applicant, Mr M Miah, sought permission for the supply of alcohol on premises each day of the week between 11:00 hours and 23.30 hours. It was also proposed that the premises would be open to the public between 11:00 hours and 00:00 hours, every day.

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

Mr Miah, the applicant was present and accompanied by his son, Mr T Mohammed.

Mr A Asfar, objector was not present at the meeting.

Members of the Sub Committee considered Mr Asfars' objection letter.

Mr Miah addressed the Sub Committee in relation to the application.

Members of the Sub Committee asked several questions which were responded to by Mr Miah and Mr Mohammed

All parties were given the opportunity of summing up their respective submissions.

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

The Sub-committee returned and the Chair announced its decision.

**Resolved** that the application for the grant of a Premises Licence in respect of Modern Tandoori, 174 High Street West, Wallsend be approved subject to the following conditions:

1. A CCTV system will be designed, installed and maintained in proper working order at the Premises. Such a system shall:-
  - i) Provide continuous recording for each camera to a good standard of clarity, with a minimum of four frames per second.
  - ii) Ensure coverage of all entrances and exits to the Premises both internally and externally.
  - iii) Ensure coverage of such other areas as may be required by the Licensing Authority
  - iv) Retain recordings on hard drive, disk or other storage device for a minimum period of 28 days.
  - v) Be in operation at all times the Premises are open to the public.
  - vi) Be fitted with security functions to prevent recordings being tampered with such as password protection.
2. There will be at least one person at the Premises during operating hours that is trained to provide viewable copies of the CCTV images following a request from an authorised officer of the Licensing Authority or other Responsible Authority made in accordance with a Data Protection Act 2018 and the General Data Protection Regulation (or successor legislation). The CCTV recordings will be supplied in a removable format.
3. All staff at the Premises who are responsible for selling and supplying alcohol will seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol. Such credible evidence, which shall include photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a PASS logo and hologram. If no such evidence is provided then the sale must be refused.
4. 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 and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority or other Responsible Authority.
5. An Incident Report Register will be maintained and kept at the Premises at all times and will record any incidents at the Premises such as anti-social behaviour, refusal of admission to the Premises and ejection from the Premises.
6. The Incident Report Register will be produced for inspection immediately on request of an authorised officer of the Licensing Authority or other Responsible Authority.
7. The Premises Licence Holder or Designated Premises Supervisor will ensure that at all times that the Premises are open to the public for the provision of a licensable activity that there will be a sufficient number of competent staff on duty at the Premises for the purpose of fulfilling the terms and conditions of the Premises Licence.
8. No refuse or glass containers will be deposited in any skip, bin or other container of a similar nature located on the Premises or any areas in the immediate vicinity of the Premises under the control of the Premises Licence Holder or Designated Premises Supervisor between the hours of 22.00 hours and 08.00 hours and no skip, bin or other container will be removed from the Premises or the immediate vicinity of the Premises under the control of the Premises Licence Holder or Designated Premises Supervisor between those hours.
9. No deliveries will be made to or from the Premises between the hours of 22.00 hours and 08.00 hours.
10. There will be clear and legible notices displayed at exists and other circulatory areas of the Premises requesting customers to leave the Premises quietly having regards

to the needs of local residents and in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.

11. The sale of alcohol to customers for consumption off the Premises will only be provided to those customers who have consumed their table meal and have left over wine or other beverage that they wish to take off the Premises. The alcohol will be resealed before it leaves the Premises and no customers will leave the Premises with open containers containing alcohol.
12. At the close of business each day there will be a clean-up of any litter and waste in the immediate vicinity of the Premises.

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## Licensing Sub Committee

Friday, 28 June 2019

Present: Councillors J O'Shea, T Mulvenna and W Samuel

### 13 Appointment of Chair

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

### 14 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

### 15 Woods, 1 and 2 King Edwards Court, Front Street, Tynemouth, NE30 4DZ (Tynemouth Ward)

The Sub-committee met to consider an application for the grant of a Premises Licence in respect of Woods, 1-2 Kings Edwards Court, Front Street, Tynemouth.

The Applicant, Mr S Smallwood, initially sought permission to:-

- supply alcohol by way of on sales at the Premises each day of the week from 12.00 hours to 22.00 hours,
- the provision of live music each Friday and Saturday from 17.00 hours to 22.00 hours,
- the provision of recorded music Monday to Friday from 08.00 hours to 22.00 hours and Saturday and Sunday from 09.00 hours to 22.00 hours,
- open the Premises to the public Monday to Friday from 08.00 hours to 22.00 hours and Saturday and Sunday from 09.00 hours to 22.00 hours.

Prior to the commencement of the hearing Mr Smallwood indicated that he wanted to amend the application that was being made and sought a reduction in the trading hours at the premises and the hours that the Premises are open to the public to reflect the trading/opening hours permitted under the planning restrictions. That is the:-

- supply alcohol by way of on sales at the Premises each Monday to Saturday 12.00 hours to 21.00 hours and each Sunday and Bank Holiday from 12.00 hours to 19.00 hours.
- the provision of recorded music Monday to Friday from 08.00 hours to 21.00 hours each Saturday from 09.00 hours and 21.00 hours and each Sunday and Bank Holiday from 09.00 hours to 19.00 hours
- Premises to be open to the public Monday to Friday from 08.00 hours to 21.00 hours each Saturday from 09.00 hours to 21.00 hours and each Sunday and Bank Holiday from 09.00 hours to 19.00 hours.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing.

Mr J Young, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee

Mr Smallwood, the applicant was present and accompanied by his wife Mrs D Smallwod.

Of the representation received Mrs F McClen, Environmental Health Officer, Mr & Mrs Rice and Mr & Mrs Renwick were in attendance and addressed the Sub-committee.

Members of the Sub-committee considered representations and clarified areas through questioning.

Mr & Mrs Smallwood were also given the opportunity to ask question of the objectors. Mr & Mrs Smallwood addressed the Sub-committee in relation to their application.

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

Mrs F McClen, Environmental Health Officer, Mr & Mrs Rice and Mr & Mrs Renwick were given the opportunity to ask questions of Mr & Mrs Smallwood.

All parties were given the opportunity of summing up their respective submissions.

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

The Sub-committee returned and the Chair announced its decision.

**Resolved** that the application for the grant of a Premises Licence in respect of Woods, 1-2 Kings Edwards Court, Front Street, Tynemouth be approved subject to the following conditions:

1. The noise level from the licensable activity at the Premises and noise associated with such activity when assessed in any of the residential premises in King Edwards Court must not exceed 35 dB LAeq during the operation of the Premises Licence measured over a 15 minute period with the windows of the residential premises closed.

The Sub-committee considered that imposing this condition would afford the residents a degree of protection that they do not currently have. If there is a suggestion that the level of noise from the Premises is causing a nuisance, it will be possible to install noise monitoring equipment in the properties of the residential properties in the areas referred to so as to ascertain if noise levels from the Premises exceed 35 dB LAeq in those properties. The Sub-committee preferred the imposition of a condition that imposes certainty rather than a condition that requires a noise survey to be undertaken at some future date that will put the Applicant Company to additional expense over and above the costs of the renovation of the Premises that is already underway.

The Sub-committee considered that a condition requiring doors and windows to be kept closed from between 12.00 hours to 21.00 hours or 19.00 hours to be too onerous. The imposition of a condition dealing with acceptable noise levels in the flats this will avoid the need for such a condition and if noise from inside the Premises causes a nuisance to residents and is above 35 dB LAeq there will be a breach of the Licence condition set out above.

2. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that:

- i. The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally and areas where the consumption of alcohol takes place.
- ii. The CCTV system is able to capture clear images permitting identification of individuals.
- iii. The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
- iv. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- v. The CCTV system is capable of constantly generating an accurate date and time.
- vi. The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.

3. There will be at least one member of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the Data Protection Act 2018 (or any successor legislation).

4. All staff at the Premises who are responsible for selling and supplying alcohol will seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol. Such credible evidence, which shall include photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a PASS logo and hologram. If no such evidence is provided then the sale must be refused.

5. No alcohol will be sold or supplied at the Premises other than to persons taking table meals at the Premises and for the consumption of such alcohol to be ancillary to their meal.

The Sub-committee considered that such a condition would prevent the Premises from becoming part of the "circuit" as the only persons being able to purchase an alcoholic drink will be those taking a meal. Such a condition also reinforces that the Premises are not alcohol led but rather coffee/food led.

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

7. No refuse or glass containers will be deposited in any skip, bin or other container of a similar nature located on the Premises or any areas in the immediate vicinity of the Premises under the control of the Premises Licence Holder between the hours of 20.00 hours and 08.00 hours and no skip, bin or other container will be removed from the Premises or the immediate vicinity of the Premises under the control of the Premises Licence Holder or Designated Premises Supervisor between those hours.

The Sub-committee considered that imposing such a condition would avoid disturbance to residents in King Edwards Court and Middle Street from by refuse/waste/glass being disposed of or collected at times that would disrupt residents.

8. No deliveries will be made to or from the Premises between the hours of 20.00 hours and 08.00 hours.

Such a condition will limit the disturbance to residents.

9. At the close of business each day there will be a clean-up of any litter and waste in the immediate vicinity of the Premises.

Such a condition will address the issue of “general littering” as referred to by Mr Davinson and Mr Renwick including any cigarette butts that customers may discard outside the Premises.

The breach of a Licence condition is a serious matter. It is an offence to operate licensed premises otherwise than in accordance with the terms of a Licence including failure to adhere to a Licence condition. On conviction, a Licence Holder can be given an unlimited fine and/or a term of imprisonment up to 6 months. In addition to prosecution, or as an alternative, a breach of condition can also lead to a review of the Licence. It is therefore vital that the Applicant Company and its staff fully comply with the terms of the Licence, including the conditions.

In arriving at this decision, the Sub-committee wishes to make it clear to the parties that should there be evidence of the Premises being operated in a manner that undermines any of the licensing objectives then either a resident or Responsible Authority can seek a review of the Premises Licence at any time. So for instance, if the level of noise from customers or the licensable activity at the Premises exceeds 35 dB then it would be possible for local residents to apply for the review of the Licence. If there is an issue with noise caused by live or recorded music at the Premises then again a review of the Licence could be applied for. The review process is described in the Guidance as a key protection for the community in relation to problem licensed premises. Any Sub-committee at the conclusion of a review hearing has a number of steps available to it. These steps can include reducing the hours of trading, removing the Designated Premises Supervisor, suspending the Licence for a period of up to three months or ultimately revoking the Licence. It is therefore very much in the interests of the Applicant Company and its staff to ensure that the Premises operate in accordance with the terms of the Licence and in such a way that will promote the licensing objectives.

The Sub-committee is aware that in making its decision it must have due regard to the matters set out in section 149 of the Equality Act 2010. The Sub-committee does not consider that there are any equalities implications flowing from the decision to grant a premises licence.

The Sub-committee is also aware that under the Code for Regulators the Sub-committee should avoid imposing unnecessary regulatory burdens on business operators such as the Applicant Company. In the view of the Sub-committee the conditions attached to the Licence are proportionate and promote the licensing objectives without being overly burdensome. Most of the conditions are consistent with the conditions offered in the Applicant Company’s operating schedule as modified by the Sub-committee. Others are considered appropriate to address the issues raised by residents, some of whom live above the Premises, including the condition relating to audibility of noise from the Premises.

The Sub-committee, as it must do in these reasons, make it clear to the parties that they have a right of appeal against the decision of the Sub-committee. Any such appeal must be made to North Tyneside Magistrates Court, Tynemouth Road, North Shields within 21 days



of receipt of the written Reasons.

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## Licensing Sub Committee

Wednesday, 17 July 2019

Present: J Cruddas, C Davis and T Mulvenna

### 16 Appointment of Chair

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

### 17 Declaration of Interest and Dispensation

There were no declarations of interest or dispensations reported.

### 18 Longsands Clothing Limited, 4 Albion Street, North Shields (Tynemouth Ward)

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Longsands Clothing Ltd, 4 Albion Street, North Shields, NE30 2RJ.

The Applicant, Mr John Armstrong, sought permission to supply alcohol for consumption on the Premises each day between 11:00 hours and 23:00 hours and between 11:00 hours and 01:00 hours on New Years Eve. The Premises would be open to the public each day of the week between 10:00 hours and 23:30 hours.

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 representations submitted in respect of the application.

Mr Armstrong addressed the Sub-committee in relation to his application.

Members of the Sub-committee asked a series of questions which were responded to by Mr Armstrong.

Mr Armstrong was then given the opportunity of summing up his submission.

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

The Sub-committee returned and the Chair announced its decision.

**Resolved** that the application for the grant of a Premises Licence in respect of Longsands Clothing Ltd, 4 Albion Street, North Shields as amended by the Sub Committee to permit the

sale of alcohol for consumption on the Premises from Sunday to Thursday between 11:00 hours and 20:00 hours and on Friday and Saturdays between 11:00 hours and 22:30 hours and for the Premises to be open to the public from Sunday to Thursday between the hours of 10:00 and 20:30 hours and Friday and Saturday between 10:00 hours and 23:00 hours be approved subject to the following conditions:

1. A CCTV system will be designed, installed and maintained in proper working order at the Premises. Such a system shall:-
  - i) Provide continuous recording for each camera to a good standard of clarity, with a minimum of four frames per second.
  - ii) Ensure coverage of all entrances and exits to the Premises both internally and externally.
  - iii) Ensure coverage of such other areas as may be required by the Licensing Authority
  - iv) Retain recordings on hard drive, disk or other storage device for a minimum period of 28 days.
  - v) Be in operation at all times the Premises are open to the public.
  - vi) Be fitted with security functions to prevent recordings being tampered with such as password protection.
  
2. There will be at least one person at the Premises during operating hours that is trained to provide viewable copies of the CCTV images following a request from an authorised officer of the Licensing Authority or other Responsible Authority made in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (or successor legislation). The CCTV recordings will be supplied in a removable format.
  
3. All staff at the Premises who are responsible for selling and supplying alcohol will seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol. Such credible evidence, which shall include photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a PASS logo and hologram. If no such evidence is provided then the sale must be refused.
  
4. There will be displayed in the café/bar area of the Premises clear and legible notices informing customers that the Premises operate a Challenge 25 Policy and list the photographic evidence that will be accepted as proof of age of a customer.
  
5. 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 and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority or other Responsible Authority.
  
6. All members of staff responsible for the sale of alcohol at the Premises will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol, before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.
  
7. All training received by staff in relation to the sale of alcohol will be recorded, and training records for each member of staff kept at the Premises at all times and will be made available for inspection immediately on request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers).

8. The noise level from activities in the Premises when assessed in any of the residential properties in Upper Norfolk Street or Albion Road must not exceed a level of 30 dB LAeq at night (between 23:00 hours and 07:00 hours) measured over a 15 minute period or 35 dB LAeq during the day (between 07:00 hours and 23:00 hours) measured over a 1 hour period.

9. No refuse or glass containers will be deposited in any skip, bin or other container of a similar nature located on the Premises or any areas in the immediate vicinity of the Premises under the control of the Premises Licence Holder or Designated Premises Supervisor between the hours of 21:00 hours and 08:00 hours and no skip, bin or other container will be removed from the Premises or the immediate vicinity of the Premises under the control of the Premises Licence Holder or Designated Premises Supervisor between those hours.

10. No deliveries will be made to or from the Premises between the hours of 21:00 hours and 08:00 hours.

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

12. No persons under 18 years of age will be permitted to enter the Premises after 20:00 hours unless accompanied by a responsible adult. Any unaccompanied persons under 18 years of age already on the Premises at 20:00 hours will be required to leave forthwith.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises are to operate primarily as a shop selling clothing and the sale of alcohol is ancillary to the main purpose of the premises;
2. The premises are small, with a maximum capacity of 20 people;
3. There have not been any representations submitted by any of the Responsible Authorities;
4. There has been a representation from a nearby resident which covers a number of licensing objectives including the prevention of public nuisance, the protection of children from harm and the prevention of crime and disorder

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## **Licensing Sub Committee**

**Monday, 16 September 2019**

Present: Councillors J O'Shea, T Mulvenna and W Samuel

### **LS19/19 Appointment of Chair**

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

### **LS20/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LS21/19 Manhattans, 85-87 High Street West, Wallsend, NE28 8JD. (Wallsend Ward)**

The Sub-committee met to consider an application for a variation to Premises Licence in respect of Manhattans, 85/87 High Street West, Wallsend, NE28 8JD.

The Applicant, Copenhagen 1801 Limited, sought permission to vary the existing licence for the following:

- To supply alcohol for consumption on and off the Premises. Exhibition of a film, Live Music, Recorded Music, Performance of Dance, Anything of a similar description to live music, recorded music or performance of dance each Friday and Saturday between 11:00 hours and 03:00 hours;
- To provide Late Nigh Refreshments each Friday and Saturday between 23:00 hours and 03:00 hours;
- The Premises would be open to the public each Friday and Saturday from 11:00 hours to 03:30 hours and between 11:00 hours and 02:30 hours Sunday to Thursday.

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

The Sub-committee referred to the written representations submitted in respect of the application.

Ms Hebb addressed the Sub-committee in relation to the Chief Officer of Police's objection to the application. She called Inspector Brady as a witness. Members of the Sub-committee and the applicant's representatives asked a series of questions which were responded to by Ms Hebb and Inspector Brady.

Ms Storey addressed the Sub-committee in support of the application. She called Mr McGrath and Mr Conner as witnesses.

Members of the Sub-committee and the representatives of the Police asked a series of Questions which were responded to by Ms Storey, Mr McGrath and Mr Conner.

All parties were given the opportunity to sum up their particular submissions

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

The Sub-committee returned and the Chair announced its decision.

**Resolved** that (1) the application to vary the hours for licensable activities to take place on a Friday and Saturday be rejected;  
(2) the licence be amended to permit the Premises to remain open to the public for an extra 30 minutes after licensable activities cease on all days of the week; and  
(3) the following additional condition be attached to the licence:  
“Door Staff employed at the Premises will be employed for an additional 30 minutes after the terminal hour for the supply of alcohol and will supervise and monitor the dispersal of customers both inside and outside the Premises during this period of time”.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council’s Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises are an alcohol led premises which are open to the public later than any other premises in the area, namely 2.00am;
2. The objection from the Chief Officer of the Police relates to the licensing objective concerned with the prevention of crime and disorder;
3. There have been no representations received from any of the other responsible authorities;
4. There have been no representations received from any local businesses or residents;
5. There have been a number of incidents of crime and disorder both inside and outside of the premises many of which have required the attendance of the police to address;
6. On the balance of probabilities it was likely that a number of the incidents of crime and disorder which occurred outside the premises involved people who had vacated the premises;
7. The use of door staff to facilitate the dispersal of customers from the premises and those congregating outside the premises would be likely to lead to a reduction in crime and disorder outside the premises at and around closing time.



## **Licensing Sub Committee**

**Tuesday, 15 October 2019**

Present: Councillors T Mulvenna, W Samuel and J Cruddas

### **LS/22/19 Appointment of Chair**

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

### **LS/23/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LS/24/19 Zynk – The Windsor Hotel, South Parade, Whitley Bay NE26 2RF (Whitley Bay Ward)**

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Zynk (The Windsor Hotel) South Parade, Whitley Bay, NE26 2RF.

The Applicant, Mr P Johnstone, initially sought permission to:

- Supply alcohol (on and off sales) from the premises Monday to Wednesday from 11:00 hours to 01:00 hours, Thursday to Saturday from 11:00 hours to 03:00 hours and Sunday from 11:00 hours to 23:30 hours;
- Provide Late Night Refreshment Monday to Wednesday from 23:00 hours to 01:00 hours, Thursday to Saturday from 23:00 hours to 03:00 hours and Sundays from 23:00 hours to 23:30 hours;
- Exhibit films, perform live music, play recorded music, perform dance and do anything of a similar description to live music, recorded music or performance of dance Monday to Wednesday from 10:00 hours and 01:00 hours, Thursday to Saturday from 10:00 hours to 03:00 hours and Sunday from 10:00 hours to 23:30 hours;
- Open the premises to the public Monday to Wednesday from 10:00 hours to 01:30 hours, Thursday to Saturday from 10:00 hours to 03:30 hours and Sunday from 10:00 hours to 00:00 hours; and
- Extend the licensable activities from finish time on New Years Eve to the start of business on New Years Day.

The applicant's solicitor, Mrs Smith, advised the Sub-committee that the applicant wished to amend his application so that it matched the licence currently in place for the Windsor Hotel which included Zynk.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mrs S Vert, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee.

The Sub-committee referred to the written representations submitted in respect of the application.

Ms Hebb addressed the Sub-committee in relation to the Chief Officer of Police's objection to the application. She called Inspector Caisley as a witness.

Members of the Sub-committee and the applicant's representatives asked a series of questions which were responded to by Ms Hebb and Inspector Caisley.

Mrs Martin, a local resident, addressed the Sub-committee in relation to her objection to the application.

Members of the Sub-committee, the applicant and his representative asked a series of questions which were responded to by Mrs Martin.

Mrs Smith, on behalf of the applicant, addressed the Sub-committee in support of the application.

Members of the Sub-committee, the representatives of the Police and Mrs Martin asked a series of questions which were responded to by Mrs Smith, Mr Johnstone and Ms Reay.

All parties were given the opportunity to sum up their particular submissions

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

The Sub-committee returned and the Chair announced its decision.

**Resolved** that the application for the grant of a Premises Licence in respect of Zynk (The Windsor Hotel) be rejected

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises are situated within the Whitley Bay Cumulative Impact Area which had been adopted by the Authority in November 2018;
2. The area of the building has been closed for between 4 and 5 years.
3. The application related to an area of the Windsor Hotel which already had the benefit of a Premises Licence which covered the area known as Zynk. There would be nothing to stop the premises opening today as a late night bar under the auspices of the existing Premises Licence held by Marina Hotels Limited;
4. The representations from the police related to the prevention of crime and disorder licensing objective;
5. There had been representations received from local residents;
6. There had been no representations received from the other Responsible Authorities.
7. The applicant has not rebutted the presumption that the grant of the Premises Licence would likely have a negative impact on residents and others in the Cumulative Impact Area.

## **Licensing Sub Committee**

**Tuesday, 22 October 2019**

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

### **LS25/19 Appointment of Chair**

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

### **LS26/19 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LS27/19 Shields Off Licence, 11A Saville Street West, North Shields**

The Sub-committee met to consider an application from the Chief Officer of Police for a review of the Premises Licence in respect of Shields Off Licence, 11A Saville Street, North Shields, NE29 6QU.

At the commencement of the hearing the Licensee, through his sister, submitted a request that the hearing be adjourned to allow him to obtain representation at the hearing.

Having given the applicant the opportunity to comment on the request for an adjournment the Sub-committee then went on to considered the request. The Chair then announced its decision.

**Resolved** that (1) the hearing be adjourned to allow the licensee to be represented; and (2) the meeting reconvene at 10.00am on Monday 15 November 2019.

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## **Licensing Sub Committee**

**Friday, 15 November 2019**

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

### **LS28/19 Appointment of Chair**

Resolved that Councillor Mulvenna be appointed as Chair for this meeting.

### **LS29/19 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LS30/19 Shields Off Licence, 11A Saville Street West, North Shields**

The Sub-committee met to consider an application from the Chief Officer of Police for a review of the Premises Licence in respect of Shields Off Licence, 11A Saville Street West, North Shields, NE29 6QU.

The meeting had been reconvened from the 22 October 2019.

The representative of the Chief Officer of Police submitted a request that the application be considered in private so as not to prejudice an ongoing court case. The Sub-committee gave consideration to the request and the Chair announced its decision.

**Resolved** that having given consideration to the request and Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the hearing be held in private.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mrs S Graham, Senior Licensing Officer, presented details of the application and the options available to the Sub-committee.

The Sub-committee referred to the written and video representations submitted in respect of the application.

The Sub-committee heard from all parties to the hearing and asked a series of questions to the various parties which were responded to appropriately. Each of the parties was given the opportunity of summing up their particular submission.

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

The Sub-committee returned and the Chair announced its decision.

**Resolved** that the Premises Licence in respect of Shields Off Licence, 11A Saville Street West, North Shields be revoked.

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## **Licensing Sub Committee**

**Monday, 16 December 2019**

Present: Councillors C Davis, W Samuel and J Cruddas

### **LS31/19 Appointment of Chair**

Resolved that Councillor W Samuel be appointed Chair for this meeting.

### **LS32/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LS33/19 Square and Compass, 207 Park View, Whitley Bay, NE26 3RD. (Whitley Bay Ward)**

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Square and Compass, 207 Park View, Whitley Bay, NE26 3RD.

The Applicant, NE Safety Group Limited, sought permission to:

- Supply alcohol (on sales) at the premises - Each Day from 09:00 hours until 23:00 hours;
- Permit recorded music, indoors, each day from 11:00 hours until 23:00 hours; and
- Remain open to the public each day from 09:00 hours until 00:00 hours.

Non-standard timings

To supply alcohol and the provision of recorded music on New Year's Eve up to 00:30 hours with the premises remaining open to the public between 09:00 hours and 01:00 hours.

Seasonal Variations

The supply of alcohol on the Friday, Saturday and Sunday preceding and including all bank holidays from 09:00 hours to 00:00 hours and the premises to remain open to the public from 09:00 hours to 01:00 hours.

At the meeting the applicant confirmed that the application was for the supply of alcohol from 11:00 hours each day and not 09:00 hours and the premises would be open to the public until 23:00 hours and not 00:00 hours as indicated.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mrs S Vert, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee.

The Sub-committee referred to the written representations submitted in respect of the application.

Mrs C Wilson, Environmental Health Officer, addressed the Sub-committee in relation to her representation in relation to the application and responded to a question from Councillor O'Shea.

Councillor O'Shea, Whitley Bay Ward Councillor, addressed the Sub-committee in relation to his, and others, objections to the application.

Mr S Carr, Ms S Lumsdon, Mr M Unthank, Mr D Lumsdon, Mrs M Campbell and Mrs P Lumsdon addressed the Sub-committee in relation to their representations in respect of the application

Mr R Wilson and Mr C Wilson addressed the Sub-committee in support of the application. They also provided a response to the issues raised during the meeting. Members of the Sub-committee and Mr Lumsdon asked a series of questions which were responded to by the applicant's representatives.

All parties were given the opportunity to sum up their particular submissions

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

The Sub-committee returned and the Chair announced its decision.

**Resolved** that the application for the grant of a Premises Licence in respect of Square and Compass, 207 Park View, Whitley Bay be approved as follows:

- (1) The Premises will be permitted to supply alcohol each day of the week from 11:00 hours to 22:30 hours;
- (2) The Premises will be open to the public each day of the week from 09:00 hours to 23:00 hours;
- (3) On New Year's Eve/Day the Premises will be permitted to supply alcohol from 11:00 hours on 31 December to 00:30 hours on 1 January and will be permitted to open to the public from 09:00 hours on 31 December until 01:00 hours on 1 January each year; and
- (4) Subject to the following conditions:-
  1. Prior to commencing operation under the Premises Licence a detailed noise survey and any scheme identified from the survey for the sound insulation of the Premises must be submitted to, and approved by, an Environmental Health Officer of North Tyneside Council to ensure that the noise level from activities at the Premises associated with any licensable activity in the first floor flat and any flats adjacent to the Premises and residential premises in Park View, Beech Grove, The Avenue and Marine Gardens does not exceed 35 dB LAeq measured over a 15 minute period. Once the Sound Insulation System is approved by the Environmental Health Officer this condition will be discharged.
  2. The noise level from activities at the Premises associated with any licensable activity when assessed in any of the residential premises in Park View, Beech Grove, The Avenue and Marine Gardens must not exceed 35 dB LAeq during the operation of the Premises Licence measured over a 15 minute period with the windows of the residential premises closed.

The Sub-committee considered that imposing this condition would afford the residents,



especially anyone residing above or adjacent to the Premises, certainty in terms of what level of noise should not be audible to residents residing in homes in those streets. It will be possible to install noise monitoring equipment in the residential properties in the streets referred to so as to ascertain if noise levels from the Premises exceed 35 dB LAeq in those properties. Given the type of sound proofing that Mr Richard Wilson said will be installed at the Premises it is expected that noise from the Premises will not exceed 35 dBs.

3. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that: -
  - i. The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally and areas where the consumption of alcohol takes place.
  - ii. The CCTV system is able to capture clear images permitting identification of individuals.
  - iii. The CCTV system will be in operation whenever a licensable activity is taking place at the Premises.
  - iv. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 31 days.
  - v. The CCTV system is capable of constantly generating an accurate date and time.
  - vi. The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
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. Signs will be displayed both internally and externally at the Premises indicating to customers that CCTV is in operation at the Premises. The signs are to be a minimum of A5 in size.
6. All staff at the Premises who are responsible for selling and supplying alcohol will seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol. Such credible evidence, which shall include photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying a PASS logo and hologram.
7. All members of staff responsible for the sale of alcohol at the Premises will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol, before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.

8. All members of staff responsible for the sale of alcohol at the Premises will receive at least annual refresher training as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) from the Designated Premises Supervisor.
9. All training received by staff in relation to the Licensing Act 2003 (or replacement legislation) must be recorded in training records for each member of staff and such records kept at the Premises at all times and made available for inspection immediately on request from representatives of Northumbria Police or an authorised officer of the Licensing Authority (including Trading Standards Officers).
10. 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 outcome of such challenges recorded in the Register. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or other Responsible Authority.
11. The Licence Holder will ensure that there is at all times an adequate and appropriate supply of First Aid equipment readily available at the Premises so as to permit immediate use of such equipment.
12. No drink containers of any description, including bottles or glasses will be taken off the Premises by customers at any time.
13. Local Taxi/Private Hire Operator's telephone numbers will be prominently displayed at the Premises so as to be easily read by customers attending at the Premises.
14. An Incident Report Register will be maintained and kept at the Premises at all times to record any incidents at the Premises including anti-social behaviour, refusal of admission to or ejection from the Premises.
15. The Incident Report Register will be produced for inspection immediately on request from an authorised officer of the Licensing Authority (including Trading Standards Officers) or officers from any other Responsible Authority.
16. There will be clear and legible notices displayed at exits and other circulatory areas of the Premises requesting customers to leave the Premises 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.
17. No refuse or glass containers will be deposited in any skip, bin or other container of a similar description located on the Premises or any areas in the immediate vicinity of the Premises under the control of the Premises Licence Holder between the hours of 20:00 hours and 08:00 hours and no skip, bin or other container will be removed from the Premises or the immediate vicinity of the Premises under the control of the Premises Licence Holder or Designated Premises Supervisor between those hours.
18. No deliveries will be made to the Premises between the hours of 20:00 hours and 08:00 hours.

19. At the close of business each day there will be a clean-up of any litter, cigarette butts and any other waste in the immediate vicinity of the Premises by the staff at the Premises.
20. The Premises Licence Holder and Designated Premises Supervisor will undertake a Risk Assessment relating to the general operation of the Premises. Such an Assessment will be undertaken at least annually and will take into account any incidents recorded in the Incident Report Register and/or Refusals Register

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises were described as a small bar/café style premises situated in an end of terrace property with a café to the left and a holiday let flat above;
2. The capacity of the Premises would be a maximum of 55 people including staff members;
3. Representations had been received from two Responsible Authorities, the Local Planning Authority advised that the applicant would need to apply for a formal change of use before the premises could operate as a bar and the Environmental Health Department advised that a number of conditions would need to be applied to any licence granted to minimise the impact of noise affecting residents;
4. There have been no representations submitted on behalf of the Police and any of the other Responsible Authorities which would appear to indicate that they did not have any concerns about the granting of a Premises Licence for the premises;
5. Representations had been received from local residents, owners of nearby properties and the local ward councillor in relation to the application.

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## **Licensing Sub Committee**

**Wednesday, 18 December 2019**

Present: Councillors J O'Shea, T Mulvenna and E Darke

### **LS34/19 Appointment of Chair**

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

### **LS35/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LS36/19 All Fur Coat, 25 High Street East, Wallsend, NE28 8PF (Wallsend Ward)**

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of All Fur Coat, 25 High Street East, Wallsend, NE28 8PF.

The Applicant, All Fur Coat Limited, sought permission to:

- Supply alcohol (on sales) at the premises each day from 12:00 hours until 23:00 hours;
- Play live music, indoors, each day from 12:00 hours to 22:00 hours;
- Play recorded music, indoors, each day from 12:00 hours until 23:00 hours;
- Anything of a similar description to the playing of live or recorded music each day of the week from 12:00 hours and 23:00 hours; and
- Remain open to the public each day from 12:00 hours until 23.00 hours.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing.

As there were none of the persons who had submitted representations present the Sub-committee initially had to determine whether to proceed with the hearing in their absence. Having been advised that all parties had been given notice of the hearing the Sub-committee agreed to deal with the application in their absence.

Mr G Callum, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. He also responded to a member's question.

The Sub-committee referred to the written representations submitted in respect of the application.

Mr S Ratcliffe, the applicant's spokesperson addressed the Sub-committee in support of the application. He also provided a response to the issues raised during the meeting.

Members of the Sub-committee and officers asked a series of questions which were responded to by the applicant's representative.

Mr Ratcliffe was given the opportunity to sum up his application.

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

**Resolved** that the application for the grant of a Premises Licence in respect of All Fur Coat, 25 High Street East, Wallsend be approved as follows:

- (1) The Premises will be permitted to supply alcohol each day of the week from 12:00 hours to 22:45 hours;
- (2) The Premises will be open to the public each day of the week from 12:00 hours to 23:00 hours; and
- (3) 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 Licence Holder will ensure that: -
    - The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, areas where the consumption of alcohol takes place and the area immediately to the front of the Premises.
    - The CCTV system is able to capture clear images permitting identification of individuals.
    - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
    - 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.
    - The CCTV system is capable of constantly generating an accurate date and time.
    - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
  2. There will be members 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 General Data Protection Regulation and Data Protection Act 2018 (or any replacement legislation).
  3. Signs will be displayed at the Premises informing customers that a CCTV system is in operation at the premises. Such signs will be displayed so as to be readily seen and read by customers and must be a minimum of A5 in size.
  4. There will be clear and legible notices displayed at exits and other circulatory areas of the Premises requesting customers to leave the Premises quietly

having regards to the needs of local residents and in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.

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.
6. All members of staff responsible for the sale of alcohol will receive refresher training at least once a year as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation). Such training will be provided by the Designated Premises Supervisor.
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 representatives 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 such as anti-social behaviour, refusal of admission to and ejection from the Premises.
9. The incident report register will be produced for inspection immediately on request from an authorised officer of the Licensing Authority (including Trading Standards Officers) or other Responsible Authority.
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.
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 an authorised officer of the Licensing Authority (including Trading Standards officers) or other Responsible Authority.
12. At regular intervals during the hours of trading and at the end of each day of trading, the staff at the Premises will undertake a check of the area immediately to the front of the Premises and remove any discarded cigarette ends, rubbish or similar objects left by customers attending the Premises.
13. No alcohol is to be removed from the Premises at any time.
14. No emptying of bottles or other containers into bins or similar receptacles in

any external areas of the Premises will take place between 20:00 hours and 08:00 hours.

15. The telephone numbers and other contact details of taxi/private hire operators will be displayed at the Premises so that they can be easily read by customers attending the Premises.
16. The noise level from any licensable activity at the Premises and noise associated with such activity when assessed in any of the residential or business premises in High Street East or Woodbine Avenue must not exceed 35 dB LAeq during the operation of the Premises Licence measured over a 15 minute period with the windows of the business or residential premises closed.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The concerns expressed by the residents in relation to the licensing objectives can be met through a mixture of a reduction in the hours that alcohol can be sold and the imposition of the above conditions.



## Licensing Sub Committee

Wednesday, 13 May 2020

Present: Councillors C Davis, T Mulvenna and W Samuel

### LS37/20 Appointment of Chair

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

### LS38/20 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

### LS39/20 Pranzo Italian Tapas and Wine Bar. 16 Station Road, Whitley Bay, NE26 2RA

The Sub-committee met to consider an application by Leonardo 19 Limited for the grant of a new Premises Licence in respect of Pranzo Italian Tapas and Wine Bar, 16 Station Road, Whitley Bay, NE26 2RA.

The applicant was represented by Mr M Foster, Mincoffs Solicitors, and he was accompanied by Mr P Masucci a director of the applicant company.

Mrs J Jackson and Mr D Weston, local residents, were present to outline their representations in relation to the application

Following introductions, the Chair set out the procedure which would be followed during the course of the virtual hearing.

Mr G Callum, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. He explained that the applicant had sought permission for the Premises to: -

- Supply alcohol for consumption on and off the Premises each day from 11.00 hours to 23.00 hours;
- Provide late night refreshment each day from 23.00 hours to 23.30 hours (for consumption indoors only);
- Have the Premises open to the public each day from 08.00 hours to 23.30 hours.

Since the application had been advertised the applicant now wished to amend the hours as follows: -

- The supply of alcohol for consumption on and off the Premises each Friday, Saturday and Sunday from 11.00 hours to 23.00 hours and each Monday to Thursday from 11.00 hours to 22.00 hours;
- The provision of late-night refreshment each Friday, Saturday and Sunday from 23.00 hours to 23.30 hours (for consumption indoors only); and

- For the Premises to remain open to the public each Friday, Saturday and Sunday from 08.00 hours to 23.30 hours and Monday to Thursday from 08.00 hours to 22.30 hours.

The Sub-committee referred to the written representations submitted in respect of the application.

Mr Foster presented the application on behalf of the applicant. He explained that the application had been amended to address residents' concerns and to take account of the restrictions imposed as a result of the Covid-19 pandemic.

Members of the Sub-committee and the residents' asked a number of questions which were responded to by Mr Foster and Mr Masucci.

Each of the resident's presented their representation to the Sub-committee in turn and responded to questions from the Sub Committee and the representatives of the Applicant

All parties were given the opportunity to sum up their particular submissions

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

**Resolved** that the application for the grant of a new Premises Licence in respect of Pranzo Italian Tapas and Wine Bar, 16 Station Road, Whitley Bay be approved subject to the following conditions: -

1. A CCTV system ("the system") will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that: -
  - i. The system's cameras will be located at the Premises so as to provide coverage of entrances and exits, both internally and externally, the serving area, and any areas where the consumption of alcohol takes place, including the outside area edged green on the licence plan.
  - ii. The system is able to capture clear images permitting identification of individuals.
  - iii. The system will be in operation whenever a licensable activity is taking place at the Premises.
  - iv. The system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - v. The system is capable of constantly generating an accurate date and time.
  - vi. The 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 trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 (or any successor legislation).
3. All members of staff at the Premises responsible for selling and supplying alcohol will seek "credible photographic proof of age evidence" from any person who appears to be under 25 years and who is seeking to purchase or consume alcohol on the Premises (the area edged red in the licence plan) or in the outside area of the Premises (the area edged green in the licence plan). Such credible evidence which shall include a

photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a "PASS" logo and hologram.

4. The noise level from activities in the Premises, (the area edged red in the licence plan), and in the outside area, (the area edged green in the licence plan), associated with any licensable activity when assessed in any of the residential premises in Station Road and Albany Gardens must not exceed 35 dB LAeq during the operation of the premises licence measured over a 15 minute period between 11.00 hours and 23.00 hours. Noise levels from the Premises (the area edged red on the licence plan) when assessed in any of the residential premises in Station Road and Albany Gardens must not exceed 30 dB LAeq after 23.00 hours during the operation of the premises licence measured over a 15 minute period.
5. All members of staff responsible for the sale or supply of alcohol at the Premises will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol, before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor, authorised member of staff or an external accredited licensing trainer.
6. All members of staff responsible for the sale or supply of alcohol at the Premises will receive annual refresher training as to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol. Such refresher training will be provided by the Designated Premises Supervisor, authorised member of staff or an external accredited licensing trainer.
7. All training received by staff in relation to the Licensing Act 2003 (or successor legislation) must be recorded in training records for each member of staff. Such records must be kept up to date and kept at the Premises at all times and made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
8. The licence holder and Designated Premises Supervisor will maintain a dynamic risk assessment for the general operation of the Premises and for individual bespoke events held at the Premises. Such a Risk Assessment will amongst other things: -
  - a) Identify not only the potential risks but also the tactics to be employed to reduce any such risks;
  - b) Take into account the level and type of staffing to be employed at the Premises;
  - c) Consider if it is appropriate for the Designated Premises Supervisor to be in attendance at the Premises during a particular event;
  - d) Give due attention to any information given to the licence holder by any Responsible Authority, particularly Northumbria Police;
  - e) Consider the maximum number of persons permitted on the Premises during a particular event having regard to appropriate safety legislation and the maximum safe capacity for the Premises as set out in the Fire Risk Assessment;
  - f) Be fully documented and kept at the Premises at all times and made available for inspection by authorised officers of the Licensing Authority

(including Trading Standards Officers) or representatives of Northumbria Police immediately on request.

9. The Premises Licence Holder will ensure that at all times the Premises are open to the public there will be a sufficient number of competent staff on duty at the Premises for the purposes of fulfilling the terms and conditions of the licence and promoting the licensing objectives.
10. A waiting service will be available throughout the hours that the Premises are open to the public.
11. The Designated Premises Supervisor, or another authorised member of staff, will ensure that there are effective management arrangements in place to enable the Designated Premises Supervisor or authorised member of staff to know how many people there are on the Premises (the area edged red in the licence plan), and in the outside area (the area edged green in the licence plan), at all times.
12. No glass material or bottles 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 21.00 hours and 08.00 hours. Any such skip, bin or container shall not be removed from the Premises between those hours.
13. The last off sale permitted for consumption in the outside area (the area edged green in the licence plan) will be 20.30 hours and the outside area will close to all customers consuming food and/or alcohol at 21.00 hours.
14. There will be no more than 20 customers in the outside area (the area edged green on the licence plan) consuming food and/or alcohol at any one time.
15. No alcohol will be sold or supplied in the Premises other than to persons taking a table meal in the Premises (the area edged red in the licence plan) or a table meal in the outside area (the area edged green in the licence plan) save for those persons who have purchased alcohol for consumption off the Premises. Any alcohol sold for consumption off the Premises (excluding those sales made for consumption in the said outside area) must be in a sealed container.
16. No draught alcoholic products will be supplied at the Premises.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises are located within the Whitley Bay Cumulative Impact Area;
2. The Premises were not a purely alcohol led premises but a restaurant with alcohol ancillary to the provision of food and therefore there was no presumption that the

- application should be rejected;
3. There had been no representations from any of the Responsible Authorities;
  4. Representations had been received from 2 local residents
  5. The imposition of the above conditions should be sufficient to allow the application to be approved whilst still addressing the concerns raised by residents.

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## **Licensing Sub Committee**

**Thursday, 28 May 2020**

Present: Councillors Janet Hunter, T Mulvenna and W Samuel

### **LS1/20 Appointment of Chair**

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

### **LS2/20 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **LS3/20 The Barking Dog, Kings Road North, Wallsend. NE28 9JJ (Battle Hill Ward)**

The Sub-committee met to consider an application by the Chief Officer of Police for a review of the Premises Licence in respect of the Barking Dog, Kings Road North, Wallsend, NE28 9JJ.

Following introductions, the Chair set out the procedure which would be followed during the course of the virtual hearing.

Mr G Callum, Licensing Officer, presented details of the application and the options available to the Sub-committee.

The Sub-committee referred to the written representations submitted in respect of the application and viewed CCTV footage supplied by the applicant.

Ms H Thompson, lawyer for Northumbria Police, presented the case on behalf of the Chief Officer of Police. She was assisted by Inspector M Storey and Mr N Kirkpatrick. Ms Thompson explained that the review had been brought following a number of serious incidents which had occurred at the premises and it related to the prevention of crime and the protection of children from harm licensing objectives.

Members of the Sub Committee and the Licensee's representative asked a number of questions of the representatives of the applicant which were responded to.

Mr M Foster, Mincoffs Solicitors, represented the Licensees, PJK Inns Limited. He was assisted by Mr T Robson (Licensing Consultant), Mr C Robinson and Mr A Milne, directors of PJK Inns Limited. He explained the steps the licensees had taken to address the concerns raised by the police.

Members of the Sub Committee and the representatives of the Police asked a series of questions which were responded to by the Licensee's and their representatives.

All parties were given the opportunity to sum up their particular submissions.

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

**Resolved** that the Premises Licence in respect of the Barking Dog, Kings Road North, Wallsend be amended as follows:

The licensing and opening hours at the Premises will be: -

**a) Supply of alcohol:**

Sunday to Wednesday from 11.00 hours to 23.00 hours  
Thursday to Saturday from 11.00 hours to 23.30 hours

**b) Regulated Entertainment:**

Sunday to Wednesday from 11.00 hours to 23.00 hours  
Thursday to Saturday from 11.00 hours to 23.30 hours

**Late Night Refreshment:**

Thursday to Saturday from 23.00 hours to 23.30 hours

**Opening Hours**

Sunday to Wednesday from 11.00 hours to 23.30 hours  
Thursday to Saturday from 11.00 hours to 00.00 hours

The following conditions are imposed on the premises licence: -

1. The Premises Licence Holder will ensure that at all times that the Premises are open to the public there will be a sufficient number of competent staff on duty at the Premises for the purposes of fulfilling the terms and conditions of the licence and promoting the licensing objectives.
2. The licence holder and Designated Premises Supervisor will maintain a dynamic risk assessment for the general operation of the Premises and for individual bespoke events, held at the Premises. Such a Risk Assessment will:
  - 
  - a) Identify not only the potential risks but also the tactics to be employed to reduce any such risks;
  - b) Take account of the level and type of staffing to be employed at the Premises;
  - c) Consider if it is appropriate for the Designated Premises Supervisor to be in attendance at the Premises during a particular event;
  - d) Give due attention to any information given to the licence holder by any Responsible Authority, particularly Northumbria Police;
  - e) Consider the maximum number of persons permitted on the Premises during a particular event having regard to appropriate safety legislation and the maximum safe capacity for the Premises as set out in the Fire Risk Assessment;
  - f) Consider if it is appropriate to employ Door Supervisors for any particular



- event (having regard to the requirements of section 21 of the Licensing Act 2003). If Door Supervisors are employed, then their name and Security Industry Authority badge number should be recorded; and
- g) Be fully documented and kept at the Premises at all times and made available for inspection by authorised officers of the Licensing Authority (including Trading Standards Officers) or representatives of Northumbria Police immediately on request.
3. A CCTV system (“the 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 system cameras will be located at the Premises so as to provide coverage of entrances and exits, both internally and externally, the serving area, and any areas where the consumption of alcohol takes place, including the function/concert room as well as the designated smoking area and car park.
  - b) The system is able to capture clear images permitting identification of individuals.
  - c) The system will be in operation whenever a licensable activity is taking place at the Premises.
  - d) The 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 system is capable of constantly generating an accurate date and time.
  - f) The 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 immediately following a request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 (or any successor legislation).
5. All members of staff at the Premises responsible for selling and supplying alcohol, (and Door Supervisors if employed), will seek credible photographic proof of age evidence from any person who appears to be under 25 years and who is seeking to purchase or consume alcohol on the Premises. Such credible evidence which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a “PASS” logo and hologram.
6. All members of staff responsible for the sale or supply of alcohol at the Premises will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol, before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor, approved member of staff or an external accredited licensing trainer.
7. All members of staff responsible for the sale or supply of alcohol at the Premises will receive annual refresher training as to their duties and

responsibilities under the Licensing Act 2003 (or any successor legislation), including how to avoid underage sales of alcohol. Such refresher training will be provided by the Designated Premises Supervisor, approved member of staff or an external accredited licensing trainer.

8. All training received by staff in relation to the Licensing Act 2003 (or successor legislation) must be recorded in training records for each member of staff. Such records must be kept up to date and kept at the Premises at all times and made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
9. A Refusals Register (either electronic or paper based) is to be kept at the Premises at all times and kept up to date. Such a register will detail all challenges made to customers as to their age when attempting to purchase alcohol and the outcome of such challenges recorded in the Register. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
10. An Incident Register is to be kept at the Premises at all times and kept up to date. Such a Register will record all incidents occurring at the Premises such as anti-social behaviour, refusal of admission onto or removal from the Premises (including those barred under the Pub Watch Scheme) and attendances at the Premises of representatives of a Responsible Authority. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
11. A weekly report generated by the alarm system installed at the Premises detailing when the Premises are opened and closed will be kept at the Premises at all times and will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
12. No customers shall be permitted to enter the Premises with an open container of alcohol save for situations where such alcohol has been purchased at the Premises, taken outside and then brought back into the Premises.
13. All private functions booked at the Premises will be recorded in writing or digitally recorded. Such records will include the type of function including the function organiser, their contact details and expected number of guests attending at any such function.
14. All records, in any form, relating to private functions on the Premises will be kept up to date and must be kept at the Premises at all times and be made available for inspection as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 (or any successor legislation).

15. Subject to admittance to the Scheme, and to such a Scheme remaining active, the Premises will become, and remain, an active member of the Wallsend Pub Watch Scheme. This will require a record of all persons who are barred from licensed premises under the Pub Watch Scheme being kept at the Premises at all times and the licence holder sharing those records with all staff.
16. The Designated Premises Supervisor or authorised member of staff will notify Northumbria Police immediately of any attendance at the Premises of an individual barred from attending licensed premises by the Wallsend Pub Watch Scheme immediately, and for that attendance to be recorded in the Incident Book.
17. No children under 18 years of age will be permitted to enter or remain on the Premises after 21.00 hours unless such children are attending at a pre-arranged function in the function/concert room and are accompanied by a responsible adult.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime and the protection of children from harm which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. There have been a number of serious incidents of violence at the premises over a number of years;
2. A number of changes have recently been made to the operation of the premises including the replacement of the previous Designated Premises Supervisor with a new Designated Premises Supervisor;
3. It is prepared to give the Licence Holder what his representative proposed, that is a final chance to turn the premises around;
4. The steps proposed by the Premises Licence Holder to prevent future underage drinking at the premises should address the concerns of the Police in this respect;
5. Reducing the availability of alcohol at the Premises each Thursday to Saturday from 01.00 hours to 23.30 hours, with the Premises closing at 00.00 hours would lessen the number of people coming to the Premises late in the evening simply for the purpose of consuming alcohol later into the evening;
6. Given that the assaults at the Premises referred to by the Police have occurred on for the most part on nights that the Premises are open later, namely, Thursday, Saturday and Sunday, the Sub-Committee considers it appropriate to reduce the licensing and opening hours as set out above to lessen incident of violence at the Premises later into the evening.

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## **Licensing Sub Committee**

**Thursday, 25 June 2020**

Present: Councillors Janet Hunter, W Samuel and J Cruddas

### **LS4/20 Appointment of Chair**

**Resolved** that Councillor W Samuel be appointed as Chair for this meeting.

### **LS5/20 Declarations of Interest**

There were no Declarations of Interest reported.

### **LS6/20 Woods, 1 and 2 King Edward Court, Front Street, Tynemouth, NE30 4DZ (Tynemouth Ward)**

The Sub-committee met to consider an application for the variation of a Premises Licence in respect of Woods, 1 and 2 King Edward Court, Front Street, Tynemouth, NE30 4DZ.

The Applicant, Front St Limited, sought permission to add off sales to the existing licence.

The Premises were currently permitted to supply alcohol for consumption on the Premises by customers taking a table meal between 12.00 hours and 21.00 hours Monday to Saturday and between 12.00 hours and 19.00 hours each Sunday and Bank Holiday. The Premises were allowed to be open to the public each Monday to Friday between 08.00 hours and 21.00 hours, Saturday between 09.00 hours and 21.00 hours and each Sunday and Bank Holiday between 09.00 hours and 19.00 hours.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing.

Mr J Young, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee.

The Sub-committee referred to the written representations submitted in respect of the application.

Mr Rice and Mr Loughland addressed the Sub-committee in relation to their representations in respect of the application and responded to questions.

Mr S Smallwood, on behalf of the applicant, addressed the Sub-committee in support of the application and responded to questions. He also provided a response to the issues raised during the meeting.

All parties were given the opportunity to sum up their particular submissions

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

The Sub-committee returned and the Chair announced its decision.

**Resolved** that the application to vary the Premises Licence to permit off sales in respect of Woods, 1 and 2 King Edward Court, Tynemouth be approved and in addition to the existing licence conditions the Sub-committee considers that it is appropriate to amend the following conditions and add additional conditions as set out below:

The following conditions be amended:

1. The noise level from the licensable activity inside the Premises and noise associated with such activity inside the Premises when assessed in any of the residential premises in King Edwards Court must not exceed 35 dB LAeq during the operation of the Premises Licence measured over a 15 minute period with the windows of the residential premises closed.
2. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that:
  - i. The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally and areas where the consumption of alcohol takes place, including any outside area provided by the Licence Holder for the consumption of alcohol supplied at the Premises.

The remainder of this condition remains unaltered.

The new conditions that are to be added to the premises licence follow on from condition 9 and are considered appropriate and proportionate for the promotion of the licensing objectives concerned with the prevention of crime and disorder and the prevention of public nuisance and are as follows: -

10. There must be at least one member of staff based in any external seating area of the Premises provided by the Licence Holder whose responsibility is to monitor the external seating area whenever that area is open for the use of customers.
11. Any customers identified as behaving in a loud manner in any external seating area of the Premises provided by the Licence Holder will be spoken to and required to quieten down. If the behaviour does not improve then the customer will be required to leave the external seating area immediately.
12. Staff must ensure that at all times customers using any external area provided by the Licence Holder are not obstructing the public highway.
13. All customers using any external seating area of the Premises provided by the Licence Holder must sit at a table provided and remain seated.
14. Any alcohol sold for consumption off the Premises (excluding those sales made for consumption in any external seating area provided by the Licence Holder) must be in a sealed container.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The variation of two of the conditions on the licence and the addition of additional conditions will promote the Licensing Objectives and address residents' concerns.

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## **Licensing Sub Committee**

**Tuesday, 4 August 2020**

Present: Councillors D Drummond, C Davis and T Mulvenna

### **LS7/20 Appointment of Chair**

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

### **LS8/20 Kork, 74 Whitley Road, Whitley Bay, NE26 2NE**

The Sub-committee met virtually to consider an application for the variation of a Premises Licence in respect of Kork, 74 Whitley Road, Whitley Bay, NE26 2NE.

The Applicant, Mr S Darling-Cooper, sought permission to add on-sales to the existing licence.

The Premises were currently permitted to supply alcohol for consumption off the Premises and to be open to the public from 09.00 hours to 21.00 hours Monday to Saturday and between 10.00 hours and 16.00 hours on a Sunday.

The Application before the Sub-committee was to vary the licence to include the sale of alcohol for consumption on the premises each day of the week from 12.00 hours to 22.00 hours and for the premises to remain open to the public from 09.00 hours to 22.00 hours Monday to Saturday and from 10.00 hours to 22.00 hours on a Sunday.

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 representations received and the options available to the Sub-committee.

The Sub-committee referred to the written representations submitted in respect of the application.

Councillor J O'Shea addressed the Sub-committee in relation to his own representation and as a representative of two residents in respect of the application and responded to questions. During the hearing and having received assurances regarding the operating hours for the outside seating area he withdrew his own representation.

Mr S Darling-Cooper addressed the Sub-committee in support of the application and responded to questions. He also provided a response to the issues raised during the meeting. He called Mr B Wildsmith as a witness.

In addition the Sub-committee heard from Mrs Darling-Cooper and Miss J Darling in support of the application.

All parties were given the opportunity to sum up their particular submissions

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 Kork, 174 Whitley Road, Whitley Bay be approved as follows:

The permitted hours for the supply of alcohol for consumption on the premises will be 12.00 hours to 21.30 hours every day and the premises will close at 22.00 hours and 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:
  - i. The CCTV cameras will be located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and the areas where the purchase and consumption of alcohol takes place, including any outside area that may be provided by the Licence Holder for the consumption of alcohol off the Premises
  - ii. The CCTV system is able to capture clear images permitting identification of individuals
  - iii. The CCTV system will be in operation whenever a licensable activity is taking place at the Premises.
  - iv. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - v. The CCTV system is capable of constantly generating an accurate date and time.
  - vi. The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
  - vii. Signs will be displayed at the Premises so as to be easily read by customers informing them that a CCTV system is in operation at the Premises. The signs are to be a minimum of A5 in size.
  - viii. 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 (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 (or any successor legislation).
  - ix. All members of staff at the Premises responsible for the supply of alcohol will seek “credible photographic proof of age evidence” from any person who appears to be under 25 years and who is seeking to purchase or consume alcohol on the Premises. Such credible evidence which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a “PASS” logo and hologram.

- x. A Refusals Register (electronic or paper based) will 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 outcome of such challenges recorded in the Register. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or other Responsible Authority.
- xi. Any outside area provided by the Licence Holder for the consumption of alcohol by his customers must close at 20.00 hours and any tables and chairs cleared from the area as soon as possible after that time.
- xii. All members of staff responsible for the sale or supply of alcohol at the Premises will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation) before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor, authorised member of staff or an external accredited licensing trainer.
- xiii. All training received by staff in relation to the Licensing Act 2003 (or successor legislation) must be recorded in training records for each member of staff. Such records must be kept up to date and kept at the Premises at all times and made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or other Responsible Authority.
- xiv. A waiting service will be provided at the Premises and any outside area provided by the Licence Holder throughout the hours of operation of the Premises Licence.
- xv. Customers will not be permitted to take open containers of alcohol off the Premises save for those customers who are to consume such alcohol in any outside area provided by the Licence Holder. No customers will be permitted to take any open container beyond the outside area provided by the Licence Holder.
- xvi. Alcohol sold for consumption in any outside area provided by the Licence Holder must be served in polycarbonate or toughened glass containers.
- xvii. An Incident Book/Electronic Record will be maintained and kept at the Premises at all times to record any incidents at the Premises including anti-social behaviour, refusal of admission to or ejection from the Premises.
- xviii. The Incident Book/Electronic Record will be produced for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or other Responsible Authority.
- xix. There will be clear and legible notices displayed at exits and other circulatory areas of the Premises requesting customers to leave the Premises 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.

- xx. No refuse or glass containers will be deposited in any skip, bin or other container of a similar description located on the Premises or any areas in the immediate vicinity of the Premises under the control of the Licence Holder between the hours of 20.00 hours and 09.00 hours.
- xxi. Local Taxi/Private Hire Operator's telephone numbers will be prominently displayed at the Premises so as to be easily read by customers attending at the Premises.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

- 1. The amendment to the hours for the provision of on sales and the imposition of the conditions on the licence will promote the Licensing Objectives and address residents' concerns.

## **Licensing Sub Committee**

**Wednesday, 5 August 2020**

Present: Councillors D Drummond, T Mulvenna and W Samuel

### **LS9/20 Appointment of Chair**

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

### **LS10/20 Scott and Wilson, 1 Trevor Terrace, North Shields, NE30 2DG**

The Sub-committee met virtually to consider an application by Scott and Wilson Limited for the grant of a new Premises Licence in respect of Scott and Wilson, 1 Trevor Terrace, North Shields, NE30 2DG.

The applicant was represented by Mr C Khass.

Ms T McCarthy, Mrs K Grey, Mr M Jayachandrareddy and Ms Z Hakin local residents were present to outline their representations in respect of the application.

Following introductions the Chair set out the procedure which was to be followed during course of the virtual hearing.

Mr J Young, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee. He explained that the applicant has sought permission for the premises to:-

- Supply Alcohol (on and off the premises) every day from 10.00 hours to 23.00 hours;
- Open every day between 08.00 hours and 23.00 hours;
- Include an outside seating area; and
- To include the first floor of the premises.

He responded to questions from Ms Hakin and Mrs Grey

Mr Khass presented the application on behalf of the applicant.

Mr Khass then responded to questions from members of the sub-committee and several of the residents.

Ms McCarthy, on behalf of herself, and as spokesperson for a number of the residents, outlined their representations in relation to the application.

Ms McCarthy responded to questions from the applicant's representative and from members of the Sub-committee.

Mr Jayachandrareddy outlined his representation in relation to the application.

Mr Jayachandrareddy then responded to questions from the members of the

Sub-committee and Ms McCarthy

Ms Hakin, representing her mother, outlined her representation to the application.

The Sub committee adjourned the hearing to allow it, and the other participants in the hearing, to undertake a site visit to the premises. At the conclusion of the site visit the virtual meeting resumed.

After watching a video submitted by one of the residents each of the parties was given the opportunity to sum up their particular submission.

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

**Resolved** that the application for the grant of a new Premises Licence in respect of Scott and Wilson, 1 Trevor Terrace, North Shields be approved subject to the following conditions:-

1. The supply of alcohol at the Premises by way of on and off sales be from 10.00 hours to 22.30 hours each day of the week. The Premises will be open to the public from 08.00 hours to 23.00 hours each day of the week.
2. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that:
  - i. The CCTV cameras will be located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and the areas where the purchase and consumption of alcohol takes place, including any outside area that may be provided by the Licence Holder for the consumption of alcohol off the Premises
  - ii. The CCTV system is able to capture clear images permitting identification of individuals.
  - iii. The CCTV system will be in operation whenever a licensable activity is taking place at the Premises.
  - iv. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - v. The CCTV system is capable of constantly generating an accurate date and time.
  - vi. The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
3. Signs will be displayed at the Premises so as to be easily read by customers informing them that a CCTV system is in operation at the Premises. The signs are to be a minimum of A5 in size.
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 authorised officers of the Licensing Authority (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 and General Data Protection Regulation (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 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).
7. 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 outside area of the Premises such as anti-social behaviour, refusal of admission to the Premises and ejection from the Premises or external areas provided by the Licence Holder.
8. 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).
9. 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, a photographic driving licence or a proof of age card carrying a 'Pass' logo and hologram.
10. 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 an authorised officer of the Licensing Authority (including Trading Standards officers) or other Responsible Authority.
11. Children under 16 years of age will not be permitted to enter or remain on the Premises or any external areas provided by the Licence Holder for the use of customers after 21:00 hours unless accompanied by a responsible adult.
12. At regular intervals during the hours of trading and at the end of each day of trading, the staff at the Premises will undertake a check of the area immediately to the front of the Premises, and any external areas provided for the use of customers, and remove any discarded cigarette ends, rubbish or similar objects left by customers attending the Premises or the external areas.
13. Any external area provided by the Licence Holder for the use of customers will close at 21.00 hours every day and will not re- open until 08.00 hours the following day.

14. The last sale of alcohol for consumption in any external area provided by the Licence Holder for the use of customers will be 20.30 hours every day.
15. The Licence Holder will ensure that noise arising from any licensable activity or associated with such activity within the Premises must not exceed a level of 35 dB LAeq between 08.00 hours and 23.00 hours when measured in any premises in Trevor Terrace or Kirton Park Terrace over a 15 minute period.
16. There will be a waiting service operated in relation to any external area provided by the Licence Holder for the use of customers at all times.
17. The Licence Holder must ensure that at all times customers using any external area provided by the Licence Holder must not obstruct the public highway at any time.
18. All customers using any external area provided by the Licence Holder must sit at a table provided and remain seated in those areas.
19. Any customers identified as behaving in a loud manner in any external area provided by the Licence Holder must be spoken to promptly by staff at the Premises and required to quieten down. If the behaviour does not improve then the customer will be required to leave the external area immediately. Any such incident will be recorded in the incident report register.
20. Any supply of alcohol for consumption off the Premises (excluding those sales made for consumption in any external area provided by the Licence Holder for the use of customers) must be in a sealed container.
21. This licence will only take effect on the surrender of the existing Premises Licence reference 00CK/19/0401.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations and having regard to the guidance issues by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives in relation to the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety which underpins the Licensing Act 2003, the Sub-committee concluded that:-

- 1, The Premises currently has the benefit of a premises licence which permits the sale of alcohol every day between 11.00 hours and 23.00 hours for the ground floor of the premises only;
- 2, The Business and Planning Act 2020 has come into force which permits much of what has been applied for;
- 3, There has been no representations from the Chief Officer of Police in relation to the application
- 4, Representations have been received from the local planning authority and the environmental health department



- 5, The imposition of the above conditions should be able to address the concerns of residents in relation to noise and safety.

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## Licensing Sub Committee

Tuesday, 6 October 2020

Present: Councillors L Darke, Janet Hunter and T Mulvenna

### LS11/20 Appointment of Chair

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

### LS12/20 99 North Road, Wallsend, NE28 8RJ

The Sub-committee met virtually to consider an application for the grant of a new Premises Licence in respect of 99 North Road, Wallsend.

The Applicant, Mr M Ali, sought permission to supply alcohol for consumption off the premises from 08.00 hours to 23.00 hours each day of the week and for the premises to be open to the public for the same hours.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing.

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

The Sub-committee referred to the written representations submitted in respect of the application.

Mr N Kirkpatrick on behalf of the Chief Officer of Police, set out the police concerns in relation to the application. He responded to members and officers questions.

Mr Ali addressed the Sub-committee in support of his application and responded to the questions asked.

All parties were given the opportunity to sum up their particular submissions

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

**Resolved** that the application to grant the new Premises Licence in respect of 99 North Road, Wallsend be approved subject to the following conditions:

1. A CCTV system will be installed at the Premises and kept in proper working order at all times, and the Premises Licence Holder will ensure that: -
  - i. The CCTV system cameras will be located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and the areas where alcohol is displayed for sale and where the sale of alcohol takes place.

- ii The CCTV system is able to capture clear images permitting identification of individuals.
  - iii The CCTV system will be in operation whenever the Premises are open to the public.
  - iv The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - v. The CCTV system is capable of constantly generating an accurate date and time.
  - vi. The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
2. Signs will be displayed at the Premises both internally and externally that can be easily read by customers informing them that a CCTV system is in operation at the Premises. The signs will be a minimum of A5 in size.
  3. There will be at least one member of staff present at the Premises when the Premises are open to the public who is trained to provide viewable copies of CCTV images immediately on request from representatives of Northumbria Police or authorised officers of the Licensing Authority (including Trading Standards Officers) made in accordance with the Data Protection Act 2018 and General Data Protection Regulation (or any successor legislation).
  4. 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, a Personal Licence Holder or external accredited trainer.
  5. All members of staff responsible for the sale of alcohol will receive refresher training on their responsibilities under the Licensing Act 2003 (or any successor legislation) at least annually from the Designated Premises Supervisor, a Personal Licence Holder or external accredited trainer.
  6. All training received by staff in relation to the Licensing Act 2003 (or any successor 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).
  7. A Refusals Register (electronic or paper based) will be kept at all times at the Premises and must be kept up to date. The Register will record all challenges made as to the age of customers under the "Challenge 25" Policy referred to in condition 4 above, and the outcome of such challenges must be recorded in the Register. The Register will be made available for inspection immediately

on the request of a representative of Northumbria Police or authorised officer of the Licensing Authority (including Trading Standards Officers).

8. An Incident Register will be maintained and kept at the Premises at all times to record any incidents at the Premises such as anti-social behaviour, the refusal of admission of customers onto the Premises, any request for customers to leave the Premises or the immediate vicinity of the Premises, a request for assistance from the Police or a visit to the Premises by a representative of a Responsible Authority.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The imposition of the conditions on the licence will promote the Licensing Objectives and address the Police's concerns.

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## **Licensing Sub Committee**

**Thursday, 17 December 2020**

Present: Councillors Janet Hunter, T Mulvenna and W Samuel

### **LS13/20 Appointment of Chair**

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

### **LS14/20 Declaration of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LS15/20 Morrisons Supermarket, Preston North Road, North Shields, Tyne and Wear, NE29 9QR**

The Sub-committee met virtually to consider an application for the variation of a Premises Licence in respect of Morrisons Supermarket, Preston North Road, North Shields.

The Applicant, Wm Morrison Supermarkets PLC, sought permission to increase the hours that it was permitted to supply alcohol for consumption off the Premises, increase the hours that it was open to the public and to add the provision of Late Night Refreshment to the licence.

The Premises were currently permitted to supply alcohol for consumption off the Premises between 06.00 hours and 00.00 hours with the premises open to the public each day for the same hours.

The applicant sought to amend the licence to permit the sale of alcohol and the opening hours from 00.00 hours to 24.00 hours every day of the week and to provide Late Night Refreshments between 23.00 hours and 05.00 hours.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing.

Mr J Young, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee.

The Sub-committee referred to the written representations submitted in respect of the application.

Mr R Taylor, solicitor for the applicant, addressed the Sub-committee in relation to the application. He responded to questions from members of the Sub-committee and the Sub-committee's legal advisor.

Mr Taylor was given the opportunity to sum up his particular 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 Morrisons Supermarket, Preston North Road, North Shields be approved subject to the following additional conditions:

1. The Licence Holder will ensure that whenever the Premises are open for the sale of alcohol between 00.00 hours and 06.00 hours there will be a minimum of one Security Industry Approved person on duty at the Premises whose responsibilities will include: -
  - monitoring persons entering and leaving the Premises,
  - regularly monitoring the external areas of the Premises within the direct control of the Licence Holder including the car park,
  - Preventing excessive noise in the external areas of the Premises under the direct control of the Licence Holder such as customers playing loud music, shouting or any other activity that generates excessive amounts of noise.
2. The café area of the Premises will be closed to the public between 23.00 hours and 05.00 hours.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The imposition of the conditions on the licence will promote the Licensing Objectives and address the residents' concerns.



## **Licensing Sub Committee**

**Thursday, 11 February 2021**

Present: Councillors L Darke, D Drummond and T Mulvenna

### **LS16/21 Appointment of Chair**

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

### **LS17/21 How Do You Do, Hudson Street, North Shields (Tynemouth Ward)**

The Sub-committee met virtually to consider an application for a review of the Premises Licence in respect of How Do You Do, Hudson Street, North Shields.

The Applicant, the Chief Officer of Northumbria Police, had invited the Sub-committee to revoke the Premises Licence in respect of How Do You Do, Hudson Street, North Shields or, if it was not minded to revoke the licence, to reduce the hours of operation, remove the DPS or to impose a number of conditions on the licence.

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 representations received and the options available to the Sub-committee.

Ms H Thompson, Force Solicitor, Northumbria Police was in attendance and she was accompanied by Inspector N Seymour, Neighbourhood Inspector, and Mr N Kirkpatrick, Licensing Officer.

Mr D Jarvis, Director of Renaissance Point Management Limited was present to outline his representation.

Mr C Holland, Counsel for the Licence Holder, was in attendance and he was accompanied by Ms S Smith, Solicitor for the Licence Holder, Ms D Davies and Mr P Bell, Directors of DD Investments Limited, the Licence Holder, Mr K Ozkan, the Designated Premises Supervisor, Mr K Ozkan, the business partner of Mr Ozkan.

The Sub-committee considered a request from Ms Thompson that the body worn camera footage be shown to the Sub-committee with the press and public being excluded from that part of the hearing. After considering the views of the other parties at the hearing the Sub-committee agreed to the request.

The live stream was paused whilst the footage was shown to the meeting.

Ms Thompson addressed the Sub-committee in relation to the Police concerns over the operation of the Premises. She called Inspector Seymour and Mr Kirkpatrick to provide evidence to the Sub-committee in relation to incidents which had occurred at or in the

vicinity of the Premises. Members of the Sub-committee and Mr Holland asked a series of questions which were responded to by the Police representatives.

Mr Jarvis addressed the Sub-committee in relation to his, and a number of residents of Renaissance Point's, concerns. He responded to questions from members of the Sub-committee, the police and Mr Holland.

Mr Holland addressed the Sub-committee in support of his client. He called a number of witnesses and responded to questions from the Sub-committee, Mr Jarvis and the Police.

All parties were given the opportunity of summing up their respective submissions.

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

**Resolved** that the following additional conditions be attached to the Premises Licence:

1. A CCTV system will be designed, installed and maintained in proper working order to the satisfaction of the Licensing Authority and in consultation Northumbria Police. Such a system shall: -
  - i. ensure coverage of all entrances and exits to the Premises both internally and externally, the serving area(s), any areas where the consumption of alcohol takes place, including any external seating area and the designated smoking area
  - ii. ensure coverage of any other areas as may be required by the Licensing Authority or Northumbria Police
  - iii. ensure that the system provides continuous recording facilities for each camera to a standard that enables each camera to capture clear images permitting identification of individuals.
  - iv. Ensure that the system is capable of constantly generating an accurate date and time.
  - v. be in operation whenever a licensable activity is taking place at the Premises.
  - vi. Ensure that all recorded footage is securely retained for a minimum of 28 days in a method required by Northumbria Police.
  - vii. be 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 opening hours trained to provide viewable copies of CCTV images immediately following a request from representatives of Northumbria Police or an authorised officer of the Licensing Authority (including Trading Standards Officers) provided that such requests are made in accordance with the Data Protection Act 2018 (or any successor legislation).
3. Signs will be displayed at the Premises both internally and externally, so as to be easily read by customers, informing them that a CCTV system is in operation at the Premises. The signs are to be a minimum of A5 in size.
4. Subject to the exemption within section 150(4) of the Licensing Act 2003 (or any successor legislation), all members of staff at the Premises responsible for selling and supplying alcohol and any Door Supervisors employed at the Premises will seek

credible photographic proof of age evidence from any person who appears to be under 25 years and who is seeking to purchase or consume alcohol on the Premises. Such credible evidence which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a "PASS" logo and hologram.

5. All members of staff responsible for the sale or supply of alcohol at the Premises will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation), before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor, approved member of staff or an external accredited licensing trainer.
6. All members of staff responsible for the sale or supply of alcohol at the Premises will receive annual refresher training as to their duties and responsibilities under the Licensing Act 2003 (or any successor legislation). Such refresher training will be provided by the Designated Premises Supervisor, approved member of staff or an external accredited licensing trainer.
7. All training received by staff in relation to the Licensing Act 2003 (or successor legislation) must be recorded in training records for each member of staff. Such records must be kept up to date and retained at the Premises at all times. The records shall be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.
8. An Incident Log will be kept at the Premises at all times and will be kept up to date with all entries to it being completed within 24 hours of the incident and shall include the following: -
  - i. All crimes reported to the Designated Premises Supervisor or any other staff member at the Premises
  - ii. All ejections of customers from the Premises or outdoor areas of the Premises under the direct control of the Licence Holder and its staff
  - iii. Any complaints received in relation to the Premises or staff members
  - iv. Any incidents of disorder in the Premises or outdoor areas of the Premises under the direct control of the Licence Holder and its staff
  - v. All seizure of drugs and offensive weapons in the Premises or outdoor areas of the Premises under the direct control of the Licence Holder and its staff
  - vi. Any faults in the CCTV system
  - vii. Any refusal of a sale of alcohol
  - viii. Any visit to the Premises by a Relevant Authority or emergency service.

The Incident Log will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority (including Trading Standards Officers) or a representative of Northumbria Police.

9. No alcohol will be consumed in any external seating area adjacent to the Premises or any other external area used by customers of the Premises to consume alcohol after 21.00 hours.
10. The Premises Licence Holder will employ at least one Door Supervisor at the

Premises each Friday and Saturday and each Sunday of a Bank Holiday weekend from 18.00 hours until the closure of the Premises to the public on those days. The Door Supervisor(s) will be responsible for controlling the entry of customers into the Premises and monitoring any external seating area adjacent to the Premises or any other external area used by customers of the Premises.

11. The Licence Holder will ensure that clear and legible notices are displayed at exits and other circulatory areas requesting customers to leave the Premises quietly 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.
12. The Premises Licence Holder will organise and accommodate meetings to discuss the operation of the Premises with residents at least two times per calendar year. The details of the proposed meetings will be clearly displayed on a window or door of the Premises visible to people outside the Premises. The Premises Licence Holder will directly notify any local residents' associations of the meeting dates at least two weeks before the meeting. The Premises Licence Holder will take the minutes of meetings with residents that will be circulated to all attendees and to the Licensing Authority and copies will be readily available at the Premises upon request.
13. The Premises Licence Holder will provide and maintain a dedicated telephone number of the Designated Premises Supervisor or the duty manager for use by any person who may wish to make a complaint during the operation of the premises licence, which shall be provided to the Licensing Authority and local residents' associations. Any change to the number will be notified to the Licensing Authority and to local residents' associations within 7 days of the change.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime and disorder which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. Insufficient evidence has been presented to warrant the revocation or the suspension of the Premises Licence.
2. Insufficient evidence has been presented to justify the removal of the Designated Premises Supervisor
3. The incidents referred to at the hearing had all occurred during the evening and not due to the late opening and therefore there was no evidence that a reduction in the hours of operation was warranted to address the licensing objectives
4. The imposition of the above conditions will support the licensee in the promotion of the licensing objectives.

**Title: Licensing Act 2003 and Gambling Act 2005 applications. Licences granted between 01.03.2019 and 29.02.2020 under delegated authority**

## **North Tyneside Council Report to Licensing Committee Date: 1 April 2021**

**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 2019 to 29 February 2020.

#### **1.2 Recommendation**

It is recommended that the Committee:

- a) Note the decisions taken by officers under delegated authority for the period 1 March 2019 to 28 February 2020.

#### **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:-

Trading Standards and Licensing Group Leader  
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 – 104  
Transfer of Premise Licence – 34  
Variation of Designated Premises Supervisor - 108  
Premise/Club Licence (Variation) – 8  
New Premise Licence – 19  
Minor Variations – 13  
Temporary Event Notices – 240

### **Gambling Act 2005**

Gambling Permits (new/renewed/transferred) – 1  
New Premise Licence – 0  
Transfer/Variation of Licences – 0

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

New Premise Licence – 9  
Variation of Premise Licence – 3  
Review of Premise Licence – 2

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 = 57  
Statutory Notices Checked = 52

### **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 2019 to 29 February 2020.

### **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  
Alan Burnett, Trading Standards and Licensing Group leader Tel: 643 6621  
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 1.3.2019 – 29.2.2020

Ship's Cat	Union Road, Tanners Bank, North Shields
Fisherman's Bay	6 East Parade, Whitley Bay
B & M Stores	Wiltshire Drive, Wallsend
Smokehouse 2	Unit 1 Gound Floor, Duke Street, North Shields
Rustic Cup	28 Park View, Whitley Bay
Fast Fry	2-2A Coast Road, Wallsend
Salt Market	1 Liddell Street, North Shields
Wolf Island	202 Whitley Road, Whitley Bay
Jason's Convenience Store	30 High Street East, Wallsend
Star Bowl	Rotary Way, North Shields
3 Tanners Bank	3 Tanners Bank, North Shields
B & M Stores	Unit 1, Northumberland Park Way, Backworth
The Engine Room	Old Maltings, Tanners Bank, North Shields
T C News	4 Bedford House, Saville Street, North Shields
Premier	29 Coast Road, Wallsend
Bella Napoli Kitchen	Unit 2 Quorum Business Park, Benton Lane, Newcastle
Shields Local	11 Saville Street, North Shields
North East Snooker Centre	172 Queen Alexandra Road, North Shields
North Shields Holdings Ltd	Clubhouse, John Spence Community High School

#### Licences varied by Officers (including Minor Variations) – 1.3.2019 – 29.2.2020

Name	Address	Nature of variation
	<b>VARIATIONS</b>	
Wine Chambers	23 Front Street, Tynemouth	Change of internal layout
Bilash	Station Road, Cullercoats	Extend licensable activities to first floor
Bargain Booze	43 Station Road North, Forest Hall	Change of layout, extend hours of alcohol provision and remove embedded conditions
Rai Wine Store	20 Forest Hall Road, Forest Hall	Remove condition from premises licence
Two Pennies	1 Northumberland Place, North Shields	Extend hours of alcohol provision
Enigma Tap	60 Bedford Street, North Shields	Extend hours of alcohol provision and permit off sales
Fox & Finch	155-157 Park View, Whitley Bay	Extend premises layout
Jam Jar Cinema	18 - 24 Park Avenue, Whitley Bay, NE26 1DG	Extend hours of alcohol provision, extend licensable activities to first floor and remove condition
	<b>MINOR VARIATIONS</b>	
Amico Pizza	112b Berwick Road, Wallsend	Change to opening hours

Jolly Bowman	Addington Drive, Battle Hill	Change of internal layout and amend conditions
North Eastern Co-op	Queen Alexandra Road, North Shields	Change of internal layout
Shell	New York Road, North Shields	Change of internal layout
Berties Bar	South Parade, Whitley Bay	Change of internal layout
Crusoes	Longsands Road Leading onto South End of Beach, Tynemouth	Change of internal layout
Rockcliffe Arms	Algernon Place, Whitley Bay	Amend condition
Café Sambuca	Park Avenue, Whitley Bay	Remove condition
Marden Residents Association	Bavington Gardens, Cullercoats	Add Boxing/Wrestling as a licensable activity
Travellers Rest	North Road, Wideopen	Change of internal layout
Asda	Whitley Road, Benton	Change of layout
Asda	Saville Street, North Shields	Change of layout
Salty Sea Dog	17 Union Quay, North Shields	Change to access/egress points to premises

**Gambling Act – Licences granted / varied – 1.3.2019 – 29.2.2020**

None during this period
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**Appendix 4****List of TEN's 1.3.2019 – 28.2.2020**

	<b>Location of Event</b>
1.	Hotel 52, Whitley Bay
2.	Bistro Du Parc, Tynemouth
3.	Cahoots, Whitley Bay
4.	Food and Drink Festival, Northumberland Square, North Shields
5.	Feast by the Sea, Spanish City Plaza
6.	Feast by the Sea, Spanish City Plaza
7.	Feast by the Sea, Spanish City Plaza
8.	Feast by the Sea, Spanish City Plaza
9.	The Station Hotel, Killingworth
10.	Westmoor Community Centre, Westmoor
11.	Just Fizz, Killingworth
12.	Barca Upstairs, Tynemouth
13.	Scott & Wilson, North Shields
14.	Scott & Wilson, North Shields
15.	Whitley Bay Masonic Hall, Whitley Bay
16.	Havana, Whitley Bay
17.	Havana, Whitley Bay
18.	Havana, Whitley Bay
19.	Havana, Whitley Bay
20.	St. Columbas United Reformed Church Hall, North Shields
21.	Edward Eccles Hall, Monkseaton
22.	Odeon Cinema, Wallsend
23.	Odeon Cinema, Wallsend
24.	Odeon Cinema, Wallsend
25.	The Net (Old Low Lights Heritage Centre) North Shields
26.	Jam Jar Cinema, Whitley Bay
27.	Earsdon & Wellfield Community High School, Earsdon
28.	John Spence School, North Shields
29.	Watch House Museum, Tynemouth
30.	Kings Priory School, Tynemouth
31.	Bedford Street Event, North Shields
32.	Bedford Street Event, North Shields
33.	Bedford Street Event, North Shields
34.	Tynemouth Squash Racket Club, North Shields
35.	Tynemouth Squash Racket Club, North Shields
36.	Foxhunters Sporting Pavillion, Whitley Bay
37.	St. Peters Church Hall, Whitley Bay
38.	Kings Priory School, Tynemouth
39.	Zone 2 Tynemouth Station Market, Tynemouth
40.	Foxhunters Sporting Pavillion, Whitley Bay
41.	Foxhunters Sporting Pavillion, Whitley Bay
42.	Foxhunters Sporting Pavillion, Whitley Bay
43.	Monkhouse Primary School, Cullercoats
44.	Whitley Bay High School, Whitley Bay
45.	Bedford Street Event, North Shields
46.	Whitley Lodge First School, Whitley Bay

47.	Multi Packaging Solutions, Killingworth
48.	Zone 1 Tynemouth Station Market, Tynemouth
49.	Benton Dene Primary School, Longbenton
50.	Whitley Bay Carnival, Spanish City Plaza
51.	St. Columbas United Reformed Church Hall, North Shields
52.	Hotel 52, Whitley Bay
53.	Engima Tap, North Shields
54.	John Spence School, North Shields
55.	Bedford Street Market, North Shields
56.	Pearey House, North Shields
57.	Percy Hedley Foundation, Forest Hall
58.	Rockcliffe First School, Whitley Bay
59.	Tynemouth Priory, Tynemouth
60.	Parks Sport Centre, North Shields
61.	Southridge First School, Whitley Bay
62.	Fat Ox, Whitley Bay
63.	Bedford Street Market, North Shields
64.	Kings Priory School, Tynemouth
65.	Two by Two Brewing, Wallsend
66.	Westmoor Community Centre, Westmoor
67.	Wallsend Hall Limited, Wallsend
68.	North Tyneside Events, Wallsend Band Stand
69.	By the Bay, Cullercoats
70.	Wallsend Coronation Club, Wallsend
71.	Beacon Shopping Centre, North Shields
72.	Coquet Park First School, Whitley Bay
73.	Life Brigade Watch House, Tynemouth
74.	The Greenhouse, Longsands Café, Tynemouth Park
75.	Silent Disco, King Edwards Bay, Tynemouth
76.	Friends of Langley First School, Whitley Bay
77.	Room 305, 305 Whitley Road, Whitley Bay
78.	The Anson, Wallsend
79.	Woods Café, Tynemouth
80.	St. Marys Roman Catholic School, Cullercoats
81.	The Big Whitley Bay Show, The Links, Whitley Bay
82.	Primate Productions, Rendezvous Café, Whitley Bay
83.	Primate Productions, Rendezvous Café, Whitley Bay
84.	Primate Productions, St. Marys Lighthouse, Whitley Bay
85.	Jewson, Tyne Tunnel Trading Estate
86.	Whitley Bay Snooker Centre, Whitley Bay
87.	North Shields Rugby Football Club, North Shields
88.	6 Barrels, North Shields
89.	Rose Gold Beauty Limited, Benton
90.	NTC, Community Building, Richardson Dees Park
91.	North Tyneside Events, Benton Quarry Park
92.	North Tyneside Events, Lockey Park, Wideopen
93.	North Tyneside Events, Killingworth Lakeside Park
94.	North Tyneside Events, Rising Sun Country Park
95.	North Tyneside Events, Northumberland Park
96.	North Tyneside Events, Springfield Park, Forest Hall
97.	Pearey House, North Shields



98.	The Sandpiper, Cullercoats
99.	St. Marys Lighthouse, St. Marys Island, Whitley Bay
100.	Tynemouth Beach Party, King Edwards Bay
101.	Cat and Dog Shelter, Longbenton
102.	Whitley Bay Film Festival, Portable Cabin, Dukes Walk
103.	New Fordley Juniors FC, Annitsford Welfare
104.	Barca Art Café, Tynemouth
105.	Victoria Avenue, Whitley Bay
106.	D & G Events, Threap Gardens, Wallsend
107.	Whitley Bay Film Festival, Spanish City Plaza
108.	Whitley Bay Film Festival, Spanish City Plaza
109.	Tynemouth Cricket Club, North Shields
110.	Edward Eccles Church Hall, Monkseaton
111.	Portable Cabin, Algernon Place, Whitley Bay
112.	Whitley Bay Film Festival, Spanish City Plaza
113.	Multi Packaging Solutions, Killingworth
114.	Salutation Inn, Tynemouth
115.	Salutation Inn, Tynemouth
116.	Salutation Inn, Tynemouth
117.	Salutation Inn, Tynemouth
118.	Salutation Inn, Tynemouth
119.	Wallsend Rugby Club, Wallsend
120.	Tynemouth Beach Party, King Edwards Bay
121.	Suite 1 Neon Building, Longbenton
122.	Hugo's, Tynemouth
123.	Turks Head, Tynemouth
124.	Scott & Wilson, North Shields
125.	Tynemouth Golf Club, Tynemouth
126.	Black Bull Inn, Benton
127.	Cullercoats Library, Cullercoats
128.	Turks Head, Tynemouth
129.	Whitley Bean Coffee Shop, Whitley Bay
130.	Kings Priory School, Tynemouth
131.	Room 305, 305 Whitley Road, Whitley Bay
132.	Big Local Whitley Bay community event, Cabin, Whitley Road
133.	Whitley Bay FC Juniors, North Shields
134.	Turks Head, Tynemouth
135.	Family Gateway, Wallsend
136.	Omni Café, Whitley Bay
137.	Omni Café, Whitley Bay
138.	Omni Café, Whitley Bay
139.	Queens Head, Wallsend
140.	Star of the Sea Roman Catholic Primary, Whitley Bay
141.	Whitley Bay High School, Whitley Bay
142.	Turks Head, Tynemouth
143.	Whitley Bean Coffee Shop, Whitley Bay
144.	Turks Head, Tynemouth
145.	Turks Head, Tynemouth
146.	Holy Saviours Church Hall, Tynemouth
147.	Jolly Bowman, Wallsend
148.	Southridge First School, Whitley Bay

149.	Fares Fayre, Unit 5 Monkseaton Metro Station
150.	Tynemouth Cricket Club, North Shields
151.	Greggs, Quorum Business Park
152.	Mayborn Group, Balliol Business Park
153.	Killingworth Young Peoples Centre, Killingworth
154.	Scout and Guide Hut, Tynemouth
155.	Earsdon Community Centre, Earsdon
156.	Kings Priory School, Tynemouth
157.	Whitley Bay High School, Deneholm, Whitley Bay
158.	Holystone Primary School, Holystone
159.	Premier Store, Wallsend
160.	St. Columbas United Reformed Church Hall, North Shields
161.	Friends of Wellfield PTA, Wellfield
162.	Longsands Apre, North Shields
163.	Whitley Lodge First School, Whitley Bay
164.	6 Barrels, North Shields
165.	Quadrant East, Cobalt Business Park
166.	T C News, Bedford House, North Shields
167.	Enigma Tap, North Shields
168.	T C News, Bedford House, North Shields
169.	Rose Inn, Wallsend
170.	Premier Store, Wallsend
171.	Premier Store, Wallsend
172.	Dog and Cat Shelter, Longbenton
173.	Longsands Apre, North Shields
174.	Friends of Valley Gardens Middle School, Whitley Bay
175.	Friends of Langley PTS, Whitley bay
176.	Park Sports Centre, Whitley Bay
177.	The Hunting Lodge, Whitley Bay
178.	6 Barrels, North Shields
179.	Lola Jeans, Tynemouth
180.	Lola Jeans, Tynemouth
181.	Glover & Smith, Whitley Bay
182.	Fares Fayre, Unit 5 Monkseaton Metro Station
183.	T C News, Bedford House, North Shields
184.	Wellfield Middle School, Wellfield
185.	Cannon Inn, Earsdon
186.	Jukes Shed, North Shields
187.	Jam Jar Cinema, Whitley Bay
188.	Woods Café, Tynemouth
189.	Longsands Apre, North Shields
190.	T C News, Bedford House, North Shields
191.	9 Spanish City Plaza, Whitley Bay
192.	6 Barrels, North Shields
193.	Santa's Grotto, Benton Rise, Wallsend
194.	Shields Local, Saville Street West, North Shields
195.	Barca, Tynemouth
196.	T C News, Bedford House, North Shields
197.	Best Bite Pizza, 34 Forest Hall Road
198.	Woods Café, Tynemouth
199.	Longsands Apre, North Shields

200.	Tynemouth Squash Racket Club, North Shields
201.	Whitley Bay Golf Club
202.	Scott and Wilson, North Shields
203.	Best Bite Pizza, 34 Forest Hall Road
204.	Shields Local, Saville Street West, North Shields
205.	Best Bite Pizza, 34 Forest Hall Road
206.	Two Pennies Café, North Shields
207.	Best Bite Pizza, 34 Forest Hall Road
208.	Fat Ox, Whitley Bay
209.	Hotel 52, Whitley Bay
210.	Shields Local, Saville Street West, North Shields
211.	Best Bite Pizza, 34 Forest Hall Road
212.	Innisfree Social Club, Longbenton
213.	Ballarat, North Shields
214.	Kings Priory School, Tynemouth
215.	Best Bite Pizza, 34 Forest Hall Road
216.	For the Love of the North, Unit 2 Spanish City
217.	1 <sup>st</sup> Meadowell Scouts, Meadowell Connected
218.	Fares Fayre, Unit 5 Monkseaton Metro Station
219.	Hotel 52, Whitley Bay
220.	Tynemouth District Scouts Group, North Shields
221.	Zone 3 Tynemouth Metro Station Market
222.	Hotel 52, Whitley Bay
223.	Scout and Guide Hut, Tynemouth
224.	Foxhunters Sports Pavillion, Whitley Bay
225.	Hotel 52, Whitley Bay
226.	Park View Shopping Centre, Whitley Bay
227.	62 Cauldwell Avenue, Whitley Bay
228.	Percy Hedley Foundation, Forest Hall
229.	Queens Head, Cullercoats
230.	Havana, Whitley Bay
231.	Havana, Whitley Bay
232.	Short Sands, King Edwards Bay, Tynemouth
233.	Havana, Whitley Bay
234.	Davanti, 2 Claremont Crescent, Whitley Bay
235.	Davanti, 2 Claremont Crescent, Whitley Bay
236.	Unit 13 Fitness, The Parks Leisure Centre, North Shields
237.	Davanti, 2 Claremont Crescent, Whitley Bay
238.	Davanti, 2 Claremont Crescent, Whitley Bay
239.	Fares Fayre, Unit 5 Monkseaton Metro Station
240.	Barca Art Café, 68 Front Street, Tynemouth

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**Title: Licensing Act 2003 and Gambling Act 2005 applications. Licences granted between 01.03.2020 and 28.02.2021 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 2020 to 28 February 2021.

#### 1.2 Recommendation

It is recommended that the Committee:

- a) Note the decisions taken by officers under delegated authority for the period 1 March 2020 to 28 February 2021.

#### 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:-

Trading Standards and Licensing Group Leader  
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 – 70  
Transfer of Premise Licence – 24  
Variation of Designated Premises Supervisor - 50  
Premise/Club Licence (Variation) – 12  
New Premise Licence – 21  
Minor Variations – 8  
Temporary Event Notices – 78

### **Gambling Act 2005**

Gambling Permits (new/renewed/transferred) – 3  
New Premise Licence – 0  
Transfer/Variation of Licences – 0

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

New Premise Licence – 3  
Variation of Premise Licence – 3  
Review of Premise Licence – 2

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 = 132  
Statutory Notices Checked = 50

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 2020 to 28 February 2021.

### **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  
Alan Burnett, Trading Standards and Licensing Group leader Tel: 643 6621  
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 1.3.2020 – 28.2.2021

Green Ginger Arcade	Front Street, Tynemouth
Davanti	2 Claremont Crescent, Whitley Bay
Glitter & Beauty 2.0	Unit 3, 305 Whitley Road, Whitley Bay
The Ticket Office	Unit 2 Whitley Bay Metro Station, Whitley Bay
Signature	146-148 Park View, Whitley Bay
United Irish League Club	1-2 Barras Avenue, Annitsford
6 Barrels	2a Northumberland Street, North Shields
Smorgarsbord	61 Park View, Whitley Bay
Bishops	76-78 Church Way, North Shields
So and So Hairdressing	234 Park View, Whitley Bay
Lidl	Rake Lane, Monkseaton
Tuk Tuk Market	3 Roxburgh House, Whitley Bay
Bright Blue Studio	9 Cliffords Fort, North Shields
Inflatanation	The Dome, Coble Dene, Royal Quays
JTF	52 Second Avenue, Tyne Tunnel Trading Estate
Newsplus Post Office	Windsor Drive, Wallsend
Sugar and Slice	133 Park View, Whitley Bay
Caboose	17 East Parade, Whitley Bay
Two Pennies (Basement)	1 Northumberland Place, North Shields
Black Storm Brewery & Bottle Room	31-32 Royal Quays Outlet Centre, Coble Dene, Royal Quays
Booze Master Food Centre	43 High Street East, Wallsend

#### Licences varied by Officers (including Minor Variations) – 1.3.2020 – 28.2.2021

Name	Address	Nature of variation
<b>VARIATIONS</b>		
Station Hotel	Station Road, Killingworth	Amend ground floor layout and to include and permit licensable activities in the first floor function room.
Crab and Waltzer	1 The Links, Whitley Bay	Provision of supplying alcohol with meal deliveries and collection orders
Woods	The Broadway, Tynemouth	Enable supply of alcohol to be both on and off the premises
Elder and Wolf	169-171 Whitley Road, Whitley Bay	To include off sales of alcohol
Salt House	6-7 Victoria Crescent, Cullercoats	Extend licensed hours and include off sales of alcohol
Gutterball Alley	Rotary Way, North Shields	Include off sales of alcohol
Longsands Clothing Limited	4 Albion Road, North Shields	Extend licensed hours
Room 305	305 Whitley Road, Whitley Bay	Remove condition for alcohol only with a table meal
Co-op	Great North Road, Wideopen	Extend licensed hours and amend layout of premises
Crab and Waltzer	1 The Links, Whitley Bay	Remove condition for alcohol only with a table meal

Smorgasbord	61 Park View, Whitley Bay	Extend licensed hours
Cassia Sambuca	52 Bell Street, North Shields	Update plan layout and conditions attached to the licence.
	<b>MINOR VARIATIONS</b>	
Aldi	Great Lime Road, Forest Hall, Newcastle	Amendment to plan to reconfigure tills
Shell	Burradon Road, Annitsford	Update to internal layout
North Shields Holdings Limited	John Spence Community High School	Update to layout and increase in opening hours.
Village Urban Resort	Silverlink North, Cobalt Business Park	Update to internal layout
Buzz Bingo	Middle Engine Lane, Wallsend	Increase in opening hours
Co-op	Great North Road, Wideopen	Update to internal layout
Marks and Spencer	Silverlink Retail Park, Wallsend	Update to internal layout
Coast Kitchen and Bar	69a Front Street, Tynemouth	Update to internal layout

**Gambling Act – Licences granted / varied – 1.3.2020 – 28.2.2021**

None during this period
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**Appendix 4****List of TEN's 1.3.2020 – 28.2.2021**

	<b>Location of Event</b>
1.	Innisfree Sports and Social Club, Chester Avenue
2.	Zone 3 Tynemouth Market , Tynemouth Metro Station
3.	Tynemouth Volunteer Life Brigade, Spanish Battery Museum
4.	Kings Priory School, Tynemouth
5.	Clubhouse, John Spence Community High School, North Shields
6.	Fares Fayre Coffee Station, Monkseaton Metro Station
7.	Whitley Lodge Shopping Centre, Claremont Crescent
8.	Whitley Bay Big Local, 158 Whitley Road
9.	Innisfree Sports and Social Club, Chester Avenue
10.	Turks Head, Front Street, Tynemouth
11.	6 Barrels, 2a Northumberland Street, North Shields
12.	Scott and Wilson, 1 Trevor Terrace, North Shields
13.	6 Barrels, 2a Northumberland Street, North Shields
14.	6 Barrels, 2a Northumberland Street, North Shields
15.	6 Barrels, 2a Northumberland Street, North Shields
16.	Black Storm Bottle Shop, 10 York Road, Whitley Bay
17.	6 Barrels, 2a Northumberland Street, North Shields
18.	6 Barrels, 2a Northumberland Street, North Shields
19.	6 Barrels, 2a Northumberland Street, North Shields
20.	Blackstorm Brewery, 85 Bedford St, North Shields
21.	Blackstorm Brewery, 85 Bedford St, North Shields
22.	Blackstorm Brewery, 85 Bedford St, North Shields
23.	Blackstorm Brewery, 85 Bedford St, North Shields
24.	Salt House, Victoria Crescent Cullercoats
25.	Salt House, Victoria Crescent Cullercoats
26.	Salt House, Victoria Crescent Cullercoats
27.	Blackstorm Brewery, 85 Bedford St, North Shields
28.	Blackstorm Brewery, 85 Bedford St, North Shields
29.	Scott and Wilson, 1 Trevor Terrace, North Shields
30.	Scott and Wilson, 1 Trevor Terrace, North Shields
31.	Scott and Wilson, 1 Trevor Terrace, North Shields
32.	Station Public House, Killingworth
33.	The Wheatsheaf, Benton
34.	The Wheatsheaf, Benton
35.	Field Opposite Garden Terrace, Earsdon, NE25 9LQ
36.	The Clousden Hill, Killingworth Road, Forest Hall
37.	Field Opposite Garden Terrace, Earsdon, NE25 9LQ
38.	Springfield Park, Station Road, Forest Hall
39.	Wallsend Park, North Road, Wallsend
40.	Killingworth Lakeside Park, West Bailey, Killingworth
41.	John Willie Sams Centre, Market Street, Dudley
42.	Rising Sun Country Park, Whitley Road, Benton
43.	Springfield Park, Station Road, Forest Hall
44.	The Food Prep Kings Deli, 49 West Percy Street, North Shields
45.	Field Opposite Garden Terrace, Earsdon, NE25 9LQ
46.	Field Opposite Garden Terrace, Earsdon, NE25 9LQ

47.	Field Opposite Garden Terrace, Earsdon, NE25 9LQ
48.	Two Pennies Café, 1 Northumberland Place, North Shields
49.	44 Palmers Green, Forest Hall
50.	Co-op, Reno House, Great North Road, Wideopen
51.	Co-op, Reno House, Great North Road, Wideopen
52.	Co-op, Reno House, Great North Road, Wideopen
53.	JTF, 52 Second Avenue, Tyne Tunnel Trading Estate
54.	Beacon Shopping Centre, Bedford Street, North Shields
55.	JTF, 52 Second Avenue, Tyne Tunnel Trading Estate
56.	JTF, 52 Second Avenue, Tyne Tunnel Trading Estate
57.	JTF, 52 Second Avenue, Tyne Tunnel Trading Estate
58.	The Food Prep Kings Deli, 49 West Percy Street, North Shields
59.	Omni Café, 12 Front Street, Monkseaton, NE25 8DG
60.	Omni Café, 12 Front Street, Monkseaton, NE25 8DG
61.	Car Park of Planet House, Northumbrian Way, Killingworth
62.	Car Park of Planet House, Northumbrian Way, Killingworth
63.	Car Park of Planet House, Northumbrian Way, Killingworth
64.	Car Park of Planet House, Northumbrian Way, Killingworth
65.	Market, 13 High Street, Wallsend, NE28 8JH
66.	Whitley Bean Coffee Shop, 69 Victoria Crescent, Whitley Bay
67.	House of Rhur, Tynemouth Market, Tynemouth Metro Station
68.	Lane 7 Gutterball Alley, North Shields
69.	Lane 7 Gutterball Alley, North Shields
70.	Lane 7 Gutterball Alley, North Shields
71.	Morrisons, Preston North Road
72.	Morrisons, Preston North Road
73.	Aldi, Tynemouth Road, Wallsend, NE28 0EB
74.	Royal Quays Outlet Central Plaza, North Shields
75.	SPAR Corner House, Front Street, Monkseaton
76.	Lane 7 Gutterball Alley, North Shields
77.	Whitley Bean Coffee Shop, 69 Victoria Terrace Whitley Bay
78.	Z G & S Booze News, 100-102 Bewicke Road, Willington Quay



## North Tyneside Council Report to Licensing Committee Date: 1 April 2021

Report Author: **Mr P Scott**  
**Head of Environment and Leisure**

Wards affected: **All**

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### PART 1

#### 1.1 Purpose:

The purpose of this report is to advise the Committee of the process that will be adopted for the review of the Cumulative Impact Assessment ("CIA") that has to be completed by 11 October 2021 at the latest.

#### 1.2 Recommendation

It is recommended that the Committee:

- a) Note the process that will be adopted for the review of the Cumulative Impact Assessment that has to be undertaken in accordance with the Licensing Act 2003.
- b) Note that a further report will be presented to the Committee in September 2021 at the conclusion of the review of the Cumulative Impact Assessment so that Committee can determine what steps, if any, should be taken once the findings of the Assessment are known.

#### 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 licensed premises. Such problems may occur because of large numbers of people being concentrated in a particular area.

Prior to April 2018, any Licensing Authority that wished to introduce a “Cumulative Impact Policy” did so when reviewing its Statement of Licensing Policy. If there was to be a presumption against the grant or substantial variation of premises licences in a particular area because of cumulative impact that would be stated as being so in an Authority’s Statement of Licensing Policy.

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 South Parade 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 the Statement of Licensing Policy approved by Council included a rebuttable presumption against granting premises licences for alcohol led establishments permitting the consumption of alcohol on 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 in October 2018, consider whether its opinion remains as stated in the CIA published then. Therefore, the Authority must have completed its consideration of the CIA by October 2021 at the latest.

If as a result of the consultation the Committee’s opinion is to amend the CIA to either remove an aspect of the CIA or reflect a new area, this amendment will be required to be reflected in the Statement of Licensing Policy. The appropriate steps will then be undertaken to enable Council to consider any proposed changes.

### Covid-19

It is understood that Covid-19 and the associated closures have had wide ranging implications for the hospitality trade both in North Tyneside across the country. This will be considered as part of the review of the CIA and any long-term effects that the closure of licensed premises has had. Any consultation on the CIA will hopefully be made when the current Covid-19 restrictions have been eased and licensed premises have fully opened.

#### 2.1.2 Timetable for Review of the Cumulative Impact Assessment

The intention is to review the Assessment to the following timetable:

Action	Date
Working Group commence amendment of Cumulative Impact Assessment	April
Responsible Authority to consider any required amendments	May
Amended 1 <sup>st</sup> draft CIA	May
Receipt of amendments from Responsible Authorities	June
6 week consultation start date	July/August
Responses collated	August
CIA amended as required	September
Licensing Committee consider draft CIA	September

### 3.0 Decision Options

3.1 The options available to Committee are:

Committee is not being asked to make a decision in relation to this matter. This report is for Committee to note the review of the Cumulative Impact Assessment under the Licensing Act 2003 and the fact that a report will be brought to the Committee in September 2021 for its consideration of the Assessment.

### 4.0 Appendices:

There are no appendices to this report.

### 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's Statement of Licensing Policy  
 The Cumulative Impact Assessment published in October 2018  
 The Licensing Act 2003

## **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 reviewing the Assessment can be met from the existing Licensing revenue budget.

### **2.2 Legal**

The Authority is required to review and publish any revised Cumulative Impact Assessment every three years. This must be completed by October 2021.

The Authority is required to undertake statutory consultation on the review of the Assessment.

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

Before determining whether or not the Committee remains of the view that granting licences in the particular areas of Whitley Bay and Tynemouth would undermine the promotion of the licensing objectives, the Authority is required to consult with the Chief Officer of Police, the fire and rescue authority, the Director of Public Health, representatives of licence holders and club premises certificates, representatives of businesses and residents in its area.

### **2.4 Human Rights:**

There are no human rights implications in relation to this report.

### **2.5 Equalities and Diversity:**

There are no equality and diversity implications arising from this report. An Equality Impact Assessment will be prepared prior to consultation on the CIA.

### **2.6 Risk Management:**

There are no significant risk management implications to the Authority 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.

### **2.8 Environment and Sustainability:**

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