

REPORT

**Meeting/
Decision
Maker(s)** Licensing Sub-Committee

Date: 9th November 2022

Report by: Jeff Young
Licensing Officer
Licensing Section
☎ 643 6903

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

**Title of
Report:** Licensing Act 2003 - Review
Gills (Trading as Lifestyle Express)
13 Station Road, Whitley Bay,
NE26 2QY.

Ward(s): Whitley Bay

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

1.2 The Licensing Act 2003 provides that, where an application has been received in respect of the review of a premise licence, a hearing must be held to consider it. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

1.3 The Sub-Committee is asked to consider and determine an application from Northumbria Police for the review of a Premises Licence for Gills Off Licence which is trading under the name of Lifestyle Express, 13 Station Road, Whitley Bay. The premises licence holder is in the name of Ms Rishanthini Subramaniam.

1.4 The applicant Northumbria Police, have been invited to attend the meeting to put forward their case in support of their review application. The premises licence holder has also been invited to attend the meeting.

- 1.5** Representations from Responsible Authorities and Other Parties
- 1.6** The applicant for a review is required to forward copies of the application to Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, The Local Weights and Measures Authority, Director of Public Health, Fire Authority, the Local Safeguarding Children Board and Home Office Immigration Department with a view to any of these Responsible Authorities making a supporting representation if deemed appropriate.
- 1.7** In addition, the application has been advertised by the Licensing Authority at the premises, the main offices of the Council and on the Council website as prescribed.

Representations have been received from Responsible Authorities and are appended to this report at **Appendix 5**.

- 1.8** Representations have also been received from Other Persons. These representations are in support of the Premises and are also appended to the report at **Appendix 5**.

2.0 Authority to make decisions

- 2.1** In relation to an application for the review of a Premise Licence, the Licensing Sub-Committee can, under the Licensing Act 2003:

- Modify the conditions on the licence
- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period of not more than three months
- Revoke the licence

- 2.2** Once the Sub-Committee has reached a decision, the decision and reasons for the decisions must be given in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

3.0 Background

- 3.1** This report relates to an application by Northumbria Police for the review of a premise licence for Gills Off Licence (Trading as Lifestyle Express).
- 3.2** The application for review and supporting information are attached at **Appendix 1**, A plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**. The current premise licence is attached at **Appendix 4** and representations from Responsible Authorities are attached at **Appendix 5**.

4.0 The Application for the Review of a Premise Licence under Section 51 of The Licensing Act 2003

4.1 The Application for the review of the premise licence is made pursuant to Section 51 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 52 of the Act. The grounds for the review are the prevention of crime and disorder.

4.2 The current premise licence in respect of Gills Off Licence permits the following:

1. Supply of Alcohol (for consumption off the premises)

- Monday to Sunday 08:00 to 23:00

2. General opening hours:

- Monday to Sunday 08:00 to 23:00

5.0 Representations

5.1 Representations in support of the Review brought by Northumbria Police have been received from:

The Local Weights and Measures Authority,
The Director of Public Health.

6.0 The Parties

6.1 The Parties to the hearing will be:

1. The Applicant – Northumbria Police
2. Premise Licence Holder,
3. The Local Weights and Measures Authority,
4. The Director of Public Health.
5. Other Persons (in support of the premises)

7.0 For consideration

7.1 The areas for consideration by the Licensing Sub-Committee are:

- Application for the review of a premise licence for Gills Off Licence (T/A Lifestyle Express – 13 Station Road, Whitley Bay. The premises Licence holder being in the name of a Ms Rishanthini Subramaniam.

8.0 The North Tyneside Council Statement of Licensing Policy

8.1 The Sub-Committee's attention is drawn to the relevant part of the Policy, Sections 10.1 to 10.5, Crime and Disorder and 10.19 to 10.29, Protecting Children from Harm.

9.0 The Revised Guidance issued under Section 182 Licensing Act 2003

9.1 The Sub-Committee's attention is drawn to the relevant parts of the Revised Guidance issued under S182 Licensing Act 2003 - Licensing Objectives Chapter 2, Section 2.1 to 2.6 and Reviews, Chapter 11.

10.0 For Decision

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

11.0 Associated Papers

Appendix 1 – The application for the Review of a Premise Licence together with supporting information.

Appendix 2 – Premises Plan

Appendix 3 – Location Map

Appendix 4 – Current Premise Licence

Appendix 5 – Relevant Representations

12.0 Background Information

12.1 The following background papers have been used in the compilation of this Report and are available for inspection at the offices of the authors of the Report:

- North Tyneside Council Statement of Licensing Policy
- The Licensing Act 2003 and Regulations
- Revised Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office
- Delegation Scheme – Licensing Committee 7 February 2005