

REPORT

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

Date: 16 August 2023

Report by: Gary Callum
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**Title of
Report:** Licensing Act 2003

Café Amsterdam
69 Victoria Terrace
Whitley Bay
NE26 2QN

Ward(s): Whitley Bay

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

The Licensing Act 2003 provides that, where representations have been received from a Responsible Authority or Other Persons in respect of an application for a licence, a hearing must be held to consider them. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

1.2 The Sub-Committee is asked to consider and determine the application from Andrew Stuart Hickson for a New Premise Licence in respect of Café Amsterdam, 69 Victoria Terrace, Whitley Bay, NE26 2QN.

1.3 The applicant has been invited to attend the meeting to put forward their case in support of the application. All persons making relevant representations have also been invited to attend.

1.4 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Weights and Measures Authority and the Local Safeguarding Children Board with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application. The application has been advertised near the premises, in a local newspaper and on the Council Website as prescribed.

Representations have been received from other persons. These are attached at **Appendix 5**.

1.5 Authority to make decisions

In relation to an Application for the grant of a Premises Licence the Licensing Sub-Committee can, under the Licensing Act 2003:

- grant a Licence subject to conditions consistent with the operating schedule and necessary for the promotion of the licensing objectives in addition to the mandatory conditions;
- exclude from the scope of the Licence any of the licensable activities to which the Application relates;
- refuse to specify a person in the licence as premises supervisor;
- or reject the Application.

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

2.0 Background

This report relates to an application for a New Premises Licence in respect of Café Amsterdam, 69 Victoria Terrace, Whitley Bay, NE26 2QN.

2.1 The Application for a New Premise Licence is 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 Sub-committee should also be aware that this premises falls within the Cumulative Impact Area of Whitley Bay. This creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

3.0 **The Application for the Grant of a Premises Licence under Section 17 of The Licensing Act 2003**

3.1 The Application for the Grant of the Premises Licence is made pursuant to Section 17 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 18 of the Act.

The application for a premise licence is as follows:

1. To permit the premises to **supply alcohol** (on and off the premises) as follows:
 - Monday to Sunday From 11.00 – 23.00
2. The provision of **Late Night Refreshment on and off the premises** as follows:
 - Monday to Sunday From 23.00 – 23.30
2. The opening hours are as follows:
 - Monday to Sunday From 11:00 – 23.30

If the licence is granted this will be subject to mandatory conditions attached at **Appendix 4**.

4.0 **Promotion of Licensing Objectives**

4.1 The applicant has included the following additional steps in the operating schedule that they intend to take in order to promote the licensing objectives.

Please see **Appendix 1**.

5.0 **The Parties**

The Parties to the hearing will be:

1. The Applicant - Andrew Stuart Hickson
2. Other Persons

6.0 **For consideration**

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

- The application for a New Premises Licence in respect of Café Amsterdam, 69 Victoria Terrace, Whitley Bay, NE26 2QN

7.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the relevant part of the Policy – Section 10.1 – 10.5 Crime and Disorder.

8.0 The Revised Guidance issued under Section 182 Licensing Act 2003

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under S182 Licensing Act 2003 that is Chapter 2 Licensing Objectives.

9.0 For Decision

The Sub-Committee is asked to determine this application in whichever way it sees fit.

10.0 Associated Papers

Appendix 1 – The application for the grant of a New Premises Licence

Appendix 2 – Plan of the premises

Appendix 3 – Map of the area

Appendix 4 – Mandatory Conditions

Appendix 5 - Representations

11.0 Background Information

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