

# REPORT

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

**Date:** 18 December 2023

**Report by:** Gary Callum  
Licensing Officer  
Licensing Section  
☎ 643 2175

**Contact  
Officer(s):** Gary Callum  
Licensing Officer  
Licensing Section  
☎ 643 2175

**Title of  
Report:** Licensing Act 2003  
  
Little Lobo  
1-5 Countess Avenue  
Whitley Bay  
NE26 3PN

**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 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 L R Quay Ltd, to vary their current Premise Licence in respect of Little Lobo, 1-5 Countess Avenue, Whitley Bay, NE26 3PN.

**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, Home Office Immigration Enforcement and the North Tyneside Safeguarding Children Partnership (formerly the Local Safeguarding Children Board), with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application.

The application has been advertised at the premises, in a local newspaper and also, on the Council Website as prescribed.

There have been no representations received from any of the Responsible Authorities.

Representations have been received, and are attached at **Appendix 4**.

## 1.5 Authority to make decisions

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

- grant the variation 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 Variation Application relates;
- 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**.

## Background

### 2.0

This report relates to an application to vary the premises licence in respect of Little Lobo, 1-5 Countess Avenue, Whitley Bay, NE26 3PN.

### 2.1

The Application for the variation of the premises 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**. A copy of the current Premises Licence is attached at **Appendix 5**.

### **3.0 The Application for the variation of a Premises Licence under Section 34 of The Licensing Act 2003**

**3.1** The Application for the variation of the Premises Licence is made pursuant to Section 34 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 35 of the Act.

The application to vary the premise licence is as follows:

1. To change the layout of the Premises
2. To amend Conditions
3. To include an external area to the scope of the Licence
4. To add Off Sales

**3.2** The application does not seek to amend any times in relation to licensable activities already permitted by the Licence.

### **4.0 Promotion of Licensing Objectives**

**4.1** As the existing premise licence

### **5.0 The Parties**

The Parties to the hearing will be:

1. The Applicant - L R Quay Ltd
2. Other Persons

### **6.0 For consideration**

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

- The application to vary a Premises Licence in respect of Little Lobo, 1-5 Countess Avenue, Whitley Bay, NE26 3PN.

### **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 variation of a New Premises Licence

Appendix 2 – Plan of the premises

Appendix 3 – Map of the area

Appendix 4 – Representations

Appendix 5 – Current Premises Licence

## **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