

REPORT

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

Date: 14 February 2024

Report by: Stephanie Graham
Licensing Officer
Licensing Section
☎ 643 2175

**Contact
Officer(s):** Stephanie Graham
Licensing Officer
Licensing Section
☎ 643 2175

**Title of
Report:** Licensing Act 2003

Horticulture Coastal
201-203 Whitley Road
Whitley Bay
NE26 2SY

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 unless the parties and the Authority agree that a hearing can be dispensed with. Licensing 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 Horticulture Leisure 2 Limited for a New Premise Licence in respect of Horticulture Coastal, 201-203 Whitley Road, Whitley Bay, NE26 2SY.

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 from two interested parties. 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

2.1 This report relates to an application for a New Premises Licence in respect of Horticulture Coastal, 201-203 Whitley Road, Whitley Bay, NE26 2SY.

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**.

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** (for consumption on and off the premises) as follows:
 - Every day from 10.00 – 23.00
2. **Exhibition of Films** (Indoors)
 - Every day from 08.00 – 23.00
3. **Recorded Music** (Indoors)
 - Every day from 08.00 – 23.00
4. To provide **Late night refreshment** (on the premises), as follows:
 - Every day from 23.00 – 23.30
5. **General opening times** as follows:
 - Every day from 00.00 – 24.00

Non Standard Timings

All licensed activities may be extended from finish time on New Year's Eve to start time on New Year's Day..

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 set out steps that they propose to take to promote the licensing objectives as outlines within the operating schedule, details of which can be found within **Appendix 1**.

5.0 The Parties

The Parties to the hearing will be:

1. The Applicant - Horticulture Leisure 2 Limited
2. One other person

6.0 For consideration

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

- The application for a New Premises Licence in respect of Horticulture Coastal, 201-203 Whitley Road, Whitley Bay, NE26 2SY

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 11.1 – 11.5 Crime and Disorder and 11.15 to 11.21 The Prevention of Public Nuisance. Section 13 – Cumulative Impact Policy and Assessment.

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 and Chapter 14 – Statement of Licensing Policy in relation to Cumulative Impact.

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
North Tyneside Council's Cumulative Impact Assessment,
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