

REPORT

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

Date: 21st June 2019

Report by: Susan Vert
Licensing Officer
Licensing Section
☎ 643 2175

**Contact
Officer(s):** Susan Vert
Licensing Officer
Licensing Section
☎ 643 2175

**Title of
Report:** Licensing Act 2003 Application
Modern Tandoori
174 High Street West
Wallsend
Tyne and Wear
NE28 8HZ

Ward: Wallsend

1.0 Summary / Purpose of Report

Licensing Sub-Committee

- 1.1** 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 or a review of 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 Mr Mohammed Miah for a new Premise Licence in respect of the Modern Tandoori, 174 High Street West, Wallsend, Tyne and Wear. NE28 8HZ.
- 1.3** The applicant has been invited to attend the meeting to put forward his case in support of the applications. 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, Primary Care Trust, 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 also been advertised at or near the premises, in a local newspaper and on the Council website as prescribed.

1.5 Authority to make decisions

In relation to an Application for the grant of a Premises Licence or Club Premise Certificate 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,
- or reject the Application.

As this is an application for a New Premises Licence the Licensing Authority must make its determination within five working days of the day on which the hearing is held.

2.0 Background

This report relates to an application for a new Premises Licence in respect of Modern Tandoori, 174 High Street West, Wallsend, Tyne and Wear. NE28 8HZ.

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**.

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

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 of alcohol** (on the premises) as follows:
 - Every Day From 11.00 – 23.30

2.To permit the Provision of **Recorded Music**, (indoors) as follows:

- Every Day From 11.00 – 00.00

3.To permit the premises to provide **Late Night Refreshment** (indoors)

- Every Day From 23:00 – 00:00

4.The opening hours are as follows:

- Every Day From 11:00 – 00.00

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

3.0 Promotion of Licensing Objectives

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.**

3.1 For Information

The Premises has an existing Premise Licence which permits the provision of Late Night Refreshment From 23:00 – 01:00
The current opening hours are 18:00 – 01:00.

4.0 The Representations

A Relevant representation has been made as follows and is attached at **Appendix 5:**

- The Chief Officer of Police has made no representations.
- Tyne and Wear Fire and Rescue Service has made no representations.
- The Health and Safety Officer of North Tyneside Council has made no representations.
- The Local Planning Authority has made no representations.
- The Environmental Health Officer of North Tyneside Council has made no representations.
- The Local Safeguarding Children’s Board for North Tyneside has made no representations.
- The Weights and Measures Authority for North Tyneside has made no representations.
- The Licensing Authority has made no representations.
- The Director of Health has made no representations.
- An Other Person has made a representation.

5.0 The Parties

The Parties to the hearing will be:

1. The Applicant - Mr Mohammed Miah
2. Person who has made a representation

6.0 For consideration

The areas for consideration by the Licensing Sub-Committee are:
Application for a New Premises Licence in respect of the Modern Tandoori,
174 High Street West, Wallsend, Tyne and Wear. NE28 8HZ.

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 these applications in whichever way it
sees fit.

10.0 Associated Papers

Appendix 1 – The application for a New Premises Licence
Appendix 2 – Plan of the premises
Appendix 3 – Map of the area
Appendix 4 – Mandatory Conditions
Appendix 5 – Relevant 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