

# REPORT

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

**Date:** 25 June 2020

**Report by:** Jeff Young  
Licensing Officer  
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**Title of  
Report:** Licensing Act 2003  
Woods, 1 – 2 King Edward Court,  
Front Street, Tynemouth,  
NE30 4DZ.

**Ward(s):** Tynemouth

## 1.0 Summary / Purpose of Report

### Licensing Sub-Committee

1.1 The Licensing Act 2003 (“The Act”) provides that, where representations have been received from a Responsible Authority or Other Parties in respect on an application for the variation of a Premises Licence, a hearing must be held to consider such applications, unless the parties and the Authority agree that a hearing can be dispensed with. Licensing Sub-Committees have therefore been established in accordance with the provisions of the Act for the purpose of hearing applications such as this.

1.2 The Sub-Committee is asked to consider and determine an application from Mr Steven Smallwood for the variation of a Premises Licence in relation to Woods, 1 – 2 King Edward Court, Front Street, Tynemouth (“The Premises”).

1.3 Mr Smallwood has been invited to attend the meeting in support of his 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 Other Parties and are appended to this report at **Appendix 4**.

## 1.5 Authority to make decision

In relation to an Application for the Variation of a Premises Licence, the Licensing Sub-Committee can, in accordance with section 35(4) of the Licensing Act 2003:

- Modify the conditions of the licence; or,
- Reject the whole or part of 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 the Variation of an existing Premises Licence in respect of Woods, 1 – 2 King Edward Court, Front Street, Tynemouth.

The current Premises Licence permits the following licensing activities and times:

#### Supply of Alcohol (for consumption on the premises)

• Monday to Saturday	12.00 – 21.00
• Sunday	12.00 – 19.00

#### General Opening Times

• Monday to Friday	08.00 – 21.00
• Saturday	09.00 – 21.00
• Sunday	09.00 – 19.00

#### Non-Standard Times – Bank Holidays

Supply of Alcohol	12.00 – 19.00
General Opening Hours	09.00 – 19.00

### 2.2 In 2019, an application was submitted by Mr Smallwood for the grant of a Premises Licence in respect of the premises. The application was considered by a Licensing Sub-Committee on 28 June 2019, having regard to representations from local residents.

### 2.3 A Premises Licence was granted following the licensing hearing on 28 June 2019 with conditions attached. The licence is attached to the report at **Appendix 3** and the

conditions imposed by the Sub-Committee following the hearing are found at Annex 3 of the licence. The licence provides for the supply of alcohol for consumption **on** the premises only and does not permit the supply of alcohol for consumption **off** the Premises. The 'premises' is the area indicated at Annex 4 of the licence .

### **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 a Premises Licence is made under Section 34 of The Licensing Act 2003 and the Section of the Act dealing with the determination of such an application is Section 35.

**3.2** Mr Smallwood seeks to vary the licence by having included in the licence, permission to supply alcohol for consumption off the premises. Mr Smallwood does not request any changes be made to the existing licence in terms of the licensing hours or opening hours despite an indication to the contrary in the application which he has confirmed as being an error on his part as he simply wants to trade for the hours currently permitted.

**3.3** Although the Premises is situated in the Tynemouth Cumulative Impact Policy area, because the Premises is not an alcohol led establishment, the Policy does not apply to them and there is therefore no rebuttable presumption against granting the variation of the licence.

**3.4** A copy of the application for the variation of the Premises Licence is attached at **Appendix 1** and a map of the area is attached at **Appendix 2**.

**3.5** A copy of the current Premises Licence is attached at **Appendix 3**.

### **4.0 Promotion of Licensable Activities**

The applicant has set out the further steps that he proposes 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 – Mr Smallwood
2. Those Other Parties making relevant representations.

### **6.0 For consideration**

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

- The application for the variation of a Premises Licence in relation to Woods, 1 – 2 King Edward Court, Front Street, Tynemouth.

### **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 Licensing Objectives and Section 6 – Premises Licences which includes reference to the variation of such licences. Section 13 – Cumulative Impact Policy and Assessment.

## **8.0 The Relevant Guidance under Section 182 Licensing Act 2003**

The Sub-Committee's attention is drawn to the relevant parts of the Statutory Guidance issued under Section 182 of The Licensing Act 2003 – Chapter 2 The Licensing Objectives; Paragraph 8.50 – 8.77 concerning variations and Chapter 9 – Determining Applications and Chapter 14 – Statement of Licensing Policy in relation to Cumulative Impact.

## **9.0 Decision**

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

## **10.0 Associated Papers**

Appendix 1 – The application for the variation of a Premises Licence

Appendix 2 – Map of the area in which the premises is situated

Appendix 3 – Current Premises Licence

Appendix 4 – Relevant representations

## **11.0 Background Information**

The following background information has been considered in the compilation of this report and are available for inspection at the offices of the author of the report:

The Licensing Act 2003 and Regulations,  
Guidance issued under Section 182 of The Licensing Act 2003,  
North Tyneside Council's Statement of Licensing Policy,  
North Tyneside Council's Cumulative Impact Assessment,  
The Equality Act 2010.