

# REPORT

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

**Date:** 18 November 2020

**Report by:** Susan Vert  
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**Title of** Licensing Act 2003

**Report:** Morrisons Supermarket  
Preston North Road  
North Shields  
Tyne and Wear  
NE29 9QR.

## **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 WM Morrison Supermarkets PLC for the variation of a Premises Licence in relation to Morrisons Supermarket, Preston North Road, North Shields, Tyne and Wear, NE29 9QR.
- 1.3** The applicant has been invited to attend the meeting in support of their 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.

A representation has been received from Environmental Health. Representations have also 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 Morrisons Supermarket, Preston North Road, North Shields, Tyne and Wear, NE29 9QR. A copy of the application form is attached at **Appendix 1**, a plan of the premises and a map of the area is attached at **Appendix 2**.

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

### **Supply of Alcohol** (for consumption off the premises)

- Every Day 06.00 – 00.00

### **General Opening Times**

- Every Day 06.00 – 00.00

2.2 The current licence is attached to the report at **Appendix 3**. The licence provides for the supply of alcohol for consumption **off** the premises only and does not permit the supply of alcohol for consumption **on** 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 WM Morrison Supermarkets PLC seeks to vary the licence to extend the hours for the sale of alcohol and the opening hours of the premises and to include the provision of Late-Night Refreshment as a licensable activity as follows:

**Supply of Alcohol** (for consumption off the premises)

- Every Day 00.00 – 24.00

**General Opening Times**

- Every Day 00.00 – 24.00

**Late Night Refreshment** (for consumption on and

- Every Day 23.00 – 05.00

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

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

4.0 **Promotion of Licensable Activities**

4.1 The applicant has advised that there are no further steps that they propose to take to promote the licensing objectives as outlined within the operating schedule, details of which can be found within **Appendix 1**.

5.0 **The Parties**

5.1 The parties to the hearing will be;

1. The Applicant – Gosschalks Solicitors
2. Those Other Parties making relevant representations.

**6.0 For consideration**

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

- The application for the variation of a Premises Licence in relation to Morrisons Supermarket, Preston North Road, North Shields, Tyne and Wear, NE29 9QR.

**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.

**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.

**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 – A plan of the premises and a map of the area.  
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,  
The Equality Act 2010.