

# REPORT

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

**Date:** 15<sup>th</sup> October 2019

**Report by:** Susan Vert  
Licensing Officer  
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**Title of  
Report:** Licensing Act 2003  
Zynk – The Windsor Hotel  
South Parade  
Whitley Bay  
NE26 2RF

**Ward(s):** Whitley Bay

## 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 Paul D Johnstone for a new Premises Licence in respect of Zynk (The Windsor Hotel), South Parade. Whitley Bay.
- 1.3 The applicant and his Solicitor have 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 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 The Chief Officer of Police and three Other Persons. These are attached at **Appendix 7**

## 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 appropriate 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

This report relates to an application for a New Premises Licence in respect of Zynk (The Windsor Hotel), South Parade. Whitley Bay.

2.1 The Application for a New Premise Licence is attached at **Appendix 1**, additional information in respect of the application is attached as **Appendix 2**, a plan of the premises is attached at **Appendix 3** and a map of the area is attached at **Appendix 4**.

2.2 The premises known as Windsor Hotel currently has the benefit of a premises licence which permits the same licensable activities and times as this application for a new premises licence, with the following exceptions:-

- To include the exhibition of films detailed in paragraph 3.1 below;
- To permit supply of alcohol and the opening of the premises one hour earlier on a Sunday from 11am;

- Amend the sale of alcohol from 'on the premises' only to 'on and off the premises'.

### 3.0 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** (on and off the premises) as follows:

- Monday to Wednesday From 11:00 until 01:00
- Thursday to Saturday From 11:00 until 03:00
- Sunday From 11:00 until 23:30

2. To permit **the exhibition of Films** as follows:

- Monday to Wednesday From 10:00 until 01:00
- Thursday to Saturday From 10:00 until 03:00
- Sunday From 10:00 until 23:30

3. To permit the premises to allow the **performance of Live Music** as follows:

- Monday to Wednesday From 10:00 until 01:00
- Thursday to Saturday From 10:00 until 03:00
- Sunday From 10:00 until 23:30

4. To permit the premises to allow the **playing of Recorded Music** as follows:

- Monday to Wednesday From 10:00 until 01:00
- Thursday to Saturday From 10:00 until 03:00
- Sunday From 10:00 until 23:30

5. To permit the premises to allow the **performance of Dance** as follows:

- Monday to Wednesday From 10:00 until 01:00
- Thursday to Saturday From 10:00 until 03:00
- Sunday From 10:00 until 23:30

6. To permit **anything of a similar description to that falling within Live Music, Recorded Music of Performances of Dance** as follows:

- Monday to Wednesday From 10:00 until 01:00

- Thursday to Saturday From 10:00 until 03:00
- Sunday From 10:00 until 23:30

7. To provide **Late night refreshment** as follows:

- Monday to Wednesday From 23:00 until 01:00
- Thursday to Saturday From 23:00 until 03:00
- Sunday From 23:00 until 23:30

8. **General opening times** as follows:

- Monday to Wednesday From 10:00 until 01:30
- Thursday to Saturday From 10:00 until 03:30
- Sunday From 10:00 until 00:00

### **Non Standard Timings**

The licensable activities specified in this licence may be provided from the end of the specified finish times on any day which is New Year's Eve to the beginning of the start times on the following day (New Year's day).

If the licence is granted this will be subject to mandatory conditions attached at **Appendix 5**.

The existing premises licence is attached to the report at **Appendix 6**

**3.2** The applicant's solicitor has provided additional information in respect of this application addressing the Authority's Cumulative Impact Policy and clarifying the differences between the existing and proposed premises licence. A copy of this information is attached at **Appendix 2**.

### **4.0 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**.

### **5.0 The Parties**

The Parties to the hearing will be:

1. The Applicant - Paul Donald Johnstone represented by Sintons Law
2. Responsible Authority – Chief Officer of Police
3. Persons who have made representations.

## **6.0 For Consideration**

The areas for consideration by the Licensing Sub-Committee are: Application for the Grant of a Premises Licence in respect of **Zynk (The Windsor Hotel), South Parade, Whitley Bay, NE26 2RF.**

## **7.0 The North Tyneside Council Statement of Licensing Policy**

The Sub-Committee's attention is drawn to the relevant part of the Policy – Sections 10.1 – 10.5 Crime and Disorder. Further to this the premises are situated within the cumulative impact area of Whitley Bay as defined in the Cumulative Impact Assessment and referenced at section 13.3 of the Statement of Licensing Policy. It should be noted that the Policy relates to alcohol led licensed premises, where alcohol is consumed on the premises. The effect of the Cumulative Impact Policy is that there is a rebuttable presumption that an application for a premises licence in the areas referred to in the Cumulative Impact Assessment will be refused. To rebut that presumption, the applicant will need to demonstrate that granting the licence will be unlikely to add to the cumulative impact caused by the number and density of licensed premises in the area of the premises.

## **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 which includes cumulative impact

## **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 – Additional information in respect of Application  
Appendix 3 – Plan of the premises  
Appendix 4 – Map of the area  
Appendix 5 – Mandatory Conditions  
Appendix 6 – Existing Premises Licence for Windsor Hotel  
Appendix 7– 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