Licensing Sub Committee

Tuesday, 15 October 2019

Present: Councillors T Mulvenna, W Samuel and J Cruddas

LS/22/19 Appointment of Chair

Resolved that Councillor T Mulvenna be appointed Chair for this meeting.

LS/23/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

LS/24/19 Zynk – The Windsor Hotel, South Parade, Whitley Bay NE26 2RF (Whitley Bay Ward)

The Sub-committee met to consider an application for the grant of a new Premises Licence in respect of Zynk (The Windsor Hotel) South Parade, Whitley Bay, NE26 2RF.

The Applicant, Mr P Johnstone, initially sought permission to:

- Supply alcohol (on and off sales) from the premises Monday to Wednesday from 11:00 hours to 01:00 hours, Thursday to Saturday from 11:00 hours to 03:00 hours and Sunday from 11:00 hours to 23:30 hours;
- Provide Late Night Refreshment Monday to Wednesday from 23:00 hours to 01:00 hours, Thursday to Saturday from 23:00 hours to 03:00 hours and Sundays from 23:00 hours to 23:30 hours;
- Exhibit films, perform live music, play recorded music, perform dance and do anything of a similar description to live music, recorded music or performance of dance Monday to Wednesday from 10:00 hours and 01:00 hours, Thursday to Saturday from 10:00 hours to 03:00 hours and Sunday from 10:00 hours to 23:30 hours;
- Open the premises to the public Monday to Wednesday from 10:00 hours to 01:30 hours, Thursday to Saturday from 10:00 hours to 03:30 hours and Sunday from 10:00 hours to 00:00 hours; and
- Extend the licensable activities from finish time on New Years Eve to the start of business on New Years Day.

The applicant's solicitor, Mrs Smith, advised the Sub-committee that the applicant wished to amend his application so that it matched the licence currently in place for the Windsor Hotel which included Zynk.

Following introductions, the Chair set out the procedure which would be followed during the course of the hearing. Mrs S Vert, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee.

The Sub-committee referred to the written representations submitted in respect of the application.

Ms Hebb addressed the Sub-committee in relation to the Chief Officer of Police's objection to the application. She called Inspector Caisley as a witness.

Members of the Sub-committee and the applicant's representatives asked a series of questions which were responded to by Ms Hebb and Inspector Caisley.

Mrs Martin, a local resident, addressed the Sub-committee in relation to her objection to the application.

Members of the Sub-committee, the applicant and his representative asked a series of questions which were responded to by Mrs Martin.

Mrs Smith, on behalf of the applicant, addressed the Sub-committee in support of the application.
Members of the Sub-committee, the representatives of the Police and Mrs Martin asked a series of questions which were responded to by Mrs Smith, Mr Johnstone and Ms Reay.

All parties were given the opportunity to sum up their particular submissions

The Sub-committee withdrew from the meeting to make its decision in private.

The Sub-committee returned and the Chair announced its decision.

Resolved that the application for the grant of a Premises Licence in respect of Zynk (The Windsor Hotel) be rejected

Reasons for Decision:

Having heard the oral representations, having taken into account the written representation, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objective in relation to the prevention of crime which underpins the Licensing Act 2003, the Sub-committee concluded that:-

1. The Premises are situated within the Whitley Bay Cumulative Impact Area which had been adopted by the Authority in November 2018;
2. The area of the building has been closed for between 4 and 5 years.
3. The application related to an area of the Windsor Hotel which already had the benefit of a Premises Licence which covered the area known as Zynk. There would be nothing to stop the premises opening today as a late night bar under the auspices of the existing Premises Licence held by Marina Hotels Limited;
4. The representations from the police related to the prevention of crime and disorder licencing objective;
5. There had been representations received from local residents;
6. There had been no representations received from the other Responsible Authorities.
7. The applicant has not rebutted the presumption that the grant of the Premises Licence would likely have a negative impact on residents and others in the Cumulative Impact Area.