

REPORT

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

Date: 22nd June 2021

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**Title of
Report:** Licensing Act 2003

On the Corner Cafe
45 Ilfracombe Gardens
Whitley Bay
NE26 3LZ

Ward(s): Monkseaton North

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

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 Premises 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 Della Veronica Carter in relation to her business On the Corner Café, 45 Ilfracombe Gardens, Whitley Bay, ("the Premises").

1.3 The applicant has been invited to attend the meeting 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 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 on the Council Website as prescribed.

Representations have been received from Other Persons. These are attached at **Appendix 5**.

1.5 Authority to make decisions

In relation to an application for the grant of a Premises Licence 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

2.1 This report relates to an application for a New Premise Licence in respect of On the Corner Café 45 Ilfracombe Gardens, Whitley Bay, NE26 3LZ.

A copy of the application form 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**.

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

3.1 The Application for 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 **Supply of Alcohol** (on and off the premises)

- Every Day From 08:00 until 18:30

Non-Standard Timings: - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

2. To permit **Live Music**

- Every Day **From** 08:00 **Until** 19:00

Non-Standard Timings: - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

3. To Permit **Recorded Music**

- Every Day **From** 08:00 **Until** 19:00

Non-Standard Timings: - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

4. The **Provision of any of a similar description to live, recorded music or performances of dance**

- Every Day **From** 08:00 **Until** 19:00

Non-Standard Timings: - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

5. **General Opening Times** as follows:

- Every Day From 08:00 until 19:00

Non-Standard Timings: - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The Licence if granted will be subject to Mandatory Conditions which are attached at **Appendix 4** of the report.

4.0 Promotion of Licensing Objectives

The applicant has included the following additional steps in the operating schedule which they intend to take in order to promote the licensing objectives.

Please see **Appendix 1**.

4.0 The Parties

The Parties to the hearing will be:

1. The Applicant – Della Veronica Carter
2. Other Persons.

5.0 For consideration

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

- Application for the Grant of a Premises Licence in relation to
On the Corner Café 45 Ilfracombe Gardens, Whitley Bay, NE26 3LZ.

6.0 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.

7.0 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 - Chapter 2 Licensing Objectives.

8.0 For Decision

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

9.0 Associated Papers

Appendix 1 – The application for the Grant of a Premises Licence
Appendix 2 – Plan of the Premises
Appendix 3 – Location Plan
Appendix 4 – Mandatory Conditions
Appendix 5 – Relevant representations

10.0 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

Amended Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office

Delegation Scheme – Licensing Committee 7 February 2005