

REPORT

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

Date: 2nd September 2021

Report by: Jeff Young
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**Title of
Report:** Licensing Act 2003
Somals, 21 – 23 Benton Lane
West Moor

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 Mrs Reni Johal for the variation of a Premises Licence in relation to Somals, 21 – 23 Benton Lane, West Moor, Newcastle, NE12 7NP (“The Premises”).
- 1.3** Mrs Johal has been invited to attend the meeting in support of her application. Persons making relevant representation 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.

A representation has been received from Councillor K Clark representing another party. Details of which 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 Somals, 21 – 23 Benton Lane, West Moor, Newcastle, NE12 7NP.

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)

• Monday to Saturday	08.00 – 23.00
• Sunday	10.00 – 22.30
• Non Standard timings:	Good Friday From 10:00 Until 22:30 Christmas Day From 12:00 Until 15:00 From 19:00 Until 22:30

General Opening Times

Not Limited	
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2.2 A copy of the current Premises Licence is attached to the report at **Appendix 3**.

2.3 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.

2.4 Mrs Johal seeks to vary the licence by having included in the licence,

the following times:-

- To increase the existing licence in terms of the sales of alcohol off the Premises to 04.00 for online sales for delivery only.

2.5 A copy of the application for the variation of the Premises Licence is attached at **Appendix 1** and a location plan is attached at **Appendix 2**.

3.0 Promotion of Licensable Activities

The applicant has set out the further steps that she proposes to take to promote the licensing objectives as outlines within the operating schedule, details of which can be found within **Appendix 1**.

4.0 The Parties

The parties to the hearing will be:

1. The Applicant – Mrs Johal
2. Councillor K Clark on behalf of another party making a relevant representation.

5.0 For consideration

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

- The application for the variation of a Premises Licence in relation to Somals, 21 – 23 Benton Lane, West Moor, Newcastle, NE12 7NP

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 and Section 6 – Premises Licences which includes reference to the variation of such licences.

7.0 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.

8.0 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 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

10.0 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.