

REPORT

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

Date: 16th November 2021

Report by: Susan Vert
Licensing Officer
☎ 643 6904

**Contact
Officer(s):** Susan Vert
Licensing Officer
☎ 643 6904

**Title of
Report:** Licensing Act 2003

Tynemouth 61
61 Front Street
Tynemouth
NE30 4BT

Ward(s): Tynemouth Ward

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 Mr Stephen Minns and Mr Neil McWhirter.

1.3 The applicants have 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 Mr Stephen Minns and Mr Neil McWhirter.

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 the premises)
 - Every Day From 10:30 until 20:00 **(On Sales)**
2. **General Opening Times** as follows:
 - Every Day From 10:30 until 20:00

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

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 Tynemouth 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.

4.0 Promotion of Licensing Objectives

4.1 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**.

5.0 The Parties

5.1 The Parties to the hearing will be:

1. The Applicants – Mr Stephen Minns and Mr Neil McWhirter.
2. Other Persons.

6.0 For consideration

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

- Application for the Grant of a Premises Licence in relation to Mr Stephen Minns and Mr Neil McWhirter.

7.0 The North Tyneside Council Statement of Licensing Policy

7.1 The Sub-Committee's attention is drawn to the relevant part of the Policy - Section 10 Licensing Objectives.

8.0 The Revised Guidance issued under Section 182 Licensing Act 2003

8.1 The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under S182 Licensing Act 2003 - Chapter 2 Licensing Objectives.

9.0 For Decision

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

10.0 Associated Papers

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

11.0 Background Information

11.1 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