

REPORT

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

Date: 7th September 2022

Report by: Gary Callum
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**Title of
Report:** Licensing Act 2003 - Review
Supersave, 50 Eastbourne
Gardens, Whitley Bay, NE26 1PY.

Ward(s): Monkseaton North

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

1.2 The Licensing Act 2003 provides that, where an application has been received in respect of the review of a premise licence, a hearing must be held to consider it. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

1.3 The Sub-Committee is asked to consider and determine an application from The Local Weights and Measures Authority for the review of a Premises Licence for Supersave, 50 Eastbourne Gardens, Whitley Bay, NE26 1PY held by held by Mr Ehtisham Khan Arif, 199a Alexandra Road, Ashington, NE63 9LA.

1.4 The applicant has been invited to attend the meeting to put forward their case in support of their review application. The premises licence holder has also been invited to attend the meeting.

- 1.5 Representations from Responsible Authorities and Other Parties
- 1.6 The applicant for a review is required to forward copies of the application to Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, The Local Weights and Measures Authority, Director of Public Health, Fire Authority, the Local Safeguarding Children Board and Home Office Immigration Department with a view to any of these Responsible Authorities making a supporting representation if deemed appropriate.
- 1.7 In addition, the application has been advertised by the Licensing Authority at the premises, the main offices of the Council and on the Council website as prescribed.

Representations have been received from Responsible Authorities and are appended to this report at **Appendix 5**.

2.0 Authority to make decisions

2.1 In relation to an application for the review of a Premise Licence, the Licensing Sub-Committee can, under the Licensing Act 2003;

- Modify the conditions on the licence
- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period of not more than three months
- Revoke the licence

2.2 Once the Sub-Committee has reached a decision, the decision and reasons for the decisions must be given in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

3.0 Background

3.1 This report relates to an application by The Local Weights and Measures Authority – North Tyneside Council Trading Standards for the review of a premise licence for Supersave, 50 Eastbourne Gardens, Whitley Bay.

3.2 The application for review and supporting information 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**. The current premise licence is attached at **Appendix 4** and the representation from a Responsible Authority is attached at **Appendix 5**.

4.0 The Application for the Review of a Premise Licence under Section 51 of The Licensing Act 2003

4.1 The Application for the review of the premise licence is made pursuant to Section 51 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 52 of the Act. The grounds for the review are the prevention of crime and disorder.

4.2 The current premise licence in respect of Supersave permits the following:

1. Supply of Alcohol (for consumption off the premises)

- Monday to Saturday 08:00 to 23:00
- Sunday 10:00 to 22:30

2. General opening hours:

- Unlimited

5.0 Representations

5.1 Representations in support of the Review brought by the Local Weights and Measures Authority have been received from:

The Chief Officer of Police
The Director of Public Health

6.0 The Parties

6.1 The Parties to the hearing will be:

1. The Applicant – The Local Weights and Measures Authority
2. Premise Licence Holder,
3. The Chief Officer of Police,
4. The Director of Public Health.

7.0 For consideration

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

- An application for the review of a premise licence for Supersave, 50 Eastbourne Gardens, Whitley Bay, Tyne and Wear, NE26 1PY.

8.0 The North Tyneside Council Statement of Licensing Policy

8.1 The Sub-Committee's attention is drawn to the relevant part of the Policy, Sections 10.1 – 10.5 Crime and Disorder.

9.0 The Revised Guidance issued under Section 182 Licensing Act 2003

9.1 The Sub-Committee's attention is drawn to the relevant parts of the Revised Guidance issued under S182 Licensing Act 2003 - Licensing Objectives Chapter 2, Section 2.1 to 2.6 and Reviews, Chapter 11.

10.0 For Decision

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

11.0 Associated Papers

Appendix 1 – The application for the Review of a Premise Licence together with supporting information.

Appendix 2 – Premises Plan

Appendix 3 – Location Map

Appendix 4 – Current Premise Licence

Appendix 5 – Relevant Representations

12.0 Background Information

12.1 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
- Revised Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office
- Delegation Scheme – Licensing Committee 7 February 2005