

# North Tyneside Council

## Report to Licensing Committee

Date: 7 April 2016

Title: Licensing Act 2003  
and Gambling Act 2005  
applications.  
Licences granted  
between 01.03.15 and  
29.02.16 under delegated  
authority

**Report Author:** Mr P Scott  
Head of Environment and Leisure

**Wards affected:** All

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## PART 1

### 1.1 Purpose:

The purpose of this report is to provide Committee with an update as to the decision taken by officers under delegated authority for the period 1 March 2015 to 29 February 2016.

### 1.2 Recommendation

It is recommended that the Committee:

- a) Note the decisions taken by officers under delegated authority for the period 1 March 2015 to 29 February 2016.

## 2.0 Background Information

- 2.1.1 The Licensing Act 2003 and Gambling Act 2005 provide that the functions of the licensing authority are to be taken or carried out by its Licensing Committee.
- 2.1.2 Part 2 Section 10(1)(b) of the Licensing Act 2003 provides that a Licensing Committee may arrange for the discharge of any functions exercisable by it by an officer of the licensing authority. The officer delegation scheme is set out at **Appendix 1**. This scheme was amended by Council at their meeting on 22 November 2007. It is without prejudice to officers referring an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the circumstances of the particular case.
- 2.1.3 Part 8 Section 154 of the Gambling Act 2005 is the enabling power for delegation of responsibility for licensing decisions under that Act to the Licensing Committee, Sub-Committee and officers. This scheme was agreed by the Licensing Committee on 7 June 2007. It is without prejudice to officers referring an application to a sub-committee, or a sub-committee to full committee if considered appropriate in the circumstances of the particular case. The officer delegation scheme is set out at **Appendix 2**.

2.1.4 Decisions under the Licensing Act 2003 and Gambling Act 2005 have been delegated to the following Officers:-

Principal Trading Standards and Licensing Officer (A Burnett)  
Senior Licensing Officer (D Frankland)  
Licensing Officer (S Vert from 1.1.16)

2.1.5 The decisions listed in Appendix 3 and Appendix 4 have been made by the appropriate Officers.

## 2.2 Applications granted and enforcement activity

2.2.1 Officers have granted the following Licences:

### Licensing Act 2003

New Personal Licences – 128  
Transfer of Premise Licence – 53  
Premise/Club Licence (Variation) – 7  
New Premise Licence – 18  
Temporary Event Notices – 183  
Minor Variations – 23

### Gambling Act 2005

Gambling Permits – 4  
New Premise Licences – 1  
Transfer/Variation of Licences – 1

2.2.2 The Licensing Sub-Committee has determined the following applications:

New Premise Licences – 4 Granted, 1 Hearing Aborted  
Variation Premise Licence – 2 – Both Granted  
Review of Premise Licence & Club Premise Certificate – 3 – 1 No action, 1 Conditions added and 1 Suspension with Conditions added

2.2.3 Enforcement Activities

Licensing & Gambling Inspections & Statutory Notices Checked

Compliance Inspections = 331  
Statutory Notices Checked = 54

## 3.0 Decision Options

3.1 The options available to Committee are:

### Option 1

a) Note the decisions taken by officers under delegated authority for the period 1 March 2015 to 29 February 2016.

## **4.0 Appendices:**

- Appendix 1 – Sub-committee and officer delegation scheme for considering licence applications – Licensing Act 2003
- Appendix 2 – Sub-committee and officer delegation scheme for considering licence applications – Gambling Act 2005
- Appendix 3 – Granted and Varied Licences
- Appendix 4 – Temporary Event Notices

## **5.0 Contact Officers:**

- 5.1 Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 643 6620
- Joanne Lee, Public Protection Manager, Tel: 643 6901
- Dawn Frankland, Senior Licensing Officer, Tel: 643 6902

## **6.0 Background Information:**

- 6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report:

North Tyneside Council Statement of Licensing Policy.  
The Licensing Act 2003  
Gambling Act 2005  
Delegation Scheme – Licensing Committee 7 February 2005  
Delegation Scheme – Licensing Committee (Gambling) 7 June 2007

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and Other Resources:**

There are no financial implications for the Council arising from this report. The cost of collating the data can be met from the existing Licensing revenue budget.

### **2.2 Legal**

#### **2.2.1 Legislative Framework**

Part 2 Section 10(1)(b) of the Licensing Act 2003 provides that a Licensing Committee may arrange for the discharge of any functions exercisable by it by an officer of the licensing authority.

Part 8 Section 154 of the Gambling Act 2005 is the enabling power for delegation of responsibility for licensing decisions under that Act to the Licensing Committee, Sub-Committee and officers.

#### **2.2.2 North Tyneside Council's Statement of Licensing Policy**

A scheme of delegation of decision making and functions is attached to the North Tyneside Council Statement of Licensing (Licensing Act 2003) and to the North Tyneside Council Statement of Licensing (Gambling Act 2005), (**Appendix 1 and 2**).

### **2.2.3 Principles of Better Regulation**

The Licensing Act 2003 and Gambling Act 2005 are specified in The Legislative and Regulatory Reform (Regulatory Functions) Order 2007. As a result Part 2 of the Legislative and Regulatory Reform Act 2006 applies. The Council must therefore have regard to the prescribed statutory principles by ensuring that its regulatory activities are carried out in a way which is transparent, accountable, proportionate and consistent. In addition, those regulatory activities should be targeted only at cases in which action is needed.

### **2.3 Consultation/Community Engagement:**

A comprehensive 12 week public consultation exercise took place prior the adoption of the North Tyneside Council Statement of Licensing (Licensing Act 2003) and to the North Tyneside Council Statement of Licensing (Gambling Act 2005).

### **2.4 Human Rights:**

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights. Any decisions therefore made in relation to a licence application need to be fully considered. An individual also has the right to a fair hearing under Article 6 of the European Convention of Human Rights. The proposed procedure will assist in ensuring that a fair hearing does take place.

### **2.5 Equalities and Diversity:**

There are no equality and diversity implications arising from this report.

### **2.6 Risk Management:**

There are no significant risk management implications to the Council arising from this report.

### **2.7 Crime and Disorder:**

It is not considered that there are any crime and disorder implications arising from this report. The police receive copies of applications made under the Licensing Act 2003 and Gambling Act 2005 and are invited to make representations if they so wish.

### **2.8 Environment and Sustainability:**

It is not considered that there are any environment and sustainability implications arising from this report.

## Appendix 1

### Licensing Act 2003

#### Scheme of Delegation of decision-making and functions

The Licensing Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub Committee	Officers
Application for/renewal of personal licence		If a police objection	If no objection made
Application for premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated premises licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate (including summary review brought by the police)		All cases	
Consideration as to whether to take interim steps following a summary review by police		All cases	
Decision on whether a complaint is			All cases

irrelevant, frivolous, vexatious, etc			
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	
Acknowledgement of a temporary event notice			All cases
Issue of Counter Notice in relation to a temporary event notice where permitted limits are exceeded			All cases
Issue of Counter Notice in relation to a temporary event notice following a police objection		All cases	
All licensing functions under the Licensing Act 2003 except those not capable of such delegation			All cases

## Appendix 2

### Scheme of delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits		If there is an initial decision to possibly refuse a permit application and oral or written representations are received from the applicant	Where no objections made/ objections have been withdrawn
Cancellation of licensed premises gaming machine permits		If requested by applicant	If no request received
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Order disapplying Section 279 or Section 282(1) of a specified		X	

premises holding an on premises alcohol licence			
Refusal to register a Small Lottery and representations are received from the Society		X	
Revocation of Small Lottery Registration and representations are received from the Society		X	

X indicates the lowest level to which decisions can be delegated



**Appendix 3****New licences granted by Officers 1.3.15 – 29.2.16**

<b>Name</b>	<b>Address</b>
Bangkok Palace	Park Avenue, Whitley Bay
Whitley Bay Golf Club	Claremont Road, Whitley Bay
Mamma Mia Pizza	High Street East, Wallsend
Shukran	Esplanade, Whitley Bay
Danials Newsagent	High Street East, Wallsend
Darjeeling & Jeeves	Park View, Whitley Bay
Cobalt Business Park	West Allotment
Almasty Brewing	Algernon Industrial Estate, Shiremoor
Shiremoor Club	Earsdon Road, Shiremoor
Nisa Local	Churchill Street, Wallsend
Kamrans	Whitley Road, Whitley Bay
Bargain Booze	Earsdon Road, Shiremoor
Teos Delicatessen	High Street West, Wallsend
Boatyard	John Street, Cullercoats
Beefeater & Premier Inn	Park Terrace, Whitley Bay
Turknaz	North Parade, Whitley Bay
Amici	Bedford Street, North Shields
Harvester	Whitehouse Farm, Newcastle upon Tyne

**Licences varied by Officers (including Minor Variations) – 1.3.15 – 29.2.16**

<b>Name</b>	<b>Address</b>	<b>Nature of variation</b>
	<b>VARIATIONS</b>	
Mauretania	Denbigh Avenue, Howdon	Amendment of hours
Spread Eagle	Front Street, Preston Village	Amendment of hours and layout
Last Orders	High Street West, Wallsend	Extension to premises to include outside area
Flying Scotsman	Briar Edge, Forest Hall	Extension to premises
Café Sambuca	Park Avenue, W/Bay	Amendment of hours
Mr Woods	Broadway, Cullercoats	Amendment of hours
Morrisons	Hillheads Road, Whitley Bay	Amendment of hours
Morrisons	Preston North Road, N/Shields	Amendment of hours
Morrisons	Killingworth Centre, Killingworth	Amendment of hours
	<b>MINOR VARIATIONS</b>	
Bargain Booze Plus	Boulevard Longbenton	Change to layout
Black Horse	Front Street, Monkseaton	Change to layout
Reef	South Parade, W/Bay	Amendment of conditions
Billy Mill Convenience Store	Coast Road, N/Shields	Change to layout
Links	Whitley Bay	Change to layout
Martino's	Union Quay, N/Shields	Change to layout
Ritz	High Street West, Wallsend	Change to layout
Wallsend Labour Club x 2	Camberley Road, Wallsend	Change to layout and amendment of conditions

Odeon Cinema	Silverlink, Wallsend	Change to layout
Harvester	Preston North Road, N/Shields	Change to layout
Shell	Filling Station, Annitsford	Change to layout
Townhouse	Whitley Road, W/Bay	Change to layout
Lindisfarne Social Club	West Street, Wallsend	Change to layout
Parade	South Parade, W/Bay	Amendment of conditions
Bargain Booze Select	Coast Road, Wallsend	Change to layout
Value Centre	Whitley Road, W/Bay	Amendment of conditions
Linskill Centre	Linskill Terrace, W/Bay	Change to layout
Whitley Bay Holiday Park	Blyth Road, W/Bay	Changes to entertainment and use of outside areas
Morrisons	Preston Road North, N/Shields	Amendment of conditions
G S News	Walton Avenue, N/Shields	Change to layout
Priory	Front Street, Tynemouth	Amendment of conditions
Whitley Bay Golf Club	Claremont Road, W/Bay	Amendment of conditions

**Gambling Act – Licences granted / varied – 1.3.15 – 29.2.16**

Jem Office Space, Front Street, Seaton Burn - New
William Hill, Russell Street, North Shields - Variation

## Appendix 4

### List of TEN's 1.3.15 – 29.2.16

<b>Location of Event</b>
The Plaza, Whitley Bay
Northumberland Square, North Shields
Whitley Bay Scouts HQ, Marden Road South
Tynemouth Market, Tynemouth Station
Tynemouth District Scout Centre
Whitley Bay Golf Club
Coquet Park 1st School
Last Orders, Wallsend
Phoenix Tap, Whitley Bay
Kings Priory School
Tynemouth Priory food Festival
Tynemouth Priory food Festival
Killingworth Young People's Centre
Kings School, Tynemouth
Tynemouth Castle and Priory
Oxford Centre, Longbenton
Whitley Lodge shopping Centre
Cobalt, West Allotment
Plaza Whitley Bay
West Moor Community Centre
Billy Mill Lane, North Shields
Tynemouth Castle & Priory
Tynemouth Priory School
Cullercoats Library
Tynemouth Priory & Castle
Tynemouth Scout Headquarters
Almasty Brewing Company
Wallsend Labour Club
Whitley Lodge First School
Earsdon & Wellfield Community Centre
Spanish City Plaza
Tynemouth Market
Tynemouth Castle & Priory
Foxhunters Football Ground
Manhattans
John Spence Community High School, North Shields
Immaculate Church of St Mary
Innisfree SC
Whitley Bay Masonic Hall
Benton Dene School

Tynemouth Castle & Priory
Plaza Whitley Bay
Kings Priory School
Monkhouse Primary School
Forum Wallsend
High St East, Wallsend
Tynemouth Golf Club
Tynemouth Market
3 Tanners bank, North Shields
Star of the RC Primary School
Kings Priory School
Tynemouth Market
Tynemouth Squash Racket Club
Tynemouth Squash Racket Club
Coquet park 1st School
Southridge First School
Cullercoats Library
Action Park, Dudley.
Whitley Bay Masonic Hall
Rockcliffe Rugby Club, North Shields
West Moor Community Centre
Artisan Baker Café, Whitley Bay
Spanish City Plaza, Whitley Bay
Spanish City Plaza, Whitley Bay
Spanish City Plaza, Whitley Bay
Whitley Bay, Masonic Hall
Wallsend Town Hall Chambers
Tynemouth District Scout Headquarters
Tynemouth Priory
TWW1 Commemoration Centre, Front Street
Tynemouth Golf Club
Holy Saviours Parish Centre
North Gosforth & Wideopen CC
Tynemouth Priory and Castle
Linskill Centre, North Shields
Earsdon and Wellfield Comm Centre
Tynemouth Priory & Castle
Inflatable Dome, Spanish City
Net, Fish Quay, North Shields
Kings Priory School
Wallsend Peoples Centre
Whitley Bay Film Festival
Fish Shack King Edwards Bay
Action Park, Dudley.
Saville Exchange, North Shields
West Moor Community Centre
Manhattens, Wallsend
St. Mary's Lighthouse, Whitley Bay

Rendezvous Café
Foxhunters Pavilion
Tynemouth Priory
Whitley Bay District HQ, Marden Road South
TVLB, Spanish Battery
King Edwards Bay
Tynemouth Cricket Club
King Edwards Bay, Tynemouth
Cullercoats Library
Masonic Hall Whitley Bay
Riley's Fish Shack
3 Tanners bank, North Shields
Riley's fish Shack, King Edwards Bay
Riley's fish Shack, King Edwards Bay
Riley's fish Shack, King Edwards Bay
Kings Priory School
Kings Priory School
Kings Priory School
Kings Priory School
Annitsford Welfare
Earsdon & Wellfield CC
Holy Saviours Church, Broadway, Tynemouth
George Stephenson, Great Lime Road, West Moor
Tynemouth Cricket Club
Odeon, Silverlink
Earsdon & Wellfield & Community Centre
Odeon Silverlink
Holy Saviours Church Hall, Tynemouth
9th Whitley Bay Scouts Group
Masonic Hall, Whitley Bay
Cobalt Business Park
Star of the Sea RC Primary School
Mister Woods Coffee, Tynemouth
Mister Woods Coffee, Tynemouth
Tynemouth Station Market
King Edwards Primary School
Whitley Lodge First School
Tynemouth Market
Four Lane Ends Club
Cullercoats Primary school
Daverson Hall, Wideopen
Whitley Bay Juniors FC
Quorum Business Park
Ballarat Pub
B&M Stores, Wiltshire Drive
King Edwards Bay, Tynemouth
The Top House, North Shields
Rising Sun, Wallsend

Earsdon & Wellfield Comm Centre
Queens Head, High St West, Wallsend
Queens Head, High St West, Wallsend
Priory Pub, Tynemouth
Teo's Delicatessen
Teo's Delicatessen
Teo's Delicatessen
Tynemouth Station Market
Shiremoor Comm Ass
Surf Café, Tynemouth
Rockcliffe Arms, Whitley Bay
Lola Jeans , Arcade, Tynemouth
Riley's Fish Shack
Tynemouth Metro Station
Spread Eagle, North Shields
The Exchange, Howard Street
Omni Café, Monkseaton
Holy Saviours Church Hall, Manor Road
Linskill Centre, North Shields
Linksill Centre, North Shields
Innisfree Sports & Social Club, Longbenton
Tynemouth Station
Earsdon & Wellfield Comm Centre
TVLB Watch House Museum, Spanish Battery, N/S
Cullercoats Library, St Georges Rd, Cullercoats
Omni Cafe, 12 Front St, Monkseaton
Holy Saviours Scout & Guide HQ, Tynemouth
Tynemouth & Dist Scout HQ, North Shields
9th Whitley Bay Scouts Group
Tynemouth Priory food Festival
Tynemouth Station
Manhattans, 85-87 High Street West, Wallsend
Kings Priory School, Percy Park Road, Tynemouth
Tynemouth Squash Club
Havana, Whitley Bay
Cullercoats Library
Tynemouth Market
Holy Saviours Parish Hall
Plaza Whitley Bay
Northumberland Square, North Shields
The Old Correction House, North shields
The Old Correction House, North shields
Pulp Fiction. Park View
The Top House, North Shields
Ballarat, North Shields
Tynemouth Squash Club
Coquet Park 1st School