

# **North Tyneside Council Report to Licensing Committee Date: 30 March 2017**

**Report Author: Mr P Scott  
Head of Environment, Housing 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 decisions taken by officers under delegated authority for the period 1 March 2016 to 28 February 2017.

### **1.2 Recommendation**

It is recommended that the Committee:

- a) Note the decisions taken by officers under delegated authority for the period 1 March 2016 to 28 February 2017.

## **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 – 131  
Transfer of Premise Licence – 26  
Premise/Club Licence (Variation) – 5  
New Premise Licence – 21  
Temporary Event Notices – 178  
Minor Variations – 17

### **Gambling Act 2005**

Gambling Permits – 2  
New Premise Licences – 1  
Transfer/Variation of Licences – 2

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

New Premise Licences – 7 Granted 2 Refused  
Variation of Premise Licence – 4  
Review of Premise Licence - 1

2.2.3 Members have also determined the following matters without the need for a hearing

Variation of Premise Licence – 1 – B & M Bargains, Whitley Bay

## 2.2.4 Enforcement Activities

Licensing & Gambling Inspections & Statutory Notices Checked

Compliance Inspections = 69  
Statutory Notices Checked = 59

## 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 2016 to 28 February 2017.

## **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 irrelevant, frivolous, vexatious, etc			All cases
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 premises holding an on premises alcohol licence		X	
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 1.3.16 – 28.2.17**

<b>Name</b>	<b>Address</b>
Elder & Wolf	Whitley Road, Whitley Bay
Le Petit Four	Unit 38 Royal Quays Shopping Outlet
Blue Sign Filling Station	Coast Road, Wallsend
Savers	High Street West, Wallsend
Aldi	High Street West, Wallsend
Aldi	Foxhunters Industrial Estate, Whitley Bay
Co-op	Marine Avenue, Whitley Bay
Berkeley Tavern	Marine Avenue, Whitley Bay
Magnesia Bank	Camden Street, North Shields
Killingworth Social Club	Citadel East, Killingworth
Herb Garden	Albert Dock Marina, Coble Dene, North Shields
Munchies Texan Pizza	High Street East, Wallsend
Valiant Store	Maud Terrace, West Allotment
Drinks4Gifts	North Tyne Industrial Estate, Benton
Accenture PLC	Cobalt Business Park
Bengal Spice	Tynemouth Road, Howdon
Dappers	Northumberland Place, North Shields
Dog & Rabbit	Park View, Whitley Bay
Annitsford Pioneer Club	Seghill Road Ends, Annitsford
Cru Prive Ltd	Tynemouth Road, North Shields
Tynemouth Unionist Club	Albion Road, North Shields

**Licences varied by Officers (including Minor Variations) – 1.3.16 – 28.2.17**

<b>Name</b>	<b>Address</b>	<b>Nature of variation</b>
<b>VARIATIONS</b>		
Exchange	Saville Street, North Shields	Extend hours for licensable activities and removal of conditions
Daverson Hall	Elmwood Avenue, Gosforth	Add alcohol to licence and extend licensable activities to include a Sunday
B & M Bargains	Wiltshire Drive, Wallsend	Extend hours for supply of alcohol
Tynemouth Priory	Pier Road, Tynemouth	Extension of hours for licensable activities
Alnwick Castle	Saville Street, North Shields	Extension of hours for supply of alcohol and removal of condition on licence
<b>MINOR VARIATIONS</b>		
Cannon	Front Street, Earsdon	Change to layout
Salutation	Front Street, Tynemouth	Change to opening hours and internal layout
Co-op	Marine Avenue, Whitley Bay	Change to layout
Fire Station	York Road, Whitley Bay	Change to layout
Gunner	Trevor Terrace, North Shields	Change to layout
Shell	Annitsford Filling Station	Change to layout
Gunner	Trevor Terrace, North Shields	Change to layout
North Shields Football Club	Silkeys Lane, North Shields	Removal of conditions and change to plan

Co-op	Earsdon Road, Monkseaton	Change to layout
Braised Station	Benton Road, West Allotment	Change to layout
Shampan	Whitley Road, Whitley Bay	Change to layout
Marks & Spencer	Silverlink Retail Park	Change to layout
Rex Hotel	Promenade, Whitley Bay	Decrease hours and additional conditions agreed with Northumbria Police
Morrisons	Hillheads Road, Whitley Bay	Change to layout
McDonalds	Silverlink Retail Park	Change to layout
Prudhoe Store	Prudhoe Street, North Shields	Additional conditions as agreed with Trading Standards
Charnwood	Charnwood Avenue, Longbenton	Amend conditions and change of plan

**Gambling Act – Licences granted / varied – 1.3.16 – 28.2.17**

Betfred, Killingworth Centre
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## Appendix 4

### List of TEN's 1.3.16 – 28.2.17

	<b>Location of Event</b>
1.	Tynemouth Station
2.	Innisfree Social Club
3.	Cullercoats Library
4.	Tynemouth Volunteer Life Brigade
5.	Tynemouth Volunteer Life Brigade
6.	Tynemouth Station
7.	The Net, North Shields
8.	Tynemouth Castle & Priory
9.	Mr Woods, The Broadway
10.	Whitley Lodge Shopping Centre
11.	The Exchange, Howard Street
12.	Rose Inn, Wallsend
13.	Whitley Bay Scout Headquarters
14.	St Georges, Parish Hall, Cullercoats
15.	West Moor Community Centre
16.	Tynemouth Castle and Priory
17.	Star of the Sea RC Primary School
18.	Tynemouth Station
19.	Havana, south Parade
20.	Havana, South Parade
21.	Four Lane Ends Social Club
22.	Tynemouth Food Festival (Castle & Priory)
23.	Tynemouth Food Festival (Castle & Priory)
24.	Daverson Hall, Wideopen & North Gosforth Community Association
25.	Cullercoats Library
26.	Tynemouth Food Festival (Castle & Priory)
27.	Plaza Whitley Bay
28.	St Georges Church Hall & Grounds
29.	Innisfree Social Club
30.	TVLB Watch House Museum, Spanish Battery, N/S
31.	Tynemouth District Scout Headquarters
32.	Ears don & Well field Community Centre
33.	Foxhunters Sporting Pavilion
34.	Spanish City Plaza
35.	Whitley Lodge first School
36.	Plaza Whitley Bay - Food Festival
37.	Holy Saviours Parish Centre
38.	TVLB Watch House Museum, Spanish Battery, N/S
39.	FSI Gym Unit 7, Bugatti Industrial Park, Norham Rd South, N/S
40.	Longsands Beach, Tynemouth
41.	Red Lion Inn, Front Street, Earsdon

42.	Red Lion Inn, Front Street, Earsdon
43.	John Spence Community High School, North Shields
44.	Manhattans, 85-87 High Street West, Wallsend
45.	Tynemouth Priory, Pier Road, North Shields
46.	Killingworth Young Peoples Club, Amberley Park
47.	Tynemouth Priory, Pier Road, North Shields
48.	Monkhouse Primary School, Wallington Ave, North Shields
49.	Holy Saviours Church
50.	Tynemouth Golf Course
51.	Benton Dene Schools
52.	Holy Saviours Church Hall
53.	Tynemouth Station
54.	Wallsend Forum
55.	Tynemouth Market
56.	Omni, Monkseaton
57.	Tynemouth Station Market
58.	Tynemouth Station Market
59.	Star of the Sea RC Primary School
60.	Innisfree Sports & Social Club, Longbenton
61.	The Net, North Shields
62.	Holy Saviours Parish Hall, Manor Road, Tynemouth
63.	Civic Hall, Wallsend
64.	Cullercoats Primary School
65.	Kings Priory School
66.	9th Whitley Bay Scout Group
67.	Tynemouth Scouts HQ
68.	Tynemouth Station Market
69.	Coquet Park 1st School
70.	Rockcliffe 1st School
71.	TVLB Watch House Museum, Spanish Battery, N/S
72.	Tynemouth Golf Course
73.	Daverson Hall, Wideopen
74.	TVLB Watch House Museum, Spanish Battery, N/S
75.	Tynemouth Market
76.	Holy Saviours Church, The Broadway.
77.	Rose Inn, Wallsend
78.	Rose Inn, Wallsend
79.	Magnesia Bank
80.	King Edwards Bay
81.	10 Beverley Gardens, Cullercoats, N/S, T&W, NE30 4NS
82.	Magnesia Bank, North Shields
83.	Magnesia Bank, North Shields
84.	Havana, South Parade
85.	Tynemouth Squash Racket Club, Billy Mill Lane, N/S
86.	Peary House, Preston Park, N/S
87.	Barca Art Café, 68 Front Street, Tynemouth
88.	Monkseaton Library
89.	Cobalt Business Park

90.	Station Master Community Wildlife Garden
91.	St Marys Lighthouse
92.	Rendezvous Café
93.	Rose Inn, Rosehill Bank
94.	Top House, North Shields
95.	Whitley Bay FC Juniors
96.	Salutation
97.	Cullercoats Library, St Georges Rd, Cullercoats
98.	Manhattans, 85-87 High Street West, Wallsend
99.	Whitley Bay Metro Station
100.	Kings Priory School, 9 Huntington Place, Tynemouth
101.	Tynemouth Cricket Club, Preston Ave, N/Shields
102.	Net N/Shields, Cliffords Fort
103.	Westmoor Community Centre
104.	Tynemouth Cricket Club, Preston Ave, N/Shields
105.	Riley's Fish Shack, King Edwards Bay, Tynemouth
106.	Whitley Bay Metro Station
107.	Kings Priory School, 9 Huntington Place, Tynemouth
108.	Top House, North Shields
109.	Cullercoats Primary School
110.	The Net, Cliffords Fort, North Shields
111.	Fenwicks Warehouse
112.	Fenwicks Warehouse
113.	Omni, Monkseaton
114.	Tyne Youth & Community Centre, North Shields
115.	Tynemouth Squash Club
116.	Earsdon & Wellfield Community Centre
117.	9th Whitley Bay Scout Group
118.	Whitley Bay Metro Station
119.	Wallsend Memorial Hall & Peoples Centre
120.	Cullercoats Library
121.	Porsche showroom, Silverlink, Wallsend
122.	Four Lane Ends Social Club
123.	Wallsend Memorial Hall & Peoples Centre
124.	Kings Priory School, Huntington Place, Tynemouth
125.	Westmoor Community Centre
126.	The Plough, Killingworth Village.
127.	Whitley Lodge First School
128.	Star of the Sea Primary School
129.	Linskill Centre, North Shields
130.	Cullercoats Library
131.	King Edward Primary School
132.	Rockcliffe 1st School
133.	Quorum Business Park
134.	Killingworth Young Peoples Club, Amberley Park
135.	Foxhunters Sports Pavilion
136.	Northumberland Square, North Shields
137.	Fat Ox, 278 Whitley Road, Whitley Bay

138.	Fat Ox, 278 Whitley Road, Whitley Bay
139.	Tyne Youth & Community Centre, North Shields
140.	The Net, Cliffords Fort, North Shields
141.	Rockcliffe Arms, Whitley Bay
142.	Rising Sun, Wallsend
143.	Odeon Cinema, Silverlink
144.	Northumberland Square , North Shields
145.	The Exchange, Howard Street
146.	The Exchange, Howard Street
147.	The Exchange, Howard Street
148.	Manhattans, 85-87 High Street West, Wallsend
149.	Mr Woods, The Broadway
150.	Omni, Monkseaton
151.	Spring Gardens, Spence Terrace, N/Shields
152.	Priory Pub, Tynemouth
153.	Surf Café, Tynemouth
154.	Joffers, Whitley Road, Whitley Bay
155.	Riley's Fish Shack, King Edwards Bay, Tynemouth
156.	Tynemouth Station - Market
157.	Earsdon & Wellfield Community Centre
158.	Earsdon & Wellfield Community Centre
159.	Innisfree Sports Social Club
160.	Holy Saviours Parish Hall, Manor Road, Tynemouth
161.	8th Tynemouth Scout Group
162.	Holy Saviours Parish Hall, Manor Road, Tynemouth
163.	Top House North Shields
164.	Top House 2 North Shields
165.	Tynemouth Squash Rackets Club
166.	Scout HQ - Tynemouth, Manor Road
167.	Earsdon & Wellfield Community Centre
168.	Tynemouth Castle & Priory (English Heritage)
169.	Net N/Shields, Cliffords Fort - MARQUEE 1
170.	Net N/Shields, Cliffords Fort - MARQUEE 2
171.	Wallsend Hall, The Green
172.	Holy Saviours Parish Hall
173.	TVLB, Spanish Battery, Tynemouth
174.	Eccles Hall, Earsdon
175.	St Andrew's United Reformed Church, Eastfield Ave, Monkseaton
176.	Innisfree Sports Social Club, Longbenton
177.	Tynemouth Squash Rackets Club
178.	John Spence School - Sports Hall