

Licensing Sub-Committee

24 November 2015

Present: Councillor M A Green (Chair)
Councillors L Darke and W Lott

LSQ10/11/15 Appointment of Chair

Resolved that Councillor M A Green be appointed Chair for this meeting.

LSQ11/11/15 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ12/11/15 Application for a Premises Licence – Riley’s Fish Shack, King Edward’s Bay, Tynemouth (Tynemouth Ward)

The sub-committee met to consider an application from A Riley for a Premises Licence in relation to Riley’s Fish Shack, King Edward’s Bay, Tynemouth. The application sought permission to supply alcohol (on and off the premises) and recorded music on all days between 09:00hrs and 22:00hrs.

The Council had received representations from four Tynemouth residents, two in favour of the application and two opposed to the terms of the application.

Following introductions, the sub-committee’s legal advisor, J Barton, set out the procedure to be followed during the course of the hearing.

The Council’s Licensing Officer, D Frankland, presented details of the application, the representations received and the options available to the sub-committee.

The following parties were present at the hearing; A Riley, the applicant, represented by M Foster, Solicitor, and J Leeson, a resident of Tynemouth who had submitted a letter in support of the application.

J Leeson referred to her own experiences of visiting the Fish Shack and stated that there had been no crime or disorder since it opened. She was of the view that there were no public safety or public nuisance issues in relation to the application and the Fish Shack was a family friendly venue. J Leeson had previously objected to a number of licensing applications in the past but she was supportive of this application.

The sub-committee gave consideration to the written representations from three other residents of Tynemouth who were not present at the hearing.

M Foster outlined A Riley’s experience as an operator of a number of food led businesses. He had traded from King Edward’s Bay for 3 years without any issues and in this time he had sold alcohol at the location by way of over 30 Temporary Event Notices. A Riley operated a Challenge 25 Policy. No representations had been made by the Police which indicated they had no concerns about the proposed hours of trading. No representations had been made by the Environmental Health Department and this indicated that there had

been no complaints to the Council in relation to public nuisance issues, such as smoke, excessive noise or smells emanating from the premises.

M Foster stated that the sale of alcohol would be ancillary to the sale of food as alcohol would only be sold to customers taking a meal. A Riley and his staff regularly cleaned up the area in the immediate vicinity of the Fish Shack and its development had reduced the incidences of groups of young people congregating on King Edward's Bay. M Foster referred to the support for Riley's Fish Shack from local residents. Neither of those residents who had raised objections to the application lived close to the premises. A considerable number of residents lived closer but no one from those streets had made a representation.

During questioning A Riley stated that there were 40 stools in the Fish Shack, he was in the process of having a CCTV system installed and there were 6 bins in the immediate vicinity of the premises. A Riley also confirmed that alcohol would only be served to customers taking food and in biodegradable cups, he operated a Challenge 25 Policy and he was seeking permission to serve alcohol from 9.00am in the morning.

J Leeson and M Foster were given the opportunity to sum up their respective submissions.

The sub-committee withdrew from the meeting to make its decision in private. The sub-committee returned and the Chair announced its decision.

Resolved that (1) the application for a Premises Licence in relation to Riley's Fish Shack, King Edward's Bay, Tynemouth be granted;
(2) the Council's Licensing Officers, in consultation with the A Riley, determine if permission to provide recorded music appears on the Premises Licence; and
(3) the following conditions be attached to the Premises Licence:-

1. All members of staff responsible for the sale or supply of alcohol at the Premises shall seek credible photographic proof of age evidence from any person, who appears to be under 25 years of age and who is seeking to purchase or consume alcohol on the Premises. Such credible evidence, which shall include a photograph of the customer, will either be a current passport, photographic driving licence, proof of age card carrying the "Pass" logo and hologram or age enforces identify card. If no such photographic evidence is produced when requested, the sale will be refused.
2. Alcohol will only be sold or supplied at the Premises to customers taking a meal at or from the Premises.
3. All alcohol served at the Premises will be consumed from biodegradable cups or vessels.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives which underpin the Licensing Act 2003, the sub-committee concluded that:-

- a) as no representations had been received from the Police this indicated that they had no concerns regarding the application;
- b) on the basis of the applicant's experience of selling alcohol at the location over the past 3 years there was no evidence that should a licence be granted that the crime and disorder licensing objective will be undermined;

- c) had the Council received any complaints about smoke emanating from the premises, the sub-committee would have expected the Environmental Health Department to have made a representation in relation to the. No such representation had been received;
- d) Riley's Fish Shack is a small venue in a remote and isolated location. Therefore the likelihood of any noise emanating from the premises being of a level that is ever likely to be an issue for any local residents is remote. Furthermore the applicant stated that any music played at the premises will only be background music;
- e) the grant of a licence permitting the sale of alcohol will not necessarily lead to an increase in the litter in the area that may, or may not, come from the premises;
- f) the steps and ramp leading down to the beach and the lighting of those areas is not something over which the applicant has any direct control;
- g) unless the applicant intends to operate at times when alcohol is not being offered for sale and play recorded music during these periods, there is no reason why this activity needs to appear on the licence; and
- h) it is appropriate to attach the conditions set out above to promote the licensing objectives concerned with the prevention of crime and disorder and the protection of children from harm and to ensure that the premises will be food led and that the sales of alcohol are very much ancillary to the supply of food.