

## **Licensing Sub-Committee**

**7 December 2015**

Present: Councillor M A Green (Chair)  
Councillors W Lott and J O'Shea

### **LSQ13/12/15 Appointment of Chair**

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

### **LSQ14/12/15 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ15/12/15 Application for the variation of a Premises Licence – Longsands Fish Kitchen, 27 Front Street, Tynemouth (Tynemouth Ward)**

The sub-committee met to consider an application from S Walsh for the variation of an existing Premises Licence held in relation to Longsands Fish Kitchen, 27 Front Street, Tynemouth. The application sought permission to extend the period in which the premises were permitted to supply alcohol. The licence currently allowed alcohol to be supplied in the restaurant area to the rear of the premises on all days between 11.30am and 7.00pm and the premises were open to the public each day of the week from 8.00am to 8.00pm. The application sought permission to supply alcohol each day of the week from 11.30am to 10.00pm with the premises being open to the public from 8.00am to 10.30pm.

The Council had received representations from seven Tynemouth residents, three in favour of the application and four opposed. There were no representations from any of the responsible authorities. The premises were located within a cumulative impact policy zone.

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, S Vert, presented details of the application, the representations received and the options available to the sub-committee.

The following parties were present at the hearing; S Walsh, the licence holder and applicant, accompanied by K Henderson, co-owner of the restaurant, and J Leeson, a resident of Tynemouth who had submitted a letter in support of the application.

J Leeson expressed her support for the application of the cumulative impact policy on licensed premises whose sole purpose was to sell alcohol in the evening. In her view, Longsands Fish Kitchen was a restaurant and she felt it was unfair that restrictions should be placed upon it that did not apply to other restaurants operating in Front Street. The restaurant had now been open for a year and it had been properly managed and operated. She lived in close proximity to the restaurant and she was not aware of any problems.

The sub-committee gave consideration to the written representations from the other residents of Tynemouth who were not present at the hearing. This issues raised by residents included problems associated with refuse bins, smells and storage of waste, car parking, noise nuisance and pre-loaded and drunk teenagers. Reference was also made to

the dangers of customers crossing Front Street, the application of the cumulative impact policy and the undermining of the efforts of the Police.

S Walsh explained that Longsands Fish Kitchen was a high end, stand alone restaurant. The current restricted hours were having a negative impact on the business. Having discussed matters with the Police he proposed operating a policy whereby no orders for hot food would be taken after 8.30pm which would allow customers up to 2 hours to enjoy their meal. Mr Walsh outlined the steps his business had taken to promote the four licensing objectives including the installation of a CCTV system, regular contact with the police, lighting outside the premises, staff training and the operation of a Challenge 25 Policy. Mr Walsh believed that the business had done everything required of them and he emphasised that it was a restaurant and it did not turn into a bar later in the evening. K Henderson added that the restaurant had 3 large bins stored to the rear premises which were locked and emptied twice a week. Whilst there were issues with waste in the area the Environmental Health Officer had no issues with the restaurant.

S Walsh, K Henderson and J Leeson 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 the application for the variation of an existing Premises Licence held in relation to Longsands Fish Kitchen, 27 Front Street, Tynemouth be granted.

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 the existing licence restricts the supply of alcohol to customers taking table meals and as the premises were described as a "high end, stand alone restaurant", Longsands Fish Kitchen did not fit the description of premises set out in the cumulative impact policy because it is not an "alcohol led premises" and therefore the policy did not apply;
- b) if the police believed that the proposed extension of hours for the supply of alcohol and the additional opening hours of trading would have a negative impact on the licensing objective concerned with the prevention of crime and disorder then the sub-committee would have expected the police to have made an appropriate representation;
- c) there was no evidence before the sub-committee that granting the variation would undermine the crime and disorder licensing objective;
- d) there was no evidence that should the variation be granted that the additional hours of trading will have a negative impact on the prevention of public nuisance objective;
- e) there appeared to be nothing in any of the representations that addressed the licensing objectives concerned with the protection of children from harm and public safety; and
- f) in the period of time the restaurant has operated no complaints have been made to the licensing authority, the police or any other responsible authority about the way in which it operates and there is no suggestion that the restaurant was operated other than in accordance with the law and the terms of its licence; and
- g) having regard to all of the evidence before it, it was appropriate in the circumstances to grant the variation.