

REPORT

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

Date: 17 December 2015

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**Title of
Report:** Licensing Act 2003 Application –
Caprice Hotel (Echo), 14-16 South
Parade, Whitley Bay

Ward(s): Whitley Bay

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

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.

1.2 The Sub-Committee is asked to consider and determine an application from the Chief Officer of Police for the review of a Premise Licence held by Mr John Proud in respect of Caprice Hotel (Echo), 14-16 South Parade, Whitley Bay.

1.3 The applicant has been invited to attend the meeting to put forward their case in support of the review application. All persons making relevant representations in support of the applications have been invited to attend as well as the premise licence holder.

1.4 Representations from Responsible Authorities and Other Parties

The applicant for a review is required to forward copies of the application to the Weights and Measures Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Primary Care Trust, Fire Authority and the Local Safeguarding Children Board with a view to any of these Responsible Authorities making a supporting representation if deemed appropriate.

In addition the application has been advertised by the Licensing Authority at the premises, at the main offices of the Council and on the Council website as prescribed. A supporting representation has been received from the Licensing Authority.

1.5 Authority to make decisions

In relation to an application for the review of a premise licence the Licensing Sub-Committee can, under the Licensing Act 2003:

1. Modify the conditions on the licence
2. Exclude a licensable activity from the scope licence
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period of not more than three months
5. Revoke the licence

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.

2.0 Background

This report relates to an application by the Chief Officer of Police for the review of a premise licence held by Mr John Proud in respect of Caprice Hotel (Echo), 14-16 South Parade, Whitley Bay.

The application for review and supporting information are attached at **Appendix 1**, 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**. A chronology of applications in relation to the premises is also attached at **Appendix 5** which includes details of the previous review held in 2010.

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

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 ground for the review is the prevention of crime and disorder and public safety.

2.2 The current premise licence in respect of Caprice Hotel allows the following:

1. To permit the premises to **Supply Alcohol** (on and off) the premises, Performance of Dance, Facilities for Dancing, Facilities for Making Music, Live Music, Recorded Music, Entertainment of a similar description to live music, recorded music and dance, Entertainment of a similar description to making music and dancing as follows:
 - Every Day – 11.00 – 00.00
2. To permit **Late night refreshment** (indoors) as follows:
 - Monday – Saturday – 23.00 – 23.30
3. To permit **Private Places of Entertainment**
4. The opening hours are as follows:
 - Every Day – 11.00 – 00.30

3.0 The Representations

A supporting representation from the Licensing Authority has been received which is attached at **Appendix 6**.

4.0 The Parties

The Parties to the hearing will be:

1. The Applicant – Chief Officer of Police
2. Responsible Authority – Licensing Authority
3. Premise Licence Holder

5.0 For consideration

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

- Application for the review of a premise licence held by Mr J Proud in respect of Caprice Hotel, 14-16 South Parade, Whitley Bay.

6.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the relevant part of the Policy, Sections 10.1 – 10.5 Crime and Disorder, Sections 10.6 – 10.11 Public Safety.

7.0 The Revised Guidance issued under Section 182 Licensing Act 2003

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

8.0 For Decision

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

9.0 Associated Papers

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

Appendix 2 – Plan

Appendix 3 – Map

Appendix 4 – Current Premise Licence

Appendix 5 – Chronology

Appendix 6 – Responsible Authority Representation

10.0 Background Information

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