

REPORT

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

Date: 2nd February 2016

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**Title of
Report:** **Licensing Act 2003 Application -**
Turknaz, 57 North Parade, Whitley
Bay, NE26 1NX

Ward(s): Whitley Bay

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

The Licensing Act 2003 provides that, where representations have been received from a Responsible Authority or Other Persons in respect of an application for a licence or a review of a licence, a hearing must be held to consider them. 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 the application from Kudret Yilmaz for a New Premise Licence in respect of Turknaz, 57 North Parade, Whitley Bay, NE26 1NX.

1.3 The applicant has been invited to attend the meeting to put forward their case in support of the applications. All persons making relevant representations have also been invited to attend.

1.4 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Primary Care Trust, Weights and Measures Authority and the Local Safeguarding Children Board with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application. The application has also been advertised at or near the premises, in a local newspaper and on the Council website as prescribed. A representation has been made by The Chief Officer of Police. The representation is attached at **Appendix 6**.

1.5 Authority to make decisions

In relation to an Application for the grant of a Premises Licence or Club Premise Certificate the Licensing Sub-Committee can, under the Licensing Act 2003:

- grant a Licence subject to conditions consistent with the operating schedule and necessary for the promotion of the licensing objectives in addition to the mandatory conditions
- exclude from the scope of the Licence any of the licensable activities to which the Application relates,
- or reject the Application.

As this is an application for a New Premises Licence the Licensing Authority must make its determination within five working days of the day on which the hearing is held.

2.0 Background

2.1 This report relates to an application for a New Premises Licence in respect of Turknaz, 57 North Parade, Whitley Bay.

The Application for a New Premise Licence is attached at **Appendix 1**, a plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**.

The premises currently operate under the name of Aruba and the premise licence for Aruba is attached at **Appendix 4**.

The Sub-committee should also be aware that this premises falls within the Cumulative Impact Area of Whitley Bay. This creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

2.2

The Application for the Grant of a Premises Licence under Section 17 of The Licensing Act 2003

The Application for the Grant of the Premises Licence is made pursuant to Section 17 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 18 of the Act.

The application for a premise licence is as follows:

1. To permit the premises to **supply of alcohol** (on and off the premises), **exhibition of film** (Indoors) as follows:
 - Sunday – Wednesday – 11.00 – 00.00
 - Thursday – Saturday – 11.00 – 02.00
2. To permit **late night refreshment** (indoors) as follows:
 - Sunday – Wednesday – 23.00 – 00.30
 - Thursday – Saturday – 23.00 – 02.30
3. Non-standard timings as follows:
 - Additional hour to the standard non-standard times on the day that British Summertime commences.
 - From 1st April to 30th September on Sundays all licensable activities are extended to 02.00
 - An additional 2 hours may be added to the finish time of all licensable activities on Bank Holiday Mondays and Sundays; 27 – 28th December, Boxing Day, Christmas Day, Christmas Eve
 - On New Year's Eve all licensable activities may be extended from the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day
4. The hours open to the public are as follows:
 - Sunday – Wednesday – 11.00 – 00.30
 - Thursday – Saturday – 11.00 – 02.30

3.0 Promotion of Licensing Objectives

The applicant has included the following additional steps in the operating schedule that they intend to take in order to promote the licensing objectives.

Please see **Appendix 1**.

4.0 The Representations

Relevant representations have been made as follows and are attached at **Appendix 5:**

- The Chief Officer of Police has made representations.
- Tyne and Wear Fire and Rescue Service has made no representations.
- The Health and Safety Officer of North Tyneside Council has made no representations.
- The Local Planning Authority has made no representations.
- The Environmental Health Officer of North Tyneside Council has made no representations.
- The Local Safeguarding Children's Board for North Tyneside has made no representations.
- The Weights and Measures Authority for North Tyneside has made no representations.
- The Licensing Authority has made no representations.
- The Primary Care Trust has made no representations.
- Other Persons have made no representations.

5.0 The Parties

The Parties to the hearing will be:

1. The Applicant - Mr Kudret Yilmaz (represented by Sintons)
2. Responsible Authority – Chief Officer of Police

6.0 For consideration

The areas for consideration by the Licensing Sub-Committee are:
Application for a New Premises Licence in respect of Turknaz, 57 North Parade, Whitley Bay.

7.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the relevant part of the Policy – Section 10.1 – 10.5 Crime and Disorder.

8.0 The Revised Guidance issued under Section 182 Licensing Act 2003

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

9.0 For Decision

The Sub-Committee is asked to determine these applications in whichever way it sees fit.

10.0 Associated Papers

Appendix 1 – The application for a New Premises Licence
Appendix 2 – Plan of the premises
Appendix 3 – Map of the area
Appendix 4 – Existing Premise Licence in respect of Aruba
Appendix 5 – Representations

11.0 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