

# REPORT

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

**Date:** 18<sup>th</sup> May 2016

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**Title of  
Report:** **Licensing Act 2003 Application –**  
Albadelle Mini Market, 159 Tynemouth  
Road, Howdon, Wallsend, NE28 0AZ.

**Ward(s):** Riverside

## **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 Mr Albert Bio for a New Premise Licence in respect of the Albadelle Mini Market, 158 Tynemouth Road, Howdon, Wallsend, NE28 0AZ.

**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, Director of Health, 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 the premises, in a local newspaper and on the Council website as prescribed. Representations have been received from Responsible Authorities as well as Other Persons. These are attached at **Appendix 6**.

### Authority to make decisions

## 1.5

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.

### Background

## 2.0

This report relates to an application for a New Premises Licence in respect of Albadelle Mini Market, 159 Tynemouth Road, Howdon, Wallsend.

## 2.1

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**.

A number of potential offences under the Licensing Act 2003 arise from the evidence provided from Northumbria Police from January 2016.

Section 136 Licensing Act 2003 – Unauthorised licensable activities  
Section 137 Licensing Act 2003 – Exposing alcohol for unauthorised sale  
Section 138 Licensing Act 2003 – Keeping alcohol on premises for unauthorised sale etc. **See Appendix 4.**

## **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** (off the premises) and remain open to the public as follows:
  - Every Day From 07.00 – 22.00

If the licence is granted this will be subject to mandatory conditions attached at **Appendix 5**.

## **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 has been made as follows and is attached at **Appendix 6**:

- The Chief Officer of Police has made a representation.
- 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 representations.
- The Weights and Measures Authority for North Tyneside has made representations.
- The Licensing Authority has made no representations.
- The Director of Health has made representations.
- An Other Person has made a representation.

## **5.0 The Parties**

The Parties to the hearing will be:

1. The Applicant
2. Responsible Authorities – Chief Officer of Police, Local Weights & Measures Authority, Local Safeguarding Children’s Board, Director of Health
3. Other person – Local Resident

## **6.0 For consideration**

The areas for consideration by the Licensing Sub-Committee are:  
Application for a New Premises Licence in respect of Albadelle Mini Market, 159 Tynemouth Road, Howdon, Wallsend.

## **7.0 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 and Sections 10.19 – 10.29 Protection of Children from Harm.

## **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 – Potential offences under Licensing Act 2003  
Appendix 5 – Mandatory Conditions  
Appendix 6 – 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