

# REPORT

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

**Date:** 5<sup>TH</sup> October 2016

**Report by:** Dawn Frankland  
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**Title of  
Report:** **Licensing Act 2003 Application –**  
Rai Wine Store Ltd  
20 Forest Hall Road  
Forest Hall  
Newcastle upon Tyne  
NE12 9AL

**Ward(s):** Benton

## **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 Gurdeep Singh Rai for the Variation of an existing Premise Licence in respect of 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL.

**1.3** The applicant has been invited to attend the meeting to put forward their case in support of the application. 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. This representation is attached at **Appendix 5**.

### Authority to make decisions

## 1.5

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

- Modify the conditions of the Licence/Certificate
- Reject the whole or part of the application

Once the Sub-Committee has reached a decision, the decision and reasons for the decision must be given in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

As this is an application for a Variation of an existing Premise 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 Variation of an existing Premise Licence in respect of Rai Wine Store Ltd, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL.

The Application for the Variation 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 current Premise Licence is attached at **Appendix 4** and allows the following:

1. To permit the supply of alcohol (off the premises)
  - Every Day **From** 07:00 **Until** 23:00
2. The Opening times are unlimited

## **2.2 The Application for the Variation of a Premises Licence under Section 34 of The Licensing Act 2003**

The Application for the Variation of the Premises Licence is made pursuant to Section 34 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 35 of the Act.

The Variation is for Supply of alcohol off the premise via Delivery Service as follows:

- Every Day **From 23:00 until 07:00**

## **3.0 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.
- Director of Health has made no representations.
- Other Persons have made no representations.

## **4.0 The Parties**

The Parties to the hearing will be:

1. The Applicant - Mr Gurdeep Singh Rai
2. Responsible Authority – Chief Officer of Police

## **5.0 For consideration**

The areas for consideration by the Licensing Sub-Committee are:  
Application for the Variation to a Premises Licence in relation to, Rai Wine Store Limited, 20 Forest Hall Road, Forest Hall, Newcastle upon Tyne, NE12 9AL.

## **6.0 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.

## **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 Guidance issued under S182 Licensing Act 2003 that is Chapter 2 Licensing Objectives.

## **8.0 For Decision**

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

## **9.0 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  
Appendix 5 – Representations

## **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  
Amended Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office  
Delegation Scheme – Licensing Committee 7 February 2005