

Licensing Sub-Committee

4 January 2017

Present: Councillors L Darke, M A Green and J O'Shea

LSQ19/01/17 Appointment of Chair

Resolved that Councillor J O'Shea be appointed Chair for this meeting.

LSQ20/01/17 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ21/01/17 Application for a Variation to a Premises Licence – Mister Woods, 142 Broadway, Tynemouth, NE30 3RT (Cullercoats Ward)

The Sub-committee met to consider an application for a variation to a Premises Licence in relation to Mister Woods, 142 Broadway, Tynemouth. The applicant, Mr Michael Smith, sought permission for a variation to the Premises Licence to supply alcohol on the premises between 12.00 hours and 23.00 hours, Monday to Saturday and between 12.00 hours and 22.00 hours on a Sunday. The existing licence permitted the sale of alcohol on the premises between 12.00 hours and 20.00 hours, Monday to Thursday and between 12.00 hours and 22.00 hours, Friday to Sunday. The applicant also sought to include the external areas of the site within the Premises Licence and to allow the supply of cask/tapped ale within the premises.

The Authority had received representations from the Chief Officer of Police in respect of the licensing objective of the prevention of crime and disorder.

The Authority had also received representations from Ms S McBurnie, a local resident who was not present at the hearing. Having confirmed that she had been informed of the date and time of the hearing the Sub-committee agreed to continue with the hearing and determine the application having had regard to her written representations.

Following introductions, the Sub-committee's legal advisor, set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representations received and the options available to the Sub-committee.

Mr Kirkpatrick explained that discussions had take place with the applicant regarding the application and a suggested set of conditions had been proposed which would address the concerns of the police in respect of the application. Mr Kirkpatrick explained that the suggested condition in relation to the number and size of the barrels to be used on the premises had been based on the limited availability of storage on the premises

Mr Smith explained that it was the intention to supply craft ale at the premises to offer customers more choice and that the additional hours of operation were unlikely to be used. The applicant also confirmed that there was no objection to the suggested restrictions on the use of the outside areas.

Mr Smallwood explained that the intention was to promote a different drinking culture and experience and that that beer would be supplied by micro breweries. The premises were predominantly a coffee shop that offered a "bit extra" and it was certainly not the Applicant Company's intention for the premises to become a public house.

All parties were given the opportunity of summing 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 (1) the application for a variation to the Premises Licence in relation to Mr Woods, 142 Broadway, Tynemouth be granted;
(2) the following additional condition be attached to the Premises Licence:-

All the outside area(s) of the Premises will not to be used by customers (save for the smoking of cigarettes and the like) after 22.00 hours between 1 March and the 30 September and is/are not to be used after 21.00 hours between 1 October and 28/29 February.

(3) the following condition be removed from the premises licence:-

10. Alcohol shall only be supplied in pre-packed and pre-sealed containers.
Alcoholic drinks will not be supplied in draught form.

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) The applicant has a good track record of operating within the licence conditions and there have been no complaints about the operation of the premises to any of the Responsible Authorities;
- b) The premises would not be operating as a public house but as a coffee bar with the sale of alcohol as an ancillary product;
- c) The applicant has developed a good relationship with Northumbria Police;
- d) There have been no representations received from any of the other Responsible Authorities;
- e) It is appropriate to attach the condition set out above to promote the licensing objective concerned with the prevention of public nuisance.