

# REPORT

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

**Date:** 4 January 2017

**Report by:** Dawn Frankland  
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**Title of  
Report:** Licensing Act 2003 -  
Mr Woods, 142 Broadway,  
Tynemouth, NE30 3RT

**Ward(s):** Cullercoats

## 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 Person in respect of an application for a licence, a variation of 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 Mister Woods Coffee Broadway Limited for the Variation of an existing Premise Licence in relation to Mr Woods, 142 Broadway, Tynemouth.

1.3 The applicant has been invited to attend the meeting to put forward his 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 been advertised at or near the premises, in a local newspaper and also on the Council Website as prescribed. Representations have been made by the Chief Officer of Police as well as a local resident. These are attached at **Appendix 5**.

## 1.5 Authority to make decisions

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 the Variation of an existing 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

This report relates to an application for the Variation of an Existing Premise in respect of Mr Woods, 142 Broadway, Tynemouth.

2.1 The Application for the Variation together with new plan is attached at **Appendix 1**, an existing 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 **supply of alcohol** (on the premises)
  - Monday – Thursday 12.00 – 20.00
  - Friday – Sunday 12.00 – 22.00
2. The opening hours are as follows
  - Monday – Friday 07.30 – 22.00
  - Saturday 08.30 – 22.00
  - Sunday 09.00 – 22.00

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

The Application for 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 requested is to allow for cask/tapped ale to be supplied on site and to extend the hours for the supply of alcohol and to include the external areas of the property for the consumption of alcohol.

The proposed new times would be as follows:

1. To permit **supply of alcohol** (on the premises)
  - Monday – Saturday 12.00 – 23.00
  - Sunday 12.00 – 22.00
2. The proposed opening hours are as follows
  - Monday – Friday 07.30 – 23.00
  - Saturday 08.30 – 23.00
  - Sunday 09.00 – 22.00

If the Committee is minded to grant the variation Condition 10 on the current premise licence would need to be removed

## 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 have 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 have made no representations.
- The Weights and Measures Authority for North Tyneside have made no representations.
- The Licensing Authority has made no representations.
- The Director of Public Health has made no representations.
- Other persons have made representations.

#### **4.0 The Parties**

The Parties to the hearing will be:

1. The applicant
2. Responsible Authority
3. Other Person

#### **5.0 For consideration**

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

- Application for the Variation of a Premises Licence in relation to Mr Woods, 142 Broadway, Tynemouth.

#### **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 Licensing Objections.

#### **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 - Chapter 2 Licensing Objectives.

#### **8.0 For Decision**

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

#### **9.0 Associated Papers**

Appendix 1 – The application for the Variation of a Premises Licence  
Appendix 2 – Plan of the Premises  
Appendix 3 – Map  
Appendix 4 – Existing Premise Licence  
Appendix 5 – Relevant 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