

REPORT

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

Date: 28 July 2017

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**Title of
Report:** Licensing Act 2003 -
Eden's Cafe, 203 Park View,
Whitley Bay, NE26 3RD

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 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 Eden's Cafe Ltd for the Variation of an existing Premise Licence in relation to Eden's Cafe, 203 Park View, Whitley Bay.

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, Director of Public 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 been advertised at or near the premises, in a local newspaper and also on the Council Website as prescribed. Representations have been made by local residents. 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 Eden's Cafe, 203 Park View, Whitley Bay.

2.1 The Application for the Variation together 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 **supply of alcohol** (on the premises) and remain open to the public
 - Every Day 11.00 – 17.00

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 extend the hours for the supply of alcohol and opening times at the premises

The proposed new times would be as follows:

1. To permit **supply of alcohol** (on the premises)
 - Monday - Saturday 11.00 – 22.00
 - Sunday 11.00 – 21.00
2. The proposed opening hours
 - Monday – Saturday 09.00 – 22.00
 - Sunday 09.00 – 21.00

3.0 **The Representations**

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

- The Chief Officer of Police has not 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 – Eden's Cafe Ltd
2. Other Persons

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 Eden's Cafe

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