

Licensing Sub-Committee

15 August 2017

Present: Councillors F Lott, W Lott and D McMeekan.

LSQ7/08/17 Appointment of Chair

Resolved that Councillor W Lott be appointed Chair for this meeting.

LSQ8/08/17 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ9/08/17 Application for the Variation of a Premises Licence – Coast Kitchen and Bar, 69A Front Street, Tynemouth (Tynemouth Ward)

The Sub-Committee met to consider an application for the variation of an existing premises licence in relation to Coast Kitchen and Bar, 69A Front Street, Tynemouth. The applicant, Coast Tynemouth Limited, had applied for the following variations:

- a) to extend the hours for the supply of alcohol for consumption on the premises from 11.00pm to 1.00am every day;
- b) to permit the supply of alcohol for consumption off the premises between 11:00am and 1.00am every day;
- c) to permit late night refreshment (indoors and outdoors) between 11.00pm and 1.00am every day;
- d) to extend the opening hours of the premises from 11.00pm to 1.00am; and
- d) to remove all conditions from the licence with the exception of those numbered 1 and 2 relating to the installation and operation of a CCTV system and the adoption of a "Challenge 21" policy.

The Authority had received a representation from the Chief Officer of Police in which he had requested that all licensable activities cease at 12.00 midnight. The applicants had agreed to this request.

Coast Kitchen and Bar was located within the Tynemouth Cumulative Impact Policy area. The Tynemouth Cumulative Impact Policy meant that there was a presumption that the Sub-Committee would refuse variation applications in the cumulative impact area for alcohol led premises such as bars, pubs and nightclubs and restaurants and clubs unless the applicant could demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

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 representation received and the options available to the Sub-Committee.

The applicant was represented at the hearing by Miss Rachel Errington, Director of Coast Tynemouth Ltd. Mr Neil Kirkpatrick, the Police Licensing Officer was present on behalf of the Chief Officer of Police.

Mr Kirkpatrick explained that the Chief Officer of Police had requested that all licensable activities cease at 12.00 midnight and not 1.00am so that the premises did not become another of the many public houses already operating in Front Street, Tynemouth until 1.00am or 1.30am. Based on discussions with the applicants and their observations of how the Coast Kitchen and Bar was operated the Police were content for the premises to operate up until midnight and had no issue with the removal of the conditions sought by the applicants. The Police were confident that if the application was granted, the premises would be operated in a responsible manner and that the licensing objectives would be promoted. During questioning Mr Kirkpatrick confirmed that the Police would have no objection to the premises remaining open to the public for 20 or 30 minutes after midnight.

Miss Errington explained that Coast Kitchen and Bar aimed to provide a different type of venue to the other licensed premises in Tynemouth, where customers were able to sit down and have good food and a quiet drink in comfortable surroundings, sometimes with their children. She explained that the extension of hours was being sought so that customers did not have to rush their meals and drinks by 11.00pm. Last food orders were generally taken at 9.00pm and so it would be unlikely that the premises would be operating up to midnight 7 days a week. However, if the extension to the hours was granted this would give some flexibility in terms of trading hours and avoid the need for Temporary Event Notices. Miss Errington explained that she had applied for the removal of most of the conditions because they had not been applied to other Premises Licences relating to similar premises in the area.

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 the existing Premises Licence held in relation to Coast Kitchen and Bar, 69A Front Street, Tynemouth be varied to:

- a) extend the hours for the supply of alcohol on the premises from 11.00pm to 12.00 midnight every day;
- b) permit the supply of alcohol off the premises between 11:00am and 12.00 midnight every day;
- c) permit late night refreshment (indoors and outdoors) from 11.00pm to 12 midnight every day; and
- d) extend the opening hours of the premises from 11.00pm to 12:30am every day; and
- e) remove the conditions numbered 3 to 12.

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 presumption set out in the Tynemouth Cumulative Impact Policy that the Sub-Committee would refuse variation applications in the policy area should not apply because the applicant had demonstrated that the application would not add to the cumulative impact of licensed premises in the area. The sub-committee reached this conclusion having had regard to the modest extension of hours being sought by the applicant, the small size of the premises, the operating style and characteristics of the premises, the clear advice given by Northumbria Police that the prevention of

- crime and disorder objective will not be undermined if the application is granted, and the absence of any representations from residents or their representatives;
- b) it would be appropriate for there to be a 30 minute period during which customers could finish their drinks or meals after the licensable activities at the Premises have ceased because when the terminal hour for licensable activities coincides with the terminal hour for the premises being open to the public, there is the potential for customers who purchase alcohol just before that terminal hour to rush their drink, or to remain on the premises beyond the terminal hour which may amount to a breach of the Licence condition. Granting the extension of the opening hours at the end of each day of trading to 12.30am would not place the premises in conflict with the other licensed premises whose customers will be leaving later in the evening; and
- c) it was appropriate for the condition numbered 13, requiring the display of signs requesting customers to leave the premises having regard to the needs of local residents to remain on the licence . Such a condition, whilst promoting the licensing objective concerned with the prevention of public nuisance, was also in line with what the applicants said that they would do in the application form to promote the licensing objective concerned with the prevention of public nuisance namely *“Ensure that customers act in a courteous manner when leaving the premises”*.