

REPORT

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

Date: 15 August 2017

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**Title of
Report:** Licensing Act 2003 -
Coast Kitchen & Bar (formerly Lui's),
69a Front Street, Tynemouth, NE30
4BP

Ward(s): Tynemouth

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 Rachel Errington for the Variation of an existing Premise Licence in relation to Coast Kitchen & Bar, 69a Front Street, Tynemouth, NE30 4BP.

1.3 The applicant has been invited to attend the meeting to put forward her 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, Home Office Immigration Enforcement 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. An e-mail from the Chief Officer of Police asking the applicant to amend the application has been received and is 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 Coast Kitchen & Bar, 69a Front Street, Tynemouth, NE30 4BP.

2.1 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 **supply of alcohol** (on the premises)
 - Every day 11.00 – 23.00
2. Non-standard timings – New Years Eve 11.00 – 01.00
3. The opening hours are as follows
 - Every Day 09.00 – 23.00
4. Non-standard timings – New Years Eve 09.00 – 01.00

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 (on and off the premises) and opening times at the premises and to remove/amend a number of conditions from the current premise licence

The original variation application was for the following changes to licensable activities:

1. To permit **supply of alcohol** (on and off the premises) and late night refreshment (indoors and outdoors)
 - Every day 11.00 – 01.00
2. The proposed opening hours
 - Every day 09.00 – 01.00

An email from the Chief Officer of Police requesting an amendment to the above times was received. This e-mail requested that the times for alcohol, late night refreshment and closing times all be reduced from 01.00 until 00.00. The applicant has indicated that she is in agreement with this.

The premises are situated in the Cumulative Impact Policy Area in Tynemouth. This policy creates a presumption that all new applications for premise licences or variations to existing premise licences will be refused. The applicant must show/demonstrate to the Committee that the variation application for additional hours and removal of conditions will rebut this presumption. The applicant has therefore been asked to attend the meeting today to put forward reasons why the variation should be granted.

3.0 The Representations

An e-mail from the Chief Officer of Police asking the applicant to amend the application has been received and is attached at **Appendix 5**.

- The Chief Officer of Police has made a representation.
- 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.
- Home Office Immigration Enforcement has made no representations.
- Other persons have made no representations.

4.0 The Parties

The Parties to the hearing will be:

1. The applicant – Rachel Errington
2. Chief Officer of Police

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 Coast Kitchen & Bar

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 – E-mail from Chief Officer of Police

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