



# Northumberland County Council

Licensing Subcommittee

26<sup>th</sup> March 2024

**Licensing Act 2003, Application for a premises licence – Cafe Needles Eye, Beach Terrace, Newbiggin by the Sea, NE64 6XE**

**Responsible Officer(s):** Darin Wilson, Head of Public Protection

## **Link to Key Priorities of the Corporate Plan**

Not applicable

## **Purpose of the Report**

To determine an application for a premises licence from Cafe Needles Eye Ltd, on behalf of Cafe Needles Eye, Beach Terrace, Newbiggin by the Sea, NE64 6XE.

The applicant has applied for the licensable activity of the supply of alcohol, Monday to Sunday from 11:00 – 22:00.

Five objections have been received from interested parties on the grounds of: -

- prevention of public nuisance
- prevention of crime and disorder

## **Recommendation**

Members are asked to consider the application, and all supporting written and verbal submissions and make their determination at the conclusion of the hearing.

## **Determination of application**

Having considered the report, all relevant representations and verbal submissions from those persons entitled to speak at the hearing; the Sub-committee is required to make its determination in respect of the application at the conclusion of the hearing.

In this case, the sub-Committee **may**:

1. Grant the licence subject to conditions consistent with the operating schedule accompanying the application, modified to such extent as the Sub-committee considers appropriate for the promotion of the licensing objectives. All conditions should be precise and capable of being interpreted and applied by the applicant.  
(Conditions may be modified if any of them is altered or omitted or any new condition is added)  
and  
Any mandatory condition under section 19 of the Act be included in the licence
2. Exclude from the scope of the licence any of the licensable activities to which the application relates or;
3. Reject the application if it is not possible to promote one or more of the licensing objectives by any other means.

Members are reminded that they may only attach additional conditions:

In respect of those matters that are subject to the application and in respect of which a relevant representation has been made; and that are appropriate for the promotion of the licensing objectives.

## 5. Licensing objectives and aims

Legislation provides a clear focus on the promotion of the four statutory objectives which must be addressed when licensing functions are undertaken.

An application for a premises licence must be considered on whether the licence holder can demonstrate that the licence will not create any issues in relation to the licensing objectives.

The licensing objectives being: -

- **The prevention of crime and disorder** - relating to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises.
- **Public safety** - relating to the safety of the public on the premises, i.e., fire safety, electrical circuitry, lighting, building safety or capacity, and first aid.
- **The prevention of public nuisance** - relating to issues such as hours of operation, noise emanating from the premises, vibrations, lighting and litter.
- **The protection of children from harm** - relating to protecting children from the activities carried out on the premises whilst they are there. The law already provides special protections for children under 18 to buy alcohol.

Members are reminded that each objective is of equal importance. There are no other statutory licensing objectives, therefore the promotion of the four objectives is always a paramount consideration.

## 6. The Application

On the 1st of March 2024, an application was received from Cafe Needles Eye Ltd, for Cafe Needles Eye, Beach Terrace, Newbiggin by the Sea, NE64 6XE. A copy of the application is attached as **Appendix A**.

The applicant has applied for the licensable activity of the supply of alcohol, Monday to Sunday from 11:00 – 22:00.

Within the original application, the applicant had also applied for: -

Live Music (on and off the premises) – “amplified acoustic live singer playing indoors or on the outside while remaining within the boundary of the premises – Friday & Saturday 17:00 – 21:00”

and;

Recorded Music (on and off the premises) - “recorded music playing as background within the premises and speaker within the outside boundary of the premises as background”

The applicant has since removed all live and/or recorded music from the outdoor area from the application. Therefore, under the Live Music Act, all regulated entertainment on the premises is deregulated as the timings are applied for between the hours of 08:00 – 23:00.

Five objections have been received from interested parties on the grounds of: -

- prevention of public nuisance
- prevention of crime and disorder

## 7. Consultation

In accordance with the requirements of the Licensing Act 2003 and regulations made there under, the applicant has undertaken the following consultation in respect of the application:

A copy of the application has been sent to all Responsible Authorities as defined in the Licensing Act 2003 Section 13 (4).

A notice setting out details of the application has been displayed at the premises for a minimum period of 28 consecutive days starting on the day after the application was received by the licensing authority.

By publishing a notice in a local newspaper on at least one occasion during the period of 10 working days starting the day after the application was received by the licensing authority.

## 8. Details of Representations

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Five objections have been received from interested parties on the grounds of public nuisance and the prevention of crime and disorder (**Appendix B**).

Representations objecting to the application:

Responsible Authorities

Chief Officer of Police None

The Fire Authority None

Body Responsible for Health and Safety Enforcement None

Local Planning Authority None

Body Responsible for Minimising or Preventing the Risk of Pollution of the Environment or of Harm to Human Health None

Northumberland Area Child Protection Committee None

Trading Standards Authority None

Representations in support of the application None

Interested Parties **Appendix B**

## 9. Licensing Policy

In considering the application, Elected Members are also directed to have regard to the Councils Statement of Licensing Policy; specifically:

Introduction	3.1 – 3.1.6
Premises Licences - applications	Schedule 2
Decision making process	Schedule 5
Prevention of crime & disorder	Appendix A
Prevention of Public Nuisance	Appendix C

## 10. Guidance – Licensing Act 2003 – Section 182

In considering the application, Elected Members are also directed to have regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003; specifically:

Section 2 - The Licensing objectives	2.1 – 2.31
Section 8 – Applications for premises licences	8.20 – 8.34
	8.66 – 8.70
Section 9 – Determining applications	9.3 – 9.10
	9.42 - 9.44

## 11. Appeal Information

If the applicant, responsible authority or interested party who may have made a representation is aggrieved by the decision of the Licensing Sub-Committee in respect of:

- the decision to grant the licence or any part of it as set out in the attached document, or
- failure to exclude from the licence any of the licensable activities requested, or
- the decision to impose the specified conditions, or
- failure to modify or attach different or additional conditions appropriate for the promotion of the licensing objectives.

They may appeal to the Magistrates' Court within the period of twenty-one days beginning with the day on which they receive formal written notification of the determination.

## 12. Implications

<b>Policy</b>	The Sub Committee should have regard to the Statement of Licensing Policy however each application should be considered on its merit.
<b>Finance and value for money</b>	None
<b>Legal</b>	Identified above
<b>Procurement</b>	None
<b>Human resources</b>	None
<b>Property</b>	None
<b>The Equalities Act: is a full impact assessment required and attached?</b>	No - no equalities issues identified
<b>Risk assessment</b>	None

<b>Crime and disorder</b>	None
<b>Customer considerations</b>	None
<b>Carbon reduction</b>	None
<b>Health and wellbeing</b>	none
<b>Wards</b>	

### 13. Background papers

Appendix A            Application for a premises licence  
Appendix B            Objections from Interested Parties

The Licensing Act 2003 and secondary legislation there under  
The Council's Statement of Licensing Policy  
The Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003

### 14. Author and Contact Details

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