

**TITLE OF REPORT:**    **Application for a Premises Licence:**  
The Beat N Track Café, Old Co-operative Building,  
Hookergate Lane, High Spen, Rowlands Gill, NE39 2AJ

**REPORT OF:**           **Service Director, Development, Transport and Public**  
                                  **Protection:**  
Licensing Officer

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## 1.    **PURPOSE OF THE REPORT**

The Sub-Committee is asked to consider the application from Moxie Catering Ltd for a new Premises Licence for The Beat N Track Café, Old Co-operative Building, Hookergate Lane, High Spen, Rowlands Gill, NE39 2AJ following receipt of representations from the Licensing Authority, Environmental Health, Councillor Marilyn Charlton and members of the public. In addition a petition against the application was received with the 44 signatures detailed.

## 2.    **BACKGROUND**

### **The Application**

This report relates to an application by Moxie Catering Ltd (The Applicant) for a new Premises Licence for The Beat N Track Café, Old Co-operative Building, Hookergate Lane, High Spen, Rowlands Gill, NE39 2AJ. The application is attached at Appendix 1.

The application for a new Premises Licence under s17 of the Licensing Act 2003 was for the supply of alcohol (both on and off the premises) and the provision of regulated entertainment at the following times:

The Provision of Regulated Entertainment (Recorded Music)  
Monday – Sunday: 08:00 – 23:00 hours

The Sale by Retail of Alcohol (On the Premises)  
Monday – Sunday: 11:00 – 23:00

The Legal Officer has advised that pursuant to Paragraph 12A(1) of Schedule 1 of the Licensing Act 2003, if a licence is granted authorising the sale of alcohol then the provision of recorded music will be excluded as a licensable activity during the hours that the sale of alcohol is authorised. As such, the provision of regulated entertainment would be a licensable activity only between the hours of 8am and 11am each day, and any conditions on the licence that seek to regulate the provision of regulated entertainment would cease to have effect at such times as the sale of alcohol is authorised.

Pursuant to section 177A of the Act, the provision of recorded music at times when the sale of alcohol is authorised may be regulated through the licence (if granted) but only as a result of a review of the licence, not upon grant.

The application was advertised at the premises and in the local press.

### **Conditions**

The Licensing Authority may attach conditions to any licence which are appropriate for the promotion of the Licensing Objectives. A copy of the Model Pool of Conditions from Gateshead Council's Statement of Licensing Policy is attached as Appendix 1.1 that relate to the application.

### **3. REPRESENTATIONS**

Representations were received from the Licensing Authority, Environmental Health, Councillor Charlton and from members of the public. A petition was also received. The representations are attached as Appendix 2.

### **4. MEDIATION**

The Licensing Authority and Environmental Health are continuing discussions with the Applicant regarding conditions. The outcome of these discussions will be provided in an additional report.

### **5. PLANNING**

An Officer has written to the Applicant to advise that planning permission is required and advised that a change of use application will need to be submitted. The Applicant has advised that they will submit a planning application.

### **6. PARTIES**

The Parties to the hearing will be:

- a) Maureen Trattles, Sole Director of Moxie Catering Ltd (The Applicant) and the proposed designated premises supervisor; and
- b) Councillor Charlton
- c) Alexander Parkinson
- d) Christine Pandrich
- e) Lesley Pyrah
- f) Mr and Mrs Peter Bates
- g) P A Hill
- h) Pauline Bell and Michael Thompson
- i) Sharon Connelly
- j) Stanley and Lynda Steanson
- k) Helen Schifter
- l) Licensing Authority
- m) Environmental Health
- n) 44 people who signed the petition.

## **7. FOR CONSIDERATION**

The areas for consideration by the Sub-Committee are:

- The application for a Premises Licence;
- The representations;
- Whether or not the application should be granted; and
- The conditions to be attached to the Premises Licence (if granted).

## **8. THE POLICY & GUIDANCE**

When carrying out its functions the Sub-Committee must have regard to:

- (a) the Statement of Gateshead Council's Licensing Policy, and
- (b) the Amended Guidance (April 2018) issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

Some relevant parts of the Policy and Amended Guidance are reproduced in Appendices 3 and 4. The parties may refer to any part of the Policy and Guidance during the hearing.

An area plan is attached at Appendix 5.

## **9. FOR DECISION**

The Sub-Committee is asked to consider the application, decide whether or not it should be granted, and if relevant, attach such conditions as it deems appropriate for the promotion of the Licensing Objectives.

## APPENDICES

Appendix	1	Premises Licence Application
	1.1	Pool of Model Conditions from Gateshead Council's Licensing Policy
Appendix	2	Councillor Marilyn Charlton
	2.1	Alexander Parkinson
	2.2	Christine Pandrich
	2.3	Lesley Pyrah
	2.4	Mr and Mrs Peter Bates
	2.5	PA Hill
	2.6	Pauline Bell and Michael Thompson
	2.7	Sharon Connelly
	2.8	Stanley and Lynda Steanson
	2.9	Helen Schifter
	2.10	Licensing Authority
	2.11	Environmental Health
	2.12	Petition
Appendix	3	Relevant Extracts from Gateshead Council's Licensing Policy
Appendix	4	Relevant Extracts from the Guidance issued under Section 182 of the Licensing Act 2003.
Appendix	5	Area Plan