



North Tyneside Council

Licensing Sub Committee

Monday, 14 August 2023

Monday, 21 August 2023 0.01 Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY commencing at 10.00 am.

Agenda Item	Page
1. Appointment of Chair	
The Sub-committee to appoint a Chair for the meeting.	
2. Declarations of Interest	
Members of the Sub-committee are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
3. Procedure for Licensing Act Hearings	3 - 8
To note the procedure for hearing an application for the grant of a Premises Licence.	
4. Stack, Empress Rooms, Spanish City, Whitley Bay, NE26 1AR	9 - 60
To give consideration to an application for the grant of a Premises Licence in respect of Stack, Empress Rooms, Spanish City, Whitley Bay, NE26 1AR.	

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Members of the Licensing Sub Committee

Councillor John Johnsson
Councillor Tommy Mulvenna

Councillor Matthew Thirlaway

LICENSING ACT 2003

NORTH TYNESIDE COUNCIL

PROCEDURE FOR HEARING OF AN APPLICATION BEFORE THE LICENSING SUB-COMMITTEE (“the Committee”)

The four licensing objectives, as set out in the Licensing Act 2003, are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Each application that comes before this Committee will be treated on its own merits, and this Licensing Authority will take its decision based upon:

- The merits of the application
- The promotion of the four licensing objectives
- The Statement of Licensing Policy of North Tyneside Council
- The guidance issued under Section 182 of the Licensing Act 2003.

The Procedure of the Committee is as follows:

1. The Chair of the Committee will open the hearing and will ask all persons present at the hearing to identify themselves. The Chair will then explain the procedure to be followed at the hearing.
2. The Committee will then consider any request made by a party under regulation 8(2) of the Licensing Act 2003 (Hearings) Regulations 2005 for permission for a person to attend as a witness on his/her behalf.
3. The Licensing Officer will present a report to the Committee outlining the application, any relevant representations and the relevant sections of the Council’s Statement of Licensing Policy and the statutory guidance.
4. The Committee may ask any relevant questions they have of the Licensing Officer.
5. The Applicant or their representative will then be invited to address the Committee to clarify any information arising from the officer’s report, if necessary.
6. Each of the Responsible Authorities which have made representations will be invited to address the Committee about the application, to indicate why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If a Responsible Authority has obtained prior permission to call a particular witness, then they may call that witness.

7. The Committee may ask any relevant questions they have of the Responsible Authorities.
8. Other Persons may ask any relevant questions they have of the Responsible Authorities.
9. The Applicant or their representative may ask any relevant questions they have of the Responsible Authorities.
10. Each of the Other Persons who have made representations will be invited to address the Committee about the application, indicating why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If any Other Person has obtained prior permission to call a particular witness, then they may call that witness.

Note: In order to avoid repetition and to expedite proceedings at the hearing, objectors within the same group of Other Persons are encouraged to appoint an agreed spokesperson to address the Committee.

11. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).
12. The Responsible Authorities may ask any relevant questions they have of the Other Persons or their witness(es).
13. The Applicant or their representative may ask any relevant questions of the Other Persons or their witness(es).
14. The Applicant or their representative will be invited to address the Committee, as to why they consider the issues raised by the Responsible Authorities and Other Persons to be irrelevant to the licensing objectives and why they consider the Committee should grant their application or notice (as applicable).

If the Applicant has obtained prior permission to call a particular witness, then they may call that witness.

15. The Committee may ask any relevant questions they have of the Applicant, their representative or their witness(es).
16. The Responsible Authorities may ask any relevant questions they have of the Applicant, their representatives or their witness(es).
17. Any of the Other Persons may ask any relevant questions they have of the Applicant, their representative or their witness(es).

18. The Chair of the Committee will invite each of the Responsible Authorities to make a brief closing statement. Each Responsible Authority should ideally take no longer than 10 minutes to make their closing statements
19. The Chair will invite each of the Other Persons to make a brief closing statement. Each of the Other Persons will be entitled to a maximum of 10 minutes in which to make their closing statements.
20. The Chair will invite the Applicant or their representative to make a brief closing statement. Each Applicant should ideally take no longer than 10 minutes to make their closing statements.
21. The Chair will ask all parties if they are satisfied that they have said all they wish to.
22. The Committee will retire in private to consider the application and make its determination. The Legal Adviser will be present to ensure that all matters of law, evidence and procedure are adhered to appropriately but will not take part in the decision.
23. In considering any representations or a notice made by any party, the Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as the case may be) either before the hearing or, with the consent of all the other parties, at the hearing.
24. The Committee shall disregard any information given by a party or by any person to whom permission to appear at the hearing is given by the Committee, which is not relevant to:
 - (i) their application, representations or a notice (as the case may be) or, in the case of another person, the application, representations or notice of the party requesting their attendance; and
 - (ii) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the prevention of crime and disorder licensing objective.

NB Parties are reminded that any documentary or other information or evidence they wish to produce in support of their application or representation must have been disclosed to all parties prior to the hearing taking place. **Late representations, documents or evidence will only be considered with the agreement of all parties present.**

25. The Committee will return to announce its decision. A written notice of the decision will be provided to all parties in accordance with statutory requirements. The decision letter will include the reasons for the decision, and any conditions placed upon the licence (if granted) and the licensing objective(s) they relate to. The notification of decision will include information on a party's right to appeal against the Committee's decision.

General Matters

1. Expectations on parties

The Licensing Authority expects all parties to a hearing to endeavour to address any issues openly and to work towards an amicable resolution, if at all possible, prior to the hearing taking place.

All parties will be expected to:

- (i) demonstrate which of the four licensing objectives are addressed in relation to each of the issues they wish to raise at the hearing; and
- (ii) draw to the Committee's attention any relevant aspects of the National Guidance or local Statement of Licensing Policy which they also consider are particularly relevant to the Committee's consideration of the issues the party(ies) has/have raised.

2. Agreement that a hearing is unnecessary

A Licensing Authority can dispense with holding a hearing if all persons concerned (applicants and parties raising a representation) give notice to the Licensing Authority prior to the hearing date that they consider it unnecessary.

Where all such persons have given such notice, and the Licensing Authority agrees that a hearing is unnecessary, the Licensing Authority will give notice to the parties that the hearing has been dispensed with.

3. Failure of parties to attend

The hearing may proceed in the absence of any party who has informed the Licensing Authority that they do not intend to attend or be represented at the hearing.

If a party fails to attend or be represented at a hearing without notifying the Licensing Authority, the Committee may adjourn the hearing to a specific date if it considers it to be in the public interest to do so, or alternatively may proceed with the hearing in the party's absence. In the interests of the other parties, costs and efficiency, hearings will generally proceed notwithstanding the absence of any party (including the Applicant).

Where it is decided to proceed in a party's absence, all notices and representations received from the absent party will be considered by the Committee.

If, in exceptional circumstances, a decision is made to adjourn a hearing all parties will be advised of the date, time and venue to which the hearing has been adjourned.

4. Questioning of parties

The Licensing Authority will generally allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited.

5. **Further clarification**
When addressing the Committee each party shall respond specifically to any points of which it received notice (with the Notice of Hearing) upon which the Committee was seeking clarification.
6. **Questioning by Legal Adviser**
The legal adviser to the Committee may ask questions on behalf of, or in addition to, the Committee members themselves.
7. **Hearsay evidence**
Hearsay evidence will be admissible provided that it is relevant. The weight to be attributed to hearsay evidence will be a matter for the Committee.
8. **Persons behaving in a disruptive manner**
The Committee has the right to exclude any person disrupting the hearing, at their discretion. The Committee can refuse to allow that person to return or, alternatively, may permit him/her to return on such conditions as the Committee may decide. Any person required to leave the hearing may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give orally had they not been required to leave.
9. **No decision-making by Ward Members**
A member of the Licensing Committee shall not be entitled to participate in any decision-making in relation to any licensing application concerning premises in the Ward for which he/she serves as Councillor.

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REPORT

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

Date: 21 August 2023

Report by: Gary Callum
Licensing Officer
Licensing Section
☎ 643 2175

**Contact
Officer(s):** Gary Callum
Licensing Officer
Licensing Section
☎ 643 2175

**Title of
Report:** Licensing Act 2003

STACK
Empress Rooms
Spanish City
Whitley Bay
NE26 1AR

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 Persons in respect of an application for 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 Anson House 11 Limited, for a New Premise Licence in respect of Stack, Empress Rooms, Spanish City, Whitley Bay, NE26 1AR.

1.3 The applicant has been invited to attend the meeting to put forward their 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 North Tyneside Safeguarding Children Partnership (formerly 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 the premises, in a local newspaper and also, on the Council Website as prescribed.

There have been no representations received from any of the Responsible Authorities.

Representations have been received from three other persons. One of the representations is supporting the application. These are attached at **Appendix 5**.

1.5 Authority to make decisions

In relation to an Application for the grant of a Premises Licence the Licensing Sub-Committee can, under the Licensing Act 2003:

- grant a Licence subject to conditions consistent with the operating schedule and necessary for the promotion of the licensing objectives in addition to the mandatory conditions;
- exclude from the scope of the Licence any of the licensable activities to which the Application relates;
- refuse to specify a person in the licence as premises supervisor;
- or reject 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**.

2.0 Background

2.1 This report relates to an application for a New Premises Licence in respect of Stack, Empress Rooms, Spanish City, Whitley Bay, NE26 1AR.

The Application for a New Premise Licence 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**.

3.0 **The Application for the Grant of a Premises Licence under Section 17 of The Licensing Act 2003**

3.1 The Application for the Grant of the Premises Licence is made pursuant to Section 17 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 18 of the Act.

The application for a premise licence is as follows:

1. To permit the premises to **supply Alcohol** (for consumption on and off the premises) as follows:
 - Sunday to Thursday from 10.00 – 00.00
 - Friday and Saturday from 10.00 – 01.00
2. To permit the **performance of Plays** (indoors) as follows:
 - Sunday to Thursday from 10.00 – 00.00
 - Friday and Saturday from 10.00 – 01.00
3. To permit **the exhibition of Films** (indoors and outdoors) as follows:
 - Sunday to Thursday from 10.00 – 00.00
 - Friday and Saturday from 10.00 – 01.00
4. To permit **Indoor Sporting Events** as follows:
 - Sunday to Thursday from 10.00 – 00.00
 - Friday and Saturday from 10.00 – 01.00
5. To permit the premises to allow the **performance of Live Music** (indoors) as follows:
 - Sunday to Thursday from 10.00 – 00.00
 - Friday and Saturday from 10.00 – 01.00
6. To permit the premises to allow the **playing of Recorded Music** (indoors) as follows:
 - Sunday to Thursday from 10.00 – 00.00
 - Friday and Saturday from 10.00 – 01.00
7. To permit the premises to allow the **performance of Dance** (indoors) as follows:
 - Sunday to Thursday from 10.00 – 00.00
 - Friday and Saturday from 10.00 – 01.00

8. To permit **anything of a similar description to that falling within Live Music, Recorded Music of Performances of Dance** (indoors) as follows:

- Sunday to Thursday from 10.00 – 00.00
- Friday and Saturday from 10.00 – 01.00

9. To provide **Late night refreshment** (on and off the premises), as follows:

- Sunday to Thursday from 23.00 – 00.00
- Friday and Saturday from 23.00 – 01.00

10. **General opening times** as follows:

- Sunday to Thursday from 08.00 – 00.30
- Friday and Saturday from 08.00 – 01.30

Non Standard Timings

Licensable activities and opening times may be provided from the end of the specified finish time on New Year's Eve until the start time on New Year's Day.

All activities to be extended for an additional hour on Sundays preceeding a Bank Holiday.

If the licence is granted this will be subject to mandatory conditions attached at **Appendix 4**.

4.0 Promotion of Licensing Objectives

4.1 The applicant has included the following additional steps in the operating schedule that they intend to take in order to promote the licensing objectives.

Please see **Appendix 1**.

5.0 The Parties

The Parties to the hearing will be:

1. The Applicant - Anson House 11 Limited
2. Other Persons

6.0 For consideration

The areas for consideration by the Licensing Sub-Committee are:

- The application for a New Premises Licence in respect of Stack, Empress Rooms, Spanish City, Whitley Bay, NE26 1AR.

7.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the relevant part of the Policy – Section 10.1 – 10.5 Crime and Disorder.

8.0 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 that is Chapter 2 Licensing Objectives.

9.0 For Decision

The Sub-Committee is asked to determine this application in whichever way it sees fit.

10.0 Associated Papers

Appendix 1 – The application for the grant of a New Premises Licence

Appendix 2 – Plan of the premises

Appendix 3 – Map of the area

Appendix 4 – Mandatory Conditions

Appendix 5 - Representations

11.0 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

Revised Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office

Delegation Scheme – Licensing Committee 7 February 2005

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APPENDIX 1

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Anson House 11 Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description STACK Empress Rooms Spanish City Whitley Bay			
Post town	Tyne and Wear	Postcode	NE26 1AR
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£	0

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B) X
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the please complete section (B)
Care Standards Act 2000 (c14) in respect of an
independent hospital in Wales
- ga) a person who is registered under Chapter 2 of please complete section (B)
Part 1 of the Health and Social Care Act 2008
(within the meaning of that Part) in an
independent hospital in England
- h) the chief officer of police of a police force in please complete section (B)
England and Wales

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or X

I am making the application pursuant to a
statutory function or
a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Anson House 11 Limited
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	4	062023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Entertainment and event space with food and drink offerings, plaza area and external terraces operating over several levels.</p>
--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|--|---|
| a) plays (if ticking yes, fill in box A) | X |
| b) films (if ticking yes, fill in box B) | X |
| c) indoor sporting events (if ticking yes, fill in box C) | X |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | |
| e) live music (if ticking yes, fill in box E) | X |

- f) recorded music (if ticking yes, fill in box F) X
 - g) performances of dance (if ticking yes, fill in box G) X
 - h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) X
- Provision of late night refreshment (if ticking yes, fill in box I) X
- Supply of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
Day	Start	Finish		Outdoors	
				Both	
Mon	1000	0000	<u>Please give further details here</u> (please read guidance note 4) Plays may make up part of the offering from time to time		
Tue	1000	0000			
Wed	1000	0000	<u>State any seasonal variations for performing plays</u> (please read guidance note 5) As set out in box J		
Thur	1000	0000			
Fri	1000	0100	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6) As set out in box J		
Sat	1000	0100			
Sun	1000	0000			

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	X
Mon	1000	0000	Please give further details here (please read guidance note 4) Films/DVD/video		
Tue	1000	0000			
Wed	1000	0000	State any seasonal variations for the exhibition of films (please read guidance note 5) As set out in box J		
Thur	1000	0000			
Fri	1000	0100	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) As set out in box J		
Sat	1000	0100			
Sun	1000	0000			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	Indoor sporting events may make up part of the offering from time to time.
Mon	1000	0000	
Tue	1000	0000	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	1000	0000	As set out in box J
Thur	1000	0000	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri	1000	0100	As set out in box J
Sat	1000	0100	
Sun	1000	0000	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	
Day	Start	Finish	Outdoors	
Mon			Both	
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
Day	Start	Finish		Outdoors	
Mon	1000	0000	Please give further details here (please read guidance note 4) Live music may make up part of the offering from time to time		
Tue	1000	0000			
Wed	1000	0000	State any seasonal variations for the performance of live music (please read guidance note 5) As set out in box J		
Thur	1000	0000			
Fri	1000	0100	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) As set out in box J		
Sat	1000	0100			
Sun	1000	0000			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	X
				Outdoors	
Day	Start	Finish		Both	
Mon	1000	0000	Please give further details here (please read guidance note 4) Recorded music may make up part of the offering from time to time		
Tue	1000	0000			
Wed	1000	0000	State any seasonal variations for the playing of recorded music (please read guidance note 5) As set out in box J		
Thur	1000	0000			
Fri	1000	0100	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) As set out in box J		
Sat	1000	0100			
Sun	1000	0000			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	
Day	Start	Finish		Both	
Mon	1000	0000	<u>Please give further details here</u> (please read guidance note 4) Performance of dance may make up part of the offering from time to time		
Tue	1000	0000			
Wed	1000	0000	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) As set out in box J		
Thur	1000	0000			
Fri	1000	0100	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) As set out in box J		
Sat	1000	0100			
Sun	1000	0000			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing Entertainment similar to music and dancing may make up part of the offering from time to time		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
Mon	1000	0000		Outdoors	
				Both	
Tue	1000	0000	<u>Please give further details here</u> (please read guidance note 4)		
Wed	1000	0000			
Thur	1000	0000	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri	1000	0100	As set out in box J		
Sat	1000	0100	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun	1000	0000	As set out in box J		

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish			Both	X
Mon	2300	0000	<u>Please give further details here</u> (please read guidance note 4) The provision of hot food and drink may make up part of the offering from time to time			
Tue	2300	0000				
Wed	2300	0000	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) As set out in box J			
Thur	2300	0000				
Fri	2300	0100	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) As set out in box J			
Sat	2300	0100				
Sun	2300	0000				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
				Both	X
Day	Start	Finish	<p>State any seasonal variations for the supply of alcohol (please read guidance note 5)</p> <p>THE LICENSABLE ACTIVITIES SPECIFIED IN THIS LICENCE MAY BE PROVIDED FROM THE END OF THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEAR'S EVE TO THE BEGINNING OF THE START TIMES ON THE FOLLOWING DAY (NEW YEAR'S DAY).</p> <p>ALL LICENSED ACTIVITIES MAY BE EXTENDED FOR AN ADDITIONAL HOUR ON SUNDAYS PRECEDING A BANK HOLIDAY.</p> <p>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)</p> <p>N/A</p>		
Mon	1000	0000			
Tue	1000	0000			
Wed	1000	0000			
Thur	1000	0000			
Fri	1000	0100			
Sat	1000	0100			
Sun	1000	0000			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known) To be confirmed	
Issuing licensing authority (if known) To be confirmed	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None anticipated

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	Opening hours will be extended from the finish time on New Year's Eve to the start time on New Year's Day and for an additional hour on Sundays preceding a Bank Holiday.
Mon	0800	0030	
Tue	0800	0030	
Wed	0800	0030	
Thur	0800	0030	
Fri	0800	0130	
Sat	0800	0130	
Sun	0800	0030	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
			N/A

--	--	--	--

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

As set out in the operating schedule submitted with the application

b) The prevention of crime and disorder

As set out in the operating schedule submitted with the application

c) Public safety

As set out in the operating schedule submitted with the application

d) The prevention of public nuisance

As set out in the operating schedule submitted with the application

e) The protection of children from harm

As set out in the operating schedule submitted with the application

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).


IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the
--------------------	---

	<p>entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	26.06.2023
Capacity	Solicitor and agent for the applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Sarah Smith Sintons The Cube Barrack Road			
Post town	Newcastle	Postcode	NE4 6DB
Telephone number (if any)	0191 2264897		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) sarah.smith@sintons.co.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a **photograph** issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you

have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

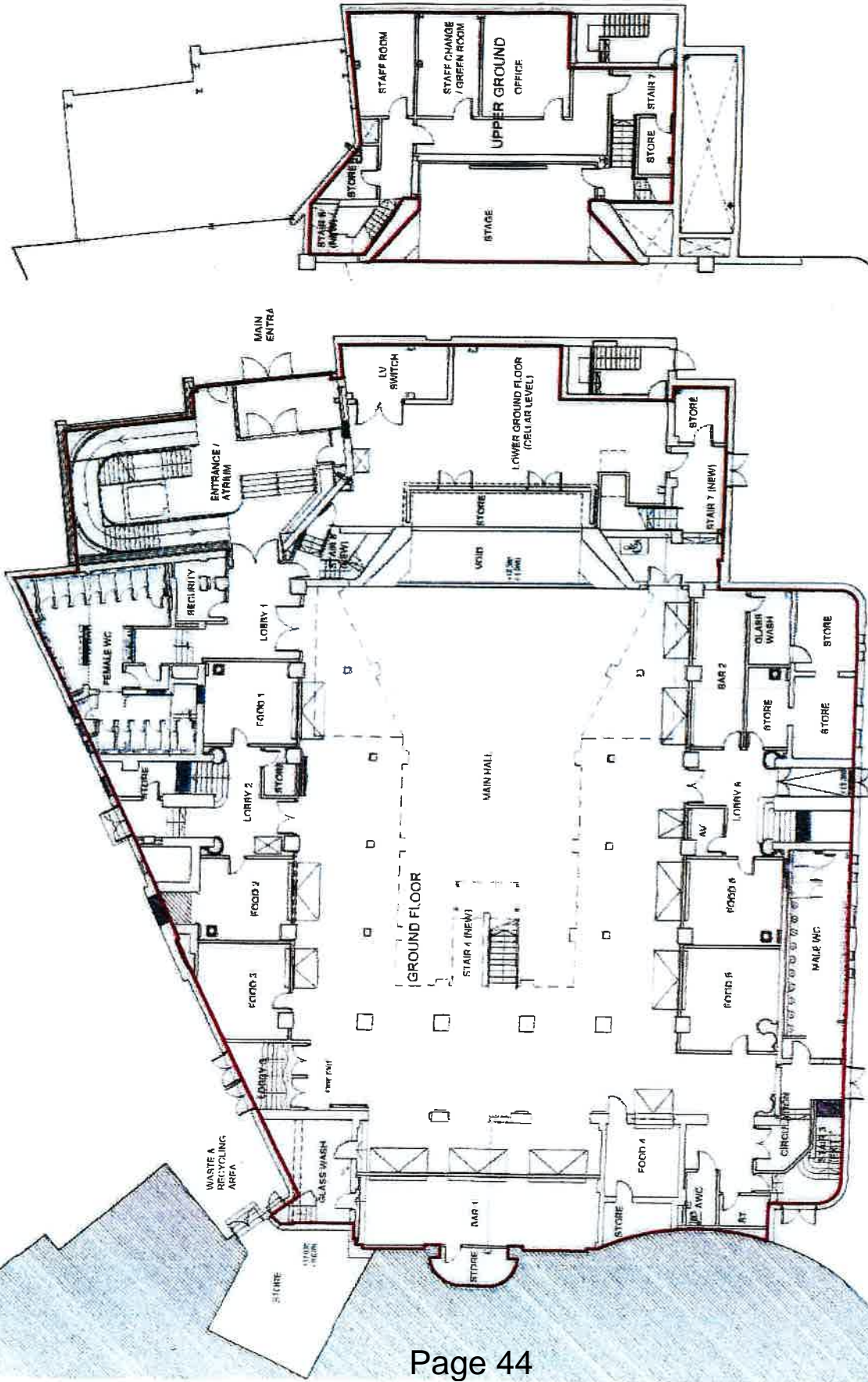
STACK, EMPRESS ROOMS, SPANISH CITY, WHITLEY BAY NE26 1AR
OPERATING SCHEDULE

1. The premises shall operate as an entertainment and event space with food and drink offerings.
2. There will be no change to this operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for full or minor variation or a new licence is required, and the licence holder shall comply with the direction.
3. The operator shall ensure that at all times when the premises are open for any licensable activity there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
4. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events. Such risk assessments should include the provision of door staff and safeguarding/drugs search policies.
5. The maximum number of persons permitted on the premises at any one time shall not exceed a figure prescribed by the risk assessment carried out by the premises licence holder in accordance with fire safety legislation.
6. The designated premises supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the premises at times prescribed within the management risk assessment.
7. A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Northumbria Police. Such a system shall:-
 - i) Be operated by properly trained staff;
 - ii) Be in operation at all times that the premises are being used for a licensable activity;
 - iii) Ensure coverage of all entrances and exits to the licensed premises internally and externally;
 - iv) Ensure coverage of such other areas as may be required by the Licensing Authority and Northumbria Police;
 - v) Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained on paper or otherwise may be put on tape or otherwise (for a period of 28 days), and shall be supplied to the Licensing Authority or Police Officer on request,
 - vi) During times licensable activities are provided, a member of management or staff will be contactable and trained in the retrieval of CCTV footage, with the ability to download relevant footage within 24 hours of any request from Northumbria Police to do so.
8. There will be a radio link between each bar unit that retails alcohol and the main security staff at the premises. The radio shall be kept in good working order, operated by a responsible member of staff and used to report incidents of crime and disorder to the security team and other users.

9. Patrons will not be permitted to enter the premises with alcohol in an open container or vessel, save for with the agreement of Northumbria Police.
10. Patrons will not be permitted to remove alcohol in open containers or vessels from the premises, save for with the agreement of Northumbria Police.
11. If the general public congregating outside the premises are causing anti-social behaviour, the management shall request that they leave, and if the problem persists the Police shall be called to support.
12. Staff tasked with monitoring the entrance and the site generally will be trained in how to identify, deal with and refuse access to, and remove from the site, street drinkers. Such training will be documented and include:
 - i) what to look for in identifying street drinkers;
 - ii) identifying known street drinkers and associates using intelligence kept and collected at the premises and in association with partner agencies;
 - iii) the law;
 - iv) how to refuse entry;
 - v) conflict situations and management support, and
 - vi) a scenario based questionnaire.
13. The premises will operate and retain a record of persons banned from entering or purchasing alcohol from the premises, which will form part of staff training and shall include those persons considered to be street drinkers or known associates. Such information shall be supplied from partner agencies and through the site's own records, including CCTV and staff knowledge.
14. All staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends). Training records for staff to be maintained and refresher training to be provided annually.
15. Noise from the licensed premises, including noise from patrons or amplified regulated entertainment, shall not be audible beyond the boundary of the premises so as to cause statutory nuisance to nearby residents.
16. There will be a noise management plan in place on the premises which should include regular noise monitoring during times when regulated entertainment is taking place. The premises licence shall not become operational until the noise management plan has been submitted to and approved by Environmental Health.
17. The external second floor terraces will be closed to the public from 22.00 hours.
18. During all hours that the premises are open to the public the entrance to the site will be monitored by a member of staff.
19. All members of staff at the premises including door supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, proof of age card carrying a "PASS" logo or a military ID card.

APPENDIX 2

UNEP
 1:200
 VISUAL SCALE BAR
 0 2m 4m 6m 8m 10m 12m
 NORTH



AREA WITHIN WHICH
 ACCEPTED ACTIVITIES
 MAY TAKE PLACE.



PROPOSED GROUND & LOWER GROUND LICENSING PLAN - 1:200

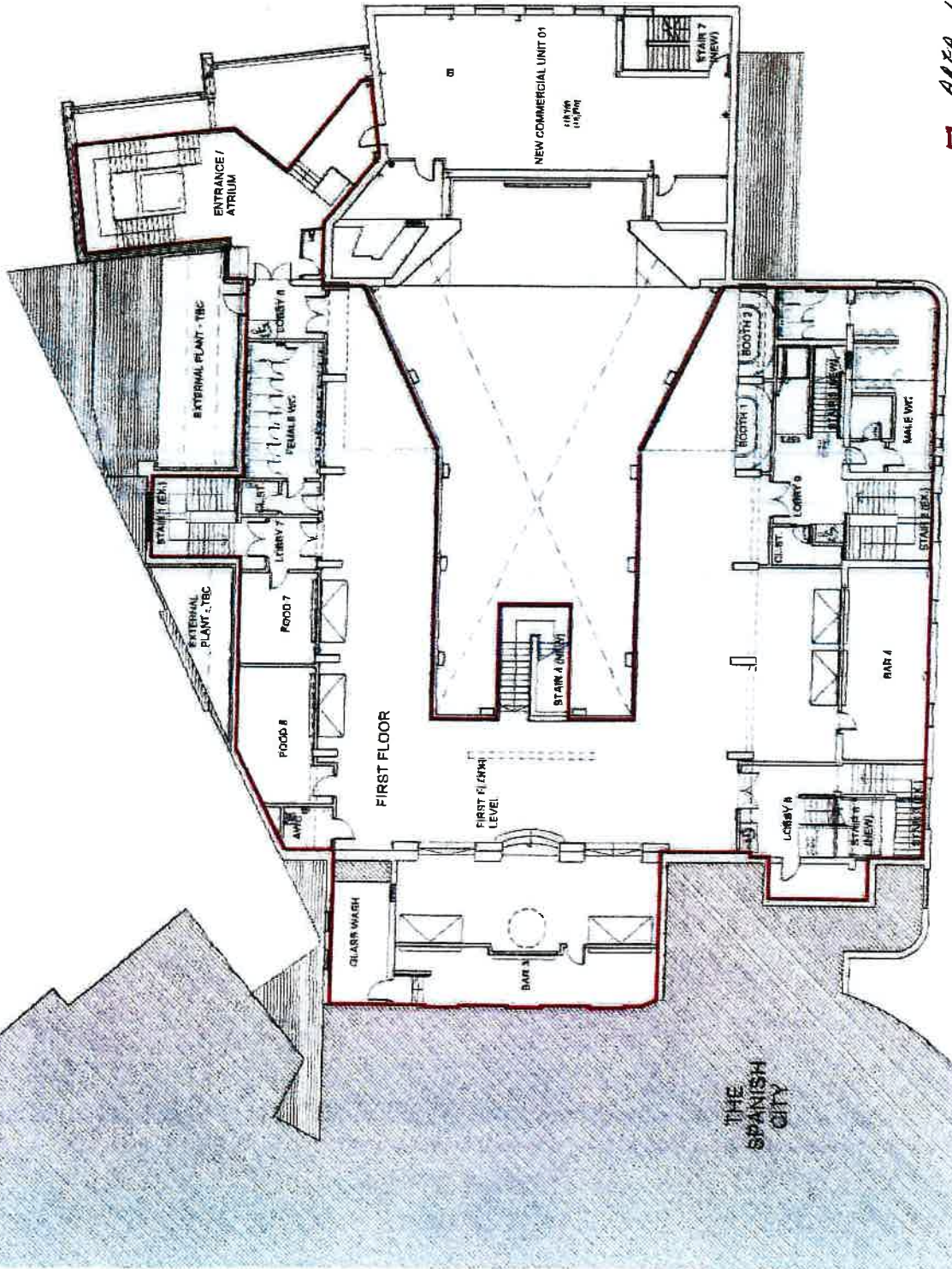
NO.	DATE	DESCRIPTION	BY	CHK
1	15/06/2023	PRELIMINARY PLAN		
2	15/06/2023	REVISION		

dunwoodieswift
 architects

WHITLEY BAY, STACK

NO.	DATE	DESCRIPTION	BY	CHK
1	15/06/2023	PRELIMINARY PLAN		
2	15/06/2023	REVISION		

PROPOSED UPPER GROUND
 LICENSING PLAN - 1:200



□ AREA WITHIN WHICH LICENSED ACTIVITIES MAY TAKE PLACE.

NO.	DATE	DESCRIPTION	BY	CHK.
01	15/01/2021	PRELIMINARY PLAN	AW	AW
02	16/01/2021	REVISIONS	AW	AW

dunwoodieswift architects

WHITLEY BAY, STACK

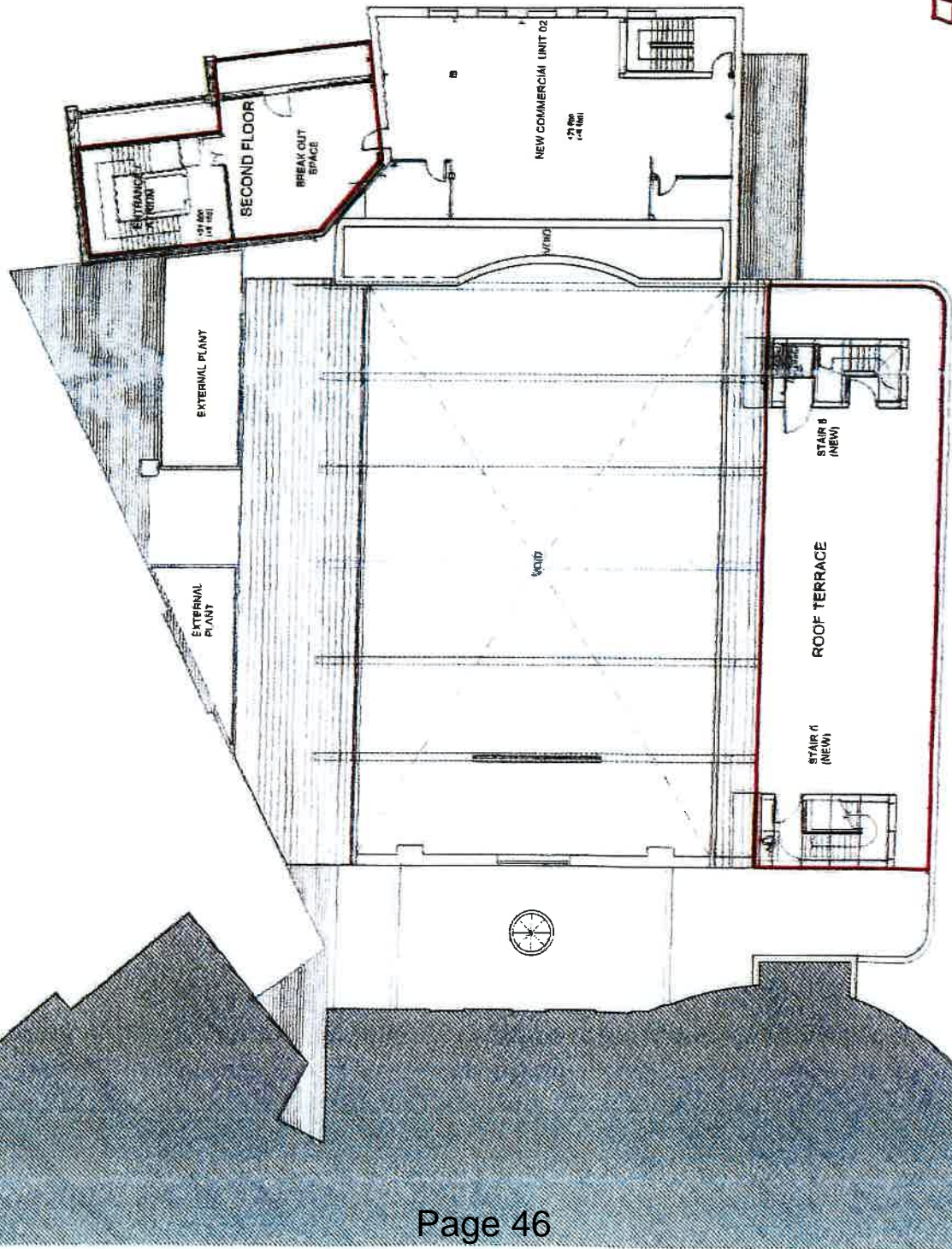
FIRST FLOOR LICENSING PLAN - AS PROPOSED

PROJECT NO.	1150	DATE	15/01/2021
PROJECT NAME	WHITLEY BAY, STACK	PROJECT TYPE	PRELIMINARY PLAN
CLIENT	1150	PROJECT NO.	1150-001-001
DATE	15/01/2021	PROJECT TYPE	PRELIMINARY PLAN

PROPOSED FIRST FLOOR LICENSING PLAN - 1:200



PROJ: 11188
 CLIENT: WHITLEY BAY STACK
 DATE: 12/06/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]



□ AREA WITHIN WHICH LICENSED ACTIVITY MAY TAKE PLACE.

NO.	REVISION	DATE	BY	CHK
1	ISSUED FOR PERMIT	12/06/2023	[Name]	[Name]
2	ISSUED FOR PERMIT	12/06/2023	[Name]	[Name]

dunwoodjeswiff
 architects

WHITLEY BAY, STACK

PROJ: SECOND FLOOR & ROOF TERRACE LICENSING PLAN AS PROPOSED
 DATE: 12/06/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 11188 | P2:1001-1402 | P02 |

PROPOSED SECOND FLOOR & ROOF TERRACE LICENSING PLAN - 1:200

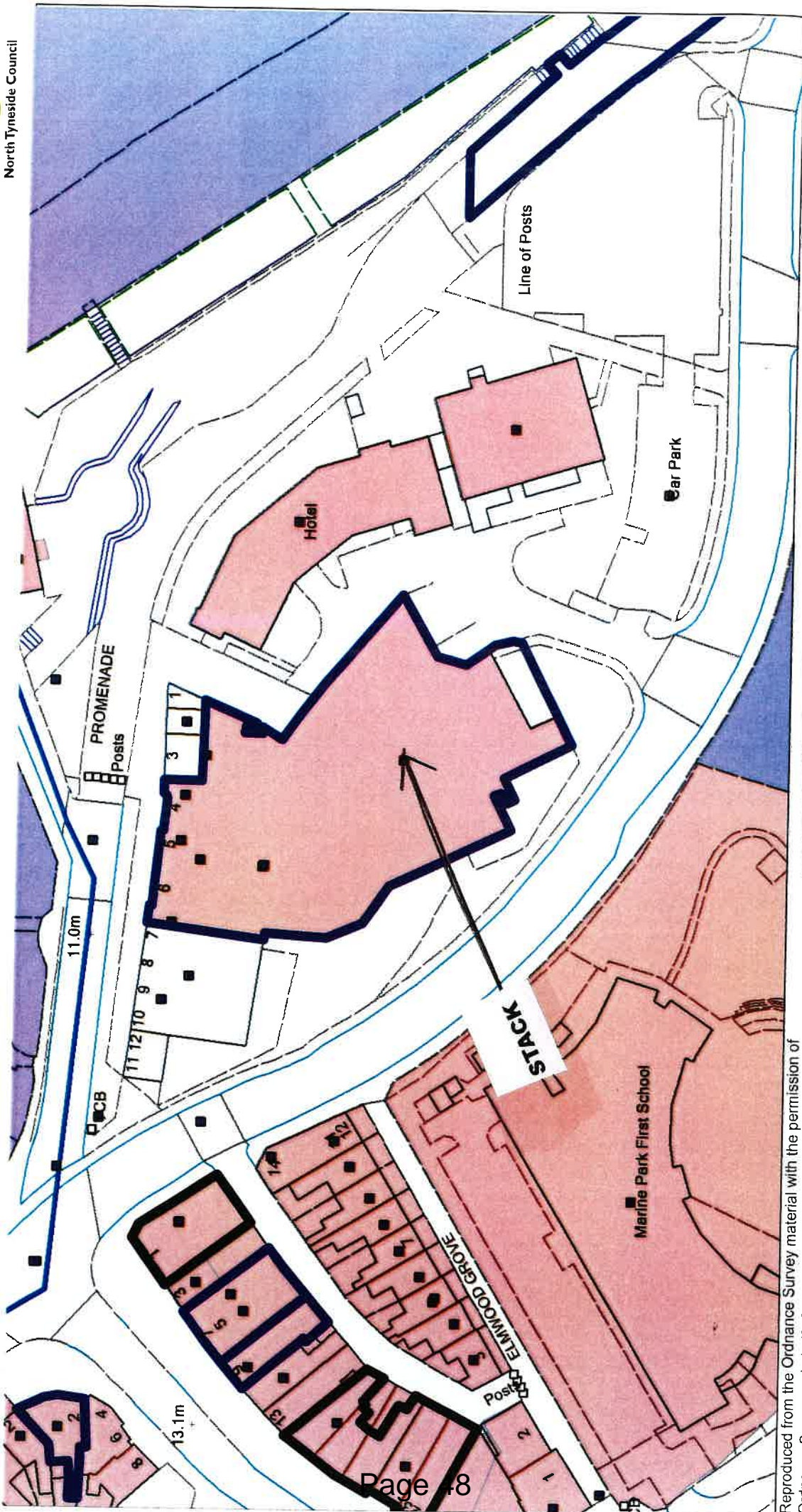
APPENDIX 3

STACK

Empress Rooms, Spanish City



North Tyneside Council



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Organisation	North Tyneside Council	Date	01 August 2023
Department	North Tyneside Council	SLA Number	100016801
Comments	Not Set	Scale :	1:1047

APPENDIX 4

Appendix 4

Mandatory Conditions

Section 19 Licensing Act 2003

1. No supply of alcohol may be made under this premises licence:-
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence

Or

 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a licence.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st April 2010 as amended on 1st October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of disability).

2. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st October 2010 as amended on 1st October 2014

3. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premise licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person shall ensure that:

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 – with effect from 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

1. The admission of children to the exhibition of any film must be restricted in accordance with Section 20 Licensing Act 2003.

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APPENDIX 5

The Licensing Department
North Tyneside Borough Council
The Killingworth Site
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6QQ

Your Ref:
Our Ref: RA.TLM.SPA045.1
Doc No: wh40363325v1
Date: 19 July 2023

Dear Sirs,

Our client: Spanish City (NE) Ltd, Spanish City, Whitley Bay, and an Application for a Premises Licence made by Anson House 11 Limited for The Stack, Empress Rooms, Spanish City

We are instructed by Spanish City (NE) Limited, operators of the businesses, which include Trenchers and 1910, in Spanish City.

The application premises, described as the Empress Rooms, abuts our client's premises.

The general description of the application premises given in the application is:

Entertainment and event space with food and drink offerings, plaza area and external terraces operating over several levels.

The ground floor plan shows a substantial open space, described as the "main hall". Whilst no capacity figures are given, it is obvious that the intention is to accommodate a significant number of patrons. Our client estimates, having applied the relevant calculation, a capacity of 1624. No seating is shown.

We presume that the open main hall is what the Applicant refers to in the application as the "plaza", a more palatable description perhaps for what appears to be an open space which could be used to accommodate a large audience or for vertical drinking. The premises has a substantial stage and, although not described as such, what appears to be a large TV screen. It is presumed that the applicant intends to show football matches, as well as hosting bands and DJs.

There are two large bars on the ground floor and a further two on the first floor. This inevitably leads our client to the conclusion that the sale of alcohol will be the dominant activity of the business.

There are also units described as "food" but the Applicant does not make it clear whether alcohol can be sold from them too. They are within the licensed area so the sale of alcohol from them would be permitted if the application is granted.

Licensable activities are applied for to end at midnight Sunday to Thursday, and 01:00 on Friday and Saturday.

There is also a substantial external terrace on the second floor.

Spanish City (NE) Limited objects to the application on the grounds of crime and disorder, and nuisance.

Inevitably, customers of our client will suffer a noise nuisance if this proposal proceeds.

Spanish City, which is Grade II listed, was built in 1910 and The Empress Ball Room in 1920. Neither were constructed with Applicant's intended type of use in mind and, as a consequence, there is insufficient attenuation designed into the buildings. Substantial work would need to be undertaken to prevent noise escape and we see no evidence of this in either the application or the plan. Our client questions how this necessary work could ever be done when bearing in mind the need to conserve the architectural characteristics of application premises.

The Applicant's proposal will cause crime and disorder in the area. Bearing in mind the number of customers who can be accommodated by the proposed premises, and the availability of alcohol, increased crime is inevitable.

Our client's concerns are not assuaged by the operating schedule submitted as part of the application.

We would also refer to our letter of 17 July in which we explain that, in any event, the application has not been properly made and that the Licensing Authority cannot determine it. The application ought, therefore, to be rejected immediately for procedural laxity.

We reserve the right to raise additional issues should they become apparent.

Yours sincerely



Richard Arnot
Partner
For Ward Hadaway LLP
+44 (0) 330 137 3264
richard.arnot@wardhadaway.com

Enclosure(s)

Gary Callum

From:
Sent: 20 July 2023 12:29
To: Liquor Licensing
Subject: Alcohol Licence application from STACK at the Spanish City

EXTRNL

I wish to offer my support for the above application. The redevelopment of the former Empress Rooms will bring a significant attraction to Whitley Bay seafront. Without an alcohol licence, similar to those held by outlets in the Spanish City, it will inhibit the types of activities in the redeveloped Empress Rooms.

Gary Callum

From:
Sent: 24 July 2023 18:01
To: Liquor Licensing
Cc:
Subject: Objection: Stack - Park Road Whitley Bay

EXTRNL

Hello,

As a resident of [redacted] I wish to object to this application on the grounds of :

- Public Nuisance
- Protection of Children of Harm.

Public Nuisance:

1. The operating schedule is unacceptably vague with regards to people management on exiting the building. It mentions that no sound from patrons will escape the boundary and that there will be an action plan in place for sound management. However, It would be inadmissible to grant a licence without a plan already in place. A plan that should at the minimum involve the police, licensing officers, local members and neighbours. The applicant has not specified any noise abatement strategy, in the operating schedule and it would be necessary to see staggered closing of different retail units in their application, a transport management plan and a strategy for litter from food outlets. Similarly, there is no details or testing attached to the application from an acoustician to attest to the statement limiting noise escape, or likely noise if the licence is granted or mitigation to be used. It is recommended that a full action plan, acoustician testing and reports, transport surveys and noise abatement action plan be approved prior to granting of a licence
2. The application requests the outside use of film. As this is an industry I work in, any AV or Audio external would need full testing and limiters if granted. This is a needless nuisance to surrounding businesses, a school playground and residences within 25m of the site. It is recommended that no audio/av/film be granted external to the building.
3. The application wishes to use the external roof terrance until 22.00, this is too late given the location of residential properties and I would recommend this is restricted to 20.00, or acoustic testing in place to prove beyond reasonable doubt that no local neighbours would be impacted.

- Protection of Children of Harm

It is unacceptable to have an outside terrace primarily aimed at wet led sales overlooking a nursery playground during the operational hours. It sets a visual precedent to young people which is objectionable and normalises a drinking culture from a young age whilst the location above would quite literally 'put it on high'. Similarly, there could be unacceptable lewdness, swearing and nudity - Recommendation to either limit operation to outside of school hours or recommend a full obscuring overlooking the western elevation to Marine Park First School.

- A recommendation for SIA door personnel at all hours of operation outside school opening hours, including all holidays. This could quite easily become a honeypot for antisocial behaviour much like CULLercoats beach.

Yours sincerely

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