



North Tyneside Council

Licensing Sub Committee

Tuesday 28 July 2020

Tuesday, 4 August 2020 commencing at 10.00am

The meeting will be held virtually and live streamed

Agenda Item	Page
1. Appointment of Chair The Sub-committee to appoint a Chair for this meeting.	
2. Procedure for Licensing Act Hearings To note the procedure for hearing and determining an application to vary a premises Licence.	3 - 6
3. Kork, 74 Whitley Road, Whitley Bay, NE26 2NE To consider an application to vary a Premises Licence in respect of the above premises.	7 - 68

Circulation overleaf ...

Members of the public are entitled to attend this meeting and receive information about it. North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

Members of the Licensing Sub Committee

Councillor Davey Drummond
Councillor Tommy Mulvenna

Councillor Cath Davis

LICENSING ACT 2003

NORTH TYNESIDE COUNCIL

PROCEDURE FOR VIRTUAL 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 involved in the hearing to identify themselves in turn. 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 participate 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 Members of the Committee may ask any relevant questions they have of the Licensing Officer.
5. The Applicant will then be invited to address the Committee to clarify any information arising from the officer’s report, if necessary.
6. Any of the Other Persons may ask any relevant questions they have of the Licensing Officer.
7. 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.

8. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).
9. The Applicant may ask any relevant questions of the Other Persons or their witness(es).
10. The Applicant will be invited to address the Committee, in relation to their application. If the Applicant has obtained prior permission to call a particular witness, then they may call that witness.
11. The Committee may ask any relevant questions they have of the Applicant or their witness(es)
12. 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.
13. The Chair will invite the Applicant to make a brief closing statement, ideally taking no longer than 10 minutes.
14. The Chair will ask all parties if they are satisfied that they have said all they wish to.
15. 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.
16. 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.
17. 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.**

- 18. 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 virtual hearing.

If a party fails to attend or be represented at a virtual 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 (if any) 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.

REPORT

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

Date: 4 August 2020

Report by: Gary Callum
Licensing Officer
☎ 643 6903

**Contact
Officer(s):** Gary Callum
Licensing Officer
☎ 643 6903

**Title of
Report:** Licensing Act 2003
Kork, 74 Whitley Road,
Whitley Bay,
NE26 2NE.

Ward(s): Whitley Bay

1.0 Summary / Purpose of Report

Licensing Sub-Committee

- 1.1** The Licensing Act 2003 ("The Act") provides that, where representations have been received from a Responsible Authority or Other Parties in respect on an application for the variation of a Premises Licence, a hearing must be held to consider such applications, unless the parties and the Authority agree that a hearing can be dispensed with. Licensing Sub-Committees have therefore been established in accordance with the provisions of the Act for the purpose of hearing applications such as this.
- 1.2** The Sub-Committee is asked to consider and determine an application from Mr Shawn Darling-Cooper for the variation of a Premises Licence in relation to Kork, 74 Whitley Road, Whitley Bay, NE26 2NE ("The Premises").
- 1.3** Mr Darling-Cooper has been invited to attend the meeting in support of his 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 other parties and are appended to this report at **Appendix 4**. A petition of 19 signatures against this application has also been received and the person who submitted this petition was issued with a Notice of Hearing.

A total of 342 e-mails of support to this application were also received via North Tyneside Council's public access portal, and of these, 12 representations were considered relevant to the licensing objectives, and have been issued with a Notice of Hearing.

1.5 Authority to make decision

In relation to an Application for the Variation of a Premises Licence, the Licensing Sub-Committee can, in accordance with section 35(4) of the Licensing Act 2003:

- Modify the conditions of the licence; or,
- 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.

2.0 Background

2.1 This report relates to an application for the Variation of an existing Premises Licence in respect of Kork, 74 Whitley Road, Whitley Bay, NE26 2NE

The current Premises Licence permits the following licensable activities and times:

Supply of Alcohol (for consumption **off** the premises only)

• Monday to Saturday	09.00 – 21.00
• Sunday	10.00 – 16.00

General Opening Times

• Monday to Saturday	09.00 – 21.00
• Sunday	10.00 – 16.00

- 2.2 The current licence is attached to the report at **Appendix 3**. The licence provides for the supply of alcohol for consumption **off** the premises only and does not permit the supply of alcohol for consumption **on** the Premises. The 'premises' is the area indicated at Annex 4 of the licence .
- 2.3 The Application for the variation of a Premises Licence is made under Section 34 of The Licensing Act 2003 and the Section of the Act dealing with the determination of such an application is Section 35.
- 2.4 Mr Darling-Cooper seeks to vary the licence by having included in the licence, the following days and times:-

Supply of Alcohol (for consumption **on** the premises)

• Every Day	12.00 – 22.00
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General Opening Times

• Monday to Saturday	09.00 – 22.00
• Sunday	10.00 – 22.00

Mr Darling -Cooper has also requested a seasonal variation to offer outside seating of up to 3 tables in the warmer months. These tables have been marked on the updated plan attached at **Appendix 2**

The sale of alcohol for consumption off the premises will remain the same times as outlined in paragraph 2.1 above.

- 2.5 A copy of the application for the variation of the Premises Licence is attached at **Appendix 1** and an updated plan of the premises and map of the area is attached at **Appendix 2**.

It may be noted from the application form that additional times for sale of alcohol are outlined in box 'J – Supply of Alcohol' and comments are also included below box L "Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking." The applicant has confirmed these entries were completed in error. The applicant has provided an explanation in an e-mail that is attached at **Appendix 6**.

- 2.6 If the licence is granted, this will be subject to Mandatory Conditions which are attached at **Appendix 5** of the report.

3.0 Promotion of Licensable Activities

The applicant has set out the further steps that he proposes to take to promote the licensing objectives as outlines within the operating schedule, details of which can be found within **Appendix 1**.

4.0 The Parties

The parties to the hearing will be;

1. The Applicant – Mr Darling-Cooper
2. Those Other Parties making relevant representations.

5.0 For consideration

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

- The application for the variation of a Premises Licence in relation to Kork, 74 Whitley Road, Whitley Bay, NE26 2NE

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 Objectives and Section 6 – Premises Licences which includes reference to the variation of such licences. Section 13 – Cumulative Impact Policy and Assessment.

7.0 The Relevant Guidance under Section 182 Licensing Act 2003

The Sub-Committee's attention is drawn to the relevant parts of the Statutory Guidance issued under Section 182 of The Licensing Act 2003 – Chapter 2 The Licensing Objectives; Paragraph 8.50 – 8.77 concerning variations and Chapter 9 – Determining Applications and Chapter 14 – Statement of Licensing Policy in relation to Cumulative Impact.

8.0 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 – Map of the area in which the premises is situated
Appendix 3 – Current Premises Licence
Appendix 4 – Relevant representations
Appendix 5- Mandatory Conditions
Appendix 6 – E-mail from Applicant

10.0 Background Information

The following background information has been considered in the compilation of this report and are available for inspection at the offices of the author of the report:

The Licensing Act 2003 and Regulations,
Guidance issued under Section 182 of The Licensing Act 2003,
North Tyneside Council's Statement of Licensing Policy,
North Tyneside Council's Cumulative Impact Assessment,
The Equality Act 2010.

APPENDIX 1



North Tyneside Council

North Tyneside Council

Application to vary a premises licence 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

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
00CK/20/0444

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
Post town	Postcode
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£4700

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	Postcode

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☐ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The proposed variation is to allow for the onsite sale of alcohol to patrons of our retail establishment between 12:00pm and 10:00pm. We would like to stress that we do not intend to be a traditional bar but are a delicatessen and off licence that can offer to sell alcohol to customers who come in to purchase goods and sell alongside small pates of charcuterie and cheese.

The premises is a delicatessen and wine shop for off sales currently. The premises is situated on Whitley Road in amongst other retail premises.

For layout please see attached plans.

The proposed variation is to allow for up to 12 seats within the shop (please see attached plans) for the consumption of shop products on site including alcohol. In the warmer months we would like to allow for three tables to be outside on the pavement right in front of the shop.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

n/a

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |

g) performances of dance (if ticking yes, fill in box G) ☐

h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Fri					
Sat					
Sun					
			<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)		

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)			
Thur						
Fri						
Sat			<u>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</u> (please read guidance note 6)			
Sun						

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	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<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)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)			
Thur						
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
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	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur						
Fri			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)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Thur						
Fri						
Sat			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)			
Sun						

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 <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<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)		
Sat					
Sun					

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	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)	
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri				
Sat			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 (please read guidance note 6)	
Sun				

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	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Thur						
Fri						
Sat			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 (please read guidance note 6)			
Sun						

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	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) Warmer months wish to offer outside seating (up to 3 tables). Recorded music will not be amplified to play outdoors. The music will be at a low level only audible inside the shop. 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) Please note: The onsite sale of alcohol is proposed to be sold between the hours of 12:00 – 22:00 but offsite sale to remain as is currently from 09:00.		
Mon	09:00	22:00			
	12:00	22:00			
Tue	09:00	22:00			
	12:00	22:00			
Wed	09:00	22:00			
	12:00	22:00			
Thur	09:00	22:00			
	12:00	22:00			
Fri	09:00	22:00			
	12:00	22:00			
Sat	09:00	22:00			
	12:00	22:00			
Sun	10:00	22:00			
	12:00	22:00			

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).

There will be no adult entertainment services on the premises. It is only proposed to have the sale of alcohol on and off and we will ensure Challenge 25 is applied to the sale of alcohol.

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	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)
Mon	09:00	22:00	
Tue	09:00	22:00	
Wed	09:00	22:00	
Thur	09:00	22:00	
Fri	09:00	22:00	
Sat	09:00	22:00	
Sun	10:00	22:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The current licence conditions are:

Off supplies
 Supply of alcohol Monday to Saturday from 09:00 until 21:00 and Sunday from 10:00 until 16:00
 Opening hours of the premises Monday to Saturday from 09:00 until 21:00 and Sunday from 10:00 until 16:00

The proposed variations would account for extended opening hours.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

All licensing conditions will be adhered to.
CCTV is installed and operated and maintained. All CCTV videos will be available on request to the police and/or the council.
Warning notices will be displayed to advise CCTV is in operation.
Challenge 25 will be implemented for the sale of alcohol to any customers to ensure those under 18 are not served.
Health and Safety legislation will be adhered to ensure the safety of the public, as well as ensuring electrical and fire safety. For information please see attached plans.

b) The prevention of crime and disorder

- Adhere to the licensing conditions, authorised activities and hours.
- CCTV is installed, operated and maintained. CCTV Images will be retained for a minimum of 14 days and be produced on request of the police or council. The CCTV system is operational at all times whilst the premises are trading.
- Warning notices advising that CCTV is in operation will be displayed in public areas and at the entrance.
- An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded. This will be kept on the premises at all times and made available for inspection by the council and the police if required.
- Challenge 25 will be implemented for the sale of alcohol to any customers.
- Service of alcohol both on and off premises will be refused to anyone who appears to be anyway under the influence of alcohol or drugs.
- No customers will be permitted to take open containers of alcoholic drinks from the premises.

c) Public safety

- Irresponsible drinks promotions will not be permitted.
- There will be no promotion of 'happy hours' on the premises.
- The licence holder or people authorised by them must check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.
- The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
- The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
- The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
- Free drinking water will be made available at all times the premises is open to the public.
- The telephone numbers of local taxi operators must be prominently displayed at the premises for the benefit of customers.
- All bottles and glasses and rubbish will be removed from public areas on a regular and frequent basis.
- The electrical system at the premises, including portable appliances will be inspected and tested annually by a competent person a suitably qualified electrician and a satisfactory safety report obtained (please see attached electric plans).

- All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
- The fire safety measures provided on the premises will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment (please see attached plans).
- An adequate and appropriate supply of first aid equipment and materials must be available on the premises.

d) The prevention of public nuisance

- The licence holder will ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.
- Prominent, legible notices requesting people to leave the premises and the area quietly will be displayed at all exits.
- The licence holder will control the volume of recorded music at the premises.
- No music will be played externally.
- All external doors and windows will be kept shut, other than for access.
- Where outside areas are provided for the use of patrons facilities for the disposing and collecting of litter will be maintained.
- To minimise the effect of littering, the applicant will provide litter bins both inside and directly outside the premises. During opening hours, and at the close of business, arrangement will be made for litter from the business to be collected from the immediate vicinity and stored inside the premises pending collection.
- Where drinks are going to be consumed in outdoor areas they will be served in plastic or toughened glass.

e) The protection of children from harm

- A proof of age policy will be enforced.
- Challenge 25 policy will be employed where those individuals who appear to be under the age of 25 attempting to purchase alcohol will be asked for identification.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒

- I understand that if I do not comply with the above requirements my application will be rejected. ✓

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	09/06/2020
Capacity	Premises licence holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) 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 address for correspondence associated with this application (please read guidance note 14)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

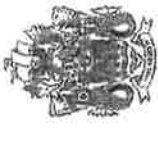
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state 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 agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

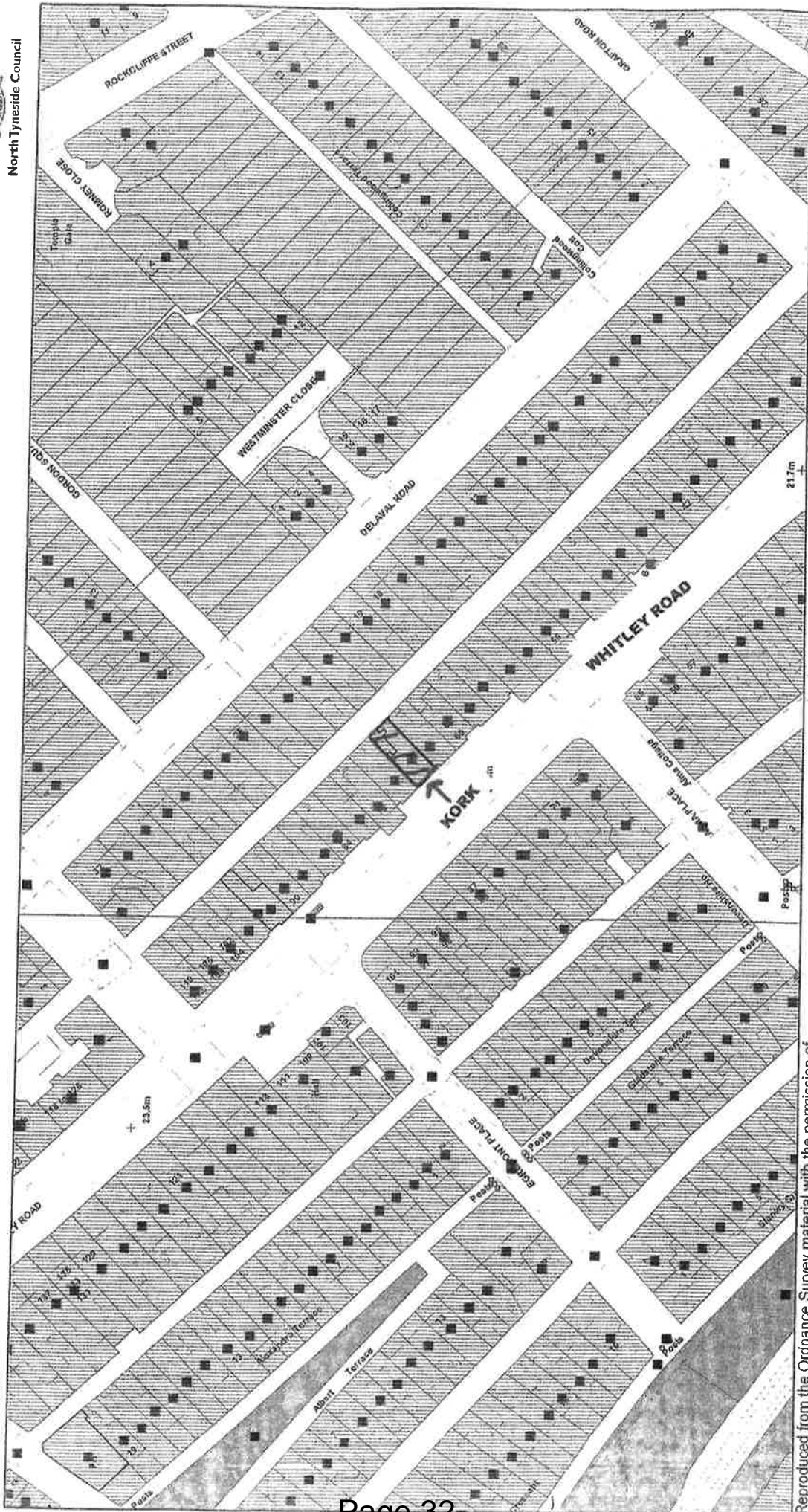
APPENDIX 2

KORK

74 Whitley Road, Whitley Bay



North Tyneside Council

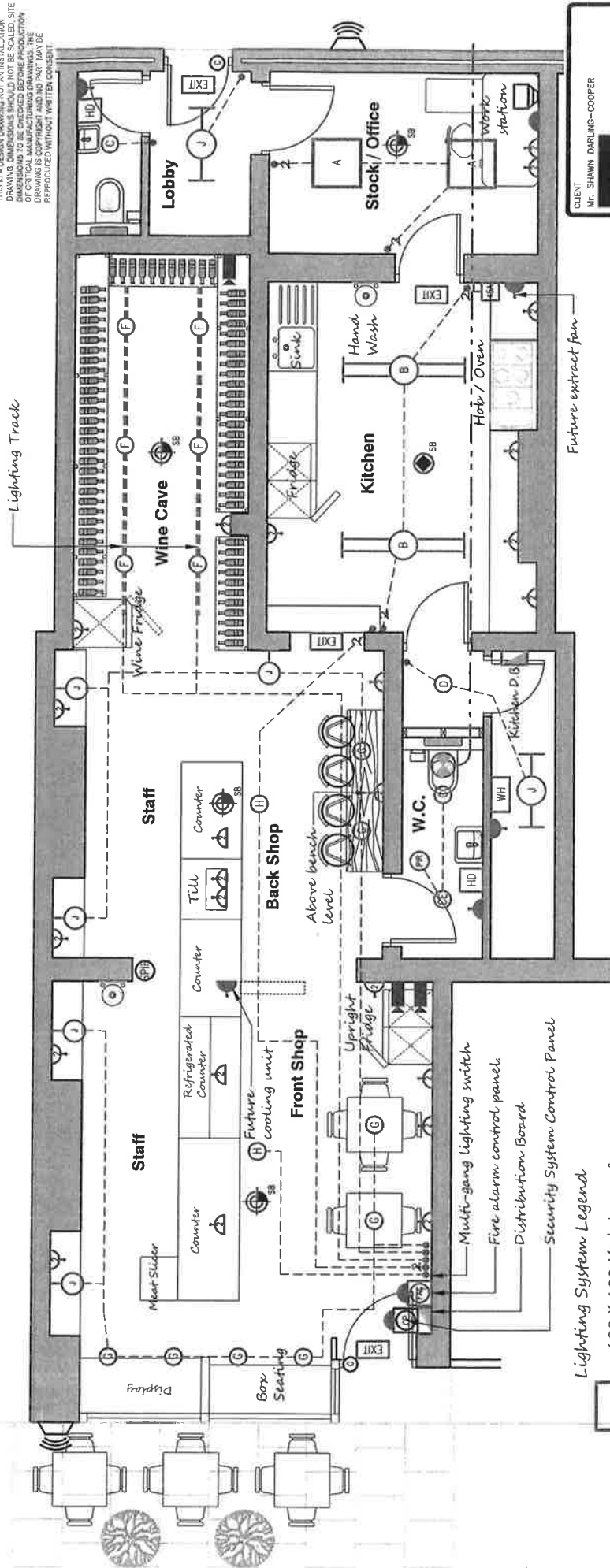


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Organisation	North Tyneside Council	Date	
Department	North Tyneside Council	SLA Number	100017901
Comments	Off Licence	Scale :	1:1250



NOTES
THIS IS A DESIGN DRAWING NOT AN INSTALLATION
DRAWING. DIMENSIONS SHOULD NOT BE SCALED. SITE
DIMENSIONS TO BE CHECKED BEFORE PRODUCTION.
ON A CRITICAL MANUFACTURING DRAWING, THE
DRAWING SHALL BE CHECKED AND APPROVED BY
THE DESIGNER AND THE MANUFACTURER. IT SHALL BE
REPRODUCED WITHOUT WRITTEN CONSENT.



Lighting System Legend

- 600 X 600 Modular surface lighting fluorescent fitting
- 1500 long surface mounted LED I.P. Rated fitting
- 900 long surface mounted LED I.P. Rated fitting
- Recessed decorative L.E.D. down-lighter
- Recessed decorative L.E.D. down-lighter with emergency lighting pack
- General purpose surface mounted L.E.D. drum fitting
- Track mounted L.E.D. spot light
- Pendant L.E.D. down-lighters fixed to conduit drop-rods
- Pendant decorative L.E.D. light fitting
- Surface mounted 3 hour none-maintained emergency lighting fitting
- Passive infra red lighting control switch
- One way lighting control switch
- Two way lighting control switch

Fire Alarm System Legend

- Observation smoke detector with sounder base
- Observation heat detector with sounder base
- Distribution board
- Electric water heater
- Hand dryer
- Twin switched 13 Amp socket outlet
- 13 Amp switched spur isolating unit
- 13 Amp un-switched spur isolating unit
- Extract fan operated by light switch with run-on timer
- Cooker control unit for future use

Small Power System Legend

- Observation smoke detector with sounder base
- Observation heat detector with sounder base
- Distribution board
- Electric water heater
- Hand dryer
- Twin switched 13 Amp socket outlet
- 13 Amp switched spur isolating unit
- 13 Amp un-switched spur isolating unit
- Extract fan operated by light switch with run-on timer
- Cooker control unit for future use

Security System Legend

- Security system control panel
- Security system door contact
- Security system passive infra red detector
- Security system external sounder
- C.C.T.V. security system control panel and monitor
- C.C.T.V. camera

CLIENT
Mr. SHAWN DARLING-COOPER



PROJECT
FIT OUT FOR KORK WINE AND DELI
74 WHITLEY ROAD
WHITLEY BAY
NE26 2NE

DESCRIPTION
ELECTRICAL SERVICES INSTALLATIONS

Building Design Associates

18 Beech Grove
Whitley Bay
Tyne and Wear
NE26 3PJ



Tel: 0191 2312 047
Mob: 0773 848 986
Email: info@buildingdesignassociates.co.uk

Date: 1st June 2020
Scale: 1:50 @ A3
Rev: P-02
Proj. No: KORK-E-01

Architectural floor plan of a restaurant layout. The plan shows a central 'Front Shop' area with 'Seating' and a 'Unright Fridge'. To the left is a 'Staff' area with a 'Hand Wash' and 'Counter'. To the right is a 'Back Shop' with 'Seating' and a 'W.C.'. Further right is a 'Services' area with a 'Meter / Electrical Distribution Cupboard'. At the bottom is a 'Lobby' with a 'W.C.' and 'Stock / Office'. A 'Wine Cave' is located in the upper left. The plan also includes a 'Dining' area with 'Boat Seating' and a 'Bar' area with 'Boat Seating'. A 'W.C.' is located in the upper right. The plan is signed 'KORK' and 'Mr. Sharm Dhillon - Cooper'.

KORK

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Fig. No.	Rev
CHK-PL-01	P-04

APPENDIX 3



North Tyneside Council

PREMISES LICENCE

Schedule 12 – Part A

Premises Licence number: 00CK/20/0444**Part 1 - Premises details****Postal address of premises:**

Kork
74 Whitley Road
Whitley Bay
Tyne And Wear
NE26 2NE

Where the licence is time limited the dates:**Licensable activities authorised by the licence:**

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:**Supply of Alcohol** Monday to Saturday **From:**09:00 **Until:**21:00 and Sunday **From:**10:00 **Until:**16:00**The opening hours of the premises:**Monday to Saturday **From:**09:00 **Until:**21:00 and Sunday **From:**10:00 **Until:**16:00**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:**

Off Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Shawn Darling-Cooper

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Shawn Darling-Cooper

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

00CK/10/2756 North Tyneside Council

Annex 1 - Mandatory conditions

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 personal licence.

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

- 1.(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.

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) "valued 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.

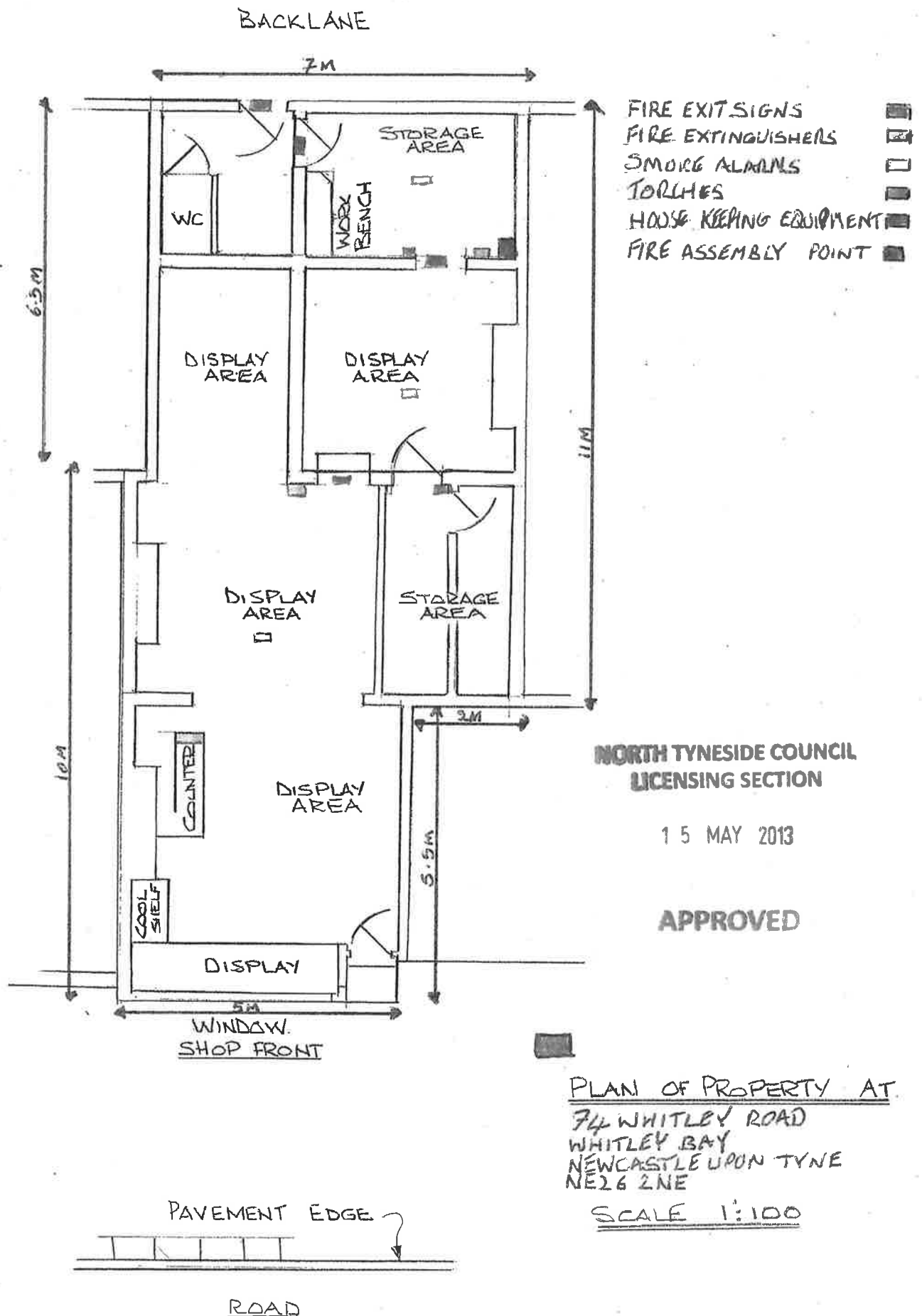
Annex 2 - Conditions consistent with the operating schedule

Annex 3 - Conditions attached after a hearing by the licensing authority

- 1. A CCTV system will be designed, installed and maintained in proper working order to the reasonable satisfaction of and in consultation with Northumbria Police and the Licensing Authority. Such a system shall:-**
 - (i) Be operated by properly trained staff.**
 - (ii) Provide continuous recording facilities for each camera to a good standard of clarity.**
 - (iii) Be retained on disk or otherwise.**
 - (iv) Ensure coverage of the entrance to the Licensed Premises, both internally and externally.**
 - (v) Ensure coverage of such other areas as may be required by Northumbria Police and Licensing Authority in consultation with the Licence holder.**
 - (vi) Ensure recordings are retained for a period of 28 days and will be supplied to the Licensing Authority or Northumbria Police representative on request.**
- 2. Signs are to be placed both internally and externally and the Premises indicating to customers that CCTV is in operation on the Premises. Signs are to be a minimum of A5 size.**
- 3. A member of staff is to be trained in the operation of the CCTV system and be able to download the images on request.**
- 4. All members of staff responsible for serving alcohol at the Premises 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 alcohol. Such credible evidence, which shall include a photograph of the customer, will either be a current passport, photographic driving licence or proof of age card carrying the pass logo and hologram.**
- 5. All members of staff will have adequate training on the Licensing Act 2003 and any subsequent variation of the Act. This training will be delivered every 6 months for current staff and will be provided to any new member of staff. The training will be delivered by a personal licence holder. The training will be documented and kept on file for the inspection of a Trading Standards Officers, Licensing Authority Officers or Police representatives on request.**
- 6. The Designated Premises Supervisor is to provide written authorisation to all staff involved in the sale of alcohol. Such authorisation is to be retained as part of the staff training records.**
- 7. A refusals register (electronic or paper based) is to be kept and maintained on the Premises. This register shall be supplied promptly to a Police representative, Trading Standards Officer or Licensing Authority Officer on request.**
- 8. No open bottles or drinks containers are to leave the Premises.**

Annex 4 - Plans

See attached



APPENDIX 4

①

Susan Vert

From:
Sent: 21 June 2020 13:35
To: Liquor Licensing
Subject: Application for a Variation of a Premises Licence - Kork, 74 Whitley Road, Whitley Bay, NE26 2NE

EXTRNL

Good Afternoon

We are contacting you in connection of the above application.

We would like to raise our objection for the type of application and times and days that this business is intending to trade.

This is a residential area with very limited parking facilities which we have to share with the businesses in this part of Whitley Bay. Most of these businesses tend to close at a time when residents can then use the parking bays in W7 when they finish work.

We feel that this will put an extra strain on the already stretched facilities to a much greater extent than when these premises traded under Boda Home. Seven days a weeks from 9am to 10pm is excessive. The extra noise and traffic coming at a later time of night than is current is also something we object to and we can see by the plans that there is going to be tables set outside which will bring more noise to the area.

Whitley Bay is saturated with eating places, pubs and cafes and we strongly object to this application.

Kind regards

Sent from Mail for Windows 10

19 July 2020

North Tyneside Council
Licensing
Block C
The Killingworth Site
Harvey Comb
Killingworth
Newcastle upon Tyne
NE12 6UP

Cc: John O'Shea, Councillor for the Whitley Bay Ward

Dear Sir/Madam

Alcohol Licence Application from Kork, 74 Whitley Road, Whitley Bay

Our objection going forward from the draft letter we received from Councillor John O'Shea which advised that he had been contacted by Shawn Darling-Cooper who had indicated the following:

- Drinking on the outside tables would not be allowed after 8:00 pm
- There would be no external music
- The premises would only be open Wednesday until Sunday.

The first point above about not being allowed to drink outside after 8:00pm indicates that they can drink inside until after this time.

On the second point about being no external music. The noise expected from people leaving the premises after 10:00pm at night is probably going to be more of an issue.

On the third point about the premises being open Wednesday until Sundays. Our concerns are that once a licence is made and agreed for 7 days a week for times indicated up to 10pm how are the local residents guaranteed that either Mr Darling-Cooper or a future owner/lessee of the business premises won't change their business strategy.

The licence applied for will not show the changes as in the indications above and this would make it much harder for residents to object in the future if Mr Darling-Cooper decides to change how often and how late the shop is open to sell alcohol on the premises if the licence is granted on how it has currently been applied for.

It may be cynical but we would imagine most businesses would try to maximise profits and this could mean that Kork's could slowly be opened more often and to later times of night.

This is not an objection to small businesses in this area as there are others based here but to the type of business that Kork's will be.

For residents who have children who play along this stretch of path these plans I think would restrict how parents would allow them to use this area if a business of this type is allowed.

As previously indicated, we do think that this will impact on the local residents due to noise levels particularly if people are sitting outside the shop premises or leaving after 10:00pm at night. No matter how good people's intentions are it is highly unlikely that once people have had a couple of alcoholic beverages that they would be able to keep noise levels down. The block of flats facing Kork's all have bedrooms facing these businesses so this could impact those residents most.

I also think that Mr Darling-Cooper rather than drumming up support via Instagram could have made his plans known to the residents in the immediate area before deciding to apply for a change to the alcohol licence especially as a lot of people would not know how to use Instagram or other media like this.

Most residents here didn't even realise that there had been an application of this type made. If you didn't read the small notice in the bottom left-hand side of the window then there was no other communication given to the local community.

All Mr Darling-Cooper's friends and family are obviously going to support him on Instagram but at the end of the day this will not be on their doorstep and I think consideration should be given to residents and their concerns as the majority of people who will visit Kork's will live further afield.

After all the years of complaints about the South Parade area the worry is that if this business is granted permission for an extended alcohol licence to sell on premises until this time of night, it will open a precedent for future applications in this area.

We hope you take these objections into consideration before coming to any decision.

Yours faithfully

Gary Callum

From: John O'Shea (Cllr)
Sent: 27 June 2020 10:20
To: Liquor Licensing
Subject: 74 Whitley Road

I wish to object to the recent application for the above premises.

The premises in located in a residential area of Whitley Bay and I have concerns that the late night opening hours and drinking outside of the premises will lead to significant noise nuisance in this residential area.

I would like to make these representations to the Licensing Committee in the event that a hearing is called.

John O'shea

Get [Outlook for Android](#)

2

Rec CD 07.20

25th June 2020

To Whom it may Concern

I am writing to complain about the application for the variation of **74 Whitley Road, Whitley Bay, NE26 2NE – Kork Wine and Deli.**

I am highly against the shop being open seven days a week and particularly them wanting to be open until 10 pm every day. This is unreasonable and shows a complete disregard for what is a residential area. Another major concern is them proposing to have tables outside. This would generate anti-social behaviour and unwelcome noise. I live directly opposite the shop with my mother, whose bedroom is at the front of the property. Most evenings she is in bed before 9.00 pm and sleeps with her window open. She leaves for work before 6.30 am. I know having tables of people directly across the road would prevent her from getting to sleep. There is absolutely no need for this business to be open so long. There are any number of shops, pubs and restaurants close by that sell alcohol. The area quite simply does not need another one and local residents don't want it on our doorstep.

Parking has long been an issue at this part of Whitley Road. It is common not to be able to get a space on Whitley Road, even the streets off it including Alma Place and Egremont Place. Just last night, three vehicles parked on my side of Whitley Road (with a yellow line). This highlights how difficult it can be to get a space. The extended opening hours would only make this situation worse.

I sincerely hope you consider residents' concerns and objections regarding this application.

Yours faithfully



Thank you

3 July 2020

North Tyneside Council
Licensing
Block C, Killingworth Site
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

Dear Sir/Madam

I am writing to complain about the plans to what was Boda Home (74 Whitley Road, Whitley Bay, NE26 2NE). I am strongly against the plans of Kork Wine, particularly them wanting to be open seven days a week until 10 pm and to have tables outside. This is a residential area and I feel the property would be more suitable as another flat. There are any number of **local businesses selling alcohol.**

I am 76 years old and my bedroom is at the front of the property. I am concerned about breach of the peace and anti-social behaviour. This has always been a quiet part of Whitley Road. I sincerely hope you consider residents' concerns.

Yours faithfully

Gary Callum

From: Liquor Licensing
Sent: 07 July 2020 11:40
To: Gary Callum
Subject: FW: Application for a Variation of Licence re Kork, 74 Whitley Road, NE26 2NE

FYI

From: Gary Callum
Sent: 06 July 2020 20:39
To: Liquor Licensing <liquor.licensing@northtyneside.gov.uk>
Subject: Application for a Variation of Licence re Kork, 74 Whitley Road, NE26 2NE

EXTRNL

Good Evening

I am writing in connection with the above application and to advise you that I strongly object to the plans of Kork Wine. It is completely unreasonable for them to want to trade until 10.00 pm seven nights a week. This part of Whitley Road has always been a quiet residential area and their wish to be open so late is not in keeping with the few other adjacent shops that close at 5.00 pm (with the exception of Splinters that closes on occasion slightly later once or twice a week). This part of Whitley Road is the opposite of where there are numerous restaurants and takeaways further along the road.

I am also strongly opposed to them wanting tables outside in the warmer months. All of the properties on my side of the road have bedrooms that face onto the street. If I have my windows open and people walk past talking, I can often make out what they are saying. I (and other residents) do not want multiple people sitting opposite drinking on the street. This would cause noise pollution and would be made worse by people getting rowdier due to drinking and most likely result in anti social behaviour. There is a concern that if tables were allowed on the street, drinking could continue after 10 pm if a round of drinks has been ordered in the last fifteen or twenty minutes of trading. As a keyworker, I often have to go to bed early and I know I would be greatly disturbed by the breach of my peace directly over the road from my property which would prevent me from sleeping.

I would normally support local businesses but the owners are not taking into consideration their neighbours.

I would be grateful if you could confirm receipt of this email.

Regards

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 23:19
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:18 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: MAKE REPRESENTATION ie.object or support

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

- Fitness of Licence Applicant
- Prevention of Crime Disorder
- Prevention of Public Nuisance
- Protection of Children from Harm

Comments: 11:18 PM on 07 Jul 2020 I have bought wines from Shawn at Kork over lockdown to brighten our weekends. He is professional and thorough, knowledgeable and reliable; just what you'd want in a good licensee. He provides a service that is likely to a great addition to Whitley Bay, it is a high end service that isn't likely to cause disorder nor are people who drink in Kork likely to over indulge, rather the

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 21:18
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:18 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: Amenity/Trade/Resident Group Comments

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

Comments: 9:18 PM on 07 Jul 2020 I fully support this venture and the type of business they are and the type of service they are offering is a lovely idea which will help boost spending in the area and it is not going to result in extra noise or an increase in anti social behaviour. It will be a family friendly place to grab a bite and a drink and some shopping and I don't mind one bit (and I live very near to it!).

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 21:14
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:14 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: MAKE REPRESENTATION ie.object or support

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - No Objection

Comments: 9:14 PM on 07 Jul 2020 I believe that Kork having a licence will not have a detrimental impact on the surrounding residential area. It will not be opening late and will not cater for customers who will be drinking heavily. Their business is founded on the appreciation of good wine and I don't believe that offering their customers a glass of wine will have any negative social issues for the area. Other areas of Whitley Bay have successfully managed to open licensed premises alongside residential properties. The residents along park view and the adjacent side streets have no issue with much larger licensed premises than Kork.

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 20:24
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:24 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: Speaking right request - not allowed

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - Fair and Open

Comments: 8:24 PM on 07 Jul 2020 Please allow this licence change, it will have no effect/ increase on anti social behaviour, it will simply provide a better level of service to its customers and will only attract more people to the local area.

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 20:23
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:23 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: MAKE REPRESENTATION ie.object or support

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

- No Objection
- Opening Hours
- Planning

Comments: 8:23 PM on 07 Jul 2020 I write in support of the application. This area of business in Whitley Bay has struggled in recent years and positive investment should therefore be encouraged. The unit size is small and I feel unlikely to cause much harm or disturbance and the target audience is unlikely to be younger users or have a sufficient size for antisocial behaviour. Without the licence the shop would be unable to operate and therefore could result in another empty unit in Whitley Bay. Similar small deli/ food / drink operators are present in Cullorcoats and Whitley Bay centre, having this additional licensed premise should be welcomed for jobs, support of the adjacent businesses attracting more customers. There is ample short stay parking and a main bus route

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 19:50
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:50 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: MAKE REPRESENTATION ie.object or support

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - No Objection

Comments: 7:50 PM on 07 Jul 2020 I fully support KORK's aim to bring something new and interesting to Whitley Bay. KORK will first and foremost be a wine shop and delicatessen, not a bar for people to get drunk and rowdy. There will be zero neighbourhood disruption from what they'll be offering. I can only see this being a great addition to Whitley's growing independent trade and I see no reason why it can't thrive and be a much valued business for locals.

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 17:39
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:39 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: MAKE REPRESENTATION ie.object or support

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - Fair and Open

Comments: 5:39 PM on 07 Jul 2020 It would be great to see a new independent business open in Whitley Bay which will also support other small businesses by selling local produce.
It is a unique business which will draw in new clientele to the area and therefore enhance other local businesses.
As it is only a small shop which will use a licence to allow customers to sample their produce, it is clear that this will not pose a threat to the public or will create any nuisance.

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 17:33
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:33 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: Amenity/Trade/Resident Group Comments

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - Fair and Open
- No Objection

Comments: 5:33 PM on 07 Jul 2020 Hi,

I would just like to register my support for Kork Wine & Deli in attempting to attain a license to serve food and drink on site. I believe a unique and relaxed wine bar would be a great addition to the local area, making it a more sought after place to live. The development of both the Spanish City area and Park View have been a proven success, and I believe it is time for that development to expand into other areas of Whitley Bay.

This wine bar is not large and, given the price point, is unlikely to lead to any antisocial or overly drunken behaviour from its patrons. I therefore fully support their efforts to bring something new to the locals.

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 16:28
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:28 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: MAKE REPRESENTATION ie.object or support

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - No Objection

Comments: 4:28 PM on 07 Jul 2020 I believe Kork will be a great addition to North Tyneside and the North East as a whole. They are going to be selling a relatively new but growing quickly style of wine which is currently unavailable to buy locally.

One of the key elements of introducing new customers to low intervention (or natural) wine is to be able to give customers a taste of the wine. Being able to sell wine by the glass I believe will be vital to this exciting new business and I can no way see how it would lead to any problems or antisocial behavior.

The target customers for Kork will be people of want to enjoy the taste and flavour of the wine, not to get drunk. The price per unit will also discourage any binge drinking with bottles starting at above £10 I can only imagine

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 16:28
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:27 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: MAKE REPRESENTATION ie.object or support

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - No Objection

Comments: 4:27 PM on 07 Jul 2020 I understand what they are trying to offer and believe it would bring something unique to Whitley Bay. It would encourage me to go to the area looking for a different experience - when I might not have done so before.

Therefore I think this will support a local business, bring in wider economic benefits and all for no downsides - no additional noise, no antisocial behaviour, maybe just some more customers - which is a good thing!

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 15:44
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:44 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: REQUEST TO SPEAK AT COMMITTEE

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - No Objection

Comments: 3:44 PM on 07 Jul 2020 Kork Wine and Deli are first and foremost a wine shop and delicatessen. The request for an on licence is to allow customers to sample natural wine before they buy or enjoy a glass of wine whilst having small deli plates on the premises. There is no intention for this to be a rowdy bar. There is only plans to have seating for around 12 people. Loud music will not be played within the shop but there will be a radio played as background music. There will be no disturbance to the local neighbours and laws against public nuisance will be strongly adhered to. The shop will be an added value to the community and there is nothing like this in the area.

From: publicaccess@northtyneside.gov.uk
Sent: 07 July 2020 15:22
To: Liquor Licensing
Subject: Comments for Licensing Application 00CK/20/0988/LAPRE

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:22 PM on 07 Jul 2020 from

Application Summary

Address: 74 Whitley Road Whitley Bay Tyne And Wear NE26 2NE

Proposal: Premises Licence

Case Officer: Susan Vert

[Click for further information](#)

Customer Details

Name:

Email:

Address:

Comments Details

Commenter Type: MAKE REPRESENTATION ie.object or support

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

Comments: 3:22 PM on 07 Jul 2020 I fully support this application. The nature of the product and premises is not one that will encourage or result in excessive drinking. It is simply a continental approach allowing customers to sample the fantastic products they stock. I do not think it is a product that will appeal to people looking to drink to excess or in any anti-social way.

APPENDIX 5

Appendix

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;

- (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) “valued 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.

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APPENDIX 6

EXTRNL

Good Afternoon Stephanie,

As there appears to have been an element of confusion as regards my exact opening hours can I confirm the following :

- OFF sales remain unaltered, as my current license, which are [09.00 to 21.00 Monday](#) to Saturday and [10.00 to 16.00 Sunday](#)

- ON sales proposed in my new Application are, [12.00 to 22.00](#), 7 days a week

I hope this clarifies matters, however if you require any further details or wish to discuss the matter further please let me know.

I would like to have off sales later on a Sunday but we can apply for that at a future date if everything is correct with the rest of our application objections aside and residents will hopefully see we will be a good thing for the neighbourhood.

Best,

Shawn Darling-Cooper