



North Tyneside Council

Licensing Sub Committee

24 August 2021

Thursday, 2 September 2021 commencing at 10.00 am.

The meeting will be held virtually and live streamed on the Authority's YouTube Channel.

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 personal interests in matters appearing on the agenda, and the nature of that interest.	
3. Procedure for Licensing Act Hearings	3 - 6
To note the procedure for hearing and determining an application to vary a Premises Licence.	
4. Somals, 21-23 Benton Lane, West Moor, Newcastle upon Tyne, NE12 7NP	7 - 50
To give consideration to an application to vary the Premises Licence in respect of Somals, 21-23 Benton Lane, West Moor, Newcastle upon Tyne, NE12 7NP.	

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 Janet Hunter
Councillor Steven Phillips

Councillor Tommy Mulvenna

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: 2nd September 2021

Report by: Jeff Young
Licensing Officer
☎ 643 6903

**Contact
Officer(s):** Jeff Young
Licensing Officer
☎ 643 6903

**Title of
Report:** Licensing Act 2003
Somals, 21 – 23 Benton Lane
West Moor

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 Mrs Reni Johal for the variation of a Premises Licence in relation to Somals, 21 – 23 Benton Lane, West Moor, Newcastle, NE12 7NP (“The Premises”).
- 1.3** Mrs Johal has been invited to attend the meeting in support of her application. Persons making relevant representation 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.

A representation has been received from Councillor K Clark representing another party. Details of which are appended to this report at **Appendix 4**.

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 Somals, 21 – 23 Benton Lane, West Moor, Newcastle, NE12 7NP.

A copy of the application form is attached at **Appendix 1**, a plan of the premises and a map of the area is attached at **Appendix 2**. The current Premises Licence permits the following licensing activities and times:

Supply of Alcohol (for consumption off the premises)

• Monday to Saturday	08.00 – 23.00
• Sunday	10.00 – 22.30
• Non Standard timings:	Good Friday From 10:00 Until 22:30 Christmas Day From 12:00 Until 15:00 From 19:00 Until 22:30

General Opening Times

Not Limited	
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2.2 A copy of the current Premises Licence is attached to the report at **Appendix 3**.

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 Mrs Johal seeks to vary the licence by having included in the licence,

the following times:-

- To increase the existing licence in terms of the sales of alcohol off the Premises to 04.00 for online sales for delivery only.

2.5 A copy of the application for the variation of the Premises Licence is attached at **Appendix 1** and a location plan is attached at **Appendix 2**.

3.0 Promotion of Licensable Activities

The applicant has set out the further steps that she 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 – Mrs Johal
2. Councillor K Clark on behalf of another party making a relevant representation.

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 Somals, 21 – 23 Benton Lane, West Moor, Newcastle, NE12 7NP

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.

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.

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

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

Redacted



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	00CK19/1512
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 21/23 BENTON LANE WATMOOR			
Post town	NEWCASTLE	Postcode	NE12 7NP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 120,000 150,000

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
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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)

ON-LINE ORDER SERVICE
Alcohol hours to be extended
from 7 - 22.00
8 - 04.00
Mon - SAT

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:

--

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 see guidance note 3) Please tick all that apply

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

on-line

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
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 7)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
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 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		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 5)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)			
Thur						
Fri			<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 7)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<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 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)		On the premises	<input type="checkbox"/>
			on-line service delivery		Off the premises	<input checked="" type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)			
Mon	03.00	04.00				
Tue	03.00	04.00				
Wed	03.00	04.00				
Thur	03.00	04.00	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 7)			
Fri	03.00	04.00				
Sat	03.00	04.00				
Sun	03.00	04.00				

K

<p>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 10).</p> <p style="text-align: center;">None</p>
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L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			<u>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</u> (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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.

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 11)

on-line service
Delivery service to help with
Covid Safety - social distancing

b) The prevention of crime and disorder

Stop drunk drivers - Help by
offering a delivery service to the door.

c) Public safety

To make sure no under 18's
are served. All checks carried out.
All driver insured and vans are
up to date.

d) The prevention of public nuisance

Van driver and delivery to
located address only
people will not be on the streets
but in their home.

e) The protection of children from harm

checking ID when
requested. No sales for
under 18's

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.

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, 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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	7/6/21
Capacity	

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 14). **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 15)

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 for 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.

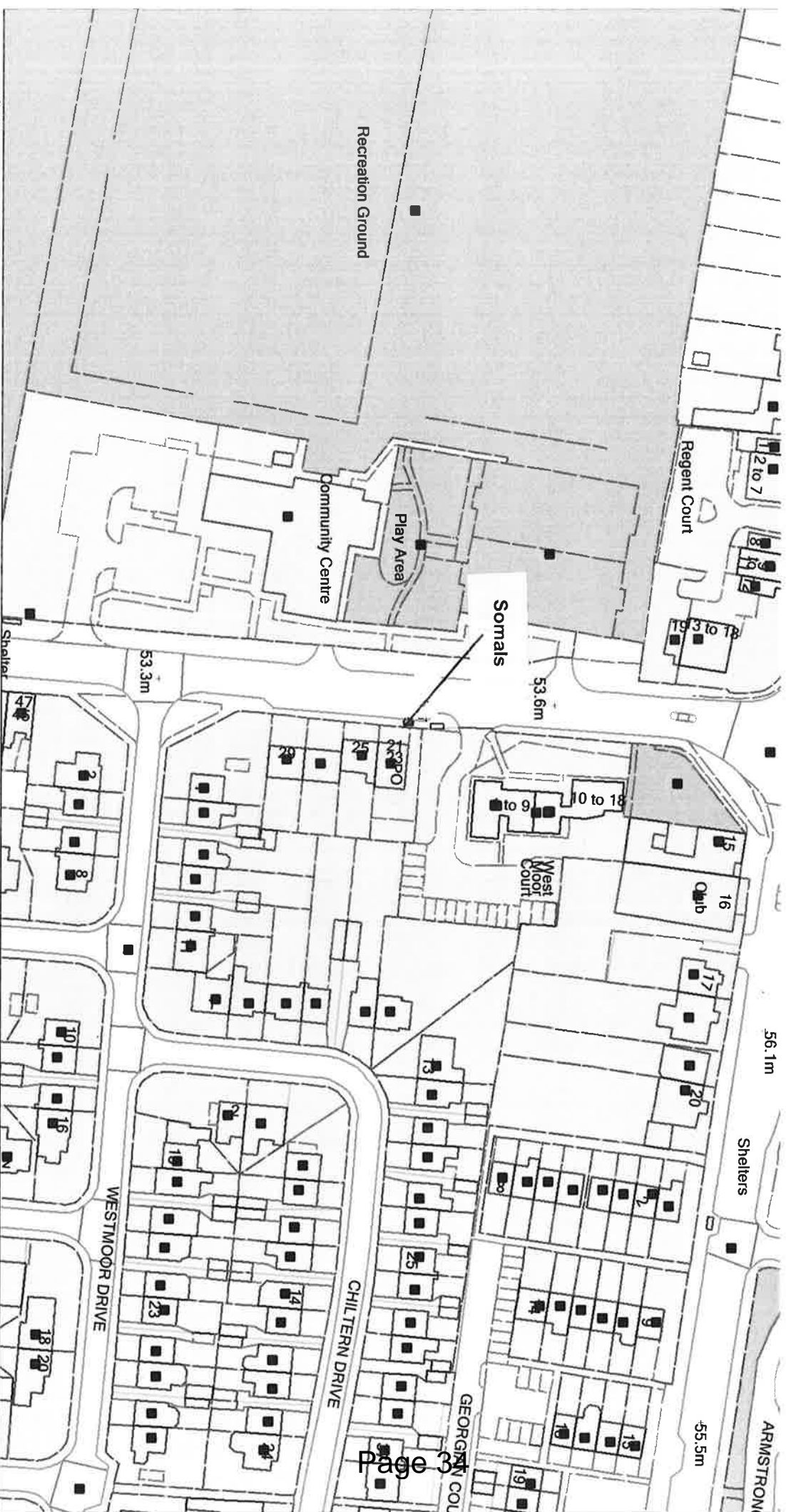
- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

APPENDIX 2

Somals



North Tyneside Council



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Organisation	North Tyneside Council	Date	20 August 2021
Department	North Tyneside Council	SLA Number	100016801
Comments		Scale :	1:1303

APPENDIX 3



North Tyneside Council

PREMISES LICENCE

Schedule 12 – Part A

Premises Licence number:**00CK/19/1512****Part 1 - Premises details****Postal address of premises:****Somals**

21 - 23 Benton Lane
West Moor
NEWCASTLE UPON TYNE
NE12 7NP

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:**08:00 **Until:**23:00 and Sunday **From:**10:00 **Until:**22:30
Non standard timings: Good Friday **From:**10.00 **Until:** 22.30 Christmas Day **From:** 12.00 **Until:**15.00 and **From:**19.00 **Until:** 22.30.

The opening hours of the premises:

Not limited

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:

Ms Rani Johal
21 - 23 Benton Lane, West Moor, Newcastle upon Tyne NE12 7NP
Telephone:

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

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

Ms Rani Johal

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

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.

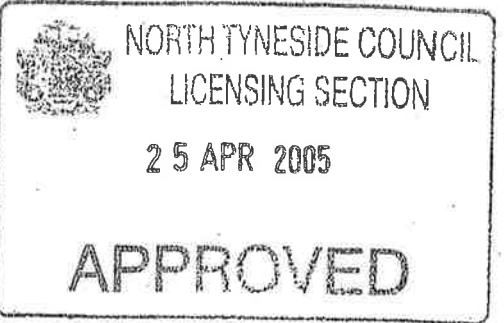
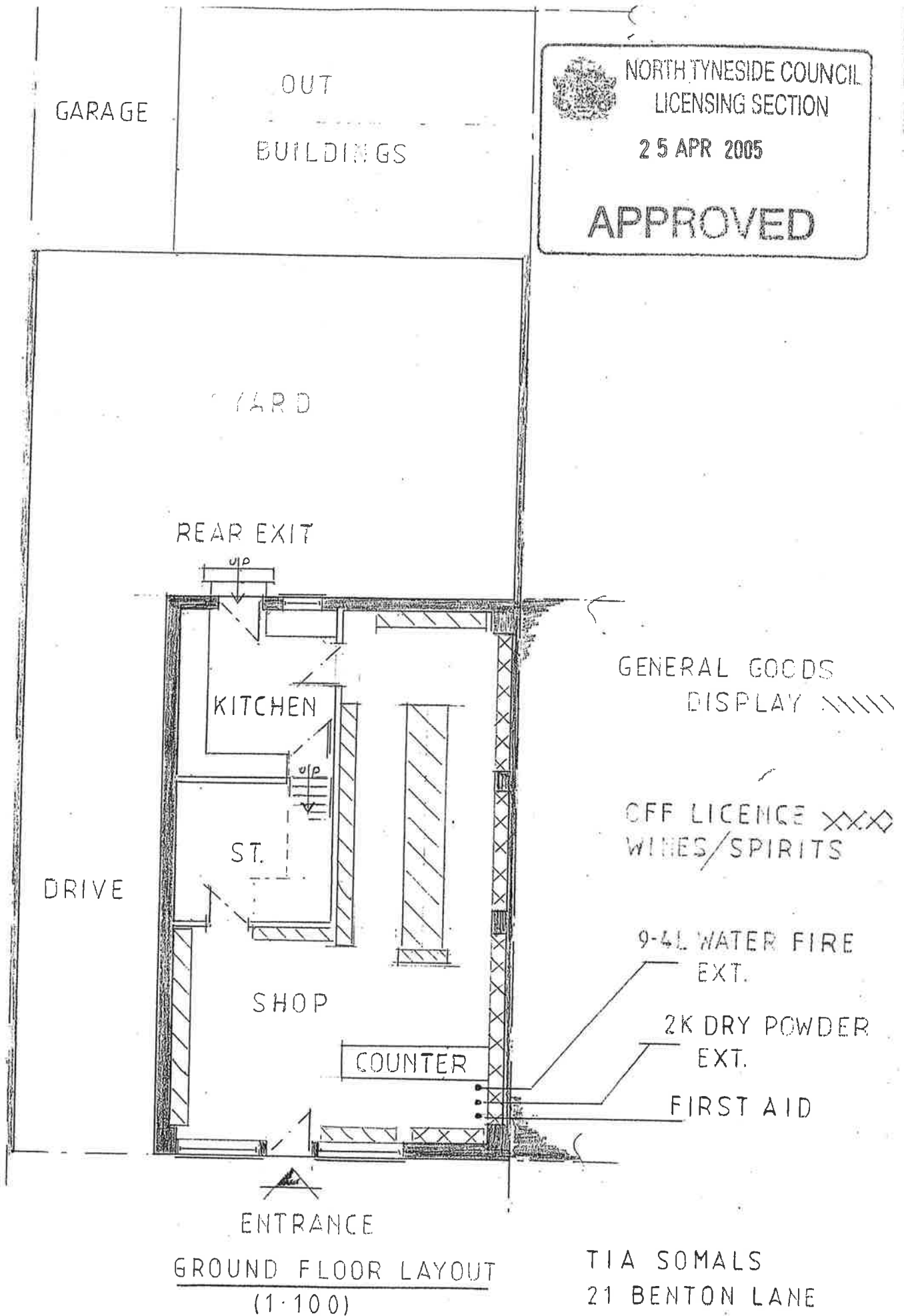
Annex 2 - Conditions consistent with the operating schedule

1. This licence is granted subject to conditions which reproduce the effect of any restrictions imposed on the use of the premises for the existing licensable activity by virtue of schedule 8, Paragraph 6(8) and 18(5) of the Licensing Act 2003. The restrictions are contained in the following Acts: the Licensing Act 1964, the Children and Young Persons Act 1963, the Cinematograph (Safety) Regulations 1955 and the Sporting Events (Control of Alcohol Etc) Act 1985.

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

Annex 4 - Plans

See attached



TIA SOMALS
21 BENTON LANE
WESTMOOR
NEWCASTLE UPON TYNE
NE12 7NP

APPENDIX 4

13th July 2021

I would like to make a public comment on a premises license application (Ref: 00CK/21/1007/LAPRE) via North Tyneside Council's webpages today, but do not wish to provide my personal details for public consumption (due to current concerns of safety). I have corresponded with the relevant department to query if there is a means of submitting a comment confidentially in these circumstances. It was suggested that a comment may be submitted through a local councillor on my behalf. My comment is as below: Commenter Type: Make representation ie object Stance: Object Reasons for comment: Children and Vulnerable Persons Fair and Open Opening Hours Prevention of Crime Disorder Prevention of Public Nuisance Protection of Children from Harm Public Safety Traffic Comment: I was disappointed to discover that Somals of Westmoor had submitted this unsocial license application. If granted, their proposed activity during unsocial hours will be a source of great disturbance to the surrounding residential amenity, and to the neighbourhoods surrounding the addresses of their customers. I anticipate noise disturbance during unsocial hours from vehicle engines, noise from entering and leaving the shop premises, and noise disturbance from vehicle and voice in the neighbourhoods delivered to. Not to mention contributing to the fuelling of antisocial behaviour in their customers who may already be engaging in antisocial disturbance. Such a service may also contribute to the issue of underage drinking. The proposed service is not at all required by the local community or general public. Not typical of the area, which has a largely elderly population, there has been a descending of antisocial disturbances onto Westmoor of late, and I am apprehensive that the granting of this license will only contribute further to that. May I draw the councils attention to their pact for supporting a healthier and safer region, and their responsibility for making sure that health is made a priority in every area of life. Healthy people, in control of their choices, purchase alcohol at a planned and reasonable hour, or with their grocery delivery. The customer base for this type of exploit are typically the most vulnerable in society (alcoholics, youth) and antisocial persons. If North Tyneside council grant this license, that seeks to provide intoxicants to people during unsocial hours, it would be acting in direct contradiction to the proposed priorities of the North Tyneside plan. Granting a license for intoxicants to be supplied to people through all hours of the night does not "support people to be ready for work and life with the abilities to achieve their full potential, or employment". It does not "support people to be healthy and well with the opportunities to improve their health, well being and independence". It only serves to encourage the conditions for the very opposite effect. It is expressed in the North Tyneside plan that "our people will be cared for, protected and supported if they become vulnerable." It does not express "we will grant licenses that will allow others to prey on and profit from exploiting our vulnerable." The North Tyneside plan focuses on three key themes – people, place and economy. The Council have a vital part to play in protecting all of these. Granting this license will not serve to do this. The main customer base for this type of exploit are vulnerable and unsocial people. Allowance of this license would encourage people to drink to levels that will adversely affect their health and well-being as well as negatively impact on personal relationship and neighbourhood. It will also cause noise disturbance to place during unsocial hours, and add risk to community wellbeing and safety as a whole. The economy will not be improved or protected. There may be some financial gain for the 1 or 2 persons involved, but as a whole the economy will be negatively impacted in the long term due to the activities adding to the fallout on public services and health. North Tyneside Council have expressed that the personal, social and economic cost of alcohol for North Tyneside has been estimated to be over £83million, with cost implications for the NHS, crime and licensing, workplaces and social care services. Every year in North Tyneside, there are around 100 alcohol-specific deaths, 2,000 alcohol-related hospital admissions, around 400 alcohol-related violent crimes and thousands

of work-related absences linked to drinking alcohol. To support such a license would be to support irresponsible drinking, drinking beyond safe levels, public nuisance, and exploitation of the most vulnerable in our community. I fail to see any benefit. The only purpose served by this venture is that of financial gain for the applicant via exploiting the most vulnerable in our society. To dress it up as some sort of service is intolerably naive. The real price of drink and drugs is that of great harm to the wellbeing and lives of many, and is detrimental to society as a whole. Somals currently have sufficient trading with plenty of custom to their shop and rental property. There is no personal need for further income to be gained from this proposed exploit. I'd encourage the applicant to seek financial gain from more purposeful pursuits that benefit the local community. The activity proposed is not required, healthy or safe for anyone. I additionally take up issue with North Tyneside Council. There is an absence of public comment. I suggest this is due to the fact that surrounding residents and people in the general location (who will be impacted by the outcome of this application) have not been informed that an application has been submitted. I believe if local residents were aware that this application had been submitted, the majority would stand firmly in objection. Personally, it only happened upon the application by chance. People cannot comment and object to an application that they don't even know exists. Simply having a comments section available online may allude to some sort of formality being fulfilled, but it certainly is not serving an active function if no one has been informed that it is there. What is the point of a comments section that nobody knows exists? This is not fair and open conduct from North Tyneside Council. 'North Tyneside Council is committed to reducing alcohol related harm and promoting responsible drinking' 'North Tyneside Council recognises that there are problems associated with over consumption of alcohol resulting in risks to health, relationships and community safety in particular.'

Councillor Karen Clark on behalf of a resident.

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