

APPENDIX 5

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

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

Dear Sirs,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely



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

Enclosure(s)

Gary Callum

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

EXTRNL

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

Gary Callum

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

EXTRNL

Hello,

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

- Public Nuisance
- Protection of Children of Harm.

Public Nuisance:

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

- Protection of Children of Harm

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

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

Yours sincerely