

REPORT

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

Date: 21 January 2022

Report by: Jeff Young
Licensing Officer
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**Title of
Report:** Licensing Act 2003
Kork Wine and Deli,
74 Whitley Road,
Whitley Bay,
NE26 2NE.

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 Wine and Deli, 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.

Representations from Responsible Authorities and Other Persons

- 1.4** 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.
- 1.5** The application has been advertised at the premises, in a local newspaper and also, on the Council Website as prescribed.
- 1.6** There have been no representations received from any of the Responsible Authorities.
- 1.7** Representations have, however, been received from other persons and are Appended to this report at **Appendix 4**.

Authority to make decision

- 1.8** 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 Wine and Deli, 74 Whitley Road, Whitley Bay, NE26 2NE.

- 2.2** A previous application for the Variation of the Premises Licence was considered by this Committee on 4th August 2020 following representation from Other Parties. The decision of the Committee was to grant the licence but to modify the licence conditions and to amend the times the application originally requested. A copy of the existing premises licence is attached at **Appendix 3**.

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

Supply of Alcohol (for consumption off the premises)

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

Supply of Alcohol (for consumption on the premises)

• Monday to Sunday	12:00 – 21.30
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General Opening Times

• Monday to Sunday	09.00 – 22.00
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3.0 Variation Application

3.1 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.

3.2 Mr Darling-Cooper seeks to vary the licence by having included in the licence, the following days and times: -

Supply of Alcohol (for consumption off the premises)

• Monday to Sunday	09.00 – 23.00
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Supply of Alcohol (for consumption on the premises)

• Monday to Sunday	12.00 – 23.00
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General Opening Times

• Monday to Sunday	08.00 – 23.00
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Non-Standard Times (for consumption of alcohol on and off the premises and general opening times)

• Christmas Eve – 08:00 to 23:59 and Christmas Day 00:00 to 01:00
• On New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours the following day.

3.3 The application is also to amend the internal layout of the premises in accordance with the premises plan attached as part of the application at **Appendix 1**.

3.4 A copy of the application for the variation of the Premises Licence is attached at **Appendix 1** and a map of the area is attached at **Appendix 2**.

3.5 A copy of the current Premises Licence is attached at **Appendix 3**.

4.0 Promotion of Licensable Activities

4.1 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**.

5.0 The Parties

5.1 The parties to the hearing will be;

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

6.0 For consideration

6.1 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

7.0 The North Tyneside Council Statement of Licensing Policy

7.1 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.

8.0 The Relevant Guidance under Section 182 Licensing Act 2003

8.1 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.

9.0 Decision

9.1 The Sub-Committee is asked to determine the application in whatever way it sees fit.

10.0 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

11.0 Background Information

11.1 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.