

TITLE OF REPORT: **Application for the variation of a Premises Licence**
O'Malley's, 168 Kells Lane, Low Fell, Gateshead, NE9 5HY

REPORT OF: **Strategic Director; Economy Innovation and Growth:**
Licensing Officer

1. PURPOSE OF THE REPORT

The Sub-Committee is asked to consider the application from Aspire Licensing on behalf of KL Management Solutions Limited to vary the premises licence for O'Malley's (previously known as Porky's), 168 Kells Lane, Low Fell, Gateshead, NE9 5HY.

Representations to the application were received from Northumbria Police, Councillor Welsh and members of the public.

2. BACKGROUND

The Application

The application submitted by from Aspire Licensing on behalf of KL Management Solutions Limited ('Applicant') to vary the premises licence for O'Malley's, 168 Kells Lane, Low Fell, Gateshead, NE9 5HY is attached at Appendix 1.

The variation application seeks to:

1. To change the plan (attached as Annex 4 on the premises licence)
2. To remove and replace the conditions from Annex 2 of the premises licence and replace with conditions from a new operating schedule.

The licensable activities and the licensing hours authorised on the premises licence are to remain the same.

Following discussions with Northumbria Police, the Applicant reduced the area on their plan of where licensable activities were to take place. The revised plan is attached at Appendix 1.1

The application was advertised at the premises and in the local press.

The Licensing Authority may attach conditions to any licence which are appropriate for the promotion of the Licensing Objectives. A copy of the Model Pool of Conditions from Gateshead Council's Statement of Licensing Policy is attached as Appendix 1.2 that relate to the application.

Licence history

On 2 August 2005, a premises licence was granted for 168 Kells Lane, Low Fell, Gateshead, NE9 5HY. This was following an application Mr Athair Khan had submitted to convert the existing Justices' Licence to a premises licence under the Licensing Act 2003. At the time the premises was called Last Days of the Raj.

On 2 October 2012 an application to transfer the premises licence to Mr Ravi Makkapati was submitted. In addition, an application was submitted to vary the licence to nominate a new Designated Premises Supervisor. The applications noted that the premises was to be called Angeethi. No objections were received, and the applications were granted.

A minor variation was submitted by Mr Makkapati on 13 March 2014 to vary the licence to allow the sale of alcohol for the consumption off the premises at all times when alcohol may already be sold for consumption on the premises, save that no sale of alcohol for consumption off the premises may be made after 23:00 hours daily and that such sales may only be made if the supply of alcohol is ancillary to the purchase of a takeaway meal, and that meal and alcohol are collected from the premises. No objections were received, and the application was granted.

On 7 December 2018 several applications were submitted by Mr Fabio Boccardi. The applications sought to transfer the premises licence into his name, to nominate himself as the Designated Premises Supervisor and to submit a new plan of the licensed premises. The premises was also to be renamed as Porky's. No objections were received, and the applications were granted.

On 9 November 2022, Aspire Licensing on behalf of their client KL Management Solutions Limited submitted an application to transfer the premises licence. No objection was received for the transfer application. The Licence Holder has advised the Licensing Officer that they intend to submit an application to nominate a new Designated Premises Supervisor in due course.

At the same time as submitting the transfer application, Aspire Licensing also submitted an application to vary the premises licence. That application is the subject of this report.

A copy of the existing premises licence is attached as Appendix 1.3.

3. REPRESENTATIONS & MEDIATION

The following representations were received:

- Northumbria Police
- Graeme Stephenson (Appendix 2)
- Councillor Dawn Welsh (Appendix 2.1)
- Geraldine Kinley (Appendix 2.2)
- Jacqueline Fenton (Appendix 2.3)
- Lawrence Fenwick (Appendix 2.4)
- Richard Croft and Claire Bowen-Croft (Appendix 2.5)
- Steven Wade (Appendix 2.6)

Unfortunately, it was not possible to facilitate a mediation meeting between all parties. However, Northumbria Police continued to correspond with the Applicant through their Agent after the consultation period ended and an agreement was

reached where Northumbria Police withdrew their representation on the basis that if the application were granted that a number of conditions would be added to the premises licence.

Those conditions are detailed at Appendix 2.7. That document has been circulated to all those others that made representations but at the time of writing this report the individuals would not have been afforded sufficient time for them to consider them. A supplementary report will therefore be produced providing an update in relation to this.

4. PARTIES

The Parties to the hearing will be:

- KL Management Solutions Ltd (the Applicant) represented by Aspire Licensing
- Graeme Stephenson
- Councillor Dawn Welsh
- Geraldine Kinley
- Jacqueline Fenton
- Lawrence Fenwick
- Richard Croft and Claire Bowen-Croft
- Steven Wade

5. FOR CONSIDERATION

The areas for consideration by the Sub-Committee are:

- The variation application
- The representations; and
- Whether or not the variation application should be granted.

6. THE POLICY & GUIDANCE

When carrying out its functions the Sub-Committee must have regard to:

- (a) the Statement of Gateshead Council's Licensing Policy, and
- (b) the Amended Guidance (December 2022) issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

Some relevant parts of the Policy and Amended Guidance are reproduced in Appendices 3 and 4. The parties may refer to any part of the Policy and Guidance during the hearing.

An area plan is attached at Appendix 5.

7. FOR DECISION

The Sub-Committee is asked to consider the variation application, decide whether or not it should be granted, and if relevant, attach such conditions as it deems appropriate for the promotion of the Licensing Objectives.

APPENDICES

Appendix	1	Application to vary the Premises Licence
	1.1	Revised plan
	1.2	Pool of Model Conditions from Gateshead Council's Licensing Policy
	1.3	Premise Licence
Appendix	2	Representation from Graeme Stephenson
	2.1	Representation from Councillor Dawn Welsh
	2.2	Representation from Geraldine Kinley
	2.3	Representation from Jacqueline Fenton
	2.4	Representation from Lawrence Fenwick
	2.5	Representation from Richard Croft and Claire Bowen-Croft
	2.6	Representation from Steven Wade
	2.7	Conditions mediated between the Applicant and Northumbria Police
Appendix	3	Relevant Extracts from Gateshead Council's Licensing Policy
Appendix	4	Relevant Extracts from the Guidance issued under Section 182 of the Licensing Act 2003
Appendix	5	Area Plan