



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

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 (Insert name)

Graeme Stephenson

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description

168 Kells Lane, Low Fell

Formerly Porkies (now to be O'Malleys)

Post Town
Gateshead

Post Code NE9 5HY

Name of premises licence holder or club holding club premises certificate (if known)
KL MANAGEMENT SOLUTIONS

Number of premises licence or club premise certificate (if known)

NOT KNOWN

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | Please
Tick ✓ |
|--|--------------------------|
| 1) A responsible authority (please complete (C) below) | <input type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | Y |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over Yes (Please Tick)

Current Address			
Post Town		Post Code	

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address
N/A

Telephone Number (If any)	
E-Mail address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address
N/A

Telephone Number (If any)	
E-Mail address (optional)	

This representation relates to the following licensing objective(s)

	Please Tick ✓
1. The Prevention of Crime and Disorder	Y
2. Public Safety	Y
3. The Prevention of Public Nuisance	Y
4. The Protection of Children From Harm	Y

Please state the ground(s) for representation (please read guidance note 1)

I've numbered all 4 licensing objectives in my order of priority:

- The Prevention of Public Nuisance (1)
- The Prevention of Crime and Disorder (2)
- Public Safety (3)
- The Protection of Children from Harm (4)

and inserted the relevant numbered licensing objective where appropriate in my representation below. For example if I describe an instance of Public Nuisance the sentence/ paragraph will be suffixed with '(1)'

I have lived here for 25yrs. 23yrs have been generally quiet, tranquil and reassuringly safe. However over the past 2yrs - since Porkies started trading – my peace and tranquillity has been regularly disturbed and spoiled by loud outdoor recorded speaker music that reaches inside my house when my windows are closed. Even the quieter outdoor music from Porkies can be easily heard when my windows are open in summer or I am in my garden. Also there have been occasions when Porkies have played loud, amplified and intrusive, low-quality (as if karaoke) live performance music late into some weekend evenings (1).

Porkies have also played 'quieter; outdoor (and indoor) speaker music at all times of day and night which is easily heard and discernible as it emanates and echoes up nearby back lanes and streets - regularly disturbing my peace and tranquillity. My nearby neighbours in all directions have told me that they have also experienced this noise and nuisance (1).

I've contacted Porkies by phone and in person on numerous occasions and politely requested they turn their music off – especially when the place is almost empty (1). Most of the times staff were generally reasonable and responsive but an intervention was always required to reduce volume / turn off. However in spring and early summer this year (2022) one member of staff in particular was unpleasant and dismissive over the phone allowing loud recorded speaker music to continue.

When I've visited the premises and respectfully requested they turn the music down/off I have regularly observed a lack of supervision over what was primarily young waiting staff. No person would step forward and take responsibility or accountability for the loud speaker music playing at the time(1). Staff of Porkies did not seem to understand how music echoes and travels around the streets and back lanes. Nor did they seem to appreciate the high value of peace and quiet for local residents.

On several occasions I have had no other option but to formally submit noise and nuisance complaints about this music to Gateshead Council online. I trust these have been retained as public record for reference. I can provide video clips as evidence of very loud outdoor recorded music coming from the outdoor sales kiosk and - simultaneously - different indoor speaker music emanating outdoors via the wide bi fold doors. The bifold doors are about 4m wide and are opened in fair weather. This makes the indoor bar area merge with the outdoor seating area. Patrons come and go to be served drinks indoors then step through the bifold doors to the outdoor area for drinking. Therefore when the bifold doors are open indoor music emanates outdoors (1)

In April 2022 the front door of my house was violently kicked 3 times (2). I cautiously followed the gang of approx 10 male children (4) teenagers and youths who had ran away from my door and subsequently congregated outside the Fell Fish Bar opposite Porkies. At the time Porkies was playing outdoor music (1). As I cautiously approached the gang standing outside the Fell Fish Bar two of the youths peeled away crossed the road and sat down at an outdoor picnic table in Porkies. The gang outside the Fell Fish Bar verbally abused me (2) as I observed the two that had peeled away being served alcohol at their table by a Porkies waitress. Later I took advice and due to severity of the the door kicking incident I reported it to the Police (2). This is therefore on public record.

During the Euros in 2021 I also witnessed and can evidence Police attending a serious outbreak of fighting and violence that spilled out into Kells Lane. On this occasion there was a huge outdoor TV sports screen erected in Porkies outdoor eating area being viewed by approx 100 or more excitable persons watching an England game (1) (2).

I'm reliably advised by neighbours that there was a similar fight spilling out from Porkies in Oct 2022 resulting in serious injury and temporary police closure of Kells Lane - and that a member of The Black Horse staff was also assaulted.

Over the past 2 years I have also noticed a significant increase in frequency and amount of beer bottles, beer glasses and cans, food wrappings, vomit and urination stains on walls in the back lanes around my house. This leads to more general decline and increased dog fouling etc.

It is suggested that the outdoor music, sports screens and general nature of Porkies, compounded by a lack of accountable staff, has attracted an increased number of youths and teenagers into the area some of whom may have consumed alcohol and congregated and loitered around Porkies and the surrounding area causing additional noise, nuisance and disorder, dropping litter and conducting indecencies in the immediate and surrounding area. The surrounding area includes

- Kells Lane play Park (50 meters south) (4) ,
- Kells Lane Primary School (75 meters north) (4),
- St Peters Church (20 meters south-west on Weathercock Lane) and a vicarage (5 meters south on Weathercock Lane) (Byelaw 7 Section 235 Local Government Act 1973)
- Wesley Methodist Church Brownies meet 50 meters west (4).
- The busy Fell Fish Bar which attracts people of all ages every day many queuing and parking outside and in the local area.

- Two bus stops on opposite sides of the Kells Lane attracting all ages.
- Black Horse Public House (adjoined to Porkies) which attracts many patrons but does not allow under any circumstances outdoor music or sales of alcohol.

In terms of consistency of licensing conditions between O'Malleys and The Black Horse it is suggested the long-established and successful Black Horse exemplar of:

- zero outdoor music,
- zero indoor music emanating outdoors
- zero outdoor alcohol sales

could be the blueprint for O'Malleys licensing conditions?

When Porkies first closed in October 2022 rumours were abound that it planned to become an Irish Sports Bar provoking resident concerns of increased rowdiness, noise and more local problems. Local residents including myself took issue and raised concerns with Council officers. When a local councillor became involved she consulted the owners of Porkies / O'Malley's. The councillor was advised that the new licensee's plan was to actually offer a "high-end" pub/kitchen service, scaled down in capacity with firmed up licensing conditions that better address and consider the concerns of local residents. On this note I am sincerely grateful for and thank the new licensee for contacting me and reassuring me that O'Malleys will be a "higher-end" quieter venue with indoor music only that will not be heard outdoors.

I welcome this approach and wish the new licensee best of luck and much success in their new venture. I also hope lots of local folk have good times in O'Malleys! But I trust the owners / licensee acknowledge that this should not be at the expense of my, and my neighbours, peace and quiet, my sense of safety and any increased risk of litter and indecency in the back lanes and surrounding area.

Following advice / guidance from Gateshead council licensing team I request all outdoor and indoor music at O'Malley's to be regulated by specific licensing conditions that are easy for everyone concerned to understand, implement and enforce. And that the proposed licensing conditions regarding outdoor and indoor live performance and recorded speaker music be clarified to set out exactly how they will be implemented, measured and enforced so that music does not emanate beyond the perimeter of the premises.

Such regulations should be easy to understand and implement for the owners of O'Malley's and their staff, easy to assess and enforce for local residents, Gateshead Council eg Licensing, Environmental Health, Trading Standards, Police etc.

If O'Malley's eliminate the outdoor music that was played by Porkies - so to reflect The Black Horse model - and they operate a robust Challenge 25 policy implemented by high-end, well-trained and responsible staff - then the risk of attracting rowdy youths and underage teenagers - and the trouble they can bring to the area when under the influence of alcohol or otherwise - should hopefully be greatly reduced. (1) (2) (3) (4)

For additional security and resident's assurance I also suggest the Council consider installing CCTV overlooking the Kells Lane, Wesley St, Weathercock Lane, Lowreys Lane junction area.

Also perhaps a business / resident / council engagement group that could also help ensure more effective management of licensing conditions in future.

Please provide as much information as possible to support the representation
(Please read guidance note 2)

My statement above includes all the points I wish to make, suggested solutions and focus in on key the conditions that need to be addressed.

- Zero outdoor music
- Zero indoor music
- Zero outdoor alcohol sales
- Well-trained professional staff who have the skills; knowledge and ability to implement conditions effectively and ensure the 'higher-end' environment is well maintained and managed.
-

The proposed conditions for improved CCTV, Challenge 25, late night deliveries and waste disposal, notices about leaving premises, drinking up time etc seem to be required by law but are welcome as part of a general improvement in the way the premises operates and considers the needs of local residents many of whom have young families or are elderly.

Please
Tick ✓

Have you made any representation relating to these premises before? NO

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

N/A -

 **How We Collect And Use Information**

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect

crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature		Date	20.55 19/12/22
Capacity			

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)

N/A

Post Town

Post Code

Telephone Number (if any)

E-mail Address (optional)

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH
Tel: 0191 433 3918 or 0191 433 3178



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

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)

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description O'Malley's (formerly known as Porky's 168 Kells Lane, Low Fell,	
Post Town Gateshead	Post Code NE95HY

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premise certificate (if known)
--

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please Tick ✓ |
| 1) A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over Yes (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address
<input type="text"/>

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address
Councillor Dawn Welsh
<input type="text"/>

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

This representation relates to the following licensing objective(s)

- | | Please
Tick ✓ |
|--|--------------------------|
| 1. The Prevention of Crime and Disorder | <input type="checkbox"/> |
| 2. Public Safety | <input type="checkbox"/> |
| 3. The Prevention of Public Nuisance | <input type="checkbox"/> |
| 4. The Protection of Children From Harm | <input type="checkbox"/> |

Please state the ground(s) for representation (please read guidance note 1)

When this application was initially made a number of concerns were raised with me by residents. Over the intervening period I have liaised with the applicant, our Licencing team and residents, to clarify the scope and scale of the venue.

On balance, I would seem that most of the residents' objections have now been addressed. However, I would ask that Authority pay particular attention to how residents' concerns surrounding potential noise nuisance and anti-social behaviour could be mitigated within the licence conditions.

Prevention of Public Nuisance:

Residents were particularly concerned about the provision of outside speakers playing music at the venue, and the applicant has assured me that this is not within their plans. If it is possible to ensure this cannot happen within the licencing conditions, then I feel it would assist in reassuring residents.

Residents were also concerned that during the summer the bi-fold doors at the front of the venue, could be left open and allow the noise from internal music/entertainment to result in an unacceptable nuisance. I would be grateful if the Authority could consider how this could be mitigated.

Whilst it is accepted that the proposed new venue will be considerably smaller than the previous operation, and therefore operating at a much-reduced capacity. Could the Authority please give consideration to how conditions could be applied to the licence to ensure anti-social behaviour can be prevented within a densely populated residential area.

A large, empty rectangular box with a thin black border, occupying the upper half of the page. It is intended for a visual representation.

Please provide as much information as possible to support the representation

(Please read guidance note 2)

A large, empty rectangular box with a thin black border, occupying the lower half of the page. It is intended for providing supporting information for the representation.

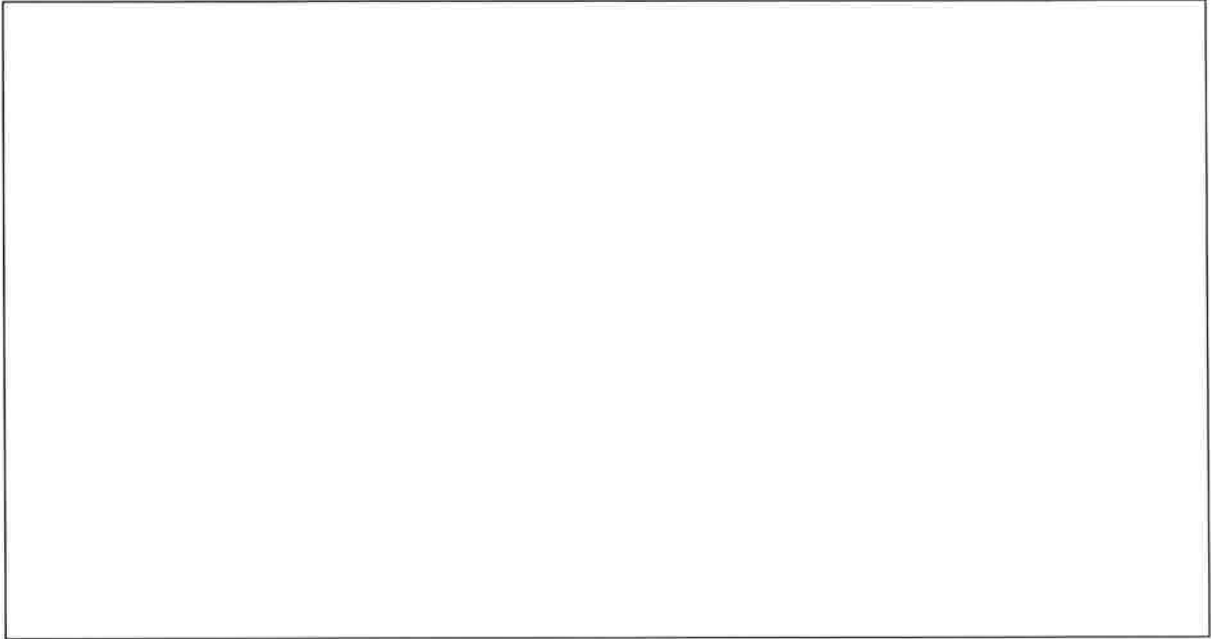
Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.



 **How We Collect And Use Information**

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature	Councillor Dawn Welsh	Date	19/12/23
Capacity			

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH
Tel: 0191 433 3918 or 0191 433 3178



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

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) Mrs Geraldine Kinlev

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description 168 Kells Lane, Low Fell	
Post Town Gateshead	Post Code NE9 5HY

Name of premises licence holder or club holding club premises certificate (if known) KL Management Solutions Ltd
--

Number of premises licence or club premise certificate (if known)
--

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please Tick ✓ |
| 1) A responsible authority (please complete (C) below) | <input type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | <input checked="" type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over Yes (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

This representation relates to the following licensing objective(s)

- | | Please
Tick ✓ |
|--|-------------------------------------|
| 1. The Prevention of Crime and Disorder | <input checked="" type="checkbox"/> |
| 2. Public Safety | <input checked="" type="checkbox"/> |
| 3. The Prevention of Public Nuisance | <input checked="" type="checkbox"/> |
| 4. The Protection of Children From Harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for representation (please read guidance note 1)

1. **The Prevention of Crime and Disorder** - The conditions listed appear to be the minimum legal requirements, as required by the police. The proposed establishment is described as 'High End' - this is a subjective assessment which does not guarantee what sort of clientele will be attracted, nor does it guarantee behaviour.
2. **Public Safety** - door staff are usually employed when management expect that customers will need to be controlled! This contradicts the 'High End' classification. strict conditions to prevent crime and disorder could be more specific e.g. plastic glasses outside, customers to remain within the area of the establishment and not on the pavements.
3. **Prevention of Public Nuisance** - loud music is a public nuisance. Loud customers are a public nuisance. Both, if outside the building, are a public nuisance. Music, cheering, singing, shouting etc all need to be addressed specifically, starting with a statement saying the windows and doors will not be left open.
4. **The Protection of Children from Harm** - to say that children must be accompanied by an adult is inadequate. There is a Primary School and the children's park very, very close by. I continue to see broken glass and litter, abandoned glasses and bottles. there are drunken customers causing a disturbance in the park and on Kells Lane regularly ie. shouting, swearing, fighting.

Please provide as much information as possible to support the representation

(Please read guidance note 2)

My comments and feelings as a long-term resident:

I have lived at [REDACTED] Kells Lane since the 14th of March 1980. Kells Lane has changed, especially more recently. There is a lot of traffic and the 20 mile an hour speed restrictions are largely ignored. The park is not locked at night so is a location for teenagers and adults to gather and cause a public nuisance. Since Porky's opened, I believe the noise level has increased to an unacceptable level. Outside music, especially loud music, can be clearly heard in my house. Football matches on large screens outside Porky's means an intolerable level of noise, never mind the mess left behind by customers.

The premises currently known as Porkys used to be a petrol station in 1980. Following this, it became an Italian restaurant and then an Indian restaurant. Neither restaurant used the outside area for customers therefore the noise level was controlled. Porky's changed all that and I fear that the disturbance to residents will continue to be unchecked, uncontrolled and unacceptable

Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

How We Collect And Use Information

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature		Date	17/12/2022
Capacity			

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH
Tel: 0191 433 3918 or 0191 433 3178



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

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)

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description	
168 Kells Lane, Low Fell	
Currently trading as Porkys, name changing to O' Malleys	
Post Town Gateshead	Post Code NE9 5HY

Name of premises licence holder or club holding club premises certificate (if known) KL Management Solutions Ltd

Number of premises licence or club premise certificate (if known)

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please Tick ✓ |
| 1) A responsible authority (please complete (C) below) | <input type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | <input checked="" type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over

Yes (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

This representation relates to the following licensing objective(s)

- | | Please
Tick ✓ |
|--|-------------------------------------|
| 1. The Prevention of Crime and Disorder | <input checked="" type="checkbox"/> |
| 2. Public Safety | <input checked="" type="checkbox"/> |
| 3. The Prevention of Public Nuisance | <input checked="" type="checkbox"/> |
| 4. The Protection of Children From Harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for representation (please read guidance note 1)

1. The Prevention of Crime and Disorder

The conditions in the application in no way offer protection from this, the conditions they have on their list are no more than the bare minimum legal requirements. All of the conditions they have documented are required by the police anyway.

More stringent conditions are required to ensure the prevention of crime and disorder and need to be legally enforceable.

The description of the establishment as 'High End' is simply a matter of opinion and cannot be legally enforced. Everyone has a different idea of high end, to me it means Michelin starred, is that going to be the case?

2. Public Safety

As above, most of the conditions in the application are a legal requirement. They offer no further protection. The extra conditions they have added are vague, contradictory, impossible to manage and are not legally enforceable.

The conditions state the SIA doorstaff will be employed and will take into account 'busier' periods. 'Busy' cannot be defined and is purely a subjective statement. In the past, the worst violence and disorder happened under the watch of bouncers so it clearly isn't a sufficient control measure. The fact that Doorstaff have to be employed means they are expecting behaviour from customers that needs to be managed. Much more stricter conditions for public safety are required. ie. No glass allowed outside, no queueing on the pavement, making sure customers aren't leaving the premises heavily under the influence.

3. Prevention of Public Nuisance

The conditions attached to the noise issue are again vague, misleading and not legally enforceable. They state that 'it will not be audible beyond the boundaries of the premises' - this is impossible to enforce, everyone can hear at different levels. The outside area was never used by any of the previous occupants until Porkys came along and it should revert to that. I request that the committee puts this in the license variation as part of the conditions. If they are not prepared to do that then at the very least the following needs to be included:

A total ban on outside music, entertainment, private parties, events and any kind of broadcast, amplified or unamplified and the doors and windows of the premises must be closed at all times, not just when 'regulated entertainment' is on. ie not propped open - opened and closed only when a customer is entering or leaving the premises and this should be via the front door only (like the pub next door). Ingress and egress via the bi-folds and other exits needs to be prohibited so they remain closed at all times.

4. The Protection of Children from Harm

The only conditions that I can find that address this objective is 'Children to be accompanied by an adult' and the Challenge 25 policy. This is nowhere near enough, there is a children's park, a primary school, St Peter's Church and Wesley Church Brownie pack all within 100m of the establishment. The potential physical harm to children from the broken glass, litter, stumbling drunk people is high and an environment full of inebriated adults shouting, swearing & fighting is no safe place for a child.

No minors should be allowed on the premises, only over 18s... the current conditions enable a 16 year old to be accompanied by an 18 year old.

The perimeter fence needs to be sufficiently solid / narrow barred to prevent people from placing debris on the wall and passing drinks through the fence.

Please provide as much information as possible to support the representation

(Please read guidance note 2)

1. The Prevention of Crime and Disorder

This establishment has a history of crime and disorderly behaviour, there have been many complaints to the police and local authority about it in the past, there is a history of violence, drug taking and extremely rowdy, aggressive and disorderly behaviour from their customers. They have always continued to serve alcohol to people who were already drunk and way beyond a safe limit and you can smell the weed from the smokers in the garden when you walk past. No attempt has ever been made by the management or owners to stop this.

2. Public Safety

There have been many public safety issues in the past, there were always groups of people standing on the pavement outside the premises. I personally have been bumped & jostled onto the busy road by the out of control patrons. There is broken glass everywhere which is a hazard to young children & people walking dogs. There is regularly puddles of vomit on the footpaths outside the venue.

Customers were also consuming alcohol purchased from the establishment whilst standing on the pavement beyond the perimeter fence. Many of whom were completely wasted and had been served far too much. Nearby residents have had patrons using their gardens as a toilet, the foul language and aggression that has been shown by those patrons is unacceptable. People fear for their safety so are unwilling to confront them.

3. Prevention of Public Nuisance

This establishment has never made the slightest attempt to reduce public nuisance. They have consistently allowed customers to drink to the point of excess and allowed them to behave in whatever manner they liked - shouting, swearing, being sick and all this was spilling out of the venue and into the surrounding streets, church yard, resident's property and children's play park

There were screens put up in the garden for the Euro football competition and the noise coming from it was so loud I could hear it over my TV, inside my house (I was watching the same football). I lodged a complaint with the local authority but two days later they were at it again so I reported it again, nothing changed. It's so bad that you cannot use your garden anymore because of the noise, foul language and vile behaviour that comes from the establishment. On the Euro occasions they did have bouncers on the gate but they did nothing to prevent the trouble and in fact that period was the worst as far as violence was concerned.

They also put on music, live and recorded, outside, and we had to put up with someone caterwauling every Saturday night throughout the summer. Bear in mind, all this was when it traded as a restaurant and supposedly a family venue so I can't imagine how awful it will be as a bar.

4. Protection of Children from Harm

Throughout the time the place has been trading it has always served alcohol to underage children in person and also allowed adults to buy alcohol by proxy for minors. With the food takeaway, no age verification condition has been documented for the alcohol off sales that can be purchased with takeaway food. Protocols need to be in place at the point of order whether that be on or off the premises. Drunken and aggressive patrons (of whom many were underage) were spilling into the park where children were playing and could endanger them. In reality, it forces people to leave the park to get away from them making it impossible for the children to play in there.

There were times that small children were still in the garden area in Porkys at 10pm when it was full of drunken and stoned adults. The crowded pavement outside the venue means that children are in danger of being knocked onto the busy road.

General - I would like to note that my comments can only be based on the historical experience we have had of this establishment and one may argue that it is a new outlet and company. This may be the case on paper but the reality is that only the company name has changed, the owners & directors are the same so there is no confidence that anything will change, their track record proves otherwise. Their current behaviour of flouting the rules for licensing notices and planning rules shows they have not changed, do not care for the community or environment, the safety of local children or residents and continue to manage in a poor manner.

Verbal assurances have been given by stakeholders but again these were contradictory and vague, it must all be documented and regulated in the conditions of the licence and be legally enforceable.

Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

How We Collect And Use Information

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature		Date	18/12/2022
Capacity			

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
[REDACTED]	
Post Town Gateshead	Post Code [REDACTED]

Telephone Number (if any)	[REDACTED]
E-mail Address (optional)	[REDACTED]

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH Tel: 0191 433 3918 or 0191 433 3178



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

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)

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description	
Omalleys 168 Kells Lane Low Fell	
Post Town	Gateshead
Post Code	NE95HY

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premise certificate (if known)
--

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please
Tick |
| 1) A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input checked="" type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | <input checked="" type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over Yes (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

This representation relates to the following licensing objective(s)

Please
Tick 

- | | | |
|----|---|-------------------------------------|
| 1. | The Prevention of Crime and Disorder | <input checked="" type="checkbox"/> |
| 2. | Public Safety | <input checked="" type="checkbox"/> |
| 3. | The Prevention of Public Nuisance | <input checked="" type="checkbox"/> |
| 4. | The Protection of Children From Harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for representation (please read guidance note 1)

All information and comments are based on living near to "Porkies" since its opening

Porkies was designed to attract young drinkers in large numbers by having

Outside bar

Outside seating

Loud music (especially at weekends)

Large Screens

TV Screens (outside) showing major sporting events

No Visible security presence during busy time

Litter, (discarded pizza boxes) and broken glass

Drinking and reveling continuing on to the road, Kells Lane Park and Saint Peters Church, especially during warm, light summer nights

No apparent restriction of numbers of people on the premises

Please provide as much information as possible to support the representation

(Please read guidance note 2)

Public Safety, again all comments are based on living near to "Porkies" since its opening
Porkies designed to attract young drinkers in large numbers (see above)
Impact on Kells Lane Park, drinkers coming into the park, combined with extra litter and broken glass
Lack of any visible security, especially at busy times

Other Notes

My Objections are not simply to say no, If restrictions can be added to the Omalley Licence

- 1 No outside Music entertainment ,Large Screens of any description allowed
- 2 No outside serving of Alcohol
- 3 Restriction of outside seating

No inside loud Music (that can be heard from Kells Lane) entertainment or sporting events of any description

Restriction on Numbers within the premises
Restriction on age of drinkers, minimum 21 years old
Restriction of licensed hours, (no late licences)

Security

Identified clearly days times and numbers of qualified security staff on site

Please
Tick 

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

How We Collect And Use Information

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature		Date	
Capacity			

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH
Tel: 0191 433 3918 or 0191 433 3178

PAO: REBECCA SPARROW

HAND DELIVERED TO B/H HEAD COUNCIL 16/12/22



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

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) RICHARD CROFT & LAIRE BOWEN-CROFT

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 - PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description 168 KELLS LANE, LOW FELL (PORKY'S CURRENTLY)	
Post Town GATESHEAD	Post Code NE9 5HY

Name of premises licence holder or club holding club premises certificate (if known) KL MANAGEMENT SOLUTIONS LTD.
--

Number of premises licence or club premise certificate (if known)

PART 2 - DETAILS OF PERSON MAKING REPRESENTATION

- | | Please Tick ✓ |
|--|-------------------------------------|
| 1) A responsible authority (please complete (C) below) | <input type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | <input checked="" type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

BOWEN-CROFT

First Names

CHAIRE

I am 18 years old or over

Yes (Please Tick)

Current Address

Post Town		Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address

Telephone Number (if any)

E-Mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address

This representation relates to the following licensing objective(s)

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children From Harm

Please
Tick ✓

-
-
-
-

Please state the ground(s) for representation (please read guidance note 1)

1. PREVENTION OF CRIME + DISORDER :

The conditions in the application offer NO PROTECTION FROM THIS. THERE NEEDS TO BE FIRM CONDITIONS OUTLINED AND PROPERLY THOUGHT THROUGH AND DOCUMENTED AS SUCH. OTHERWISE ANY SUCH ESTABLISHMENT COULD JUST GIVE ROUGH VERBAL ASSURANCES WITHOUT OFFERING ANY LEGAL PROTECTION TO NEARBY RESIDENTS. THE CONDITIONS THEY HAVE OUTLINED ARE MERELY AN OBLIGATION THAT THE POLICE REQUIRE.

2. PUBLIC SAFETY

THE CONDITIONS IN THE APPLICATION ARE MERELY A LEGAL REQUIREMENT AND OFFER NO REAL PROTECTION. FURTHER MORE THE CONDITIONS THEY HAVE IN THEIR APPLICATION ARE NOT LEGALLY ENFORCEABLE AND THE EXTRA CONDITIONS ARE VAGUE AND OPEN TO QUESTION.

3. PREVENTION OF PUBLIC NUISANCE

THIS AGAIN IS NOT LEGALLY ENFORCEABLE AND IS OPEN TO QUESTION. HOW CAN THEY ENSURE THAT NOISE WILL BE INAUDIBLE BEYOND BOUNDARIES OF PREMISES, CONSIDERING THAT THERE IS BIFOLDING DOORS ALONG ONE WALL OF THE PROPERTY WHICH OVERSPILLS ONTO THE OUTSIDE. WHEN IT HAS BEEN WARM WEATHER, THESE DOORS OPEN AND ANY MUSIC OR ENTERTAINMENT INCLUDING LOUD VOICES, CAN BE HEARD EVEN WHEN I AM INDOORS IN MY OWN PROPERTY (WITH DOUBLE GLAZED WINDOWS).

4. THE PROTECTION OF CHILDREN FROM HARM

THERE IS A CHILDRENS PARK AND LOCAL SCHOOL WITHIN A 100M DISTANCE FROM THE PUB (ORKYS). THE NOISE LEVELS INCLUDING SWEARING AND SHOUTING WHEN SPORTING EVENTS ARE ON WILL BE INTOLERABLE. ALSO LOCAL PEOPLE SUCH AS MYSELF HAVE CHILDREN AND ARE UNABLE CURRENTLY, TO SIT OUT IN OUR GARDENS BECAUSE OF NOISE LEVELS.

Please provide as much information as possible to support the representation

(Please read guidance note 2)

1) THE PREVENTION OF CRIME AND DISORDER:

THIS ESTABLISHMENT HAS A HISTORY OF CRIME AND DISORDERLY BEHAVIOUR. THERE HAVE BEEN NUMEROUS INCIDENTS IN THE PAST WHEREBY POLICE HAVE NEEDED TO BE PRESENT, VIOLENT AND ROWDY BEHAVIOUR. (FIGURES COULD BE OBTAINED FROM LOCAL POLICE IF NEEDED BY YOURSELF).

2) PUBLIC SAFETY:

THERE HAVE BEEN NUMEROUS PUBLIC SAFETY CONCERNS HISTORICALLY, SUCH AS PEOPLE FIGHTING OUTSIDE AFTER LEAVING PREMISES, PEOPLE REMOVING THEIR GLASSES FROM THE PREMISES WHICH THEN GET SMASHED ALONG THE PAVEMENT BY EITHER THEMSELVES OR OTHERS. THIS LEAVES PEOPLE WITH SMALL CHILDREN WHO ENTER THE PARK NEARBY, AT RISK OF HARM FROM FALLING ONTO THE GLASS OR WHEN PEOPLE WALK THEIR DOGS, IT CUTS THE ANIMALS FEET, THERE ARE NO BINS PROVIDED BY EITHER THE ESTABLISHMENT OR COUNCIL SO LITTER INCLUDING TAKEAWAY FOOD GETS DROPPED INTO THE STREET THUS ATTRACTING RATS AND OTHER VERMIN. THERE HAVE ALSO BEEN INCIDENTS OF PEOPLE LEAVING THE ESTABLISHMENT AND URINATING INTO OUR LOCAL RESIDENTS GARDENS.

3) PREVENTION OF PUBLIC NUISANCE:-

THE NOISE THAT SPILLS OUT FROM THIS ESTABLISHMENT MEANS LOCAL RESIDENTS CANNOT SIT OUT IN THEIR GARDENS AS THE NOISE CAN BE INTOLERABLE ON OCCASSIONS. I HAVE DOUBLE GLAZED WINDOWS AND CAN STILL HEAR THE SHOUTING AND SWEARING WHEN THE BIFOLDING DOORS WERE OPEN OR THERE WAS ANY OUTDOOR EVENTS / OCCASSIONS. THERE WAS ALSO CATERWALLING EVERY WEEKEND DURING SUMMER.

4) PROTECTION OF CHILDREN FROM HARM:

ON OCCASSION, ESPECIALLY DURING SUMMER MONTHS, WHEN LEAVING THE ESTABLISHMENT, DRUNK, BEING SICK WENT STRAIGHT PAST A LOCAL CHURCH AND STRAIGHT INTO THE NEARBY CHILDRENS PARK, BEING SICK, SWEARING AND TRYING TO USE CHILDRENS SWINGS WHILST DRUNK. AS FAR AS I AM CONCERNED, THIS ESTABLISHMENT SHOULD NOT BE ALLOWED TO OPERATE AS A VENUE THAT SELLS ALCOHOL FOR THE OUTLINED REASONS

Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

How We Collect And Use Information

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Section, Economy, Innovation and Growth, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH
Tel: 0191 433 3918 or 0191 433 3178

To be deemed a relevant representation under the Licensing Act 2003 your representation must relate to how the application impacts on one or more of the following licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Please note that issues that are addressed through other regimes/legislation cannot be taken into account under the Licensing Act 2003. An example of this is need. Need concerns the commercial demand of another premises such as a pub/restaurant/off licence etc and is a matter for the Planning Authority and for the market and not the Licensing Authority. Another example of this is parking.

The Licensing Act 2003 also sets out that Licensing Authorities cannot accept representations they deem to be frivolous or vexatious and in addition for a review application on the grounds that the representation is repetitious. These terms are to be given their ordinary meaning. For example, we might deem a representation vexatious if it was lodged because a dispute between rival businesses or it might be frivolous representation if it lacked seriousness and no steps would be proportionate in response.

You should include your name and address so that we can keep you informed about the process and invite you to any related meetings.

If no relevant representations are received then the application will be granted. This will be done as an administrative process.

What happens after you make a representation

Your representation will be read and assessed to make sure that it can be deemed relevant under the Licensing Act 2003 and relates to how that application will impact on one or more of the licensing objectives.

If your representation is relevant, then a hearing before the Licensing Sub-Committee will be arranged. A hearing is to take place within 20 working days starting from the day after the last date for representations on that application. We will notify the applicant and those that have made relevant representations in writing giving the date and time that the hearing is to take place. You will also be sent a copy of the Licensing Sub-Committee hearing procedures.

A copy of your representation will be sent to the applicant. If you have concerns about your name and address being divulged to the applicant then please contact us and we can discuss alternative options.

Where appropriate the Licensing Authority will see if mediation is possible. We will notify you to see if you would be interested in participating. If mediation is unsuccessful then the matter will proceed to a hearing.

If you wish to withdraw your representation you must inform us in writing or via email. Representations must be withdrawn at least 24 hours before the start of the hearing otherwise the hearing will need to take place.

Prior to a hearing a report will be published and include the application, the relevant representation received, extracts of the Council's Statement of Licensing Policy and extracts from s.182 Licensing Act 2003 guidance. [Revised Guidance Issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](#)

Hearings take place before the Licensing Sub-Committee which is made up from Councillors from the Licensing Committee. Please note that a hearing of the Licensing Sub-Committee is usually a public hearing, unless it is

- grant the application in full;
- grant the application partially; or
- refuse the application.

In determining the application with the view of promoting the licensing objectives in the overall interest of the local community, the Licensing Sub-Committee will give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supportive ones);
- Home Office guidance; and
- Our Statement of Licensing Policy.

Usually decisions are announced at the end of the hearing. You and parties to the hearing will then be sent a summary of the decision within five working days.

If you wished to appeal a decision of the Licensing Sub-Committee you would need to lodge this with the Magistrates' Court.

For further information about making a representation then please contact us.

Contact us

Licensing
Gateshead Council
Civic Centre
Regent Street
Gateshead
NE8 1HH

0191 433 4741

licensing@gateshead.gov.uk



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

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)

Wish to make representation about the application for variation/~~grant for a premises licence/club premises certificate~~-(delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description	
O'Malleys 168 Kells Lane Low Fell	
Post Town Gateshead	Post Code NE9 5HY

Name of premises licence holder or club holding club premises certificate (if known) KL Management Solutions Limited
--

Number of premises licence or club premise certificate (if known)
--

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please
Tick ✓ |
| 1) A responsible authority (please complete (C) below) | <input type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | <input checked="" type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over Yes (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

This representation relates to the following licensing objective(s)

	Please Tick ✓
1. The Prevention of Crime and Disorder	<input type="checkbox"/>
2. Public Safety	<input type="checkbox"/>
3. The Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. The Protection of Children From Harm	<input type="checkbox"/>

Please state the ground(s) for representation (please read guidance note 1)

The grounds for my representation in respect of this proposed licence application principally concern the Prevention of Public Nuisance in accordance with the Council's Licensing Objectives and Licensing Policy, and in particular:

7.8 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

7.9 The Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas.

7.10 The Licensing Authority will expect to see that applicants have considered the impact that the following factors may have on the potential for public nuisance:

- The location of premises and proximity to residential and other noise sensitive premises*
- The hours of opening, particularly between 23:00 and 07:00 hours*
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises*
- The design and layout of premises and in particular the presence of noise limiting features*
- The occupancy capacity of the premises*
- The availability of public transport*
- 'wind down period' between the end of the licensable activities and closure of the premises, i.e. allowing patrons to remain in the premises for a period after licensable activities have ceased, so that people do not disperse en masse*
- last admission time*

7.11 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of the premises*
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance eg to ensure customers leave quietly*
- operating hours for all or parts (eg garden areas) of premises, including such matters as deliveries*
- adoption of best practice guidance (eg Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Licensed Property: Noise, published by BBPA)*

- *installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices*
- *management of people, including staff, and traffic (and resulting queues)*
- *liaison with public transport providers*
- *siting of external lighting including security lighting*
- *management arrangements for collection and disposal of litter*
- *effective ventilation systems to prevent nuisance from odour*

Outside areas

8.24 Where premises include an outside area it is expected that the operating schedule will set out how the applicant will address:

- *The provision of appropriate bins and other receptacles for litter generated by patrons*
- *Measures to reduce the amount of noise generated by patrons, particularly late at night. This may include door supervision, closure of outside areas after a particular time, restricting re-admission to the premises after a particular time, etc*
- *Provision and placement of appropriate street furniture to prevent persons 'spilling out' onto public highway in the vicinity of the premises*
- *Provision of CCTV covering entrances and exits, external areas, and surrounding public highways*

Please provide as much information as possible to support the representation

(Please read guidance note 2)

1. My family and I live on Kells Lane, diagonally opposite from the premises that this application concerns. When we moved into our house several years ago, the premises was an Indian restaurant. At the front of the premises there was a lawned garden area with two or three picnic tables, and this area was enclosed at the front and the side with tall hedges. Even at the busiest of times, the restaurant never presented any problems to us or caused any interference in our daily lives. Particularly, the garden at the front was rarely used and customers would come to and go from the restaurant in a civilised and usually quiet fashion.
2. In or around late 2018, the premises changed to Porky's. Pretty much from the outset, the owners and management of that restaurant demonstrated what I would describe as a complete disregard for the nearby residents. Their approach to the use of the outdoor space in particular was very intrusive on my and my family's (and I understand several of my neighbours') home and private lives.
3. For instance, very soon after opening, Porky's removed the row of hedge from the front of the garden area, entirely removing a natural sound barrier between the restaurant and the street, allowing sound to carry to my house, and to neighbouring properties. They also installed a number of additional tables as well as a children's play area and would, especially in the summer months, have customers outside at all hours. Despite this, the restaurant exerted virtually no control over the use of the outdoor area, including well into the late evening. There would be a mix of children running around and screaming, and adults - particularly young adults / youths - being loud and raucous.

4. Over time, the restaurant added further seating in the form of a fully benched area along the length of the front of the garden area and at one time they had a large 'circus tent' / marquee in the outside space. They also installed a partially clad metal shipping container (the non-clad parts being visible from our house and an eyesore) to act as an outside bar.
5. From early 2019, the restaurant began a practice of playing what I consider to have been excessively loud music into the open air, outside space. In the early days, this was happening every night and at such high volumes that even when inside my house with all doors and windows closed the repetitive dance music could still be heard throughout my property. Over time, the style of music changed but it would still be played at levels that were audible inside and throughout my house, right up to the time at which Porky's went out of business.
6. There was also a period when the restaurant would have live outdoor music every Saturday night, which again would be played at very, and unnecessarily, loud volume through speakers.
7. The music played outside - both live and recorded - was of itself often very loud and a nuisance, however the additional effect of the music being played at the levels it was was that customers who were outside were having to talk or shout to be heard over the music (if not singing along).
8. I have two young children and getting them to sleep when having to contend with the music and other noise from the customers of Porky's coming from across the street was often difficult and challenging. It was also a constant source of annoyance and anxiety for my wife and I later in the evenings, as the noise would prevent us from having any sort of relaxed or quiet evening. We would have to have all of the windows closed so as to try to block out the noise, which at the height of summer made being inside quite uncomfortable with the heat. The constant bassline from the outdoor speakers was also quite permeating and even for instance with the TV on inside my house, I was still always very much aware of the music that was being played across the street.
9. We complained many times to the management at the restaurant but things never particularly changed. Even in more recent months, with new management in place, the restaurant would still play music from its outside bar, often past 11.00pm. I have lost count of the number of times that I have had either to telephone or go across to the restaurant to ask them to turn off the music outside. The staff were often oblivious to the fact that this was playing at all, demonstrating little regard to or awareness of the nuisance that they were causing. My wife also complained in writing to the restaurant via their Facebook page or messenger.
10. The worst of times though came in summer 2021, when Euro 2020 was on. The restaurant had large screen TVs outside on which they are showing all the games of Euro 2020, with commentary from separate speakers, often in addition to the music from the bar, played at high volume. This was the case whether or not there was even a single customer watching the games that were being shown during the day, at a time when I and many others in the area were home working during the pandemic. Even after the games finished in the evening, the TVs remained on, showing whatever programming followed the football, still at loud volume. Again, this had the effect of making the - generally youth based - customers who were sitting outside talk or shout even louder.

11. On the occasions of England games, the outside space was full to the point of being overfilled, and there was chanting and singing that was not controlled, and a general disregard for local residents.
12. There were also on these occasions, as well as generally around this time, many clearly underage youths drinking at Porky's. I am aware that the Police were called to the restaurant on a number of occasions during this period. I was also aware of people urinating in the street after the games.
13. Both at the time of the Euros and more generally, at no point in the time that it was open did Porky's ever make any concerted attempt that was obvious to me to exert any control over the often rowdy crowds, of predominantly young adult males, that would sit outside until late in the evening, often after 11pm and occasionally beyond 12am.
14. The restaurant also employed staff who would regularly shout and talk at inconsiderately loud volumes when tidying up outside both before and after closing, as well as when leaving the venue after fully closing. Collections of bottles would also be emptied into outside bins or skips after the restaurant had closed, and after 11.00pm. There have also been occasions when the staff themselves have sat outside until well after midnight drinking and talking loudly, with music playing from a portable speaker.
15. I am aware that my wife has previously complained to the Council on at least a couple of occasions about the noise from Porky's. I gather that a number of my neighbours have also raised similar complaints to the Council in the past.
16. In short, the use by Porky's of the outside space and the noise created by it was at times intolerable, was demonstrably carried out without any, or any meaningful, thought or consideration for the local residents, and was not conducive to a peaceful and relaxed home environment. There was no good reason that I could see why the restaurant had to play music outdoors for the majority of the day and particularly the night, and especially not the live music at the weekend.
17. Ultimately, the area around the premises is a largely family orientated and principally residential area. My family and I, along with many other local residents and families, are in very close proximity to the premises. I would say that I would expect it to be taken as read that the owners and management of that premises have a responsibility to the surrounding local community to respect the residents' rights to a peaceful home life by ensuring the considerate operation of the entirety of the premises, as well as the use of those premises by its customers.
18. It is worth highlighting that the Black Horse pub, next door to the restaurant, has a similar - if not greater - number of outside tables in the warm seasons, and an overall larger outside area, but it generally managed to produce less noise and disruption than Porky's did while it was open, and uses its space responsibly. This is not to say that there is no noise from the pub, but the noise that there is is what I would consider to fall within a reasonable and expected range.
19. I appreciate that the new owners may well look to argue that what has gone before is not their concern because they are opening a new establishment under their new management. I would challenge any such contention however, and say that the way in which Porky's was ran is relevant to the present application because both:

- a. it may set an unwelcome precedent as to how new owners might consider it to be acceptable for the premises to be used; and
 - b. as I understand the position, the individuals involved in KL Management Solutions Ltd / O'Malley's were in fact involved in the company that initially owned and managed Porky's, so the background I have outlined may well be illustrative of how they would look to run the premises if there were no controls or limitations in place.
20. In preparation for making this representation, I have visited the Civic Centre and I have spoken with the Licensing Section about the pending application to change the licence. I have therefore been made aware of the proposed conditions to the licence that have been advanced in the application.
21. I am also aware, in broad terms, of the plan detailing the proposed layout of the premises, and in particular that it is proposed that separate seated dining and bar areas will be maintained indoors, but that it is also proposed that a substantial part of the indoor dining area will be portioned off, to be used as an office space, thus limiting the amount of inside space for customers.
22. At the time that I visited the Council, I was told that the plan was being amended so that the outside garden area at the front of the premises would not be included in the licence and not authorised for the on licence activities. I asked whether the question could be put to the agents of the applicant as to what their plans and intentions were for the use of the outside space. At the time of preparing this representation, I am not aware of any response having been provided.
23. My specific main concerns regarding this application include the following:
- a. We have heard from a number of people that the venue will be reopened an Irish sports bar. I gather from the licence application that the owners intend for the establishment to be a 'high end' offering. In my opinion, 'high end' does not go hand in hand with either an Irish bar or a sports bar. It is therefore not clear to me what sort of establishment O'Malley's seeks to be. The fact that it appears that the venue will continue to serve food and have table service is welcome, but if this is to be an Irish and/or sports bar, then it would potentially represent a clear change in use from what was formerly (pre-Porky's) a quiet restaurant into something far rowdier and appealing to a younger and more disruptive / antisocial clientele.
 - b. It is not at all clear to me how it is proposed the outside space will be used. For the most part, what goes on inside the premises is of little concern to me, up to the point that this might then later spill out into the street when customers either move outside or leave the premises. I am however more concerned about what will happen outdoors. Naturally, if the venue is to be a sports bar then the obvious comparison in terms of how that space might be used that comes to mind is how things were during Euro 2020. If the venue plans to use the outside space to broadcast sports for instance then that would be a real concern given our experiences last summer. The same would equally apply though if the venue would seek to bring back live, or even pre-recorded, music outdoors to fit in with an Irish bar theme, or otherwise.

- c. The noise from music and/or customers. However it is proposed that the premises are to be used, the fact of it being reopened predominantly as a bar, or bar/restaurant, rather than as a restaurant that also served drinks, is potentially going to attract a different sort of crowd to what there has been in the past. Particularly given that the indoor floor space and capacity is going to be significantly reduced, my concern is that the effect of this will actually be to encourage even more people outside, particularly in the warmer months. I have concerns therefore that this will result in noise levels equal to or greater than what we experienced with Porky's, which would likely be increased if there was to be any form of music or other amplified acoustics outdoors.
 - d. It is not clear to me what the office space is to be used for, and for what duration. I have heard that it is to be used as an office space for a third party company, and that it will not be a part of the licenced premises. If this is the case, it is not clear whether this is to be a permanent arrangement or if the space might be brought back into O'Malley's at a later date, and if so in what function. If the space is to be kept separate to the bar for the long term, it is also not clear what sort of companies / individuals will be using that office space.
24. I would not propose to go so far as to say that I object entirely to the new owners being given a licence to operate O'Malley's in principle. We accepted when we moved into our house and the area that there would be a degree of noise and footfall from the Black Horse and, to a lesser extent, the restaurant, so it would be disingenuous for me to say that I expect there to be no noise from the operation of the premises.
25. The outcome that I am keen to achieve however in making this representation is that the new owners do, and are obligated to, operate and manage the premises and carry out their business in a manner that is fair, considerate and respectful of the predominantly residential environment that surrounds it.
26. I would therefore like to see some conditions put in place that will:
- a. limit the use of the outdoor areas to a reasonable time in an evening;
 - b. monitor and control the behaviour of customers, including but not limited to the level of noise created, in the outdoor areas at all times;
 - c. restrict the playing of music and/or other amplified media, such as broadcast sports or otherwise, in the outdoor areas;
 - d. ensure that noise created from inside the building, whether from customers, music or otherwise, is monitored and controlled and kept to a reasonable level; and
 - e. aim to maintain a 'high end' clientele, i.e. no stag or hen parties, no large groups of males, operation of a 'challenge 25' policy.
27. Thank you for considering my representations. I would be pleased to expand further on any aspect of the above as necessary at a hearing if required.

Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

How We Collect And Use Information

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature		Date	18.12.22
Capacity			

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH
Tel: 0191 433 3918 or 0191 433 3178