

# REPORT

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

**Date:** 21 August 2023

**Report by:** Gary Callum  
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**Title of  
Report:** Licensing Act 2003  
  
STACK  
Empress Rooms  
Spanish City  
Whitley Bay  
NE26 1AR

**Ward(s):** Whitley Bay

## **1.0 Summary / Purpose of Report**

### **1.1 Licensing Sub-Committee**

The Licensing Act 2003 provides that, where representations have been received from a Responsible Authority or Other Persons in respect of an application for a licence, a hearing must be held to consider them. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

**1.2** The Sub-Committee is asked to consider and determine the application from Anson House 11 Limited, for a New Premise Licence in respect of Stack, Empress Rooms, Spanish City, Whitley Bay, NE26 1AR.

**1.3** The applicant has been invited to attend the meeting to put forward their case in support of the application. All persons making relevant representations have also been invited to attend.

## 1.4 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Weights and Measures Authority, Home Office Immigration Enforcement and the North Tyneside Safeguarding Children Partnership (formerly the Local Safeguarding Children Board), with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application.

The application has been advertised at the premises, in a local newspaper and also, on the Council Website as prescribed.

There have been no representations received from any of the Responsible Authorities.

Representations have been received from three other persons. One of the representations is supporting the application. These are attached at **Appendix 5**.

## 1.5 Authority to make decisions

In relation to an Application for the grant of a Premises Licence the Licensing Sub-Committee can, under the Licensing Act 2003:

- grant a Licence subject to conditions consistent with the operating schedule and necessary for the promotion of the licensing objectives in addition to the mandatory conditions;
- exclude from the scope of the Licence any of the licensable activities to which the Application relates;
- refuse to specify a person in the licence as premises supervisor;
- or reject the Application.

Once the Sub-Committee has reached a decision, the decision and reasons for the decision must be given in accordance with the **Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005**.

## 2.0 Background

2.1 This report relates to an application for a New Premises Licence in respect of Stack, Empress Rooms, Spanish City, Whitley Bay, NE26 1AR.

The Application for a New Premise Licence is attached at **Appendix 1**, a plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**.

### 3.0 **The Application for the Grant of a Premises Licence under Section 17 of The Licensing Act 2003**

3.1 The Application for the Grant of the Premises Licence is made pursuant to Section 17 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 18 of the Act.

The application for a premise licence is as follows:

1. To permit the premises to **supply Alcohol** (for consumption on and off the premises) as follows:
  - Sunday to Thursday from 10.00 – 00.00
  - Friday and Saturday from 10.00 – 01.00
2. To permit the **performance of Plays** (indoors) as follows:
  - Sunday to Thursday from 10.00 – 00.00
  - Friday and Saturday from 10.00 – 01.00
3. To permit **the exhibition of Films** (indoors and outdoors) as follows:
  - Sunday to Thursday from 10.00 – 00.00
  - Friday and Saturday from 10.00 – 01.00
4. To permit **Indoor Sporting Events** as follows:
  - Sunday to Thursday from 10.00 – 00.00
  - Friday and Saturday from 10.00 – 01.00
5. To permit the premises to allow the **performance of Live Music** (indoors) as follows:
  - Sunday to Thursday from 10.00 – 00.00
  - Friday and Saturday from 10.00 – 01.00
6. To permit the premises to allow the **playing of Recorded Music** (indoors) as follows:
  - Sunday to Thursday from 10.00 – 00.00
  - Friday and Saturday from 10.00 – 01.00
7. To permit the premises to allow the **performance of Dance** (indoors) as follows:
  - Sunday to Thursday from 10.00 – 00.00
  - Friday and Saturday from 10.00 – 01.00

8. To permit **anything of a similar description to that falling within Live Music, Recorded Music or Performances of Dance** (indoors) as follows:

- Sunday to Thursday from 10.00 – 00.00
- Friday and Saturday from 10.00 – 01.00

9. To provide **Late night refreshment** (on and off the premises), as follows:

- Sunday to Thursday from 23.00 – 00.00
- Friday and Saturday from 23.00 – 01.00

10. **General opening times** as follows:

- Sunday to Thursday from 08.00 – 00.30
- Friday and Saturday from 08.00 – 01.30

### **Non Standard Timings**

Licensable activities and opening times may be provided from the end of the specified finish time on New Year's Eve until the start time on New Year's Day.

All activities to be extended for an additional hour on Sundays preceeding a Bank Holiday.

If the licence is granted this will be subject to mandatory conditions attached at **Appendix 4**.

## **4.0 Promotion of Licensing Objectives**

4.1 The applicant has included the following additional steps in the operating schedule that they intend to take in order to promote the licensing objectives.

Please see **Appendix 1**.

## **5.0 The Parties**

The Parties to the hearing will be:

1. The Applicant - Anson House 11 Limited
2. Other Persons

## **6.0 For consideration**

The areas for consideration by the Licensing Sub-Committee are:

- The application for a New Premises Licence in respect of Stack, Empress Rooms, Spanish City, Whitley Bay, NE26 1AR.

## **7.0 The North Tyneside Council Statement of Licensing Policy**

The Sub-Committee's attention is drawn to the relevant part of the Policy – Section 10.1 – 10.5 Crime and Disorder.

## **8.0 The Revised Guidance issued under Section 182 Licensing Act 2003**

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under S182 Licensing Act 2003 that is Chapter 2 Licensing Objectives.

## **9.0 For Decision**

The Sub-Committee is asked to determine this application in whichever way it sees fit.

## **10.0 Associated Papers**

Appendix 1 – The application for the grant of a New Premises Licence

Appendix 2 – Plan of the premises

Appendix 3 – Map of the area

Appendix 4 – Mandatory Conditions

Appendix 5 - Representations

## **11.0 Background Information**

The following background papers have been used in the compilation of this Report and are available for inspection at the offices of the authors of the Report:

North Tyneside Council Statement of Licensing Policy

The Licensing Act 2003 and Regulations

Revised Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office

Delegation Scheme – Licensing Committee 7 February 2005