

## **Licensing Sub Committee**

**Monday, 21 August 2023**

Present: Councillor M Thirlaway  
Councillors J Johnsson and T Mulvenna

### **LS10/23 Appointment of Chair**

**Resolved** that Councillor Thirlaway be appointed Chair for this meeting.

### **LS11/23 Declarations of Interest**

There were no declarations of interest reported.

### **LS12/23 Stack, Empress Rooms, Spanish City, Whitley Bay, NE26 1AR**

The Sub Committee met to consider an application for the grant of a new Premises Licence in respect of Stack, Empress Ballrooms, Spanish City, Whitley Bay.

The applicant, Anson House 11 Limited sought permission to:

- Permit the supply of Alcohol for consumption on and off the premises, the performance of plays (indoors), the exhibition of films (indoors and outdoors), indoor Sporting events, the performance of live music and recorded music (indoors), performance of dance (indoors), anything of a similar description to that falling within live music, recorded music or performances of dance (indoors):

Sunday to Thursday – between 10:00 and 00:00

Friday and Saturday – between 10:00 and 01:00

- The provision of late-night refreshment (on and off the premises):

Sunday to Thursday – between 23:00 and 00:00

Friday and Saturday – between 23:00 and 01:00

- The premises to be open:

Sunday to Thursday – between 08:00 and 00:30

Friday and Saturday – between 08:00 and 01:30

- Non standard timings:

Licensable activities and opening times may be extended from the end of the specified finish times on New Years Eve to the start time on New Years Day and all activities to be extended by an additional hour on a Sunday preceding a Bank Holiday.

Following introductions the Sub-committee's legal advisor outlined the procedure to be followed at the hearing.

Mr G Callum, Licensing Officer, presented details of the application, the representations received and the options available to the Sub-committee.

Councillor J O'Shea set out details of his support for the application.

Mr C Holland QC, on behalf of the applicant, introduced those present from the applicant's team, presented details of the application and responded to questions from the members of the Sub-committee.

Each of the parties present at the hearing were given the opportunity of summing up their case and the Sub-committee retired to make its decision in private.

All parties were invited back into the hearing and the Chair announced the Sub-committee's decision.

**Resolved** that the application for the grant of the premises licence in respect of Stack, Empress Ballrooms, Spanish City be approved as follows:

**Opening Hours:**

Sunday to Thursday from 8.00am to 12:30am

Friday and Saturday from 8.00am to 1.30am

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**Supply of Alcohol (on/off):**

Sunday to Thursday from 10.00am to midnight

Friday and Saturday from 10.00am to 1.00am

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**Regulated entertainment (being indoors only) hours :**

Sunday to Thursday from 10.00am to midnight

Friday and Saturday from 10.00am to 1.00am

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**Late-night refreshment (on/off) hours:**

Sunday to Thursday from 11.00pm to midnight

Friday and Saturday from 11.00pm to 1.00am

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**External 2<sup>nd</sup> Floor Terrace opening hours:**

From 10.00am to 10.00pm daily or such earlier time as designated by the noise management plan or a planning condition

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**Non-standard times:**

**Sunday before a bank holiday:**

From 10.00am to 1.00am for all licenced activities and to close at 1:30am

**New Years Eve:**

From 10.00am to 2.00am for all licenced activities and to close at 2:30am

1. The premises shall operate as an entertainment and event space with food and drink offered. There will be no change to this operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for a full or minor variation of a new licence is required, and the licence holder shall comply with the direction.
2. The premises, when open for licensable activity, must have sufficient, competent staff on duty to include fully qualified SIA approved door supervisors for the purpose of fulfilling the terms and conditions of the licence and for preventing anti-social behaviour, crime and disorder.
3. At all times when the premises is open to the public, a member of staff will monitor each entrance to the site and a management system will be in place to enable the Designated Premises Supervisor to know how many

people are on the premises at all times that licensable activities are taking place.

4. The Licence Holder and Designated Premises Supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events before each such event. Such risk assessments must include the provision of door staff and safeguarding/drugs search policies to be undertaken during times of licensable activity.
5. The Licence Holder shall conduct a Fire Safety risk assessment for the general operation of the premises and the maximum number of persons permitted on the premises at any one time will not exceed the figure prescribed in that assessment.
6. There will be a radio link between each bar unit retailing alcohol and the main security staff at the premises. The radio shall be kept in good working order, operated by responsible and trained members of staff and used to report incidents of anti-social behaviour, crime and disorder to the security team and other users.
7. Patrons will not be permitted to enter the premises in the possession of alcohol.
8. Off sales of alcohol will be provided at the discretion of management. All alcohol to take away from the premises will be in closed containers.
9. Staff shall refuse to supply alcohol to any adult who they suspect to be intoxicated or passing the alcohol to those who are underage (proxy sales). Details of such refusals shall be documented and made available to the police or local authority immediately upon request.
10. All members of staff at the premises, including door supervisors where they are employed, shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to consume alcohol on the premises or purchase alcohol, whether or not they intend to consume it on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport,

photographic driving licence or proof of age card carrying the "PASS" logo and hologram, or a Forces ID card.

11. An incident and refusals book or log shall be kept at the premises which is utilised and maintained at all times. This will include a record of all age challenges made when a customer attempts to purchase alcohol and the reasons for any refusal. This book will be available to the police, Licensing Authority or other Responsible Authority immediately upon request.
12. The Premises licence Holder shall ensure that all relevant members of staff receive training in their responsibilities under the Licensing Act 2003 (or replacement legislation) including the use of a "Challenge 25 policy" and proxy sales. Such training shall be documented, and records made available on request from the Police, authorised officer of the Licensing Authority or other Responsible Authority. Refresher training will take place at yearly intervals and will also be documented and available for inspection on request.
13. The premises will operate and maintain a record of persons banned from entering or purchasing alcohol from the premises, which will form part of staff training. Such information shall be shared between partner agencies and through the premises own records, including CCTV and staff knowledge.
14. If the general public congregating outside the premises are engaged in anti-social behaviour, the management shall request they disperse and, if the problem persists, will call Police for support.
15. A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of, and in consultation with, Northumbria Police. Such a system shall:
  - a) Be operated by properly trained staff;
  - b) Be in operation at all times that the premises are open and capable of generating accurate date and time of the footage;
  - c) Ensure coverage of all public entrances and exits, counter and till areas,

areas where alcohol is served or stored and any existing outside areas, whether or not patrons have access to them, and any other areas as required by police;

- d) Be kept in a secure environment under the control of a named responsible individual and fitted with a security function to prevent tampering with the recording (eg. password protected);
  - e) During the times licensable activities are provided, have a member of staff present and trained in the retrieval of CCTV footage, with the ability to download the relevant footage onto a disc at the request of police;
  - f) Be capable of recognition of all persons entering the premises;
  - g) Provide continuous recording facilities for each camera to a high standard of clarity. Such recordings shall be retained on tape/disc/hard drive or otherwise for a minimum of 28 days and shall be supplied to the police, Licensing Authority or other Responsible Authority within 24 hours of request. Images recorded are to be retained in an unedited format and the CCTV must continually record whilst the premises are open.
16. No noise from the licenced premises, including noise from patrons present, arriving or leaving the premises, or from licensable activity, shall rise 5db or more above the existing ambient/background noise at this location, when measured continuously over a 15 minute period at residential properties at Elmwood Grove Whitley Bay NE26 1LU, or Park Avenue Whitley Bay NE26 1AU, so as to avoid nuisance to nearby residents or other business users.
17. There will be a noise management plan in place on the premises which should include regular noise monitoring during times of licensable activity taking place. The premises shall not become operational until the noise management plan has been submitted to and approved by Environmental Health officers.
18. On entrance/exit to the premises there will be signs prompting customers to be respectful of neighbours and to leave quietly.
19. On the terrace there will be signs prompting customers to be quietly

respectful of neighbours

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Reason for Decision:

The Sub-committee considered that the imposition of the conditions offered by the applicant along with those amended or added by the Sub-committee would sufficiently promote the licensing objectives to address the concerns around the application.