

LICENSING SUB-COMMITTEE

REPORT OF THE HEAD OF HOUSING AND PUBLIC PROTECTION

Licensing Act 2003

1. SYNOPSIS

To determine an application for the variation of a Premises Licence in respect of The Phoenix, 3 Chisholm Place, Hexham, NE46 1QL.

The applicant has applied to vary the licensable activities as follows:-

- To extend the licensed hours on Saturdays to allow all licensed activities to continue until 0330 hrs the following morning
- On Christmas Eve, Boxing Day, Maundy Thursday, Good Friday and the Friday, Saturday and Sunday of a weekend before a Bank Holiday Monday to permit all licensed activities until 0330 hrs the following morning
- Opening hours on the above days to be extended until 0350 hrs and on standard Fridays to 0250 hrs
- On New Year's Eve all licensed activities will be extended from finish time on New Year's Eve to start time on New Year's Day
- To permit films during the same hours as supply of alcohol is permitted

Two representations have been received with regards to this application. One from Northumberland County Council Environmental Protection department on the grounds of Prevention of Public Nuisance and another received from an interested party on the grounds of Prevention of Public Nuisance and Prevention of Crime and Disorder.

2. DETERMINATION OF APPLICATION

Having considered the report, all relevant representations and verbal submissions from those persons entitled to speak at the hearing; the Sub-committee is required to make its determination in respect of the application at the conclusion of the hearing.

In this particular case, the sub Committee **may**:

- 1) Grant the licence subject to conditions consistent with the operating schedule accompanying the application, modified to such extent as the Sub-committee considers appropriate for the promotion of the licensing objectives. All

conditions should be precise and capable of being interpreted and applied by the applicant.

(Conditions may be modified if any of them is altered or omitted or any new condition is added)

and

Any mandatory condition under section 19 of the Act be included in the licence

- 2) Exclude from the scope of the licence any of the licensable activities to which the application relates
- 3) To reject the application if it is not possible to promote one or more of the licensing objectives by any other means.

Members are reminded that they may only attach additional conditions:

- In respect of those matters that are subject to the application and in respect of which a relevant representation has been made; and
- that are appropriate for the promotion of the licensing objectives.

3. Appeals

If the applicant, responsible authority or interested party who may have made a representation is aggrieved by the decision of the Licensing Sub-Committee in respect of:

- the decision to grant the licence or any part of it as set out in the attached document, or
- failure to exclude from the licence any of the licensable activities requested, or
- the decision to impose the specified conditions, or
- failure to modify or attach different or additional conditions appropriate for the promotion of the licensing objectives.

They may appeal to the Magistrates' Court within the period of twenty-one days beginning with the day on which they receive formal written notification of the determination.

4. CONSULTATION

In accordance with the requirements of the Licensing Act 2003 and regulations made there under, the applicant has undertaken the following consultation in respect of the application:

A copy of the application has been sent to all Responsible Authorities as defined in the Licensing Act 2003 Section 13 (4).

A notice setting out details of the application has been displayed at the premises for a minimum period of 28 consecutive days starting on the day after the application was received by the licensing authority.

By publishing a notice in a local newspaper on at least one occasion during the period of 10 working days starting the day after the application was received by the licensing authority.

5. REPORT

Background

On 22nd November 2018 an application was received from Sintons LLP on behalf of The Phoenix, 3 Chisholm Place, Hexham, NE46 1QL for the variation of a premises licence. A copy of the application is attached as **Appendix A**.

Currently the premises is licensed for the sale of alcohol and provision of regulated entertainment (**Appendix B**).

The applicant is applying to vary the timings of the following licensable activities:-

- To extend the licensed hours on Saturdays to allow all licensed activities to continue until 0330 hrs the following morning
- On Christmas Eve, Boxing Day, Maundy Thursday, Good Friday and the Friday, Saturday and Sunday of a weekend before a Bank Holiday Monday to permit all licensed activities until 0330 hrs the following morning
- Opening hours on the above days to be extended until 0350 hrs and on standard Fridays to 0250 hrs
- On New Year's Eve all licensed activities will be extended from finish time on New Year's Eve to start time on New Year's Day
- To permit films during the same hours as supply of alcohol is permitted

Two representations have been received with regards to this application. One from Northumberland County Council Environmental Protection department on the grounds of Prevention of Public Nuisance (**Appendix C**) and another received from an interested party on the grounds of Prevention of Public Nuisance and Prevention of Crime and Disorder (**Appendix D**).

6. Details of Representations

Representations objecting to the application:

Responsible Authorities

Chief Officer of Police None

The Fire Authority None

Body Responsible for Health and

Safety Enforcement	None
Local Planning Authority	None
Body Responsible for Minimising or Preventing the Risk of Pollution of the Environment or of Harm to Human Health	Appendix C
Northumberland Area Child Protection Committee	None
Trading Standards Authority	None
Interested Parties	Appendix D
Representations in support of the application	None

7. **Licensing Policy**

Premises Licences and Club Premises Certificates

Introduction	3.1 – 3.1.6
Premises Licences - applications	Schedule 2
Decision making process	Schedule 5
Prevention of crime & disorder	Appendix A
Public safety	Appendix B
Prevention of Public Nuisance	Appendix C
Protection of children from harm	Appendix D

8. **Guidance – Licensing Act 2003 – Section 182**

In considering the application, Elected Members are also directed to have regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003; specifically:

Section 2 - The Licensing objectives	2.1 – 2.31
Section 8 – Applications for premises licences	8.20 – 8.34 8.66 – 8.70
Section 9 – Determining applications	9.3 – 9.10 9.42 - 9.44
Section 10 – Conditions attached to premises licences	10.1 – 10.68

9. BACKGROUND PAPERS

- Appendix A Application for premises licence
- Appendix B Current Premises licence
- Appendix C Representations from NCC Environmental Protection department
- Appendix D Representations from Interested Party

The Licensing Act 2003 and secondary legislation there under
The Council's Statement of Licensing Policy
The Guidance issued by the Secretary of State for Culture, Media and Sport under
section 182 of the Licensing Act 2003

10. CONTACT OFFICER(S)

This report has been prepared by: Heather Gebbie

*For further information please contact:-
Heather Gebbie, Senior Licensing Officer (01670 623738)*

heather.gebbie@northumberland.gcsx.gov.uk