



Northumberland County Council

Licensing Subcommittee

6th March 2024

Licensing Act 2003, Application for variation of a premises licence - Vice City Club & Bar, 5 North Seaton Road, Ashington, NE63 0AF

Report of Councillor(s) Gordon Stewart, Cabinet Member for Looking After our Communities

Responsible Officer(s): Darin Wilson, Head of Public Protection

1. Link to Key Priorities of the Corporate Plan

Not applicable

2. Purpose of the Report

To determine an application for the variation of a premises licence from Vice Leisure Ltd on behalf of Vice City Club & Bar, 5 North Seaton Road, Ashington, NE63 0AF.

The applicant has applied to vary the licence to extend the timings of some of the current licensable activities and to add some additional licensable activities that are not currently on the premises licence.

The applicant is also applying to remove some conditions currently imposed on the licence which he believes could be removed because of the proposed variation, and to amend some conditions that are currently imposed.

One objection has been received from an interested party on the grounds of: -

- prevention of public nuisance
- prevention of crime and disorder

3. Recommendation

Members are asked to consider the application, and all supporting written and verbal submissions and make their determination at the conclusion of the hearing.

4. 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 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 or;
3. 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.

5. Licensing objectives and aims

Legislation provides a clear focus on the promotion of the four statutory objectives which must be addressed when licensing functions are undertaken.

An application for a premises licence must be considered on whether the licence holder can demonstrate that the licence will not create any issues in relation to the licensing objectives.

The licensing objectives being: -

- **The prevention of crime and disorder** - relating to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises.
- **Public safety** - relating to the safety of the public on the premises, i.e., fire safety, electrical circuitry, lighting, building safety or capacity, and first aid.
- **The prevention of public nuisance** - relating to issues such as hours of operation, noise emanating from the premises, vibrations, lighting and litter.

- **The protection of children from harm** - relating to protecting children from the activities carried out on the premises whilst they are there. The law already provides special protections for children under 18 to buy alcohol.

Members are reminded that each objective is of equal importance. There are no other statutory licensing objectives, therefore the promotion of the four objectives is always a paramount consideration.

6. The Application

On the 10th of January 2024, an application was received from Vice Leisure Ltd in respect of Vice City Club & Bar, 5 North Seaton Road, Ashington, NE63 0AF. A copy of the application is attached as **Appendix A**.

The premises currently holds a premises licence (NPR/1653) for the supply of alcohol and regulated entertainment (**Appendix B**).

The applicant has applied to vary the licence to extend the timings of some of the current licensable activities and to add some additional licensable activities that are not currently on the premises licence.

The applicant is applying to vary the licence to extend the current timings of: -

| | | |
|-------------------------------|-----------------|---------------|
| Hours premises open to public | Monday – Sunday | 11:00 – 03:00 |
| Supply of alcohol | Monday – Sunday | 11:00 – 02:30 |
| Live Music | Monday – Sunday | 18:00 – 01:00 |
| Recorded Music | Monday – Sunday | 11:00 – 02:30 |

And the additional licensable activity of: -

| | | |
|------------------------|-----------------|---------------|
| Late night refreshment | Monday – Sunday | 23:00 – 02:30 |
|------------------------|-----------------|---------------|

The applicant is also applying to remove some conditions currently imposed on the licence which he believes could be removed because of the proposed variation, and to amend some conditions that are currently imposed.

- The conditions applied to be removed from the current licence are: -

17. A minimum of two SIA door supervisors to be employed from 18:30 on a Sunday night thirty minutes after the terminal hour.

26. Dress code to be adopted as an example (No track suits).

- The conditions applied for to be amended on the premises licence: -

(Current condition 16)

There will be a minimum number of two SIA registered door supervisors employed on a Friday and Saturday night from 6:30pm until thirty minutes after the terminal hour.

(Proposed amended condition)

A minimum of 1 SIA door supervisor employed on a Friday night with a radio link to other bars should we need help. Saturday we will have a minimum of 2 SIA door supervisors from 21:00.

(Current condition 18)

A minimum of two door supervisors will be employed on all bank holiday weekends / Thursday preceding a bank holiday / New Year's Eve and Christmas Eve from 18:30 until 30 minutes after the terminal hour.

(Proposed amended condition)

A minimum of two door supervisors will be employed on all bank holiday weekends / Thursday preceding a bank holiday / New Year's Eve and Christmas Eve from 21:00 until 30 minutes after the terminal hour.

(Current condition 19)

A minimum of two door supervisors will be employed on Boxing Day, New Years Day from 12:00 until the terminal hour.

(Proposed amended condition)

A minimum of two door supervisors will be employed on Boxing Day, New Years Day from 21:00 until the terminal hour.

(Current condition 24)

Last entry policy 23:30

(Proposed amended condition)

Last entry policy 01:00

7. 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.

8. Details of Representations

One objection has been received from an interested party on the grounds of public nuisance and the prevention of crime and disorder (**Appendix C**).

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 | None |
| Northumberland Area Child Protection Committee | None |
| Trading Standards Authority | None |
| Representations in support of the application | None |
| Interested Parties | Appendix C |

9. Licensing Policy

In considering the application, Elected Members are also directed to have regard to the Councils Statement of Licensing Policy; specifically:

| | |
|----------------------------------|-------------|
| Introduction | 3.1 – 3.1.6 |
| Premises Licences - applications | Schedule 2 |
| Decision making process | Schedule 5 |
| Prevention of crime & disorder | Appendix A |
| Prevention of Public Nuisance | Appendix C |

10. 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 |

11. Appeal Information

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.

12. Implications

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|---|---|
| Policy | The Sub Committee should have regard to the Statement of Licensing Policy however each application should be considered on its merit. |
| Finance and value for money | None |
| Legal | Identified above |
| Procurement | None |
| Human resources | None |
| Property | None |
| The Equalities Act: is a full impact assessment required and attached? | No - no equalities issues identified |
| Risk assessment | None |
| Crime and disorder | None |

| | |
|--------------------------------|------|
| Customer considerations | None |
| Carbon reduction | None |
| Health and wellbeing | none |
| Wards | |

13. Background papers

Appendix A Application to vary premises licence
Appendix B Current premises licence
Appendix C Objection 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

14. Author and Contact Details

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