

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

LICENSING SUB-COMMITTEE – 2 MAY 2012

LICENSING ACT 2003 – CONSIDERATION OF APPLICATION TO VARY A PREMISES LICENCE

BLACK BUSH INN, VILLAGE LANE, WASHINGTON VILLAGE, NE38 7HY

Marston's PLC

1.0 PURPOSE OF REPORT

1.1 To consider an application to vary the premises licence of the above-mentioned premises (copy attached at Appendix 1).

2.0 DESCRIPTION OF DECISION

2.1 The Sub Committee is requested to have regard to the representations detailed in paragraph 7.0 below and to take such steps as they consider appropriate for the promotion of the licensing objectives. The steps may be: -

- a) to grant the variation application,
- b) to modify the conditions of the licence, or
- c) to reject the whole or part of the application.

3.0 INTRODUCTION/BACKGROUND

3.1 Relevant representations have been received in relation to the application and these are detailed in Paragraph 7.0 below.

4.0 CURRENT POSITION

4.1 The applicant has requested the following proposed variations to the premises licence.

- a) To extend the terminal hour for the sale by retail of alcohol, to amend the opening hours and include the provision of late night refreshment.

	Current Operating Times	Proposed Additional Operating Times
Sale by Retail of Alcohol	Every day 10:00 to 23:00	Thur to Sun 10:00 to 00:00
Provision of Late Night Refreshment		Thur to Sun 23:00 to 00:00
Opening Hours	Every day 10:00 to 23:30	Mon to Wed 08:00 to 23:30 Thur to Sun 08:00 to 00:30

- b) To amend a condition currently attached to the premises licence to state that children under 16 years of age shall not be permitted to enter the premises after 21:00.

4.2 In line with the application form, the licence, if a variation is agreed by the Sub-Committee, will have added a condition indicating that new customers may not enter the premises after 23:00 daily.

5.0 REASONS FOR THE DECISION

5.1 To determine the application in accordance with section 35(3) of the Licensing Act 2003.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

7.1 Representations have been received from the Council's Environmental Health Section in relation to this application. A copy of their representations is attached as Appendix 2.

7.2 Representations have been received from the three ward councillors. A copy of their representations is attached as Appendix 3.

7.3 Representations have been received from an interested party. A copy of these representations is provided at Appendix 4.

7.4 Additionally, representations have been received in the form of two letters together with a petition attached. The petition has been signed by one hundred and thirty four Interested Parties. Copies of these documents are provided at Appendix 5.

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 LIST OF APPENDICES

- Appendix 1 Application Form.
- Appendix 2 Representation from Environmental Health.
- Appendix 3 Representation from three Ward Councillors.
- Appendix 4 One written representation from an Interested Party.
- Appendix 5 Representations in the form of two letters and a petition signed by one hundred and thirty four interested parties.

10.0 BACKGROUND PAPERS

None.

Appendix 1

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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.

WE...Marston's PLC... (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Premises Licence Number 00CMPREM00723

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Black Bush Inn Village Lane			
Post Town	Washington	Postcode	NE38 7HY

Telephone number at premises	
Non-domestic rateable value of premises	

Part 2 - Applicant Details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes

If not do you want the variation to take effect from Day Month Year

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Please describe briefly the nature of the proposed variation (please read guidance note 1)

To extend the terminal hour for the sale by retail of alcohol to midnight Thursday to Sunday.
To add late night refreshment to the licence from 23:00 to midnight Thursday to Sunday.

To amend the opening hours for non licensable activities to 08:00 to enable the premises to open for non licensable activities such as tea/coffee/breakfast etc.

To amend condition 5 of annex 2 to state that children under the age of 16 shall not be permitted to enter the premises after 21:00.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00:00			
Sun	23:00	00:00			

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	00:30	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	00:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
--

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The operation of these premises is to be changed to being a more food led operation.

The application may of course be amended during the application period to reflect any agreements that may be reached with the responsible authorities and interested parties. Currently however, it is considered that the current conditions on the licence are sufficient to promote the four licensing objectives, save for the addition of a condition whereby "there shall be a last entry policy whereby new customers may not enter the premises after 23:00 daily.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

- Please tick yes**
- I have made or enclosed payment of the fee
 - I have enclosed the plan of the premises
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
 - I understand that I must now advertise my application
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Karen Hughes</i>
Date	<i>08/02/2012 12.3.12</i>
Capacity	<i>Solicitor</i>

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Karen Hughes Flint Bishop LLP St. Michael's Court St. Michael's Lane Derby DE1 3HQ	
Telephone number (if any)	01332 340 211
If you would prefer us to correspond with you by e-mail your e-mail address (optional) karen.hughes@flintbishop.co.uk	

Appendix 2

Sandra Turns

From: Pamela Collins
Sent: 10 April 2012 14:12
To: Sandra Turns; Licensing
Subject: FW: Black Bush Inn, Village Lane, Washington

Sandra,

Further to your recent memorandum regarding the above I would like to make the following comments. The Applicant premises have been the subject of historical noise complaints, most recently in 2010, but particularly in 2008 and 2009. These complaints related to excessive levels of music noise and noise from patrons using the outdoor area of the premises.

I note the objections made by local residents in relation to this application to extend the operating hours of the premises from 23:30 hrs to 00:30hrs Thursday to Sunday. It appears that there is a high level of concern regarding the potential for public nuisance and that the granting of such an application may exacerbate any existing issues of disturbance, by delaying the time at which they occur.

Residents, in their objections, report shouting, loud voices, slamming of car doors, racing or car engines, arrival and departure of taxis etc in the lead up to the premises closing. Their concern in relation to noise is that disturbance will be extended from 23:30 until 12:30 in the event that the application to vary the premises licence is granted and will have a significant and detrimental impact on their home and family lives.

Even though it is not proposed to extend the hours of licensable activities such as the playing of live or recorded music, given the highly residential nature of the locality, the likelihood of children residing nearby and the request to permit the extension of hours Thursday to Sunday, Environmental Health concurs with residents views. On this basis and given the potential for the late night occurrence of public nuisance and its impact, Environmental Health must object to the application to vary the premises licence.

Should you require any further information or wish to discuss this matter please do not hesitate to contact me.

Kindest regards

Pamela Collins,
Senior Environmental Health Officer
Streetscene
Sunderland City Council
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR



Tel: 0191 561 1792

10/04/2012

Appendix 3

City Services
Licensing Section
PO Box 107
Civic Centre
SR2 7DN

4th April 2012

Ref 11/03214/PREMVA Black Bush Inn

Washington Central Ward

Having spoken to nearby residents we would like to add our support to their objections on the following grounds

Opening hours of premises on Thursday to Sunday until 00.30. There is no obvious requirement to remain open so late in this densely populated residential area. When the nearby pubs close it could be that their customers call 'for the last one' at the Black Bush. This would bring unnecessary traffic, both on foot and vehicular, into an area where many people will be sleeping.

The early opening for breakfast is a service which would not be utilised in this residential area. At that time in the morning a large number of families will be on their way to nearby schools and the fact that a pub is open at that time in the morning does not send out a positive message to those children.

The Black Bush has suffered from noise and anti social behaviour in the past years and whilst not pre-empting this will happen, the nearness to properties will make it very difficult for that situation not to arise again. The decking to the front of the pub actively encourages customers to drink and smoke, thereby causing a nuisance.

What risk assessments have Marston's undertaken to address the nuisance issues?

What will the guidance to customers be on smoking?

We would ask that without robust risk assessments and plans in place to protect residents from unpleasant nuisance this application be refused or at the very least carefully monitored.

Yours sincerely,



Cllr Len Lauchlan
Washington Central Ward



Cllr Dianne Snowden



Cllr Linda Williams

Appendix 4



2nd April 2012


Sunderland City Council,
Licensing Section,
P.O. Box 107,
Civic Centre,
SUNDERLAND
SR2 7DN

Dear Sirs,

**Black Bush Pub, Village Lane, Washington
Application to vary licence**

I write to oppose the application by Marston's Brewery PLC for the variation of their premises licence to extend the hours for the sale of alcohol and the provision of late night refreshment to midnight on Thursday, Friday, Saturday and Sunday each week.

The Black Bush is situated in a quiet residential area entirely surrounded by dwellings.

 therefore any noise nuisance or disorder emanating from the Black Bush seriously affects the quality of life of my family.

I have the following detailed objections to the extension of licensing hours for the sale of alcohol and hot food and drink until midnight on Thursday, Friday, Saturday and Sunday:

1. Noise nuisance.

The Black Bush has been almost 'dormant' since the departure last year of the previous tenants. When the pub was fully operational a considerable amount of noise nuisance and disturbance was caused by customers drinking outside the premises until at least thirty minutes following 'last orders' and by patrons departing from the premises, which was accompanied by shouting, loud voices, the slamming of car doors, racing of engines, arrival and departure of taxis. As the pub becomes busier under new management noise levels in the late evening are increasing once again. If the variation is allowed, this will result in prolongation of noise nuisance until the early hours of the morning causing disruption to my family's home life and interfering with their sleep.

The Black Bush has a large forecourt at the front and side of the pub that runs adjacent to my home. In addition to using the forecourt for drinking, patrons frequently linger in this area at closing time. If the premises were permitted to sell alcohol and hot food and drink until midnight then it is inevitable that the noise and disturbance my family and I have already experienced at 11.30pm will continue until 12.30 am. The noise and disturbance has previously been of such a level as to be clearly audible inside our home and if it occurs later will certainly cause disturbance and prevent us sleeping. Since members of my household need to go to work in the morning (even at the weekend) and one of my children attends school any disturbance will have an even greater detrimental impact. Clearly this will be contrary to the Licensing Objective – Prevention of Public Nuisance.

2. Crime and Disorder

Crime and disorder has already been experienced from the premises on many occasions in the past, particularly as the Black Bush is the only pub in Washington Village where drinking can take place outside the premises. A number of violent incidents have required the Police to attend and ambulances to be called. An additional hour's drinking time would result in this crime and disorder being further exacerbated. The extension of the opening hours of the Black Bush to midnight would also attract drinkers from other Pubs closing at 11pm. and further increase the risk of disorder both at the premises and in streets in the vicinity. This would clearly result in a breach of the Licensing Objective- Prevention of Crime and Disorder.

For these reasons I strongly oppose the variation of the premises licence so as to extend the licensable hours for the sale of alcohol and the provision of late night refreshment to midnight on Thursday, Friday, Saturday and Sunday each week.



Appendix 5

[Redacted]
25.3.2012

Dear Sirs

Re. Black Book withdrawn
licensel request:

Please accept our
petition not to allow this
application.

We followed the
route we thought people would
use to return home in the early
hours.

We were dismayed,
to hear the extent of the violence
in the streets, by members going

lane. On top of the noise, vandalised cars, gardens, fences were the re. screaming complaints. This made sleep for the residents impossible, until they had passed, into the next street, where the next group of people were disturbed. The most upsetting stories came from the very old people, they complained they were frightened!, they didn't have peace of mind. This is a disgraceful way to have to live until your later years.

People are allowed, encouraged, by late licences to drink themselves into a stupor, so they have no control of their actions.

Beside the social effect on accidents, it is a health problem on the drinkers themselves, a money problem for the street service and a strain on the police.

We feel by allowing the license extension, the public disorder continuing until the early hours, will only cause more stress and tension, by refusing the license you could lessen the problem.

We ask you to please consider the concern of the people who have supported this petition.

Yours sincerely

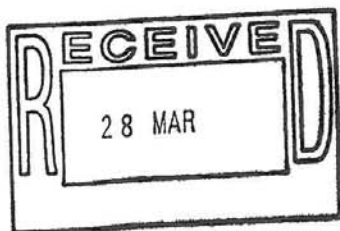
BLACK BUSU EXTENSION.

Dear Sirs,

We followed the routes we thought the people would use to return home from the Black Bus.

We were dismayed to hear the extent of the disorder in the streets. Mangled cars, gardens, fences on top of the noise, was the recurring tale, making the residents, trying to sleep, impossible until they had passed. The most upsetting part was the very old people, they said they were frightened!, they couldn't find peace of mind. This is a disgraceful way to have to live your life in your late years. People are allowed to drink themselves into a stupor so they have no control of their actions

We feel by allowing a late licence the public disorder continues until the early hours of the morning, you can reduce the stress to everyone by refusing the extension



Yours

Sincerely,



[REDACTED]

[REDACTED]

[REDACTED]



We the undersigned do strongly object to
the license extension to the Black Busk.
Our reasons are one public nuisance,
drunken disorder, all of which will spill
out onto the streets in the early hours.

[REDACTED]

[REDACTED]

The undersigned do strongly object to the
licence extension at the Black Bus.

Our reasons are public nuisance, drunken
disorder, all of which, will spill out onto
the streets in the early hours of the
morning.

[REDACTED]

Objection to the application for a
"Late Licence" at the Black Bush Pub

[REDACTED]

[REDACTED]