

REPORT OF THE EXECUTIVE DIRECTOR OF COMMERCIAL DEVELOPMENT

LICENSING SUB-COMMITTEE – 15 JULY 2015

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

NEW DERBY, ROKER BATHS ROAD, SUNDERLAND, SR6 9TA

GREENE KING RETAILING LIMITED

1.0 PURPOSE OF REPORT

- 1.1 To consider an application to vary the premises licence of the above-mentioned premises.

2.0 DESCRIPTION OF DECISION

- 2.1 The Sub Committee is requested to have regard to the representations detailed in paragraph 4.0 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 at section 4.0.

- 3.2 A copy of the application form is attached as Appendix 1. The proposed variation is to vary the current plans by:

- Reconfiguration of toilet provision.
- Removal of part of existing raised level.
- Removal of some existing fixed seating.
- Some new fixed seating.
- New access doors out to rear beer garden.
- Slight alteration to bar counter profile.
- New trade kitchen in existing trade area.
- Reduction in trade area to allow for trade kitchen.
- Improved seating layout.

4.0 CURRENT POSITION

4.1 Representations have been received from 5 interested parties, copies of the representations are attached as Appendix 2.

5.0 REASONS FOR THE DECISION

5.1 To determine the application as requested by section 18(3) of the Licensing Act 2003.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

7.1 There are no other considerations that require the attention of the Sub-Committee.

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 Relevant Representations.

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.

I/We Greene King Retailing Ltd
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 00COMPREM00348

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description New Derby Roker Baths Road Roker			
Post town	Sunderland	Postcode	SR6 9TA

Telephone number at premises (if any)	0191 548 6263
Non-domestic rateable value of premises	£46,250

Part 2 – Applicant details

Daytime contact telephone number	01284 714140		
E-mail address (optional)	Hannahloynds@greeneking.co.uk		
Current postal address if different from premises address	Greene King Brewing & Retailing Ltd Westgate Brewery Bury St Edmunds		
Post town	Bury St Edmunds	Postcode	IP33 1QT

[Type text]

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
┆	┆	┆┆┆┆

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

To vary the licensing plans to include the following:

- Reconfiguration of toilet provision.
- Removal of part of existing raised level.
- Removal of some existing fixed seating.
- Some new fixed seating.
- New access doors out to rear beer garden.
- Slight alteration to bar counter profile.
- New trade kitchen in existing trade area.
- Reduction in trade area to allow for trade kitchen.
- Improved seating layout

For full and further details please view the licensing plans.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

[Type text]

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 all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

{Type text}

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	26 th May 2015
Capacity	Licensing Manager

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) 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 address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Appendix 2

Mr Loynds
Licensing Manager
Sunderland City Council
Jack Crawford House
Sunderland
SR2 8QR

11th June 2015

Objection for Variation to the premises at the New Derby Roker, Baths Road, Sunderland

Dear Mr Loynds

We are writing this letter as we wish to make a representation in relation to the application for new double exit doors to the rear of the property for the New Derby Pub, Roker Baths Road, Roker, Sunderland, SR6 9TA.

We strongly object to this. We have lived at [REDACTED] since September 2012 and our gable end of house faces the beer garden and is approximately 6m from our living room & bedrooms. The beer garden can seat approximately 112 people & that not including people that stand at the doors smoking.

Reason For objection!

Since moving here we've had nothing but stress and anxiety due to anti social behaviour, noise nuisance both from beer garden & loud music from pub, also people urinating where bins are kept. I've also been exposed to whilst someone was urinating next to the bins. I've also caught someone come out of beer garden and urinate up my roller shutter door when I asked him what he thought he was doing he gave me abuse with foul language and I felt intimidated by him. The beer garden is often used as a kinda garden for children, running & jumping from table to table & over the fence into lane also using footballs which it clearly states no ball games allowed but neither the Manager or staff ever keep this under control, it was only on the 16th May I had to e-mail Cllr Curran & Cllr Jackson as from 4.30pm till around 8pm there was around 10 kids running around screaming & shouting, kicking a ball and they were also picking up the heavy glass bottomed ashtray and trying to smash them off the ground, no one came out to control them so I ended up ringing police to log a

complaint and the officer who took the call could hear the children clearly over me & I was in my house!

The Loud noise levels from the beer garden are caused by the large numbers of patrons that gather at the rear of the pub and it is a continuing nuisance causing us stress.

The pub has started playing loud live music which on some occasions we can hear this word for word in our living room over our TV, they also have a regular karaoke that can be heard over our TV and it goes on late causing us problems to try to sleep with the close proximity of the pub to our house. By putting double exit doors in this is going to increase the noise levels from inside the pub.

The beer garden is supposed to close at 9pm there has been numerous occasions that patrons have still been out till as late as 11.30pm, last year July 25th we had to go into pub to speak with manager as there was people still out with children after 11pm, we also rang the police to log this complaint.

Some residents have attended meetings over the last couple of years with both Cllrs & Richard Reading with our complaints, I've provided both Richard Reading & Cllr Curran with photos & an evidence log to prove what we have to put up with and recently, on February 19th 2015, we attended a council meeting at the civic centre in Sunderland. This meeting was chaired by Counsellor Michael Mordey, and attended by Counsellors Barry Curran and Julia Jackson, Mr Richard Reading from Licensing and Inspector Carty from the police. Cllr Mordey wrote a letter to Greene King but as of last week he had not had a response!

If the New Derby is allowed to make this beer garden area a permanent fixture with double exit doors this is going to have a massive affect as the noise levels from music is bad enough but allowing double doors will only increase the noise levels. Also by allowing permission in the first place to change the use from a car park to a beer garden has had a massive impact on the parking in the street, this has caused numerous accidents from delivery wagons hitting parked cars, they've also crashed into the house directly opposite, every time they try to access the lane they have trouble not only from parked cars in the street but also limited access due to the boundary fence.

As a manager he doesn't keep the area tidy the beer garden looks a mess & is very rarely cleaned, he often leave glasses out overnight again photo's have been sent to Richard Reading & Cllr Curran to prove this over the last 2 years!

This area is a highly respected residential area and it has been brought down with the state & the running of this pub, through allowing people to be standing outside with no care or consideration to the immediate residents, the only people which are happy with the environment we are in is Greene King and the profits they make and the manager as he has no respect for his neighbours which has caused a detrimental feelings to the residents. We feel that the eye sore we have to look onto everyday is de valuing our properties which we work very hard for & I can't believe that the authorities in question are allowing our lives to be disturbed over the consumption of alcohol.

I've also had the Deputy Police and crime commissioner Mark Dennet involved in October 2013 so this shows how long we have been fighting to try to get something done about this pub and the problems it brings and how it affects our quality of life.

I am not in the best of health having 3 major spinal operations & currently testing a spinal cord stimulator which was implanted the day we got this letter through the post, this has been a mentally challenging time for me and I've never had the chance to recuperate stress free from any of my operations due to ongoing issues with this pub. During this trial I'm supposed to be kept free of all stressful situations and to come out of hospital to this has caused me nothing but more stress & worry as I now fear if this goes ahead the impact on not only us but the area is going to be very detrimental.

Yours faithfully

A thick, black horizontal bar used to redact the signature of the sender.

The Licensing Department
Sunderland City Council
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR

6th June 2015

Re: REF 15/00980/FUL

Objection to Installation of new double exit doors, 2.00 m Boarded Fence & astro turf at rear of the New Derby Pub

Dear Sir

We are writing this letter as we wish to make a representation in relation to the "Notice of application for a variation of a premises licence" for the New Derby Pub, Roker Baths Road, Roker, Sunderland, SR6 9TA.

We strongly object to this development, to quote the variation notice "To vary the licensing plans to include;

New access doors out to rear garden

We live at [REDACTED] which is two doors away from the New Derby Pub and the outside seating area mentioned in the above variation notice. This outside seating area can seat 100 people and was previously used as parking for the patrons of the pub.

We have resided at this property for twelve years and never had any problems until the last four years since the pub changed the car park to a seating area.

Grounds for representation/objection

In February 2012 we objected to the New Derby extending its license, this was over ruled and the problems that we highlighted at that time have continued.

I.e. Noise from the seated area at the rear of the pub, anti social behaviour, patrons from the pub urinating in public.

In recent years we have complained to the Council and involved the police and this resulted in an "intervention" where the pub manager was spoken to at a meeting involving the local police, the council and a manager from Greene King. As residents we never got to hear what the outcome of this was.

More recently, on February 19th of this year, a council meeting was held at the civic centre in Sunderland. This meeting was chaired by Counsellor Michael Mordey, and attended by Counsellors Barry Curran and Julia Jackson, Mr Richard Redding from Licensing and a representative from the police. This was held so local residents and interested parties were invited to discuss the issues of the pub.

This resulted in Cllr Mordey writing a letter to Greene King. As of last week he had not had a response!

Loud noise levels created by allowing large numbers of patrons to gather at the rear of the pub has caused us a lot of stress and are a continuing nuisance.

In the last year this complaint has been added to by the pub playing loud music and having a karaoke that can be heard over our television.

We have had to ring the pub on numerous occasions to ask them to turn the music down. Most recently was last night (9.15 p.m. Saturday 6.6.15).

We feel that allowing the New Derby to make this beer garden area a permanent fixture with "double exit doors" to an already unsuitable outside drinking area would just compound the noise levels by bringing the inside of the pub outside.

This area is a suburban area and we do not want this.

It has already seriously damaged our quality of life, lowered the tone of a previously pleasant area.

We are in the same position as we were in four years ago, where the New Derby is applying for this variation of premises, and we have a long history of proof why this should not happen.

If this is the case it has already been proven beyond doubt that allowing this to go ahead will negatively impact the area.

Yours faithfully

[Redacted signature]

[Redacted name]

June 4th 2015

Regarding the New Derby public house:

I am writing to express my concern regarding the application to vary the licensing agreement to include the use of outside seating for the consumption of alcohol.

As a councillor for St Peter's Ward, I have been contacted over the last two and a half years by several residents regarding anti-social behaviour in relation to people using the existing seating to the rear of the pub. This involves excessive noise, confrontational customers and people urinating in public. The seating area backs directly onto the houses in Lonsdale Road and causes great disruption to the lives of these residents. Prior to the opening of this outside facility, I cannot recall any complaints relating to noise or behaviour in connection to the pub.

We have met with officers from the Licensing Sector, the relevant portfolio holder and our local police inspector in an effort to place pressure upon the brewery to bring the situation under control.

Cllr Michael Mordey has written to Green King in March to ask for assistance; as yet he has not received a reply.

As part of my role, I offer support to local businesses and regularly attend the Seafront Traders' Association meetings. I am delighted to see businesses expanding and thriving and, as a local resident, like to enjoy the facilities near to my home. However, the layout of the New Derby appears to make it difficult for staff to monitor and control the behaviour of customers using the outside seating area.

It seems ironic that this application has been made when the existing problems have yet to be addressed by Green King.

I would ask that consideration be given to those who have no objection to living next to a public house but would like to relax in their homes without the disturbance of late-night drinkers.

[REDACTED]

[REDACTED]