

# **REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES**

## **LICENSING COMMITTEE – 5 SEPTEMBER 2011**

### **LICENSING ACT 2003 – DECISIONS OF LICENSING SUB-COMMITTEE HEARINGS HELD IN JULY/AUGUST 2011**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To advise members of the outcomes of Licensing Sub-Committee hearings held in July and August 2011.

#### **2.0 DESCRIPTION OF DECISION**

- 2.1 Members are requested to note the contents of the report.

#### **3.0 INTRODUCTION/BACKGROUND**

- 3.1 Under the Licensing Act 2003, Sunderland City Council has responsibility for licensing the sale of alcohol, regulated entertainment and late night refreshment within its area. This encompasses the determination, grant, administration and enforcement of premises licences, club premises certificates, personal licences and temporary event notices.
- 3.2 During July 2011, a Licensing Sub-Committee met to consider an application for a review of a premises licence. This review was deferred to 2 August.
- 3.3 During August 2011, Licensing Sub-Committees met to consider an application for the grant of new premises licence, an application for a variation of a premises licence, the deferred application for a review of a premises licence and three objection notices given by Northumbria Police in respect of temporary event notices.

#### **4.0 CURRENT POSITION**

- 4.1 On 11 July 2001, a Licensing Sub-Committee consisting of Councillors R Bell, A Emerson and R Francis considered an application to review the premises licence of the Murco Costcutter Express, Pallion New Road, Sunderland submitted by the Council's Trading Standards Section (supported by Northumbria Police) on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm, following three sales of alcohol to a child volunteer during test purchasing exercises over a six month period. At the hearing the Sub-Committee were advised of a request from the licensee that the matter be adjourned to a later date as they had just received the notice of hearing and needed time to investigate and arrange representation.
- 4.2 After considering the request the Sub-Committee resolved that, in the interests of fairness and justice, bearing in mind the potentially serious implications of the review, the hearing should be adjourned until 2 August 2011.

- 4.3 On 1 August 2011, a Licensing Sub-Committee consisting of Councillors P Gibson, A Emerson and D Smith considered an application for the grant of a new premises licence in respect of Hendon Discount Stores, 10 The Green, Southwick. The application was for the supply of alcohol for consumption off the premises, every day from 07:00 until 22:00. The Council's Trading Standards Section had objected to the application as the applicant was also the premises licence holder at another premises which had sold alcohol to a child volunteer during a test purchasing exercise.
- 4.4 After hearing representations from the Trading Standards Section and the applicant, the decision of the Sub-Committee was to grant the premises licence subject to the following conditions being attached to the licence:
1. A CCTV system will be installed to the satisfaction of Northumbria Police and the Council with all recordings being retained for fourteen days and made available to the Police and authorised Council Officers upon request.
  2. A Challenge 25 scheme will now operate requiring anybody who appears to be 25 or younger to produce photographic identification prior to any sale taking place. Acceptable photographic identification would be a full driving licence or a passport.
  3. A refusals book will be operated recording all attempts by persons who appear to be underage to obtain alcohol.
  4. A staff training book will be maintained and record individual training given to all members of staff.
  5. Appropriate signage will be displayed in the premises identifying that they operate under these conditions.
- 4.5 On 2 August 2011, a Licensing Sub-Committee consisting of Councillors D Richardson, A Emerson and R Bell, considered the deferred application to review the premises licence of the Murco Costcutter Express described at paragraph 4.1 above. During the hearing, the licensee requested that the Sub-Committee take the following action against their licence:
1. that the current Designated Premises Supervisor be removed from the licence;
  2. that a condition be added to the licence requiring that a till prompt system be installed at the premises to the satisfaction of the Police and Trading Standards; and
  3. that the Premises Licence be suspended for a period of three months.
- 4.6 After hearing representations from the Trading Standards Section, Northumbria Police and the licensee, the decision of the Sub-Committee was to take the action suggested in paragraph 4.5 above.

- 4.7 On 3 August 2011, a Licensing Sub-Committee consisting of Councillors P Gibson, S Bonallie and P Maddison considered an application to vary the premises licence of the Biddick Inn, Bonemill Lane, Washington. The application was to add additional licensable activities to the licence, extend the licensable hours on Christmas Eve, Boxing Day and Fridays, Saturdays, Sundays and Mondays of Bank Holiday weekends, to amend the plan of the premises to show an outside drinking area and, also, to amend a condition regarding CCTV in order to enable images to be retained for 28 days rather than for two months. Thirty five written representations were received. Additionally, representations were received by way of a petition, signed by seventy one people. The representations from the interested parties were generally concerned with noise nuisance due to the proximity of the premises to residential homes and the fear of increased anti-social behaviour.
- 4.8 After hearing representations from the interested parties and the licensee, including an amendment to the application suggested by the licensee that the extension to the licensable hours should only take place on Christmas Eve, Boxing Day and Fridays and Saturdays of Bank Holiday weekends (which would bring them into line with other premises in the area), the decision of the Sub-Committee was to grant the variation to the premises licence subject to the following conditions being attached to the licence:
1. The condition relating to the retention of CCTV recordings be amended to read that these need to be retained for a period of twenty eight days not two months.
  2. The non-standard hours be extended to allow all licensable activities to take place for an extra hour on the Fridays and Saturdays of Bank Holiday weekends, Christmas Eve and Boxing Day. On these occasions there shall be no admittance to the premises by the public after 11.00 pm.
  3. The outside drinking area which is included in the new plan is to close to all drinkers by 10.00 pm with all customers and drinks to be brought inside by that time. Only smokers will be allowed to use this area after 10.00 pm but they will not be allowed to take any drinks or bottles out with them.
- 4.9 On 9 August 2011, a Licensing Sub-Committee consisting of Councillors P Gibson, R Bell and G Thompson considered three objection notices given by Northumbria Police in respect of temporary event notices submitted by the Colliery Tavern, 12 Southwick Road, Sunderland, the Beer House (formerly the Central), Bridge Street, Sunderland and the Royal British Legion Club, 6 Grange Crescent, Sunderland. All of the notices sought to allow these premises to be used for the retail sale of alcohol on Saturday 20 August 2011 before the Sunderland v Newcastle United football fixture. Northumbria Police had issued the objection notices as they reported that this fixture creates a highly charged atmosphere and excessive drinking before the match would be likely to create violence and disorder.
- 4.10 After hearing evidence from both the Police and the licensees, the Sub-Committee decided to issue counter notices. These rendered the temporary event notices invalid and prevented the authorisation of alcohol sales at the relevant times.

## **5.0 REASONS FOR THE DECISION**

5.1 To advise members of the outcomes of Licensing Sub-Committee hearings held in July and August 2011.

## **6.0 ALTERNATIVE OPTIONS**

6.1 None.

## **7.0 RELEVANT CONSIDERATIONS**

7.1 None.

## **8.0 GLOSSARY**

8.1 None.

## **9.0 LIST OF APPENDICIES**

9.1 None.

## **10.0 BACKGROUND PAPERS**

10.1 None.