

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

LICENSING COMMITTEE – 27 FEBRUARY 2012

LICENSING ACT 2003 – DECISIONS OF LICENSING SUB-COMMITTEE HEARINGS HELD IN DECEMBER 2011 AND JANUARY 2012

1.0 PURPOSE OF REPORT

- 1.1 To advise the Committee of the outcomes of Licensing Sub-Committee hearings held in December 2011 and January 2012.

2.0 DESCRIPTION OF DECISION

- 2.1 The Committee is 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 In December 2011 a Licensing Sub-Committee considered an application for a variation of a premises licence and, in January 2012, a Sub-Committee considered an application for the grant of a premises licence.

4.0 CURRENT POSITION

- 4.1 On 16 December 2011, a Licensing Sub-Committee consisting of Councillors D McKnight, G Thompson and R Bell considered an application to vary the premises licence in respect of The Jolly Potter, Railway Terrace, South Hylton. The application was to extend the licensable hours for the provision of late night refreshment, add the provision of facilities for dancing as a licensable activity, extend the opening hours of the premises and to remove certain conditions which were attached to the licence.
- 4.2 No representations were submitted by a responsible authority. However, representations were submitted by an interested party, a neighbour of the premises, who objected to the application as his family was already being disturbed by activities at the premises. In summary, he reported:

- Noise from the smoking area of the public house;
- Noise from karaoke;

- Objects thrown from the premises into his garden; and
- Frequent disturbance around closing time as patrons leave.

4.3 After considering the representations made by the interested party and the applicant's solicitor, the Sub-Committee granted the application for, in summary, the following reasons:

- The lack of representations from Environmental Health indicated that activities at the premises did not presently constitute a statutory nuisance;
- Representations were received from only one Interested Party and none from any of the Responsible Authorities;
- The changes requested were not extensive;
- There was insufficient evidence to justify additional conditions on the licence or rejection of the application; and
- The licence review process is available if problems do occur.

4.4 On 18 January 2012, a Licensing Sub-Committee consisting of Councillors D Richardson, J S Wiper and S Bonallie considered an application for the grant of a premises licence in respect of The Castle Bar, Wynyard Street, Silksworth. The details of the application are shown in the table below:

Licensable Activity	Times Requested
Sale of Alcohol; Provision of Recorded Music; and Provision of Live Music	Sunday to Thursday - 10:30 to 00:00 Friday and Saturday - 10:30 to 01:00 From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
Provision of Facilities for Making Music	Sunday to Thursday - 13:00 to 00:00 Friday and Saturday - 13:00 to 01:00 From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
Opening Hours	Sunday to Thursday 10:30 to 00:30 Friday and Saturday 10:30 to 01:30 From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

4.5 No representations were submitted by a responsible authority. However, eleven representations were submitted by interested parties.

4.6 In summary, the interested parties, including Councillor P Smith, were concerned about the proximity of the premises to residential properties

including a large number of elderly persons, the possible disturbance from the playing of music at the premises late at night and the possibility of taxis outside the premises obstructing the access of emergency vehicles.

- 4.7 The applicant advised that he did not wish to provide live music or open late on a regular basis. Rather, he wished to make a room available for private functions at later hours than usual closing.
- 4.8 At this point the Licensing Officer suggested that the Sub-Committee may wish to take a short adjournment to allow the applicant and the interested parties to discuss the application as there seemed scope for compromise. The Sub-Committee agreed to this and, when the parties returned, they advised the Sub-Committee that they had reached an agreement as follows:

- The terminal hour for all licensable activities be changed to:
Sunday to Thursday – 23:00;
Friday to Saturday – 00:00; and
New Year's Eve – 02:00;
- Closing times to be 30 minutes after the end of licensable activities; and
- A condition to be imposed on the licence requiring the installation of a noise limiter set at a level to be agreed with the Council's Environmental Health Officers.

- 4.7 The Sub-Committee therefore decided to grant the application in its amended format.

5.0 REASONS FOR THE DECISION

- 5.1 To advise the Committee of the outcomes of Licensing Sub-Committee hearings held in December 2011 and January 2012.

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.