

At a meeting of the LICENSING COMMITTEE held in the CIVIC CENTRE on MONDAY, 27TH JUNE, 2011 at 2.00 p.m.

Present:-

Councillor Wilson in the Chair

Councillors Bonallie, Emerson, P. Gibson, Maddison, D. Richardson, D. Smith, Thompson and Waller.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Bell, Errington, Francis, F. Miller, MacKnight and Wiper.

Declarations of Interest

There were no declarations of interest.

Minutes of the Last Meeting of the Committee held on 31st January, 2011

1. RESOLVED that the minutes of the last meeting of the Committee held on 31st January, 2011 be confirmed and signed as a correct record.

Licensing Act 2003 – Annual Report 2010/11

The Executive Director of City Services submitted a report (copy circulated) which advised Members of the Regulatory activity undertaken by the Council during 2010/2011 under the auspices of the Licensing Act 2003.

(For copy report – see original minutes).

Tom Terrett, Trading Standards and Licensing Manager presented the report and addressed questions and comments from Members.

Councillor P Gibson referred to a concern raised at the State of the City Debate that there did not seem to be a published telephone number for Trading Standards. Mr. Terrett advised that he was not aware that any concerns had been raised. Trading Standards calls were diverted in the first instance to Consumer Direct, a centralised call centre then diverted to the Council as required.

Consideration having been given to the matter it was:-

2. RESOLVED that the report be received and noted.

Gambling Act 2005 – Annual Report 2010/11

The Executive Director of City Services submitted a report (copy circulated) which advised Members of the Regulatory activity undertaken by the Council in 2010/11 with regard to the Gambling Act 2005.

(For copy report – see original minutes).

In response to an enquiry from Members, Tom Terrett, Trading Standards and Licensing Manager advised that if Members wished, he could provide reports in respect of both the Licensing and Gambling Acts on a quarterly rather than an annual basis.

3. RESOLVED that:-
 - (i) the report be received and noted, and
 - (ii) future reports in respect of activity undertaken in respect of the Licensing Act and the Gambling Act be presented to the Committee on a quarterly rather than an annual basis.

(Signed) A. WILSON,
Chairman.

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

LICENSING COMMITTEE – 5 SEPTEMBER 2011

LICENSING ACT 2003 AND GAMBLING ACT 2005 – QUARTERLY REPORT APRIL/JUNE 2011

1.0 PURPOSE OF REPORT

- 1.1 To advise Members of the regulatory activity undertaken by the Council in the period between 1 April and 30 June 2011 with regard to the Licensing Act 2003 and Gambling Act 2005.

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 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 Under the Gambling Act 2005, Sunderland City Council has responsibility for licensing premises which provide facilities for gambling within its area. This encompasses the determination, grant, administration and enforcement of premises licences, gaming permits, lottery registration, occasional use notices and temporary use notices.

4.0 CURRENT POSITION

Licensing Act 2003 - Premises Licences

- 4.1 Between 1 April and 30 June 2011 the Licensing Section processed six applications for the grant of new premises licences. The section also processed eleven applications to vary premises licences. Eight of these applications were granted only after the applicants agreed to conditions being added to the licence following the receipt of representations from responsible authorities and mediation with officers from the Licensing Section.
- 4.2 The Section referred an application for the grant of a new premises licence in respect of the Playing Fields off Commercial Road, Sunderland for consideration by the Council's Licensing Sub-Committee as an objection had been received from an interested party resident near this location. The application was for the provision of regulated entertainment which would take place on Fridays and Saturdays between the hours of 5:00 p.m. and 9:30 p.m. The hearing took place on 19 May 2011 and the Sub-Committee comprised Councillors R Bell, P Gibson and D Richardson.

- 4.3 After hearing representations from the interested party and the applicant, the decision of the Sub-Committee was to grant the premises licence.
- 4.4 The Licensing Section also processed fourteen applications for minor variations to premises licences.
- 4.5 The Section also referred an application for a review of a premises licence to a Licensing Sub-Committee. The hearing took place on 22 June 2011 and the Sub-Committee comprised Councillors P Gibson, D MacKnight and D Smith. The application was submitted by Northumbria Police in respect of The Wessington, Donwell Village, Washington after they issued a closure order on 27 May 2011 on the ground of the prevention of public nuisance. The review application was supported by the Council's Pollution Control Section and thirteen interested parties who live in the vicinity of the premises.
- 4.6 After hearing representations from the Police, Pollution Control, the interested parties and the applicant, the decision of the Sub-Committee was to attach to the following conditions to the premises licence:
1. At the nearest facade of the nearest noise sensitive property, amplified entertainment noise generated from the licensed premises (the LAeq5 min) shall not exceed 10 db below the minimum external background noise during the operating period. The background noise level shall be expressed in terms of the lowest LA90, 15 min, and where noise from the property will contain tones or will be intermittent sufficient to attract attention.
 2. Doors and windows at the premises shall be kept closed during the provision of amplified entertainment except for entry and egress.
 3. Customers of the licensed premises shall be prohibited from taking drinks or open containers outside the premises and into the decked smoking area after 9.00 p.m. All drinks or open containers shall be collected and brought inside the building by that time, 9.00 p.m. No drinks or open containers shall be taken from the premises, building or the decked smoking area e.g. onto the car park or public pavement or road other than sealed off sales purchases for consumption off and away from the premises.
 4. No raves or similar type events shall take place without first giving the Police at least seven days' notice and the Police providing written confirmation that they are happy for the event to go ahead. The Police will be the final arbiters as to what is a rave type event.

Personal Licences

- 4.7 Between April and June 2011 the Licensing Section received and granted forty applications for a personal licence after the applicants' Criminal Records Bureau disclosures disclosed no relevant offences.

Temporary Event Notices

- 4.8 Between April and June 2011 the Licensing Section received seventy four temporary event notices. Of these, one notice did not proceed as it was identified as invalid by the Licensing Section.

Inspections

- 4.9 Between April and June 2011 officers from the Licensing Section carried out twenty six inspections of licensed premises either proactively to ensure that operators are complying with their licence conditions or subsequent to complaints received about the premises.

Underage Sales

- 4.10 Between April and June 2011 officers from the Trading Standards Section sent child volunteers to attempt test purchases of alcohol at twelve licensed premises. As a result of these visits a number of fixed penalty notices were issued and prosecution reports are currently under consideration in relation to six instances of selling alcohol to persons under eighteen.

Gambling Act 2005

- 4.11 Between April and June 2011 the Licensing Section processed one application for the grant of a new premises licence in respect of an adult gaming centre. The section also processed one application to vary an adult gaming centre premises licence.

5.0 REASONS FOR THE DECISION

- 5.1 To advise Members of the current position within the Council's area with regard to the Licensing Act 2003 and Gambling Act 2005.

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.

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.