

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

### **LICENSING SUB COMMITTEE – 29 NOVEMBER 2010**

#### **LICENSING ACT 2003 – CONSIDERATION OF AN OBJECTION NOTICE GIVEN WITH REGARD TO A TEMPORARY EVENT NOTICE**

**Mrs A E Young  
The Jolly Potter  
High Street  
South Hylton  
Sunderland**

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

- 1.1 To consider an objection notice given by Northumbria Police with regard to a temporary event notice.

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

- 2.1 Members are requested to consider the objection notice and, having regard to it, give the premises user a counter notice if they consider it necessary for the promotion of the crime prevention objective to do so.

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

- 3.1 Mrs Young has given the Council a temporary event notice outlining her intention to use the above mentioned premises for :-

the sale by retail of alcohol; and

the provision of regulated entertainment

during the periods of:-

Friday 3 December 2010 - 15.00 to 00.00

Saturday 4 December 2010 00.01 to 01.00 and 12.00 to 00.00

Sunday 5 December 2010 00.01 to 01.00.

A copy of the temporary event notice is attached as Appendix 1

- 3.2 Northumbria Police have given the Council an objection notice to the temporary event notice (copy attached as Appendix 2).

#### **4.0 CURRENT POSITION**

- 4.1 The Council must hold a hearing to consider the objection notice and, having regard to it, give the premises user a counter notice if it considers it necessary for the promotion of the crime prevention objective to do so. A counter notice will prevent the temporary event notice from being used.

## **5.0 REASONS FOR THE DECISION**

- 5.1 To comply with the requirements Section 105 of the Licensing Act 2003.

## **6.0 ALTERNATIVE OPTIONS**

- 6.1 None.

## **7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS**

- 7.1 There are no other considerations.

## **8.0 GLOSSARY**

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

## **9.0 APPENDICES**

- 9.1 Appendix 1 – Temporary Event Notice.  
Appendix 2 – Objection Notice.

## **10.0 BACKGROUND PAPERS**

- 10.1 None.

# Appendix 1

16/11/10

221 T5/9750

### Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport ([http://www.culture.gov.uk/alcohol\\_and\\_entertainment/default.htm](http://www.culture.gov.uk/alcohol_and_entertainment/default.htm)) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

The personal details of premises user (Please read note 1)			
<b>1. Your name</b>			
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	YOUNG		
Forenames	ANNIE ENNIS		
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	THORNTON		
Forenames	ANNIE ENNIS		
<b>3. Your date of birth</b>	Day 15	Month 02	Year 1959
<b>4. Your place of birth</b>	SUNDERLAND		
<b>5. National Insurance Number</b>	WE 24 96 30 0		
<b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>			
6 FREDERICK ST. SOUTH MYLTON SUNDERLAND			
Post town	SUNDERLAND	Post code	SR4 0AR
<b>7. Other contact details</b>			
Telephone numbers	0191 551 8951		
Daytime			
Evening (optional)			
Mobile (optional)	0795 419 1990		
Fax number (optional)			
E-Mail Address (optional)			
<b>8. Alternative address for correspondence (If you complete the details below, we</b>			

will use this address to correspond with you)	
THE JOLLY POTTER HIGH STREET SOUTH HYLTON	
Post town	SUNDELLAND
Post code	SR4 0PZ
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (optional)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
THE JOLLY POTTERS HIGH ST. SOUTH HYLTON SUNDELLAND	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
PUBLIC HOUSE	
Please describe the nature of the event below. (Please read note 5)	
FRIDAY DISCO KARAOKE SATURDAY DISCO + KARAOKE SUNDAY "	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)	
FRIDAY <del>20/11/10</del> <del>31</del> 3/12/10 SATURDAY <del>27/11/10</del> 4/12/10 A.J. SUNDAY 5/12/10	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)	
FRIDAY 3PM - 12:00 MIDNIGHT SATURDAY 00:00 - 1:00 AM. SATURDAY 12:00 MIDNIGHT - 12:00 MIDNIGHT SUNDAY 00:00 - 1:00 AM.	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)	90
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	SUNDERLAND CITY COUNCIL	

Licence number	00CM PER 326
Date of issue	8th SEPT 2005
Date of expiry	8th SEPT 2015
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7 Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an 'X'.)	
Send two copies of this notice to the licensing authority for the area in which the premises are located	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8 Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9 Declarations (Please read note 16)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	<i>A. E. Young.</i>
Date	<i>16/11/10</i>
Name of Person signing	<i>ANNIE ENNIS YOUNG.</i>



For completion by the Licensing Authority

10. Acknowledgement (Please read note 17)	
I acknowledge receipt of this temporary event notice.	
Signature	<i>E Humphrey</i> On behalf of the Licensing Authority
Date	16-11-10
Name of Officer signing	A. E. HUMPHREY

# Appendix 2

**NORTHUMBRIA POLICE**



18 November 2010

Mrs Annie Ennis Young  
6 Frederick Street  
South Hylton  
Sunderland  
SR4 0QR

**Sunderland Area Command**  
Gillbridge Police Station HQ  
Gillbridge Avenue  
Sunderland  
SR1 3AW

Tel: 08456 043 043  
Fax: 0191 563 6198

Cc: Sunderland City Council

**RE: Application for a T.E.N., The Jolly Potter, South Hylton.**

Northumbria Police are in receipt of the above T.E.N. and wish to object on the grounds of crime and disorder and public safety.

As part of Operation Barracuda The Jolly Potter has been inspected on seven occasions. On each inspection there have been issues identified at the premises, a spreadsheet has been attached to this document detailing each individual inspection.

One of the main concerns relates to the safety of the public on the premises. On two occasions when Police arrived at the premises it appeared closed as all curtains were closed and the metal front door roller shutter was pulled down. On closer inspection music was heard coming from the premises. The roller shutter was prised up by the Police Officers and upon gaining entry customers were still inside. Whilst inside it was identified that fire exits were padlocked shut and the only door in use was a rear exit through the kitchen.

On all inspections breaches of licence have been identified, these issues have been raised with the Premises Licence Holders Punch Taverns and copies of the letters sent have been attached. Four letters have been sent on 22 March 2010, 27 March 2010, 6 May 2010 and 21 September 2010, issues have still not been rectified.

  
PP Carol Parkes  
Chief Inspector  
Partnership & Criminal Justice  
Sunderland Area Command

[www.northumbria.police.uk](http://www.northumbria.police.uk)  
[www.northumbria-police-authority.org](http://www.northumbria-police-authority.org)

Punch Taverns PLC  
Compliance Department  
Jubilee House  
Burton-Upon-Trent  
Staffordshire  
DE14 2WF

21 September 2010

**Licensing Act 2003**  
**Inspection of The Jolly Potter, Railway Terrace, Sunderland.**

Following the inspection of the above premises carried out at 00:20 hours on Saturday 4<sup>th</sup> September 2010 by officers of Northumbria Police the following matters have been identified as requiring your attention:-

1. It is a condition of the Premises Licence that the standard opening hours for the day inspected are that the premises must close to the public at 00:20 hours, with last sale of alcohol at 00:00 hours. On Police arrival approximately 25 customers were still in the premises consuming alcohol. This is therefore, potentially, a breach of Section 136 of the Act.
2. Fire exits were blocked with access to the premises by the rear kitchen door.
3. Evidence of cocaine use was found in the toilets.
4. The customers at the premises were extremely intoxicated.
5. The DPS was unable to operate CCTV and could not show the Police on request any CCTV footage. The DPS stated that the footage was retained for 10 days, not 28 days as per the premises licence. This is therefore, potentially, a breach of Section 136 of the Act.

Yours faithfully

Sarah Howson  
Licensing Coordinator  
Sunderland Area Command  
Northumbria police  
0191 5636655

Punch Taverns PLC  
Compliance Department  
Jubilee House  
Burton-Upon-Trent  
Staffordshire  
DE14 2WF

6 May 2010

**Licensing Act 2003**  
**Inspection of The Jolly Potter, Railway Terrace, Sunderland.**

Following the inspection of the above premises carried out at 00:30 hours on Saturday 24<sup>th</sup> April 2010 by officers of Northumbria Police the following matters have been identified as requiring your attention:-

1. It is a condition of the Premises Licence that the standard opening hours for the day inspected are that the premises must close to the public at 00:20 hours, with last sale of alcohol at 00:00 hours. On Police arrival approximately 50 customers were still in the premises consuming alcohol. This is therefore, potentially, a breach of Section 136 of the Act.
2. Fire exits were blocked with chairs and fire exit doors were padlocked.
3. The customers at the premises were extremely intoxicated.
4. Evidence of cocaine use was found in both the male and female toilets.
5. Staff were unable to operate CCTV and could not show the Police on request any CCTV footage. This is therefore, potentially, a breach of Section 136 of the Act.

Yours faithfully

Sarah Howson  
Licensing Coordinator  
Sunderland Area Command  
Northumbria police  
0191 5636655

Punch Taverns PLC  
Compliance Department  
Jubilee House  
Burton-Upon-Trent  
Staffordshire  
DE14 2WF

27 March 2010

**Licensing Act 2003**  
**Inspection of The Jolly Potter, Railway Terrace, Sunderland.**

Following the inspection of the above premises carried out at 00:30 hours on Saturday 20<sup>th</sup> March 2010 by officers of Northumbria Police the following matters have been identified as requiring your attention:-

1. It is a condition of the Premises Licence that the standard opening hours for the day inspected are that the premises must close to the public at 00:20 hours, with last sale of alcohol at 00:00 hours. On Police arrival the premises appeared closed as all curtains were closed and the metal front door shutter was pulled half way down the door. On closer inspection loud music was heard coming from the premises, when the Police gained entry there were approximately 50 persons within the premises still consuming alcohol. The till roll for the evening was seized by officers which showed the last sale of alcohol at 01:06 hours, the personal licence holder on the premises Elsie YOUNG informed Officers that the till was 1 hour fast. This is therefore, potentially, a breach of Section 136 of the Act.
2. No fire extinguishers were at the premises and there was no first aid box in place.
3. Fire exits were blocked with chairs and fire exit doors were padlocked.
4. The customers at the premises were extremely intoxicated.
5. Evidence of cocaine use was found in both the male and female toilets.
6. Staff were unable to operate CCTV and could not show the Police on request any CCTV footage. This is therefore, potentially, a breach of Section 136 of the Act.

We would therefore request that your regional manager for the Jolly Potter contact Sarah Howson the Licensing Coordinator at Gillbridge Avenue Police Station as soon as possible so this matter can be discussed further.

Yours faithfully

Sarah Howson  
Licensing Coordinator  
Sunderland Area Command  
Northumbria police  
0191 5636655

Punch Taverns PLC  
Compliance Department  
Jubilee House  
Burton-Upon-Trent  
Staffordshire  
DE14 2WF

22 March 2010

**Licensing Act 2003**  
**Inspection of The Jolly Potter, Railway Terrace, Sunderland.**

Following the inspection of the above premises carried out at 00:40 hours on Sunday 14<sup>th</sup> March 2010 by officers of Northumbria Police the following matters have been identified as requiring your attention:-

1. It is a condition of the Premises Licence that the standard opening hours for the day inspected are that the premises must close to the public at 00:20 hours, with last sale of alcohol at 00:00 hours. On Police arrival the premises appeared closed as all curtains were closed and the metal front door shutter was pulled half way down the door. On closer inspection loud music was heard coming from the premises, when the Police gained entry there were approximately 40 persons within the premises still consuming alcohol. The till roll for the evening was seized by officers which showed the last sale of alcohol at 01:48 hours, the personal licence holder on the premises Elsie YOUNG informed Officers that the till was 1 hour fast. This is therefore, potentially, a breach of Section 136 of the Act.
2. No fire extinguishers were at the premises and there was no first aid box in place.
3. Fire exits were blocked with chairs and fire exit doors were padlocked.
4. The customers at the premises were extremely intoxicated.
5. Evidence of cocaine use was found in both the male and female toilets.
6. The music coming from the premise was excessive.

I must advise you that officers from Northumbria Police will be inspecting the premises again and, should it be found that they are operating in breach of **any** of the requirements of the Act, we would be obliged to consider dealing with the matter in a less lenient fashion.

Should you have any queries with regard to this matter please contact Sarah Howson, Licensing Coordinator, **telephone no 0191 5636655**.

Yours faithfully

Sarah Howson  
Licensing Coordinator  
Sunderland Area Command  
Northumbria police

OPERATION BARRACUDA

Jolly Potter Railway Terrace, Sunderland

Date Visited	Time	DPS	Person in charge	Attitude of person in charge	Door Count	Customers leaving with glasses/bottles on table	Bottles/Glasses on table	Drugs use in toilet?	Age group, male/female	Drunken customers advised?	Fire exit to working?	CCTV recording?	CCTV kept for Nobs level	Comments
14/03/2010	0020	Ann Young - Licence No. OCCAMPER327	Elise Young - Licence No. OCCAMPER327	Not very helpful	40 - Guested	No	Yes	Checked - Yes cocaine both male & female	Mixed - mostly drunk, negative attitude towards Police	Yes	No	Yes	Could not operate	Excessive Bottles and glasses littered on tables Drunken customers getting served after licensing hours No fire extinguishers, exits blocked with chairs & fire door padlocked No members of staff first aid trained & no first aid box Excessive noise coming from premises Littered still on both male and female toilets Unhelpful staff in both male and female toilets Alcohol being served after licensing hours, till rolls started showed last sale at 01:45
20/03/2010	0030	Ann Young - Licence No. OCCAMPER328	Elise Young - Licence No. OCCAMPER327	Obnoxious - refused to cooperate	40-50	No	Yes	Checked - Yes cocaine	Mixed	Yes	No	No	Not known	Acceptable 1 bottle littered with bottles and glasses Signs of drugs use in male toilets Staff unable to operate CCTV for the both nights Fenimos found smoking in toilet No first aid kit used for football match Drunken customers being served after licensing hours - till rolls started Person in charge intoxicated at time of visit CCTV not kept for 14 days
26/03/2010	0047	Ann Young - Licence No. OCCAMPER328	Annie Young - Licence not available	Not welcoming or helpful	Patrons leaving by side door	No	No	Checked - Yes cocaine	Mixed	No	Yes	Yes	22/03/2010	Quiet Heavy signs of drug use on seats in toilets CCTV not kept for 14 days Patrons still in premises after 1 should be closed
24/04/2010	0030	Ann Young - Licence No. OCCAMPER328	Elise Young - Licence No. OCCAMPER327	Not helpful	50	Yes	No	Checked - Yes cocaine Vase with powder found	Mixed Age - not stated to have	Yes	No	No	Not known	Acceptable Customers seen leaving with bottles and glasses Signs of drugs use in male and female toilets Staff unable to operate CCTV Self unable to operate CCTV and detention period not known
04/09/2010	0020	Ann Young - Licence No. OCCAMPER328	Annie Young - Licence not available	Objectionable	15-20	No	No	Checked - Yes cocaine	Not stated	No	Yes	No	Not known	Quiet Signs of drugs use in toilets DPS was not helpful and could not operate CCTV Signs of drugs use in male and female toilets
02/10/2010	0020	Ann Young - Licence No. OCCAMPER328	Annie Young - Licence not available	DPS stated she was aware of licensing objections	10-15	No	No	Not checked	40-50 years	No	No	Yes	Not known	Acceptable Patrons still in premises after 1 should be closed DPS could not operate CCTV
22/10/2010	2350	Ann Young - Licence No. OCCAMPER328	Elise Young - Licence No. OCCAMPER327	Obnoxious - refused to cooperate	40	No	No	Checked - not	Mixed	Yes	No	Yes	Not known	Acceptable Patrons still in premises after 1 should be closed DPS could not operate CCTV