

## LICENSING COMMITTEE

### AGENDA

**Meeting to be held in the Civic Centre (Committee Room No.6) on Monday, 6<sup>th</sup> February, 2017 at 2.00 p.m.**

ITEM	PAGE
1. <b>Receipt of Declarations of Interest (if any)</b>	
2. <b>Apologies for Absence</b>	
3. <b>Minutes of the last meeting of the Committee held on 28<sup>th</sup> November, 2016 (copy herewith).</b>	1
4. <b>Licensing Act 2003 – Suspension of a Premises Licence due to Non-Payment of Annual Fee – Indigo Room Ltd</b>  Report of the Chief Executive (copy herewith)	2
5. <b>Licensing Act 2003 – Withdrawal of Club Premises Certificate due to Club Ceasing to be a Qualifying Club – Fence Houses Comrades Club</b>  Report of the Chief Executive (copy herewith)	8

ELAINE WAUGH,  
Head of Law and Governance.

Civic Centre,  
SUNDERLAND.  
27<sup>th</sup> January, 2017



## Item 3

**At a meeting of the LICENSING COMMITTEE held in the CIVIC CENTRE on MONDAY, 28<sup>th</sup> NOVEMBER, 2016 at 2.00 p.m.**

### **Present:-**

Councillor Fletcher in the Chair

Councillors Blackburn, Elliott, G. Galbraith, I. Galbraith, P. Gibson, Heron, Howe, Lawson, Scaplehorn, Turner and Waller

### **Declarations of Interest**

There were no declarations of interest.

### **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors D. Dixon and Kay

### **Minutes of the Last Meeting of the Committee held on 18<sup>th</sup> April, 2016**

1. RESOLVED that the minutes of the last meeting of the Committee held on 18<sup>th</sup> April, 2016 be confirmed and signed as a correct record.

### **Licensing Act 2003 – Suspension of a Premises Licence Due to Non-Payment of Annual Fee – Dandy Longlegs Limited**

The Chief Executive submitted a report (copy circulated) which requested Members consideration of the suspension of the premises licence for Dandy Longlegs Limited, situated at 38-40 Silksworth Row, Sunderland due to the non-payment of the annual fee which had been due on 19<sup>th</sup> March 2016.

(For copy report – see original minutes)

The Chairman advised that since the publication of the report the licence holder had paid the outstanding annual fee and as such the item had now been withdrawn from the agenda.

(Signed) J. FLETCHER,  
Chairman.

## Item 4

### REPORT OF THE CHIEF EXECUTIVE

#### LICENSING COMMITTEE – 6 FEBRUARY 2017

#### LICENSING ACT 2003 – SUSPENSION OF A PREMISES LICENCE DUE TO NON PAYMENT OF ANNUAL FEE

INDIGO ROOM LTD  
278 HIGH STREET WEST  
SUNDERLAND  
TYNE AND WEAR  
SR1 3DZ

#### 1.0 Purpose of the Report

- 1.1 The purpose of this report is to request the Committee to consider suspending a premises licence for Indigo Room Ltd, situated at 278 High Street West, Sunderland.

#### 2.0 Description of Decision (Recommendation)

- 2.1 The Committee are recommended to consider whether the above mentioned premises should have their premises licence suspended due to non-payment of an annual fee payment due on the 5 December 2016.

#### 3.0 Introduction/Background

- 3.1 Section 55A of the Licensing Act 2003 states: -

- (1) A licensing authority must suspend a premises licence if the holder of the licence has failed to pay the authority an annual fee that has become due under section 55(2).
- (2) Subsection (1) does not apply if –
- (a) Either-
- (i) The holder's failure to pay the fee at the time it became due was because of an administrative error (whether made by the holder, the authority or anyone else), or
- (ii) Before or at the time the fee became due, the holder notified the authority in writing that the holder disputed liability for, or the amount of, the fee, and
- (b) The grace period for payment of the fee has not expired (see subsection (8)). This renewal being 21 days before the day after the fee being due.

#### **4.0 Current Position**

- 4.1 On 10 January 2017 an Officer of the Council's Finance Section informed the Licensing Section that the invoice for the annual fee payment due in relation to the premises licence issued for 278 High Street West, Sunderland had not been paid. Attached as appendix 1 is a copy of the invoice sent to Indigo Room Ltd. Council records indicate that Indigo Room Ltd are the holders of the premises licence.
- 4.2 Enquiries made with the Council's Property Services Section have confirmed that the Council purchased this property on 30 November 2010. Indigo Room Ltd obtained a lease on this property on 24 November 2011 and that they vacated the property on 24 March 2016.
- 4.3 The premises are currently closed pending the further development of Keel Square.

#### **5.0 Reason for the Decision**

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

#### **6.0 Alternative Options**

- 6.1 None submitted.

#### **7.0 Relevant Considerations/Consultation**

- 7.1 There are no other relevant considerations that require the Committee's consideration.

#### **8.0 Glossary**

- 8.1 None

#### **9.0 List of Appendices**

- 9.1 Appendix 1 – Copy of Invoice dated 10 May 2016

#### **10.0 Background Papers**

- 10.1 None.

# **APPENDIX 1**

Corporate Services,  
Income & Payments Section,  
PO Box 100,  
Civic Centre,  
Sunderland,  
SR2 7DN



WWW.SUNDERLAND.GOV.UK

# INVOICE

VAT Registration No: GB178210271      Date: 20.12.2016

Invoice To:  
Indigo Room LTD  
278 High Street West  
Sunderland  
Tyne and Wear  
SR1 3DZ

**Invoice Number:** 2803037872  
**Date Payment due:** 17.01.2017  
Internal Ref. 15/01421/MIN  
Customer Number: 113872  
Purchase Order Number: 15/01421/MINVA

Supply Date	Details	Amount £	VAT Rate %	VAT Amount £	Total Charge £
19.12.16	<p>Licence Costs</p> <p>Licensing Act 2003 - Premises Licence Annual Fee</p> <p>Indigo Room, 278 - 279 High Street West Sunderland SR1 3DZ</p> <p>This invoice in respect of the annual fee has been sent to you as you are the holder of the premises licence/club premises certificate for these premises.</p> <p>The date upon which the fee became due was 05 Dec 2016</p> <p>You are liable for this annual fee even if you are no longer operating at these premises as this licence/certificate has not been surrendered or transferred to another party.</p> <p>If you no longer wish to retain your licence/certificate and do not wish to receive invoices in future you must either transfer or surrender the licence/certificate.</p>	180.00	0.00	0.00	180.00

**How to Contact Us - Please quote Invoice number in all cases.**

Queries relating to Charge: Licensing Section, 0191 5615022  
 Payment Enquiries: Income Section, (0191) 5611856.  
 By Letter: Sunderland City Council, Income Section, PO Box 100, Civic Centre,  
 Sunderland, SR2 7DN  
 By E-mail: accounts.r@sunderland.gov.uk

**FOR DETAILS ON HOW TO PAY PLEASE SEE OVERLEAF**

IF A RECEIPT IS REQUIRED THEN PLEASE TICK THIS BOX

## INVOICE continued

**Invoice Number:** 2803037872  
**Date Payment due:** 17.01.2017  
**Internal Ref:** 15/01421/MIN  
**Customer Number:** 113872

Supply Date	Details	Amount £	VAT Rate %	VAT Amount £	Total Charge £
	<p>Information on how to transfer a licence/certificate can be found on the Council's website at <a href="http://www.sunderland.gov.uk/index.aspx?articleid=7816">www.sunderland.gov.uk/index.aspx?articleid=7816</a>.</p> <p>If you wish to surrender the licence/certificate you can do so by writing to the Council at:</p> <p>Licensing Section Sunderland City Council Jack Crawford House Commercial Road Sunderland SR2 7DN</p> <p>Including either the original licence/certificate or, if you have lost the licence/certificate, a lost number from the Police.</p> <p>If you believe that this fee has already been paid please forward the payment details to the Licensing Section either at the above address or via e-mail at <a href="mailto:licensing@sunderland.gov.uk">licensing@sunderland.gov.uk</a>.</p> <p>Failure to pay this invoice could result in your licence/certificate being suspended until such time as the invoice is paid in full.</p>				
<b>Total Amount Due</b>		<b>180.00</b>		<b>0.00</b>	<b>180.00</b>

**HOW TO PAY - please ensure the Invoice number is quoted on every occasion.**

**In Person:**

At the Customer Service Centre, 31-32 Fawcett Street, Sunderland, SR1 1RE

Office hours:

Monday - Thursday..... 8.30am - 5.15pm  
Friday..... 8.30am - 4.45pm

Or at the following Gentoo Collection offices:

Central Housing Office	The Athenaeum, Fawcett Street
Havelock Civic Buildings	Hylton Road
Cornhill Centre	Goshen Street, Southwick, Sunderland
The Conishead Centre	Silksworth Terrace, Silksworth
The Skyline Offices	Newbottle Street, Houghton-le-Spring
Concord Office	2/3 Armdale House, Victoria Road, Concord
The Galleries	Washington

**Payment by Post:**

Cheques should be made payable to **Sunderland City Council**. Please ensure the **Invoice number and your address is quoted on the back of the cheque**. If you require a receipt please tick the relevant box and send the invoice with your payment.

Post dated cheques are not acceptable. Please forward cheques to:  
**Sunderland City Council, Financial Resources, PO Box 100, Sunderland, SR2 7DN.**

**Payment by Debit or Credit Card**

By Debit or Credit card in person at the Customer Service Centre, 31-32 Fawcett Street, Sunderland, SR1 1RE or by telephone on (0191) 5205551 and choose "Sundry Debtors" from the available options.

**Payment Via the Internet**

Go to [www.sunderland.gov.uk/payonline](http://www.sunderland.gov.uk/payonline) and select "Sundry Debtors" from the available options.

**Payment by BACS/CHAPS**

Payments can be made via the **Natwest Bank** quoting your invoice or account reference to account number **46623590** sort code: **55-61-11**.

Please forward your remittance advice note by either email to [cashiers@sunderland.gov.uk](mailto:cashiers@sunderland.gov.uk), fax to (0191) 5531599 or by post to Sunderland City Council, Financial Resources, PO Box 100, Sunderland SR2 7DN.

**Payment by Direct Debit**

Direct Debit is the easiest and most economical way of paying your invoice. If you would like the opportunity of paying your invoice by this method then please contact the Recovery Team on (0191) 5611856.

**Payment Difficulties?**

The invoice is due for payment now, however in cases of genuine difficulty it may be possible to make an arrangement to pay the balance over an extended period of time. To discuss this further please contact the Recovery Team on (0191) 5611856 as soon as possible.

## **Item 5**

### **REPORT OF THE CHIEF EXECUTIVE**

#### **LICENSING COMMITTEE – 6 FEBRUARY 2017**

#### **LICENSING ACT 2003 – WITHDRAWAL OF CLUB PREMISES CERTIFICATE DUE TO CLUB CEASING TO BE A QUALIFYING CLUB**

**FENCE HOUSE COMRADES CLUB  
EASTFIELD HOUSE  
STATION AVENUE NORTH  
FENCEHOUSES  
HOUGHTON LE SPRING  
DH4 6HS**

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

- 1.1 The purpose of the report is to request the Committee to consider whether the above mentioned club, which currently holds a club premises certificate, continues to satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates.

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

- 2.1 The Committee are recommended to consider whether the above mentioned club has ceased to be a qualifying club and, if so, withdraw the club certificate.

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

- 3.1 Section 90 of the Licensing Act 2003 states that, where a club holds a club premises certificate and it appears to the relevant licensing authority that the club does not satisfy the conditions for being a qualifying club in relation to a club activity to which the certificate relates, the authority must give a notice to the club withdrawing the certificate, so far as relating to that activity.

#### **4.0 CURRENT POSITION**

- 4.1 After the issue of an invoice to the club requesting the payment of the annual fee due in relation to the club premises certificate, officers of the Council's Licensing Section were informed by the Finance Section that the invoice had been returned unpaid.
- 4.2 An officer of the Licensing Section has since visited the premises named on the club premises certificate and has confirmed that the premises appears not to be in operation as a qualifying club as it was in the process of being demolished.
- 4.3 One of the qualifying criteria of a qualifying club is that the club is established and conducted in good faith as a club. Consequently, it would appear that the club no longer satisfies this condition.

## **5.0 REASONS FOR THE DECISION**

5.1 To comply with the requirements of the Licensing Act 2003

## **6.0 ALTERNATIVE OPTIONS**

6.1 None submitted.

## **7.0 RELEVANT CONSIDERATIONS**

7.1 There are no other relevant considerations.

## **8.0 GLOSSARY**

8.1 None.

## **9.0 LIST OF APPENDICIES**

9.1 None.

## **10.0 BACKGROUND PAPERS**

10.1 None.