

# **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.