

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

LICENSING SUB-COMMITTEE – 10 April 2012

LICENSING ACT 2003 – CONSIDERATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE

Applicant : Ian Malcolm Brown

Premises: Catering Van offering Late Night Refreshment
Washington Football Club
Spout Lane
Concord
Washington
NE37 2AB

1.0 PURPOSE OF REPORT

1.1 To request the Sub-Committee to consider an application for the grant of a premises licence for the above-mentioned premises.

2.0 DESCRIPTION OF DECISION

2.1 The Sub-Committee is requested to have regard to the representations referred to at paragraph 7.0 below and to take such steps, as they consider necessary for the promotion of the licensing objectives. The steps may be:-

- a) To grant the application, subject to such conditions they consider necessary; or,
- b) To reject the application.

3.0 INTRODUCTION/BACKGROUND

3.1 Relevant representations have been received in relation to the application and are detailed at paragraph 7.0 below.

4.0 CURRENT POSITION

4.1 The application is for the grant of a new premises licence. The application seeks to authorise the provision of late night refreshment from a vehicle situated within the car park of Washington Football Club. The hours of operation, which would require a premises licence, are proposed as Friday and Saturday 23.00 to 01.30 and Sunday 23.00 to 00.30.

4.2 A copy of the application form is attached as Appendix 1.

5.0 REASONS FOR THE DECISION

5.1 To determine the application as requested by section 18(3) of the Licensing Act 2003.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

7.1 A representation has been received from the Council's Noise Pollution Section. A copy of this representation is provided in Appendix 2.

7.2 A representation has been received from Northumbria Police. A copy of this representation is provided in Appendix 3.

7.3 Representations have been received from three Councillors. Copies of these representations are provided in Appendix 4.

7.4 A further three representations have been received from interested parties; one of which is a petition signed by 38 local residents. Copies of these representations are provided in Appendix 5.

8.0 GLOSSARY

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

9.0 LIST OF APPENDICES

Appendix 1 - Application Form.

Appendix 2 - Objection from Sunderland City Council's Noise Pollution Section.

Appendix 3 - Objection from Northumbria Police.

Appendix 4 – Representations from Councillors.

Appendix 5 – Representations from other Interested Parties.

10.0 BACKGROUND PAPERS

10.1 None.

Appendix 1

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We IAN MALCOLM BROWN

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description WASHINGTON FOOTBALL CLUB SPOUT LANE CONCORD			
Post town	WASHINGTON	Post code	NE372AB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname BROWN			First names IAN MALCOLM		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		1 HEATHERLEA PLACE			
Post Town	WASHINGTON		Postcode	NE37 2BB	
Daytime contact telephone number			07854411083		
E-mail address (optional)		ianbrown28@hotmail.com			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0	9	0
3	2	0
1	2	

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note1)
 THE PREMISES IS AT THE WASHINGTON FOOTBALL CLUB, IN THE CAR PARKING AREA,
 ROUGHLY BETWEEN 20-30 METERS FROM THE BUILDING.
 I HAVE ATTACHED A COPY OF THE PLAN IN WHICH THE CATERING VAN WILL BE
 SITUATED.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3) STANDING IN THE CAR PARK FOR 3 HOURS 30 MINS.		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri	22:00	01:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) THE VAN WILL BE PARKED BETWEEN 2 AND A HALF AND 3 AND A HALF HOURS EVERY WEEKEND.		
Sat	22:00	01:30			
Sun					
	22:00	00:30			

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

See below

b) The prevention of crime and disorder

The premises are currently secured by a security company, which I have spoken with. They provide door supervision on a weekend night, over and above the hours in which the van will be there.

c) Public safety

d) The prevention of public nuisance

The only thing that could cause a nuisance to the public is the generator, but that will be placed in the back of the transit van to reduce the level of noise. Which is not very loud anyway.

e) The protection of children from harm

The hours which the van will be there, there should be no under aged people around but to be on the safe side myself and whomever is on the van at the time will be checking peoples ages so ID cards will be shown on request.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	08/02/2012
Capacity	

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

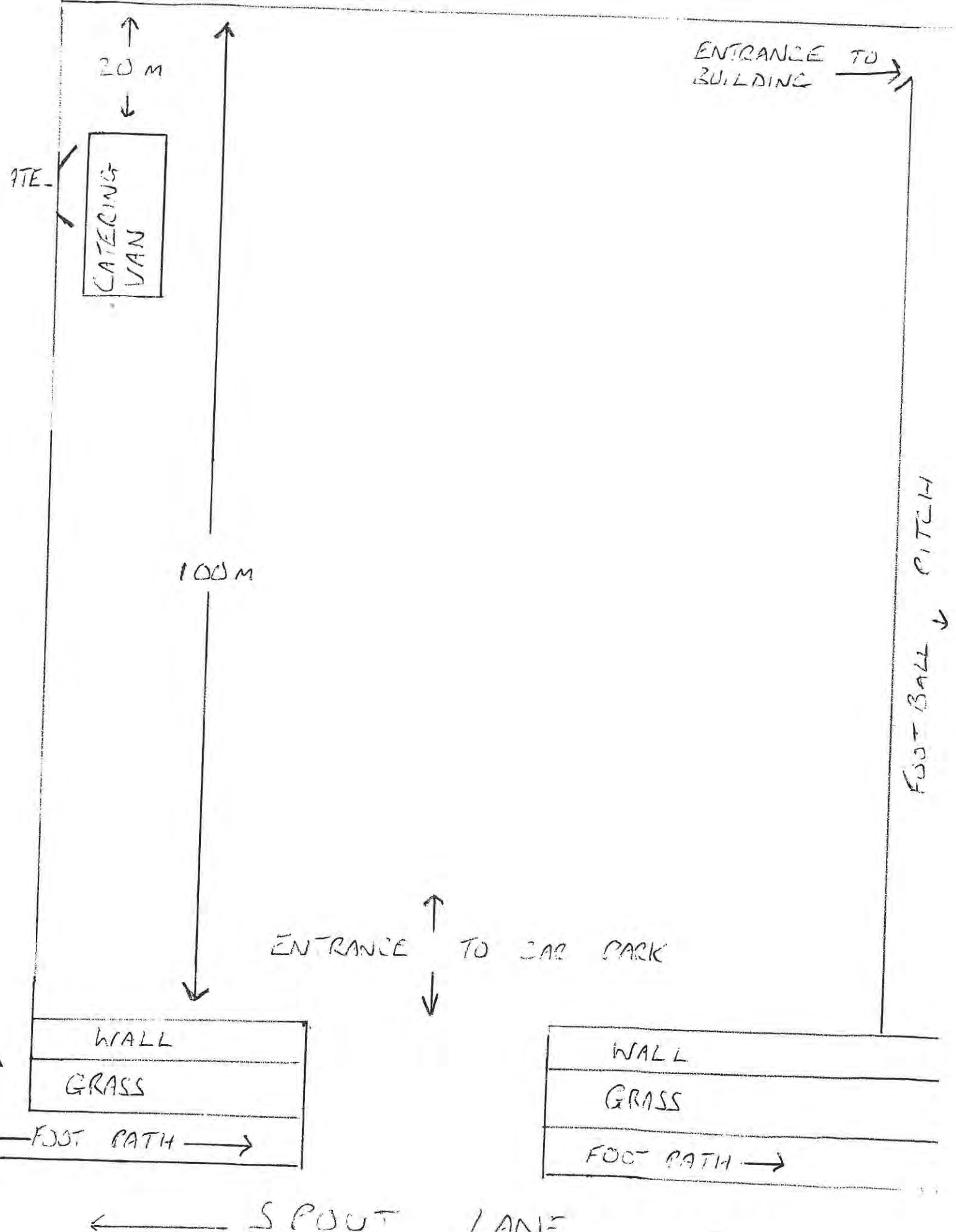
IAN BROWN
1 HEATHERLEA PLACE

Post town	WASHINGTON	Post code	NE372BB
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Telephone number (if any)	07854411083
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)

WASHINGTON FOOTBALL CLUB



Appendix 2

Elaine Terrett

From: Graydon Martin
Sent: 07 March 2012 16:28
To: Licensing
Cc: Elaine Terrett
Subject: FW: Burger Van Washington Football Club

With reference to the application for a premises licence to operate a Catering Van in the car park of Washington Football Club I would like to make the following comments.

We object to the granting of the licence to operate the catering van between the hours of 22:00 and 01:30 on a Friday, Saturday and Sunday night on the grounds that it is likely to cause a public nuisance.

The area in which the applicant wishes to site the van is a predominantly residential area . Complaints have been received from local residents regarding patrons leaving the Football Club late at night .

It is our opinion, based on previous experience, that the operation of the catering van in the car park during the late evening and early morning would encourage customers, primarily from the Washington Football Club, to leave the premises throughout the course of the night to purchase late night refreshment. Since it is unlikely that they will be allowed to return within the premises with food it is envisaged that they will gather in the car park area.

The presence of the van would also encourage people to remain in the area of the club beyond closing time whilst they purchase late night food. These events are both likely to result in the potential for customers to linger in the vicinity and create a noise nuisance to local residents .

Regards



Graydon Martin
Principal Environmental Health Officer
Streetscene
Sunderland City Council
PO Box 107
Civic Centre
Sunderland
SR2 7DN

Tel: 0191 561 1698



www.sunderland.gov.uk

Appendix 3

12 March 2011

Ian Malcom Brown
1 Heatherlea Place
Washington
NE37 2BB

Cc: Sunderland City Council

RE: Application for a premises licence on site of Washington Football Club, for a catering van

Northumbria Police are in receipt of the above application and wish to object on the grounds of crime and disorder. The applicant has applied to operate within the ground of Washington Football Club which on the days specified (Friday – Sunday) operates as a pub. The venue mainly attracts customers from 2100hrs until closing at approximately 0130hrs who visit the venue to consume alcohol and participate in the regulated entertainment offered. Washington Football Club currently causes the Police problems with anti-social behaviour, disorder, noise nuisance and there are several complaints of assault attributable to the premises. Most of these issues emanate when patrons are leaving the premises and are lingering about waiting to go home. By allowing a catering van to operate from the grounds will only allow patrons to hang around the area longer when leaving the premises, causing disorder, and causing nuisance to neighbours.

The Spout Lane area is also a Police hot spot for youth anti social behaviour. Youths tend to congregate in this area until moved on by Police officers and the Police have many complaints recorded from local residents who request Police assistance with this matter.

The Police have concerns with this application as there have been previous problems with such a catering unit operating outside of the Groove Nightclub in Spout Lane. This unit was open alongside the Nightclub and was an added problem to the issues that were attributable to the nightclub. Patrons would hang around the area once the club had closed waiting for food, fights would then ensue and several arrests would be made by Police. The unit was also the cause of nuisance to the neighbours as people who had consumed alcohol and were in high spirits would be unaware of the noise they were making outside of the premises. Patrons who ordered food would also eat the food outside the premises and leave litter behind.

This application is one that would be detrimental to the area, cause unnecessary nuisance to the local residents and involve additional use of Police resources in the area to combat anti-social behaviour. In light of this, the Police oppose the application in its entirety; however should the application be granted believe that the conditions below should be added to the premises licence as a minimum requirement;

1. The premise licence holder must ensure that at all times the catering unit is open to the public that a minimum of 1 SIA Door Supervisor be employed at the unit. The Door Supervisor must be employed separately from those employed at the Washington Football Club.
2. The premises licence holder shall ensure that on each day that Door Supervisors are engaged for duty at the premises, their details (full name, D.O.B. and licence number) are recorded in an appropriate book kept by the premises licence holder. In conjunction with this book, the licensee shall also keep an incident book. This record book and incident book must be available for inspection by Northumbria Police or Officers of the Council at all times the premises are open.
3. Staff at the catering unit must be provided with suitable communication equipment maintained in good working order, so should the need arise they can contact the Police at any time. This equipment should be a text/pubwatch radio or mobile phone.
4. The premises licence holder shall be a member of the local pubwatch scheme and attend the pubwatch meetings or send a representative on their behalf.

Richard Jackson
Chief Inspector
Sunderland Area Command

Appendix 4

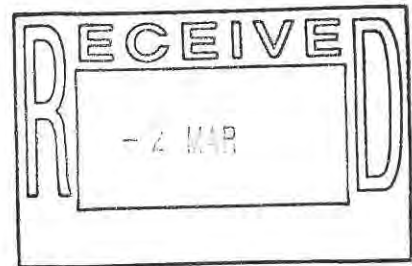
Memo

My ref JK/HC
Your ref

From	Councillor John Kelly	Date	1 st March 2012
Title		Ext	561 1922
Service			
Subject	LICENSING ACT – 11/02956/PREM		
To	Licensing Section, City Services, PO Box 107, Civic Centre, SR2 7DN		
Copied to	Cllr Peter Walker		
	Cllr Jill Fletcher		
	File		

My ward colleagues and I would like to object to the above application for reasons listed below;

- numerous refreshment outlets available already
- anti social behaviour
- Litter
- Noise nuisance for residents close by



Regards

John Kelly

☞ Councillor John Kelly

Peter Walker

☞ Councillor Peter Walker

Jill Fletcher

☞ Councillor Jill Fletcher

Appendix 5

Date 07/03/12

LICENSING SECTION
STREET SCENE.
Po BOX 107.
JACK CRAWFORD HOUSE.
SUNDERLAND SR2 8QR.



To whom it may concern

RE: Application for fast food van at Washington Football Club

We, the undersigned, oppose the request for the license to have a fast food van in the vicinity of the Washington Football Club grounds.

A few years ago we were subjected to issues which resulted from a fast food van operating in the same area. These issues were noise/anti-social behaviour and littering. We have experienced excessive noise/volume levels from the music and also from people leaving the club and since the late license was granted, this now continues until early hours of the morning. On many occasions the police have been involved with anti-social matters. This is a waste of police resources which could be avoided.

Spout Lane/Beverley Court is a residential area and we already do not feel that a club with a late license is appropriate. Furthermore, if a fast food van is operating it is inevitable that these issues would worsen.

- It would attract people to stay in the area rather than dispersing in an orderly manner and at a reasonable time.
- The litter would extend to the areas surrounding the Football Club, i.e. Beverley Court.
- The noise would continue until the area is clear.
- There are also concerns regarding the noise of the motor running on the van.

We would be grateful for your response to this matter and hopefully we can come to an equitable settlement.

Yours

Signed;

NAME.	ADDRESS.	POST CODE.	SIGNATURE.



9 March 2012

Sunderland City Council,
Licensing Section,
Streetscene
P.O. Box 107,
Jack Crawford House
SUNDERLAND
SR2 8QR

Dear Sirs,

**Application for a Premises Licence
For Late Night Refreshment for Hot Food Van
In car park at Washington Football Club, Spout Lane**

I write to oppose the application by Ian Brown for a premises licence for late night refreshment at a hot food van in the grounds of Washington Football Club in Spout Lane, Washington.

Spout Lane is a quiet residential area and the Football Club is situated in close proximity to my home and indeed to numerous homes, many of which are occupied by families with young children, as well as a number of elderly residents.

Public Nuisance

The operation of a hot food van late at night in this location would attract numerous people as they make their way home from an evening out. Due to the outside location the noise from customers as they wait for their food cannot be contained, and will be very noticeable late at night, when the background noise has died down. People who have had a drink are less inhibited and consequently tend to be noisier, talking in, loud voices and shouting

Many of the people using the hot food van will walk directly past my house and the noise will cause nuisance and disturbance both to me and to other residents in the vicinity as we are trying to sleep. There will be no measures which the operator can put in place to ensure that customers will not cause a nuisance or disturbance as they make their way home. It is also quite possible that some people will travel by car to use the van and this will be accompanied by the slamming of car doors and the revving of engines late at night.

There will be an increase in litter in Spout Lane. Anyone using the van is likely to eat their food whilst walking along the street and will discard the wrapping as they do so.

Clearly noise nuisance and litter are contrary to the Licensing Objective – Prevention of Public Nuisance.

Crime and Disorder

As well as the premises being used by those people leaving the Football Club, the van will attract people leaving other pubs which, at the end of a night's drinking, will further increase the risk of disorder around the premises and in the streets in the vicinity. This will result in a breach of the Licensing Objective- Prevention of Crime and Disorder.

For these reasons I strongly oppose the grant of a premises licence for late night refreshment to at Washington Football Club.

Yours faithfully,

A large, dark, irregular redacted area covering the signature of the sender.A smaller, dark, irregular redacted area covering the name of the sender.

7 March 2012



Tom Terrett
Trading Standards and Licensing Manager
City services
Jack Crawford House
Sunderland
SR2 8QR

Dear Mr Terrett

Re: Washington Football Club Car Park/Burger Van

I am writing regarding the above and would like to advise you that I have objections for the following reasons:

Potentially there could be a lot of noise as the hours of opening are until late at night.

There will be an increase of litter as cartons will be dropped on the ground.

There are plenty of other facilities within the Concord area for fast food all within walking distance of the Football Club.

A burger van which was parked near this area previously caused a lot of noise and Anti Social Behaviour within the surrounding areas.

I am aware Northumbria Police have also made objections and I am supporting the Police in their decision to object.

Should you wish to discuss the matter further please contact me at the Concord Area Office ☎ (0191) 525 5000.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Jackie Morote'.

Jackie Morote
Neighbourhood Housing Manager