

REPORT OF THE DEPUTY CHIEF EXECUTIVE

LICENSING SUB-COMMITTEE – 18 DECEMBER 2014

LICENSING ACT 2003 – CONSIDERATION OF APPLICATION TO VARY A PREMISES LICENCE

MCCOLLS, TRANSPORT INTERCHANGE, PARK LANE, SUNDERLAND, SR1 3NX

MARTIN MCCOLL LTD.

1.0 PURPOSE OF REPORT

- 1.1 To consider an application to vary the premises licence of the above-mentioned premises (copy attached at Appendix 1).

2.0 DESCRIPTION OF DECISION

- 2.1 The Sub Committee is requested to have regard to the representations detailed in paragraph 4.0 below and to take such steps as they consider appropriate for the promotion of the licensing objectives. The steps may be: -

- a) to grant the variation application,
- b) to modify the conditions of the licence, or
- c) to reject the whole or part of the application.

3.0 INTRODUCTION/BACKGROUND

- 3.1 A relevant representation has been received in relation to the application and this is detailed at section 4.0.
- 3.2 A copy of the application form is attached as Appendix 1. The variation is for the sale by retail of alcohol for consumption off the premises to be increased from the current hours of 08.00 to 20.00 every day to the proposed hours of 08.00 to 21.00 every day.

4.0 CURRENT POSITION

- 4.1 A relevant representation has been received, a copy of the representation is attached as Appendix 2.

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 There are no other considerations that require the attention of the Sub-Committee.

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 Relevant Representation.

10.0 BACKGROUND PAPERS

None.

Appendix 1

Insert name and address of relevant licensing authority and its reference number (optional)

Sunderland City Council
Licensing Section
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR

Application to vary a premises licence 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.

XWe Martin McColl Limited
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 00CMPREM01085
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Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description McColls Transport Interchange Park Lane	
Post town Sunderland	Post code SR1 3NX
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 2,700.00

Part 2 - Applicant Details

Daytime contact telephone number		
E-mail address (optional)		
Current postal address if different from premises address	Martin McColl Limited McColl's House Ashwells Road Brentwood	
Post town	Essex	Post code CM15 9ST

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD		
----	--	--

MM		
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YYYY				
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Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The nature of the variation is to amend the hours of operation of the Premises Licence to permit the operation of the premises and the sale of alcohol until 21.00 hours.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>	
				Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both			<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Thur						
Fri			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 6)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>	
				Off the premises	<input checked="" type="checkbox"/>	
Day	Start	Finish	Both			<input type="checkbox"/>
Mon	08.00	21.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)			
Tue	08.00	21.00				
Wed	08.00	21.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)			
Thur	08.00	21.00				
Fri	08.00	21.00				
Sat	08.00	21.00				
Sun	08.00	21.00				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	06.00	21.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Tue	06.00	21.00	
Wed	06.00	21.00	
Thur	06.00	21.00	
Fri	06.00	21.00	
Sat	06.00	21.00	
Sun	07.00	21.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The premises have operated for some time now subject to conditions, including conditions that restrict days when alcohol can be sold, linked to football matches.

It is not believed that any additional conditions over and above those already imposed will be necessary to make this change.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

- a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

- b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 - Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	DWF LLP
Date	3.11.2014
Capacity	Solicitors on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	
<p>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)</p> <p>David Crank - DWF LLP 5 St. Pauls Square Old Hall Street</p>	
Post town	Liverpool
Post code	L3 9AE
Telephone number (if any)	0151 907 3381
<p>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</p> <p>david.crank@dwf.co.uk</p>	

Appendix 2



Licensing Department
Sunderland City Council
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR

Direct line 0191 2033408

21st November 2014

Dear Sir

Re : Martin McColl Limited

I write with reference to the application from McColl's, Transport Interchange, Park Lane, Sunderland SR1 3NX for a premises licence for the sale of alcohol between the hours of 0600 to 2100 Monday to Sunday.

I represent Nexus, the Tyne and Wear Passenger Transport Executive which manages Park Lane Interchange. Nexus is an 'interested party' as defined in the Licensing Act 2003, as Park Lane Interchange is in the vicinity of the McColl's premises.

Nexus objects to the extension of the premises licence and makes the following points:

- Park Lane Interchange is a busy bus station serving passengers in the City of Sunderland. There are 22 bus stands operating 40 services to the surrounding area, with a footfall of around 6 million passengers per year. The Interchange also provides access to Park Lane Metro Station connecting passengers with the entire Metro system leading to South Tyneside, Newcastle, and North Tyneside.
- McColl's is located on the outer side of the interchange and close to the entrance to the bus station, and currently retails alcohol until 18:00. Due to its proximity to the bus station it provides easy access to alcohol for passengers waiting at the Interchange or passengers on their way to the Interchange.
- Passengers have expressed concern about their personal safety in the bus station due to anti-social behaviour. In a recent survey nearly 10% of passengers expressed concerns about personal safety at Park lane Interchange.
- There are daily incidents of anti-social behaviour in the bus station despite the presence of Nexus staff.
- Nexus employs bus station staff to deal with passenger safety between 8am and 5:30pm, however, they have a large area to patrol and limited powers to deal with anti-social behaviour.

- Nexus has seen the need to provide 2 evening security staff to deal with anti-social behaviour between the hours of 4pm and 11:30pm. This is funded entirely by Nexus in order to protect infrastructure and ensure that passengers feel safe when using public transport in the evenings.
- There have been 182 incidents of anti-social behaviour in Park Lane Interchange recorded this calendar year, of which 39 were directly related to alcohol.
- Most reported incidents of anti-social behaviour are alcohol related and involve adults or young people whose loud and aggressive behaviour stems from the fact that they are intoxicated. Alcohol is regularly removed from people caught drinking in the Interchange by Police, as drinking is prohibited in the Interchange and Metro is an Alcohol Exclusion Zone.
- Nexus has ongoing problems with young people using the interchange and the waiting room as a place to meet and congregate. Their behaviour has generated complaints and reports of swearing, fighting and general unruly behaviour which has frightened and alarmed passengers.

With reference to the licensing objectives, Nexus makes the following representations:

The Prevention of Crime and Disorder

If McColls is granted a longer licence to sell alcohol from its premises Nexus is concerned that the levels of crime and disorder will rise. As stated above, this is a location which already has problems with crime and anti-social behaviour and many of the incidents are alcohol related. Over the past 6 months police have directed a number of people to leave Park Lane Interchange as a result of incidents involving alcohol. If individuals who have already consumed alcohol before reaching the bus station have a further opportunity to buy more alcohol while they are waiting there, it is likely that crime and disorder will increase.

Public Safety

Passengers who use the bus station need to feel safe when they are waiting there, or passing through to catch connecting buses or Metro. Nexus is actively campaigning to encourage more people to use Bus and Metro services. A key factor in encouraging people to use public transport is making sure people feel safe at bus stops, in bus stations and in Metro stations. Having alcohol available for longer close to a bus station, which already has problems with anti-social behaviour, will have a negative effect on public safety.

The prevention of public nuisance

Nexus has daily problems with individuals and groups in the interchange causing public nuisance. Some groups use the interchange to gather as it is seen as dry, indoor place where waiting is permitted. These groups are constantly moved on by Nexus staff and security contractors and they are regularly warned in relation to swearing, shouting and aggressive behaviour which causes fear and distress to passengers. Alcohol is a feature of this behaviour and individuals causing nuisance have usually drunk alcohol before coming to the Interchange. Nexus's view is that this behaviour would escalate if alcohol was available for a longer period so close to the Interchange. Young people using the Interchange as a place to

gather often attempt to obtain alcohol, and put pressure on adult passengers waiting in the bus station to buy alcohol for them.

In summary, Park Lane is a busy Interchange and Nexus employs security staff to protect the safety of passengers and assets. Despite the constant staff presence, the Interchange continues to suffer from anti-social behaviour problems. Nexus's view is that increasing the availability of alcohol at the Interchange will make the job of the staff more difficult, will increase passengers' fears and concerns and will lead to an increase in crime and disorder. Nexus is of the view that increasing the usage of public transport brings a wide range of benefits to a region. If bus usage is to increase, it is important that anti-social behaviour in bus interchanges is reduced so that passengers feel safe when using buses in the evening.

I would be grateful if the above representations could be taken into account when considering the application for a premises licence.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'John Souter', written over a horizontal line.

John Souter

Operations Manager (Customer Services)

Nexus House St James' Boulevard Newcastle upon Tyne NE1 4AX
T: 0191 203 3333 F: 0191 203 3180 nexus.org.uk