

# **REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES**

## **LICENSING SUB-COMMITTEE – 15 APRIL 2009**

### **LICENSING ACT 2003 – CONSIDERATION OF APPLICATION TO VARY A DESIGNATED PREMISES SUPERVISOR**

**Punch Taverns Plc  
Travellers Rest  
Durham Road  
East Rainton  
Houghton le Spring  
DH5 9QT**

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

- 1.1 To consider an application by Punch Taverns Plc to vary the designated premises supervisor at The Travellers Rest, Durham Road, East Rainton, Houghton le Spring, DH5 9QT (a copy of the application form is attached as Appendix 1). For Members' information, the premises are located within the Hetton Ward. Punch Taverns Plc wish Wendy McDougal to be the designated premises supervisor.

#### **2.0 DESCRIPTION OF DECISION (RECOMMENDATION)**

- 2.1 Members are requested to consider the application and representations received from Northumbria Police and decide whether or not to grant the application.

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

- 3.1 Where a Chief Officer of Police notifies the authority that the exceptional circumstances of the case are such that granting such an application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied. The Chief Officer of Police has given such a notice to the Council. (Copy attached as Appendix 2).

#### **4.0 CURRENT POSITION**

- 4.1 Where a notice is given the authority must-
- a) hold a hearing to consider it, unless the authority, the applicant and the Chief Officer of Police who gave the notice agree that a hearing is unnecessary, and
  - b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.

## **5.0 REASONS FOR THE DECISION**

5.1 To facilitate compliance with the Act.

## **6.0 ALTERNATIVE OPTIONS**

6.1 None submitted.

## **7.0 RELEVANT CONSIDERATIONS**

7.1 Northumbria Police has submitted an objection to the application.  
A copy of the objection is attached as Appendix 2.

## **8.0 GLOSSARY**

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

## **9.0 APPENDICES**

9.1 Appendix 1 - Copy of application form  
Appendix 2 – Objection letter received from Northumbria Police

## **10.0 BACKGROUND PAPERS**

10.1 None

# Appendix 1

**Application to vary a premises licence to specify an individual as designated premises supervisor 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** PUNCH TAVERNS PLC

*(full name(s) of premises licence holder)*

**being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003**

**Premises licence number**

00CMPREM283

**Part 1 – Premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

Travellers Rest  
Durham Road  
East Rainton

**OUR REFERENCE: JJ/27846/202134 /JGC**

**Post town**

HOUGHTON LE SPRING

**Post code (if known)**

DH 5 9QT

**Telephone number (if any)**

0191 584 3184

**Description of premises (please read guidance note 1)**

PUBLIC HOUSE



**Part 2**

**Full name of proposed designated premises supervisor**

Wendy McDougall

**Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)**

**PERSONAL LICENCE NO:** 00CMPER1653

**ISSUING AUTHORITY:** Sunderland

**Full name of existing designated premises supervisor (if any)**

Brain Lowther

**Please tick yes**

I would like this application to have immediate effect under section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

**Reasons why I have failed to enclose the premises licence or relevant part of it**

**Please tick yes**

- I have made or enclosed payment of the fee ☒
- I will give a copy of this application to the chief officer of police ☒
- I have enclosed the consent form completed by the proposed premises supervisor ☒
- I have enclosed the premises licence, or relevant part of it or explanation ☒
- I will give a copy of this form to the existing premises supervisor, if any ☒
- 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 3 – Signatures** (please read guidance note 2)

**SIGNATURE OF APPLICANT OR APPLICANT'S SOLICITOR OR OTHER DULY AUTHORISED AGENT (SEE GUIDANCE NOTE 3). IF SIGNING ON BEHALF OF THE APPLICANT PLEASE STATE IN WHAT CAPACITY.**

Signature

*Ford & Warren*

Date 6 March 2009

Capacity SOLICITORS TO APPLICANT

**FOR JOINT APPLICANTS SIGNATURE OF 2<sup>ND</sup> APPLICANT 2<sup>ND</sup> APPLICANT'S SOLICITOR OR OTHER AUTHORISED AGENT (PLEASE READ GUIDANCE NOTE 4). 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 5)**

**FORD & WARREN  
WESTGATE POINT  
WESTGATE**

**Our ref: JJ/27846/202134 /JGC**

<b>Post town</b>	<b>LEEDS</b>	<b>Post Code</b>	<b>LS1 2AX</b>
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<b>TELEPHONE NUMBER (IF ANY)</b>	<b>0113 243 6601</b>
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<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> <b>clientmail@forwarn.com</b>
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Ford & Warren DPS CONSENT FORM

Consent of Individual to being specified as premises supervisor

I **Wendy McDougal**

.....  
[full name of prospective premises supervisor]

of

**9 Weldon Close  
Shotton Colliery  
Durham  
DH6 2YJ**

.....  
[home address of prospective premises supervisor]

herby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

**To vary a premises license to specify an individual as the DPS**

.....  
[type of application]

by

**Punch Taverns**

.....  
[name of applicant]

Relating to a premises licence

**00CMPREM283**

.....  
[number of existing license, if any]

for

**Travellers Rest  
Durham Road  
East Rainton  
Houghton le Spring**

.....  
[name and address of premises to which the application relates]



And any premises licence to be granted or varied in respect of this application made by

**Punch Taverns**

.....  
[name of applicant]

concerning the supply of alcohol at

**Travellers Rest  
Durham Road  
East Rainton  
Houghton le Spring**

.....  
[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below

Personal licence Number

**00CMPER1653**

.....  
[insert personal licence number, if any]

Personal licence issuing authority

**Sunderland City Council**

.....  
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

*Wendy McDougal*

Name (please print)

*WENDY MCDUGAL*

Date

*6/3/09*

Reason to change an individual to being specified as premises supervisor – please tick the appropriate box

Manager Change ☐

TAW Change ☒

Please tick if applicable

Emergency Change ☒

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Please forward all correspondence associated with this application to:

**Licensing – DPS Change  
Ford & Warren Solicitors  
Westgate Point  
Westgate, Leeds, LS1 2AX  
Fax No: 0113 242 0905**



# Appendix 2

William  
Sproates/5867/Northumbria  
Police/GB  
ext:

To clientmail@forwarn.com

cc

bcc

17/03/2009 11:21

Please think of the environment  
before you print

Subject Travellers Rest Your ref jj/27846/202134/jgc

I refer to the reference contained above The Police would wish to object to the application to the change of DPS to Miss Wendy Mcdougall as we believe there are exceptional circumstances whereby the granting of the application would undermine the crime prevention objective.

These circumstances surround incidents of Violence, theft, criminal activity and drunkenness at two premises in Sunderland where she has been in charge or has carried out the role as DPS. These are The Blandford Public House and The Grindon Mill.

Both Jonathan Blackmore (Punch Taverns) and John Coen are familiar with both premises.

Regards Bill Sproates (Licensing Co-ordinator)

Sent 11.21am 17/3/09 with return receipt.

W Sproates  
5867.