

LICENSING COMMITTEE

AGENDA

**Meeting to be held in the Civic Centre (Committee Room No.6) on
Monday, 28th November, 2016 at 2.00 p.m.**

ITEM	PAGE
1. Receipt of Declarations of Interest (if any)	
2. Apologies for Absence	
3. Minutes of the last meeting of the Committee held on 18th April, 2016 (copy herewith).	1
4. Licensing Act 2003 – Suspension of Premises License Due to Non-Payment of Annual Fee – Dandy Longlegs Limited	3
Report of the Chief Executive (copy herewith)	

ELAINE WAUGH,
Head of Law and Governance.

Civic Centre,
SUNDERLAND.
18th November 2016

At a meeting of the LICENSING COMMITTEE held in the CIVIC CENTRE on MONDAY, 18th APRIL, 2016 at 2.00 p.m.

Present:-

Councillor MacKnight in the Chair

Councillors Blackburn, Farthing, P. Gibson, Heron and Turner.

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, Elliott, G. Galbraith, I. Galbraith, Howe and Waller

Minutes of the Last Meeting of the Committee held on 20th July, 2015

1. RESOLVED that the minutes of the last meeting of the Committee held on 20th July 2015 be confirmed and signed as a correct record.

Licensing Act 2003 – Withdrawal of Club Premises Certificate Due to Club Ceasing to be a Qualifying Club

The Executive Director of Commercial Development submitted a report (copy circulated) which requested Members consideration of whether Washington Masonic Club, which currently held a club premises certificate, continued to satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate related.

(For copy report – see original minutes)

Mr Richard Reading, Trading Standards and Licensing Manager, advised that an invoice had been issued to the club requesting payment of the annual licence fee; this was returned unpaid. A letter was then sent to the club and the Club Secretary asking for confirmation of whether the club still met the criteria for being a qualifying club; no response had been received. An officer of the Council had also attended the premises and confirmed that the premises appeared to not be in operation as a qualifying club.

Members discussed the matter and Councillor P. Gibson moved that the Club Premises Certificate be withdrawn as the club had ceased being a qualifying club.

With all Members being in agreement it was:-

2. RESOLVED that the club premises certificate be withdrawn on the grounds that the club had ceased being a qualifying club.

(Signed) D. MACKNIGHT,
Chairman.

REPORT OF THE CHIEF EXECUTIVE

LICENSING COMMITTEE - 28 NOVEMBER 2016

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

**DANDY LONGLEGS LIMITED
1 BROCKHAMPTON CLOSE
BOLDON COLLIERY
NE35 9HD**

1.0 Purpose of the Report

- 1.1 The purpose of this report is to request members to consider suspending a premises licence for Dandy Longlegs Limited, situated at 38-40 Silksworth Row, Sunderland.

2.0 Description of Decision (Recommendation)

- 2.1 Members 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 19 March 2016.

3.0 Introduction/Background

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

(1) A licensing authority must suspend a premises 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 18 August 2016 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 38-40 Silksworth Row, Sunderland, had not been paid. Attached as appendix 1 is a copy of the invoice sent to Dandy Longlegs Limited. Council records indicate that Dandy Longlegs Ltd are the holders of the premises licence.
- 4.6 On 23 August 2016 a letter was sent to Mr Gavin Lish of Dandy Longlegs Limited with a copy of the outstanding invoice. The letter requested payment of the fee in full within 7 days from the date of the letter, failure to do so may result in the Council taking steps to suspend the licence. To date no payment has been received. A copy of this letter is attached as Appendix 2.
- 4.7 No correspondence has been received from the premise licence holder disputing either their liability or the fee.

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 Appearance before Committee

- 8.1 A representative of Dandy Longlegs Limited have been requested to attend.

9.0 Glossary

- 9.1 None

10.0 List of Appendices

- 10.1 Appendix 1 – Copy of Invoice dated 10 May 2016
Appendix 2 – Copy of letter sent to Dandy Longlegs Ltd on 23 August 2016.

12.0 Background Papers

- 12.1 None.

APPENDIX 1

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

COPY



WWW.SUNDERLAND.GOV.UK

INVOICE

VAT Registration No: GB178210271

Date: 10.05.2016

Invoice To:
Dandy Longlegs Limited
38/40 Silksworth Row
City Centre
Sunderland
Tyne and Wear
SR1 3QJ

Invoice Number: 2803033127
Date Payment due: 07.06.2016
Internal Ref: 14/02614/PRE
Customer Number: 114046
Purchase Order Number: 14/02614/PREM

Supply Date	Details	Amount £	VAT Rate %	VAT Amount £	Total Charge £
10.05.16	Licence Costs Licensing Act 2003 - Premises Licence Annual Fee for: Premises at 38 - 40 Silksworth Row, Sunderland, SR1 3QJ 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. 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. 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. Information on how to transfer a licence/certificate	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

By Fax: Our fax number is: (0191) 553 1784

FOR DETAILS ON HOW TO PAY PLEASE SEE OVERLEAF

IF A RECEIPT IS REQUIRED THEN PLEASE TICK THIS BOX

☐

VAT Registration No: GB178210271

Date: 10.05.2016

INVOICE continued

Invoice Number: 2803033127
Date Payment due: 07.06.2016
Internal Ref: 14/02614/PRE
Customer Number: 114046

Supply Date	Details	Amount £	VAT Rate %	VAT Amount £	Total Charge £
	<p>can be found on the Council's website at www.sunderland.gov.uk/index.aspx?articleid=7816.</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 licensing@sunderland.gov.uk.</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>				
Total Amount Due		180.00		0.00	180.00

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 Arndale 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, click on "Payments Online" 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, 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.

APPENDIX 2

Mr Gavin Lish
Dandy Longlegs Limited
1 Brockhampton Close
Baldon Colliery
NE35 9HD

Date: 23rd August 2016
Our ref: SM/14/02614/PREM
Your ref:

This matter is being dealt with by:

Licensing Section, 0191 5205550, licensing@sunderland.gov.uk

Dear Sir,

LICENSING ACT 2003
FAILURE TO PAY ANNUAL FEE IN RESPECT OF 38 - 40 SILKSWORTH ROW
SUNDERLAND

I have been advised that you have failed to pay the annual fee in respect of the premises licence pertaining to the above mentioned premises. I enclose a copy of the relevant invoice sent to you previously.

I must inform you that, unless this fee is paid in full within seven days from the date of this letter, the Council may take steps to suspend your licence. It would then be illegal to provide licensable activities at the premises under the authorisation of this licence until the annual fee is paid.

Details on how to pay this annual fee are included on the rear of the copy invoice.

After paying the annual fee you should contact the Licensing Section immediately, either by telephone on 0191 5205550 or via e-mail at licensing@sunderland.gov.uk, and provide your payment receipt number in order to avoid your licence being suspended.

Should you wish to discuss this matter further, please do not hesitate to contact the licensing section.

Yours faithfully

Mrs S Turns
Licensing Enforcement Assistant