

## LICENSING SUB-COMMITTEE

### AGENDA

Meeting to be held on Thursday, 13<sup>th</sup> August, 2020 at 10:00a.m.

This meeting will be held remotely. Joining details will be emailed to all participants.

The meeting will be livestreamed for the public to view on the Council's YouTube channel, 'sunderlandgov' at:-

<https://youtu.be/cf7RpNc2ZFI>

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Licensing Act 2003 – Consideration of an Application for the Grant of a Premises Licence – The Little Shop, 313 High Street West, Sunderland, SR1 3ET  Report of the Director of Neighbourhoods (copy herewith).	1

**E. WAUGH,**  
**Assistant Director of Law & Governance.**

Civic Centre,  
SUNDERLAND.

5<sup>th</sup> August, 2020

For further information and assistance, please contact Matthew Jackson on 561 1055



# **REPORT OF THE DIRECTOR OF NEIGHBOURHOODS**

## **LICENSING SUB-COMMITTEE – 13 AUGUST 2020**

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

#### **THE LITTLE SHOP, 313 HIGH STREET WEST, SUNDERLAND SR1 3ET**

#### **HOLMESIDE COFFEE LIMITED**

### **1.0 PURPOSE OF REPORT**

- 1.1 To consider an application to grant a premises licence in respect of the above-mentioned premises.

### **2.0 DESCRIPTION OF DECISION**

- 2.1 When determining the application the Sub-Committee is requested to have regard to the representations referred to 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 application subject to the operating schedule modified to such extent as the Sub-Committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
  - b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - c) to refuse to specify a person in the licence as the premises supervisor;
  - d) to reject the application.

### **3.0 INTRODUCTION/BACKGROUND**

- 3.1 Relevant representations have been received in relation to the application which is detailed at section 4.0.
- 3.2 A copy of the application form and premises plan are attached as Appendix 1. According to information provided by the applicant, the business operates predominantly as a coffee shop, selling speciality coffee and homemade donuts. The business has been trading for approximately 18 months. Plans showing the location of the premises along with the surrounding area of the City Centre are shown at Appendix 2.
- 3.3 Prior to making the application the applicant served a series of Temporary Event Notices (TENs) seeking occasional authorisations for the sale of alcohol for consumption off the premises situated at 313 High Street West, Sunderland, between the hours of 11.00am and 5.30pm on the following dates:

27<sup>th</sup> to 31<sup>st</sup> May 2020 (5 days)

3<sup>rd</sup> to 7<sup>th</sup> June 2020 (5 days)

11<sup>th</sup> to 13<sup>th</sup> June 2020 (3 days)

17<sup>th</sup> to 20<sup>th</sup> June 2020 (4 days)

24<sup>th</sup> to 27<sup>th</sup> June 2020 (4 days)

Relevant authorisations were approved in respect of the above events following no objections received from either the Police or the Council's Environmental Health Service. Also, according to the Council's records no complaints were received following these temporary events.

- 3.4 Whilst the applicant had initially requested an authorisation for the sale of alcohol for consumption both on and off the premises, they subsequently amended the application to the effect that alcohol sold would be for consumption off the premises only. In summary the confirmed proposed licensable activities are detailed as follows:

Licensable Activity	Proposed Hours
Sale by retail of alcohol	Every Day 11:00 to 23:00 (For consumption Off the premises only)
Playing of Recorded Music	Every Day 11:00 to 23:00

- 3.5 In line with statutory procedures a 28-day consultation period was allowed for any representations to be made. During this period the applicant's legal representative Mincoffs Solicitors engaged with Northumbria Police regarding the detail of the application and agreed a number of conditions to be attached to the premises licence should the application be granted. The list of agreed conditions is contained within an Operating Schedule submitted by the applicant's solicitor which also provides further information in support of the application. A copy of such document is attached as Appendix 3. The Police have confirmed that they have no objections to the grant of a premises licence subject to the conditions contained within the Operating Schedule. Also, no representations have been received from any of the other Responsible Authorities.

#### **4.0 CURRENT POSITION**

- 4.1 Two representations were received in objection to the application, one from a resident of the Mowbray Almshouses and the other made on behalf of the residents of the Jane Gibson Almshouses. Following receipt of the representations the Principal Licensing Officer contacted the objectors or their representative and provided them with a copy of the applicant's agreed conditions with the Police as contained within the Operating Schedule shown at Appendix 3. The objectors were asked whether, in light of the applicant's agreed conditions with the Police along with the additional supporting information provided, they would be prepared to reconsider their position regarding the application. In response to these communications the resident objector of the Mowbray Almshouses confirmed that they were satisfied to withdraw their objection. However, the person representing the residents of the Jane Gibson Almshouses stated that the residents still wish to uphold their objection. The residents' representative further stated that whilst the

information provided on behalf of the applicant had been helpful, they felt that it does not go far enough to ensure that the quality of life of these elderly and vulnerable people will not be affected. A copy of the representation made on behalf of the residents of the Jane Gibson Almshouses is attached as Appendix 4.

- 4.2 As part of its current Statement of Licensing Policy the Council resolved to publish a Cumulative Impact Assessment which indicates that “we consider that the numbers of relevant authorisations in respect of premises in certain parts of the City are such that it is likely that it would be inconsistent with our duty to carry out our functions under the Act (Licensing Act 2003) with a view to promoting the licensing objectives to grant any further relevant authorisations for the sale of alcohol in those areas.”
- 4.3 The Cumulative Impact Assessment (CIA) relates to 7 areas of the City, including the City Centre and East End (parts of Hendon, Millfield and St Michael’s wards). The premises to which the application relates are located within the City Centre CIA.
- 4.4 The CIA does not relieve responsible authorities (and any other persons) of the need to make a relevant representation, before the Council lawfully refuse an application.
- 4.5 The CIA also states that “the Council will consider properly the circumstances of all applications in respect of where relevant representations are received. Those applications which are considered to be unlikely to add to the existing cumulative impact upon the licensing objectives may be granted.”
- 4.6 The CIA further states that “the Council intends that the City Centre should remain as an area where it would encourage business to set up. The Council recognises that a dynamic trading environment will feature applications for new licences. The Council considers that the operation of well-run, high quality licensed premises should not have an impact upon the licensing objectives. The Council, therefore, would welcome the submission of applications for new licences by businesses whose operations would significantly enhance the economic vitality of the City Centre.”
- 4.7 Taking account of the scale of the applicant’s proposed off licensed operation along with other factors including the location of the premises, Northumbria Police are satisfied that the granting of the application should not add to the existing cumulative impact of the availability of alcohol that currently exists within the area of the premises. The Council’s Licensing Service, acting in its role as a Responsible Authority, is in agreement with the Police in this regard. Also, as stated in 3.5 above, no representations have been received in respect of the application from any of the other Responsible Authorities. The applicant’s solicitor has also provided some information in response to the Council’s CIA, and submits that the granting of the application on the terms applied for will not add to the cumulative impact of the availability of alcohol in the City Centre. A copy of this submission is attached as Appendix 5.

## **5.0 REASONS FOR THE DECISION**

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

## **ALTERNATIVE OPTIONS**

6.1 None submitted.

## **6.0 RELEVANT CONSIDERATIONS/CONSULTATIONS**

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

## **7.0 GLOSSARY**

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

## **9.0 LIST OF APPENDICES**

- Appendix 1 – Application form and plan of premises.
- Appendix 2 – Location plans
- Appendix 3 - Applicant's Operating Schedule including list of agreed conditions
- Appendix 4 - Representation on behalf of residents of Jane Gibson Almshouses.
- Appendix 5 - Applicant's submission regarding the Council's Cumulative Impact Assessment.

## **10.0 BACKGROUND PAPERS**

10.1 None.

# APPENDIX 1

\* required information

## Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

ben

\* Family name

wall

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes

☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

10028324

Business name

Holmeside Coffee Ltd

If your business is registered, use its registered name.

VAT number

none

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company



*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

#### Confirm The Following

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

### Section 4 of 21

#### NON INDIVIDUAL APPLICANTS

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

#### Non Individual Applicant's Name

Name

Holmeside Coffee Ltd

#### Details

Registered number (where applicable)

10028324

Description of applicant (for example partnership, company, unincorporated association etc)

**Continued from previous page...**

Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /

\* Nationality  Documents that demonstrate entitlement to work in the UK

[Add another applicant](#)

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Small commercial unit

**Continued from previous page...**

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

#### **Section 6 of 21**

##### **PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

#### **Section 7 of 21**

##### **PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

#### **Section 8 of 21**

##### **PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

#### **Section 9 of 21**

##### **PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

#### **Section 10 of 21**

##### **PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

#### **Section 11 of 21**

##### **PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes

☐ No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Background music

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## Section 12 of 21

### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes ☒ No

## Section 13 of 21

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

## Section 14 of 21

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

#### TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

☐ On the premises    ☐ Off the premises    ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

**Name**

First name

Family name

Date of birth  /  /

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.



Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

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Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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*Continued from previous page...*

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The premises will operate a challenge 25 scheme.

The premises will be staffed by experienced staff, who are knowledgeable of the licensing objectives

CCTV will be installed at the premises

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

**Continued from previous page...**

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

**Continued from previous page...**

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 21 of 21

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. To calculate the application fees please visit the VOA Business Rates Website (link available on our website) to obtain the rateable value for your premises. Once you have obtained the rateable value you can then access our website and click on the fees document to ascertain the correct amount.

\* Fee amount (£)

100.00

### DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

[Redacted]

\* Capacity

[Redacted]

\* Date

17 / 06 / 2020  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/sunderland/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

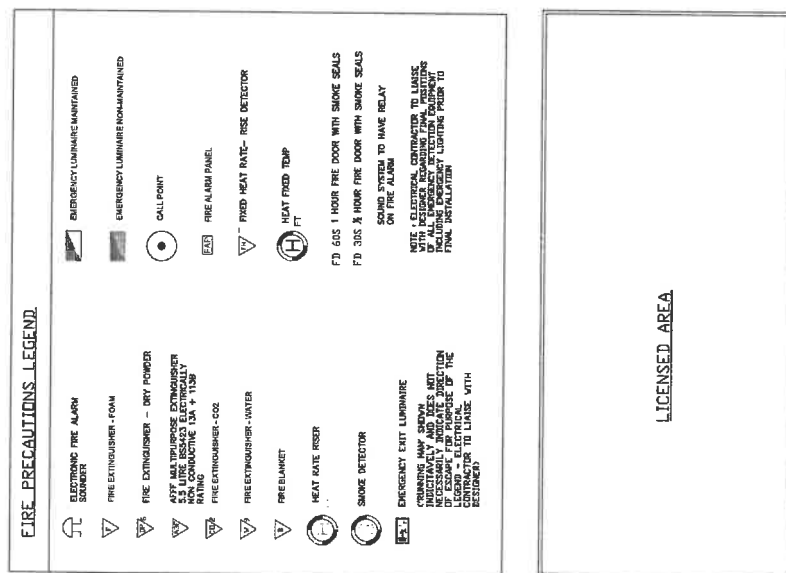
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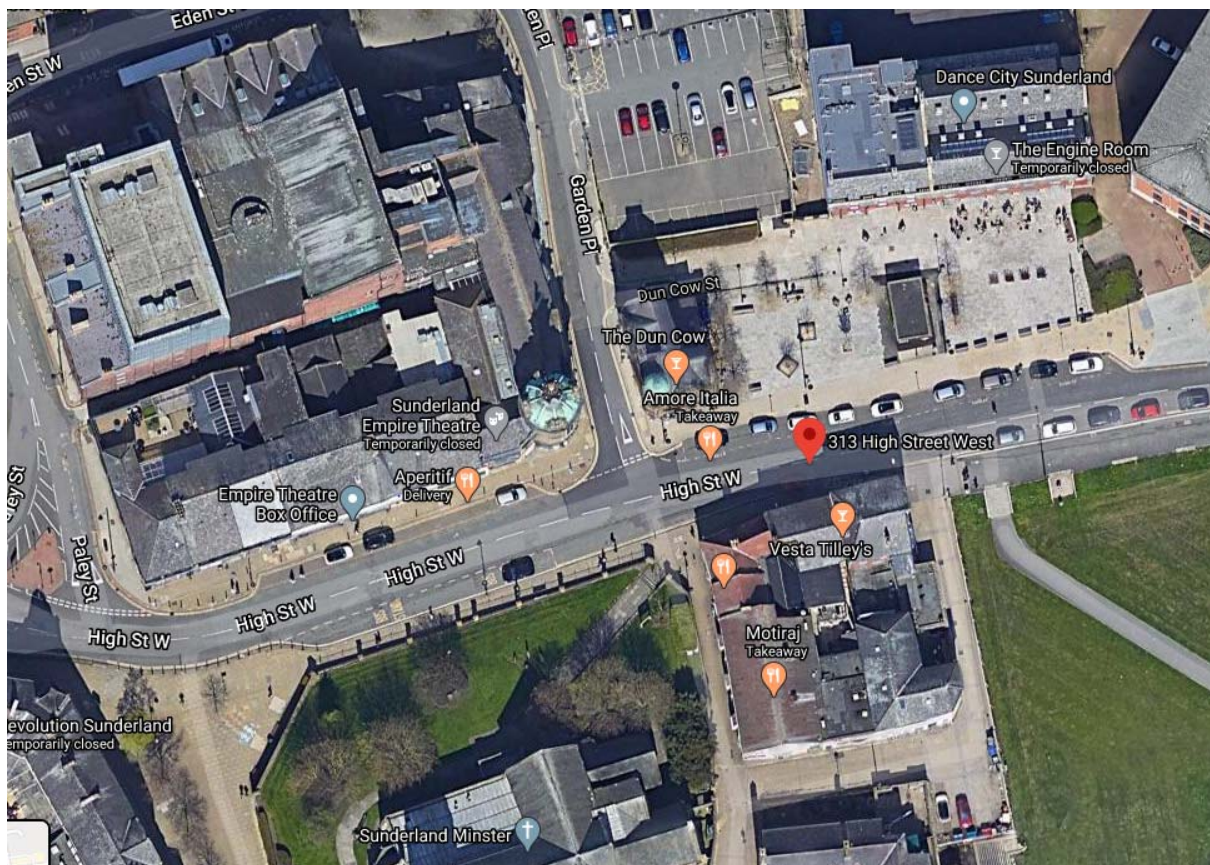








# APPENDIX 2







# APPENDIX 3

## **The Little Shop, 313 High Street West, Sunderland, SR1 3ET**

### **Operating Schedule**

#### **Applicants**

Holmeside Coffee Limited has applied for a premises licence in respect of 'The little Shop' at 313 High Street West, Sunderland, SR1 3ET. The premises have operated as a coffee shop for the past 18 months, operated by the directors of the company Ben Wall and Joseph Collins. This business is operated alongside their other sister business, Holmeside Coffee. Holmeside Coffee operates out of the Winter Gardens with an alcohol licence, for on and off sales. That premises is much larger and has a very different operating style, with a full sit down food menu, and caters to a different clientele who has different needs.

#### **Applicant Premises**

The Little Shop is 3.5 metres wide and 5 metres long; hence the name. The size of the premises limits the offer available. The premises trades predominantly as a coffee shop, with home-made donuts, doing lots of take outs with a Pre-Covid capacity of 6. Holmeside Coffee Limited has a reputation in Sunderland as a provider of high quality coffee, delivering a speciality blend of coffee, designed especially for them by their London based 'roastery'. The company does not bake their own beans, but does grind their own blend which guarantees freshness.

#### **The Concept**

The applicants are local, know the market, know the area and are looking to offer something a little different. To test out the concept they have operated the premises under a series of Temporary Events Notices, which ran without any issue at all selling predominantly craft ales for limited periods. The responsible authorities knew the purpose of these TEN's and having monitored the premises have not objected to this application (that we are aware at the time of writing). It is perhaps worth mentioning that we have agreed conditions with the Police, as attached, which reflect how the premises will trade. That initial period of trading had been useful in understanding what was required within these agreed conditions.

This new concept was operated during lockdown to help the business, during what has been a very difficult trading period for all premises in Sunderland. Now that we have emerged



from Lockdown, the premises are able to trade again, but not in the same way. With limited space it currently operates a 'one in one out' arrangement for take away coffee and snacks only, which might change over time. Should this application be successful, that take away service would also include alcohol.

### **Alcoholic Products**

In order to add to the offering within the premises, the shop has looked to move into another quite specialist field by providing certain types of alcoholic beverage. They will, to coin a phrase Ben has used, provide anything 'hip', and certainly not provide what would be considered to be mainstream beverages available outside of pubs. In order to achieve this the business has drawn on Ben's licensing experience, as the operator of The Independent, Mexico 70 and The Ship Isis. Ben has used his contacts and wants to provide specialist craft products, English wines and limited edition runs of previously un-bottled local brands. They hope at some point to also move into a range of spirits.

The prices of products in the premises will reflect the quality of the products on offer. They will not be priced in such a way as to encourage irresponsible purchases and the premises will not stock products typically associated with anti-social behaviour, such as certain brands of strong cider and perry.

The particular target demographic for these products is 25+, that being reinforced by research the applicant has carried out in the market, and their initial trading period. The conditions agreed with the Police reinforce the approach to quality of product, particularly at condition 7, as does the premises commitment to work with the Police and Council. This we believe is reinforced by the applicant's reputation within the City as a good and responsible operator.

### **Location of the premises**

The location of the premises, opposite the Theatre, has in the past had the effect of extending what would be a normal trading period later into the evening, with customers waiting for shows etc. Currently the premises cannot accommodate seated customers in any capacity, and the Theatre is not trading. So, at present that trade is not there, but will return at some point. Once shows return to the Theatre, it is hoped they will get coffee customers before shows, and the trading hours will allow customers leaving shows to pop in to buy a drink to take home.

### **Small events/Tasting sessions**

At some point they would like to be able to offer tasting sessions for ranges of products, to small groups. Groups could be no larger than 6 (subject to the complete abandonment of social distancing). They would also look to offer 'tasters' during trading hours as a means of educating their customers. Such tastings would be free, and based on the discretion of management. They would therefore not be classed as 'on sales'. They are not intended as an inducement to drink alcohol, but to educate the palate of the clientele, to make sure they purchase a product they are completely happy with. Such promotions also have the effect of driving customer loyalty and repeat sales.

### **Responsible Operating**

Everything taking place at the premises will always be in a responsible way. Staff will be trained in relation to the responsible sales of alcohol, and their responsibilities under the Licensing Act 2003. That training will be refreshed annually. The training will include operating Challenge 25, with details as to the acceptable forms of ID. Staff will be trained on the use of a refusals register for recording refusals of sales. This will also include instances where customers are drunk or it is believed proxy purchases may be taking place. Further, the premises will operate an incident book for recording anything of concern in the area, subject to Police guidance. Anything occurring at the premises or immediately outside will also be covered by the premises new CCTV system, which will add to the surveillance in the area and provide a deterrent to anti-social behaviour.

### **Conditions consistent with the Operating Style of the Premises**

1. A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Northumbria Police. Such a system shall:-
  - a. Be operated by properly trained staff;
  - b. Be in operation at all times that the premises are being used for a licensable activity;
  - c. Ensure coverage of all entrances and exits to the licensed premises internally and externally;
  - d. Ensure coverage of such other areas as may be required by the Licensing Authority and Northumbria Police;
  - e. Provide recording facilities for each camera to a good standard of clarity. Such recordings shall be retained for a period of 28 days and shall be supplied to the Licensing Authority or a representative of Northumbria Police on request,
  - f. During times licensable activities are provided, a member of management or staff will be contactable and trained in the retrieval of CCTV footage, with the ability to download relevant footage of any request from Northumbria Police to do so.

2. A staff training record shall be maintained at the premises. All staff shall receive training in their responsibility under the Licensing Act 2003 before being permitted to sell alcohol at the premises, all members of staff, paid or unpaid shall receive this training. Staff will receive refresher training on their responsibilities at least once every 12 months. Training records will be available on request to an Officer of the Council or representative of Northumbria Police.
3. A Refusals/incident Register will be maintained by staff and kept at the Premises. Any refusals shall be documented and kept on file for inspection by the Local Authority, Trading Standards Officer or a representative from Northumbria Police immediately upon request. Details shall include time, date and signature of the person recording and any action taken including staff details/persons/witnesses
4. All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 and who is seeking to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will either be a current passport, photographic full driving licence, or proof of age card carrying the hologram 'PASS' logo or HM Forces ID card.
5. The PLH/DPS must ensure that at all times when the premises are open for any licensable activity there are sufficient, competent staff on duty at the premises for purpose of fulfilling the terms and conditions of the licence and for promoting the licensing objectives.
6. Staff shall refuse to sell any age restricted products to adults who they suspect of passing to those under-age. Details of such refusals shall be kept on file for inspection by the Local Authority, Trading Standards Officer or a representative of Northumbria Police immediately on request
7. Beer, lager or cider with an ABV of above 5.5% shall not be sold at the premises. This restriction will not apply to premium products such as craft or speciality beer, lager or cider in which case products falling within this definition can be sold with an ABV of above 5.5%

# APPENDIX 4

Jane Gibson Almshouses  
Church Lane  
Sunderland  
Registered Charity No: 223223

20th July 2020

To whom it may concern,

I write concerning the application by Holmeside Coffee Ltd for a licence to retail alcohol and provide recorded music.

On behalf of the residents of the Jane Gibson Almshouses, I object in the strongest possible terms.

The residents are very elderly and already suffering enough noise and alcohol related issues (including cans and bottles, trash leading to rats etc.) from the patrons of Vesta Tilley's and Spice Empire. Another licensed premises in this confined area along with the new Minster Park as a location for drinking will, without doubt lead to a major increase in anti-social behaviour and vandalism along with increasing the fear of the residents to leave their own homes during the day as well as in the evening as is already the case.

I would urge you for the sake of these elderly residents, as well as for the sake of the protection of this expensively created park in the Minster Quarter, to reject this application.

Yours Faithfully,

# APPENDIX 5

## **The Little Shop**

### **Cumulative Impact Policy Response**

In 2019 Sunderland City Council amended its Statement of Licensing Policy ("SOLP"). Part of this amended policy included the imposition of Cumulative Impact Areas ("CIA's") within the City, briefly explained at section 7, page 11 (As an Addendum Note to Section 7), and more fully developed at Appendix 3, from page 57 onwards.

The council, on 19<sup>th</sup> September 2018, *"resolved to publish a cumulative impact assessment which indicates that we consider that the numbers of relevant authorisations in respect of premises in certain parts of the City are such that it is likely that it would be inconsistent with our duty to carry out our functions under the Act with a view to promoting the licensing objectives to grant any further relevant authorisations in those areas."*

The SOLP recognised 7 areas, in which the new CIA relates. Those areas of the City were:

- the City Centre and East End (parts of Hendon, Millfield and St Michael's wards);
- Millfield and Pallion (parts of each ward);
- Hendon (parts of Hendon and St Michael's wards);
- Southwick;
- Shiney Row;
- Washington North; and
- Hetton (parts of Copt Hill and Hetton wards).

The applicant's premises falls within the City Centre CIA, and falls within the definition as a result of applying for an "off licence" to sell alcohol.

It is important to point out that the existence of the CIA does not change the way in which any application should be approached. Applications should be judged on their own merits (SOLP, para 5.1, p9), and that applicants are expecting to incorporate into their operating plans steps to promote the licensing objectives, such as those agreed with Northumbria Police.

However, whilst the SOLP describes the Licensing Act 2003 at being 'permissive' (SOLP, Para 1.17, p3), if representations are received then a licence will not be granted unless those representations can be mediated or the application is granted before the Licensing Committee. In the context of the councils CIA, granting applications would also be against the backdrop of the current CIA's, where that is engaged.

It seems from Para 7.1 that the intention of the CIA was that it would be applied whenever the council receive a relevant representation from a responsible authority or another person. However, the Addendum at para 7(a) removes this section, so we are not clear as to how and when this CIA policy is to be applied, and whether it is qualified in any way, and whether it might only be instigated when it is called upon? An example of that might be objecting on the basis of Cumulative Impact. Appendix 3 assume it is automatically engaged although para 7 is not clear on that point.

### **The Little Shop**

It appears that any assessment for Cumulative Impact in respect of this application is only triggered by an application for the off sale of alcohol. So, initially, for the sake of this application, it appears that the existing inoffensive characteristics of the premises are incidental. Meaning, operating a café until 23:00 is not an issue, and it is only the sale of alcohol which changes things.

Interestingly, para 8.1 of the SOLP lists other factors which recognise that there are other 'mechanisms for controlling cumulative effect', that the council might use. We would suggest the implementation of some of those 'mechanisms' by the applicant has assisted in reducing any potential impact of the premises on the licensing objectives and the CIA, thus rebutting the presumption in terms of refusal. The applicant has committed to the installation of CCTV and they have cooperated with the Police. Further, it is perhaps worth pointing out that the application has received no representations from any of the responsible authorities here, and that must be a factor of significant weight in considering whether to grant this application. Certainly, the S.182 Guidance at para 9.12, which states that:

"Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective...."

### **Size of premises**

This premises, is by comparison to larger licensed premises offering off sales, very small. This premises could fit multiple times within the alcohol aisle of all of the major supermarkets in Sunderland, and only a small proportion of this business would be given over to alcohol sales. Its impact by comparison would also be similarly tiny. Certainly this is a factor mentioned as one of the bullet points in para 5.2 of the SOLP, being "the use of the premises and the numbers of people likely to attend". Clearly, the size of the premises dictates the number of people likely to attend.

The size of the premises, is small so any impact would be inconsequential, by comparison to much larger off sale type premises. Combined with its capacity and range of products this limits its potential clientele, which is a lot more selective than your standard 'lager drinker'. Customers identified so far, with the premises trial run, and connoisseurs of finer products for which they are prepared to pay a premium. So the price of the products is also a factor drawing customers away from binge drinking or possibly buy larger quantities of alcohol than they perhaps need. That makes for more informed purchasing decisions.



### **Availability of alcohol**

Whilst we would accept that there is evidence in other countries to suggest that decreasing the availability of alcohol decreases consumption, these are not like for like comparisons. How could they be, since we have different laws and cultures. Taking Canada as an example, alcohol sales are in most territories controlled by the government, with some private retail in limited circumstances, such as locally produced beers etc. Drinking ages also differ and consumption in public areas is generally forbidden. In these circumstances the government can therefore directly control availability, since they are in control of supply. Therefore, such a comparison seems erroneous when talking about Sunderland.

However, if the council were to identify certain products sold from 'off licences' then such a control might be possible in terms of conditions on our premises licence possibly relating to product types or premises characteristics. Such control might be achieved for example by more tightly controlling how we operate if that were felt necessary. Operating style conditions are used in other local authority areas, such as Durham, Middlesbrough and Newcastle. A condition to control the operating style might be as follows:

*"The premises will trade as a café offering off sales only in respect of select products. Those products will be beers, lagers, ciders, wines and spirits not typically available in a retail environment, outside of speciality premises such as this. For example, this would include local craft ales, English wine and locally produced gins. It would not include large scale commercially produced products available nationally in large supermarkets, such as Fosters, Stella Artois, Woodpecker Cider, or Blue Nun. If the premises are no longer ran in this 'operating style' it must consult with the licensing authority as to whether a variation of the premises licence, or a new premises licence application, is required and the premises licence holder will comply with that direction"* [NB: This is provided only as an example, although the applicant would be open to something similar].

### **Alcohol Price**

Para 1.16 of the Council's SOLP talks about price in the context of MUP and regulating alcohol harm reduction. It is perhaps worth mentioning that the products on offer at the premises have been, and will be premium products and not the cheap cider/perry/lager often associated with street drinking and consumption by those leading a chaotic lifestyle. For that reason, we were happy to agree condition 7 with the Police as a means of placing a form of control over the stronger types of products on sale, which are often the stronger and cheaper alcohol products. This also fits in with the council's SOLP at Para 24.1, since it encourages responsible drinking. Our client would also be happy to sign up to the council's voluntary code of good practice in respect of the products it sells, but given some of the specialist products it will sell could not agree a per unit price.

It would make far more sense that the individual applicant premises be considered as a whole, and in light of all factors, not just one part.

This application could fall outside of the CIA criteria, if it were considered to be unlikely to add to the existing cumulative impact upon the licensing objectives. There is a form of assessment carried out for the CIA areas, contained from pages 58 to 84 of the SOLP. It makes a number of comments, which we feel would draw attention and concern away from this type of premises. Those are:

1. We can emphatically say that the products on offer at the premises will not impact upon hospital admissions for under 18's, since our products are not attractive to that age range.
2. The premises will not be selling alcohol for immediate consumption on the premises, so is extremely unlikely to be adding to perceived problems in the City connected with on sales (referred to on page 59 at para 1.6), assaults in on-licensed premises and hospital admissions.
3. The premises hours are limited in the application, with sales only taking place between 11:00 and 23:00 so in terms of its impact it is narrowed. So one would expect that this premises will not have the level of impact expected of premises "operating late at night and in the early hours of the morning [which] can cause a range of nuisances." (para 12.2 SOLP, p14). Chapter 13 of the SOLP deals with Licensing Hours, but focuses mostly on 'on licensed' premises. Where it does refer to off sales, it states at para 13.4:

*"The Council will generally consider licensing shops to sell alcohol for consumption off the premises at any times they are open for shopping. However, we may restrict those hours, e.g. where the Police or local residents make representations in respect of disorder and disturbance, in order to prevent a breach of the licensing objectives."*

We believe that this is saying applications will be granted during operating hours, but may be restricted where representations are received. However, in referring to those representations it mentions the premises effect, which we understand to mean 'with evidence'. There is simple no evidence here of that impact from this premises when it has operated.

In having considered the comments above, it should also be kept in mind that the existence of a CIP does not absolve parties from the need to make a relevant representation. That means that there must be sufficient reason to raise a representation for the CIA to then kick into place (p57, para 2). There must be a factor, or factors, which give rise to the identified concern. It is therefore a logical conclusion, drawn by the council, that "Those applications which are considered to be unlikely to add to the existing cumulative impact upon the licensing objectives may be granted" (Page 57, para 3). Indeed, in such circumstances you

may find that those premises are different from other premises or are in some way exceptional enough to be granted a premises licence.

### **A Dynamic Business**

We believe that this application fits the description provided by the council at para 4 of page 57, as being the type of business that would "significantly enhance the economic vitality of the City Centre", because it has already proved itself to be a "dynamic business" which is "Well run [and] high quality". Of great assistance in assessing the potential impact of this application must be the period of trading with off sales of alcohol from the premises under temporary events notices. This was carried out with the cooperation of the Police and the Licensing Authority. The necessary risk assessment and evaluation of the trading style has in fact allowed conditions to be agreed with the Police during the application period.

In such areas where these policies exist, applications which receive representations will have to satisfy the Licensing Committee that they will not add to the cumulative impact, already felt to be in existence, before they can be granted. which was implemented in the City Centre following consultation with various stakeholders and partners.

### **Conclusion**

So, the imposition of CIA's in Sunderland is not a bar at all on new applications or applications which significantly change the character or capacity of a premises. The revised SOLP is designed to have more detailed application criteria, and act as a gate keeper; something to make sure that the City is not simply adding to existing problems caused by certain types of premises. Unfortunately, the Policy doesn't sufficiently identify the types of premises it is looking to target. That is unfortunate, because in taking such a broad brush approach to all premises, there is no obvious differentiators which might make decisions a little clearer. Here for example, all off licences are treated the same, when clearly this premises differentiates itself significantly from others. The same might be said for example of micro pubs or much more generally in terms of restaurants. I give these examples since these are all premises where typically there are fewer issues.

In terms of this application specifically; it does not present as the type of premises which would cause the issues, which in turn delivers the statistics quoted and presented in pictorial format within the policy. Put short: it will not add to the cumulative impact felt in the City Centre. It will enhance the area further.

We would say that this is an application which should be "considered to be unlikely to add to the existing cumulative impact upon the licensing objectives [and therefore] may be granted' (SOLP, Appendix 3.3). This is echoed at Para 1.6 where it states ".....We may, if we consider it appropriate, deviate from the policy but would need good reasons, which we can justify, to do so". We feel that those reasons have been given.

**END.**