

**REPORT OF THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE
LICENSING SUB-COMMITTEE – 1 FEBRUARY 2019**

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

**FOXCOVER SERVICE STATION, DURHAM ROAD, SUNDERLAND, SR3
3ND.**

Gradebrook Filling Stations SE Ltd.

1.0 PURPOSE OF REPORT

- 1.1 To consider an application to vary 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 representation 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,
- 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 One representation has been received in relation to the application which is detailed at section 4.0.
- 3.2 A copy of the application form is attached as Appendix 1.

4.0 CURRENT POSITION

- 4.1 The above application was originally listed to be considered by the Committee on 28 January 2019. The Hearing has been rescheduled for 1 February 2019 to allow the attendance of the applicant's legal representative.
- 4.2 Northumbria Police have submitted a representation in respect of the application on the grounds of crime and disorder. A copy is attached as Appendix 2. The application relates to the removal of the following condition:

‘No customers/members of the public may be allowed to enter the premises between the hours of 22:00 and 06:00. A night service hatch may be used between these hours’.

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 – Representation from Northumbria Police.

10.0 BACKGROUND PAPERS

- 10.1 None.

Appendix 1

31/12/18

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.

I/We Gradebrook Filling Stations SE Ltd

(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	401742 00CMPREM00939
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Foxcover Service Station Durham Road Middle Herrington Sunderland			
Post town	Sunderland	Postcode	SR3 3ND

Telephone number at premises (if any)	0191 528 1703
Non-domestic rateable value of premises	£ 16,250

Part 2 – Applicant details

Daytime contact telephone number	0191 528 1703		
E-mail address (optional)	Foxcover.gradebrook@btconnect.com		
Current postal address if different from premises address	Unit 16 Fifth Avenue Bluebridge Industrial Estate Halstead Essex		
Post town	Halstead	Postcode	CO9 2SZ

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 YYYY

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

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

Foxcover service station is a 24 hour service station situated on Durham Road Sunderland and has held a premises licence for a number of years without incident. Under section 3 appendix 2 of our current licence conditions we are only allowed to serve through a night pay window between the hours of 10pm and 6 am.

We wish to request that this condition be removed to allow customers and taxi drivers access to the shop. We have recently upgraded our CCTV and we plan to increase the number of staff working on the night shift to improve security and control of the site.

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:

N/A

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 see guidance note 3)

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

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	
Sun				

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	24 hour		State any seasonal variations for the supply of alcohol (please read guidance note 6) The service station operates 24 hours, we currently serve customer through a night pay window between the hours of 10pm and 6 am. We wish to double man the service station 24 hours and open the door to allow customers to enter the shop – Currently our licence only allows us to serve through a night pay window. So the only change is to allow customers to enter the shop		
Tue	24 hour				
Wed	24 hour				
Thur	24 hour		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 7)		
Fri	24 hour		The service station operates 24 hours, we currently serve customer through a night pay window between the hours of 10pm and 6 am. We wish to double man the service station 24 hours and open the door to allow customers to enter the shop – Currently our licence only allows us to serve through a night pay window. So the only change is to allow customers to enter the shop		
Sat	24 hour				
Sun	24 hour				

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 10).

NO Changes

The service station operates 24 hours, we currently serve customer through a night pay window between the hours of 10pm and 6 am. We wish to double man the service station 24 hours and open the door to allow customers to enter the shop – Currently our licence only allows us to serve through a night pay window.

So the only change is to allow customers to enter the shop

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	24 hour		<p>NO Changes</p> <p>The service station operates 24 hours, we currently serve customer through a night pay window between the hours of 10pm and 6 am. We wish to double man the service station 24 hours and open the door to allow customers to enter the shop – Currently our licence only allows us to serve through a night pay window.</p>
Tue	24 hour		<p>So the only change is to allow customers to enter the shop</p>
Wed	24 hour		<p><u>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</u> (please read guidance note 7)</p>
Thur	24 hour		<p>NO Changes</p> <p>The service station operates 24 hours, we currently serve customer through a night pay window between the hours of 10pm and 6 am. We wish to double man the service station 24 hours and open the door to allow customers to enter the shop – Currently our licence only allows us to serve through a night pay window.</p>
Fri	24 hour		<p>So the only change is to allow customers to enter the shop</p>
Sat	24 hour		
	24 hour		
Sun	24 hour		

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.

Foxcover service station is a 24 hour service station situated on Durham Road Sunderland and has held a premises licence for a number of years without incident. Under section 3 appendix 2 of our current licence conditions we are only allowed to serve through a night pay window between the hours of 10pm and 6 am.

We wish to request that this condition be removed to allow customers and taxi drivers access to the shop. We have recently upgraded our CCTV and we plan to increase the number of staff working on the night shift to improve security and control of the site.

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.

We are waiting for the copy of the new licence and therefore have sent a copy of the old 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 11)

We have full CCTV coverage of the shop and will be increasing our staff numbers, Allowing people into the service station should reduce any noise.

b) The prevention of crime and disorder

We have full CCTV coverage of the shop and will be increasing our staff numbers, Allowing people into the service station should reduce any noise and stop ques at the night pay window.

c) Public safety

We have full CCTV coverage of the shop and will be increasing our staff numbers, Allowing people into the service station should reduce any noise and stop ques at the night pay window.

d) The prevention of public nuisance

We have full CCTV coverage of the shop and will be increasing our staff numbers, Allowing people into the service station should reduce any noise and stop ques at the night pay window.

e) The protection of children from harm

This change should have no effect on children as it only comes in to effect after 10 pm

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>K Pryke</i>
Date	03/12/2018
Capacity	Manager

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 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Mr Kevin Pryke
Gradebrook Filling Stations SE Ltd
Unit 16 Fifth Avenue Bluebridge Industrial Estate
Halstead
Essex

Post town	Halstead	Post code	CO9 2SZ
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Telephone number (if any)	07889 255269
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	
e-mail k_i_p@btinternet.com	

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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 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.
- 4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 5. For example 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.
- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

8. Please 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.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please 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 or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Appendix 2



VERA BAIRD^{QC}
POLICE & CRIME COMMISSIONER



**NORTHUMBRIA
POLICE**

South Shields Police Station
Millbank
Station Road
South Shields
NE33 1RR
21 December 2018

Senior Licensing Officer
Licensing Department
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR

Dear Sir

**RE: Application to vary a premises licence, Fox Cover Filling Station, Durham
Road, Sunderland, SR3 3NS**

Northumbria Police are in receipt of the above application and wish to place a representation to the application for a premises licence on the grounds of Crime and Disorder.

The application relates to the removal of the following condition as per Section 3, Annex 2 of the premises licence:-

- No customers/members of the public may be allowed to enter the premises between the hours of 22:00 and 06:00. A night service hatch may be used between these hours.

The premises are located in Durham Road, Sunderland. Licensable activity is as follows:

- Retail Sale of Alcohol - Every Day from 00:00 to 00:00

Northumbria Police believe the removal of the condition would lead to increased levels of alcohol related Anti-Social Behaviour and incidents of Crime and Disorder and would afford all persons working within the premises no protection from such incidents.

Yours faithfully

Chief Inspector Nicola Wearing
Southern Area Command

Cc: Gradebrook Filling Stations SE Ltd