

LICENSING SUB-COMMITTEE

AGENDA

Meeting to be held in Committee Room 1, City Hall, on Friday, 9th September, 2022 at 2:00p.m.

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Licensing Act 2003 – Consideration of Application to Vary a Premises Licence to Specify an Individual as a Designated Premises Supervisor – Establishment	1
	Report of the Executive Director of City Development (copy herewith).	

E. WAUGH,
Assistant Director of Law & Governance.

City Hall,
SUNDERLAND.

1st September, 2022

REPORT OF THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT**LICENSING SUB-COMMITTEE – 9 SEPTEMBER 2022****LICENSING ACT 2003 – CONSIDERATION OF APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR****ESTABLISHMENT, 34 LOW ROW, SUNDERLAND, TYNE AND WEAR, SR1 3PY****1.0 PURPOSE OF REPORT**

- 1.1 To consider an application to vary the premises licence to specify a new individual as the designated premises supervisor of Establishment of 34 Low Row, Sunderland, Tyne and Wear, SR1 3PY.

2.0 DESCRIPTION OF DECISION

- 2.1 The Sub-Committee is requested to determine the submitted application to specify a new designated premises supervisor of the Establishment. In doing so the Sub-Committee is required to have regard to the representations detailed in Paragraph 4.1 below from Northumbria Police.
- 2.2 The Sub-Committee is only permitted to reject the application if it considers it appropriate to do so for the prevention of the crime prevention objective, ie. the prevention of crime and disorder licensing objective.

3.0 INTRODUCTION / BACKGROUND

- 3.1 The position of designated premises supervisor is an important role. This is confirmed by the following extracts taken from the Secretary of State's Revised Guidance issued under Section 182 of the Licensing Act 2003, ("the Act"), concerning the Act, :-
- (a) *"The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended"* : per Paragraph 10.26;
- (b) *"The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance)"* : per Paragraph 10.27; and

(c) *“The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives”* : per Paragraph 10.28

- 3.2 On 23 June, 2022 an application was received from Camerons Brewery Limited in respect of the Establishment. They are the premises licence holder of the Establishment. Pursuant to Section 37 of the Act an application was submitted to vary the premises licence to specify Mr David Halpin, (“the proposed individual”), as the designated premises supervisor in place of Mr Mark Connor. A copy of the application form, along with form of consent given by the proposed individual, is attached at Appendix 1.
- 3.3 Mr Halpin currently holds a Personal Licence issued by Gateshead Borough Council.
- 3.4 A copy of the current premises licence for the Establishment is attached at Appendix 2.
- 3.5 In their application Camerons Brewery Limited stated that they would like the application to have immediate effect under Section 38 of the Act. Section 38 has application where an application is made in accordance with Section 37 in respect of premises which authorises the supply of alcohol and the application includes a request that the variation to specify a new designated premises supervisor should have immediate effect. Under Section 38(2) the *“premises licence has effect during the application period as it were varied in the manner set out in the application”*. The application period is defined as starting on the date when the application is received by the Council as the Licensing Authority. In this case, the application from Camerons Brewery Limited to name Mr Halpin as the designated premises supervisor was received by the Council on 23 June, 2022. Consequently, in accordance with Section 38 of the Act Mr Halpin has been appointed the interim designated premises supervisor of the Establishment as from and including the 23 June, 2022. His interim appointment will end upon the occurrence of the following, :-
- (a) If the Section 37 application is granted by the Sub-Committee, ie. when the variation takes effect;
 - (b) If the Section 37 application is rejected by the Sub-Committee, ie. when the rejection is notified to Camerons Brewery Limited; or
 - (c) If the Section 37 application is withdrawn before it is determined by the Sub-Committee, ie. at the time it is withdrawn by Camerons Brewery Limited.
- 3.6 Under Section 37(4)(a) of the Act a notice of an application received under Section 37 must be given by the Licensing Authority to the Chief Officer of Police for the police area in which the premises are situated. The notice must state whether the application is one to which Section 38 applies. Such a notice was given to Northumbria Police by the Council on 23rd June, 2022.

- 3.7 Section 37(5) of the Act states that where a Chief Officer of Police is notified under Section 37(4) is “*satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective*” they “*must give the relevant licensing authority a notice stating the reasons why he is so satisfied*”. Under Section 37(6) the Chief Officer of Police must give that notice within a period of 14 days beginning with the day on which they were notified of the application under Section 37. The period in which Northumbria Police was to respond to the application ended on 7 July, 2022.
- 3.8 Following the submission of the application to appoint a new designated premises supervisor it is understood that the Establishment has not been open and has not traded.

4.0 CURRENT POSITION

- 4.1 On 4 July, 2022 a letter, (ie. an objection notice), was received from Chief Inspector Wheatley of Northumbria Police stating that the Police wished to object to the application to vary the premises licence to specify Mr Halpin as the new designated premises supervisor for the Establishment. A copy of the letter received from the Police is shown at Appendix 3.
- 4.2 Under Section 39(3) of the Act where an objection notice is given under Section 37(5) and is not withdrawn, the Sub-Committee must, :-
- (a) Hold a hearing to consider the objection notice, unless the Council, Camerons Brewery Limited and Chief Officer of the Police who gave the notice agree that a hearing is unnecessary, and
 - (b) Having regard to the notice, reject the application “*if it considers it appropriate for the promotion of the crime prevention objective to do so*”.
- 4.3 Other than the information contained in Appendix 3, as at the date of preparing this Report no additional information has been received by Northumbria Police regarding their objections to the application. It is understood that the Police intend to submit information to support their objections. If additional information is received from the Police this will bring Regulation 18 of the Licensing Act (Hearings) Regulations 2005, (“the Regulations”), into play, ie. : “*In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing*”.
- 4.4 Under Schedule 1 of the Regulations 2005 a hearing to determine an application to vary a premises licence to specify a new designated premises supervisor following receipt of an objection notice from the Chief Officer of the Police should normally be held within 20 working days beginning with the day after the end of the period within which the Chief Officer give notice under Section 37(5) of the Act. As to the application submitted by Camerons Brewery Limited, the hearing should have been held by 4 August, 2022.

- 4.5 However, shortly after the end of the 14 day period during which Northumbria Police were able to make representations on the application, Licensing Officers were aware of pending discussions between Camerons Brewery Limited and the Police about the application. It was understood that the purpose of these discussions was to establish whether an agreement could be reached on the application, with the possible outcome being that it may have been unnecessary to hold a hearing before the Sub-Committee.
- 4.6 Following discussions between Camerons Brewery Limited and Northumbria Police, on 28 July, 2022 Licensing Officers were advised by Camerons Brewery Limited's Miss Laura Spaldin, (Business Development Manager – Leased and Tenanted), that following consideration of the Police's objection they had decided to proceed with application to vary the premises licence to specify Mr Halpin as the new designated premises supervisor. Consequently, Licensing Officers proceeded to make arrangements for a hearing of the application to be held. This was done in consultation with both Camerons Brewery Limited and Northumbria Police and their respective legal representatives.
- 4.7 Having regard to holidays and other commitments, the 9 September, 2022 was the earliest date convenient for all parties concerned to attend the required hearing.
- 4.8 Paragraph 4.40 of the Secretary of State's Revised Guidance states : *"Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected"*.

5.0 REASONS FOR THE DECISION

- 5.1 In accordance with Section 39(3) of the Act the Sub-Committee is required to determine the application presented by Camerons Brewery Limited to vary the premises licence to specify Mr David Halpin as the new designated premises supervisor in place of Mr Mark Connor. Northumbria Police have objected to the application. Pending the determination of the hearing, as explained at Paragraph 3.3 above, Mr Halpin has been appointed the interim designated premises supervisor.
- 5.2 In the event that the application is granted, or rejected, the Council is required to give notice to that effect to, :-
- (a) Camerons Brewery Limited, as the applicant;
 - (b) Mr Halpin, as the proposed individual; and
 - (c) The Chief Officer of Police for the police area in which the Establishment is situated.

The notice is required to state the Sub-Committee's reasons for granting, or rejecting the application under Section 37 of the Act.

- 5.3 Section 181 of the Act provides that Part 1 of Schedule 5 sets out the provisions regarding appeals in connection with applications under section 37.
- 5.4 The respective rights of appeal are summarised below, :-
- (a) If the Sub-Committee was to reject the application to vary the premises licence in respect of the Establishment to specify Mr Halpin as the premises designated premises supervisor under Section 39, then Camerons Brewery Limited could appeal against the decision : per Paragraph 1(c) of Part 1 of Schedule 5; and
 - (b) If the Sub-Committee was to grant the application and to vary the premises licence in respect of the Establishment to specify Mr Halpin as the premises designated premises supervisor under Section 39, then the Chief Officer of Police who gave the notice under Section 37(5), which was not withdrawn, could appeal against the decision : per Paragraphs 5(1) and 5(2) of Part 1 of Schedule 5;
- 5.5 An appeal would be commenced by the relevant appellant giving a notice of appeal to the designated officer for the Magistrates' Court within 21 days beginning with the day on which the appellant was notified by the Sub-Committee of the decision appealed against.
- 5.6 On determining any submitted appeal, the Court could, :-
- (a) Dismiss the appeal;
 - (b) Substitute for the decision appealed against any other decision which could have been made by the Sub-Committee; or
 - (c) Remit the case back to the Sub-Committee to dispose of it in accordance with the direction of the Court.

The Court could also make such orders as to costs as it thinks fit.

6.0 ALTERNATIVE OPTIONS

- 6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS / CONSULTATIONS

- 7.1 Northumbria Police have been consulted on the application submitted by Camerons Brewery Limited as per the requirements of Section 37 of the Act. There are no other considerations that require the attention of the Sub-Committee.

8.0 GLOSSARY

- 8.1 No acronyms, or abbreviation have been used in this Report.

9.0 LIST OF APPENDICES

- 9.1 Appendix 1 – Application to Vary Premises Licence to Specify Designated Premises Supervisor and; Consent of Individual to Being Specified as Premises Supervisor;
- 9.2 Appendix 2 - Objection Notice from Northumbria Police; and
- 9.3 Appendix 3 – Current Premises Licence for the Establishment.

10.0 BACKGROUND PAPERS

None.

Appendix 1

Section 1 of 4

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

ESTABLISHMENT

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

CAMERONS

* Family name

BREWERY

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

☐ 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

03571101

Business name

CAMERONS BREWERY LIMITED

If your business is registered, use its registered name.

VAT number

- 253832795

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 4

PREMISES DETAILS

I/we apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003.

* Premises licence number

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

☒ Address ☐ OS map reference ☐ Description

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

Describe the premises. For example, what type of premises it is.

Continued from previous page...

PUBLIC HOUSE

Section 3 of 4

SUPERVISOR

Full Name Of Proposed Designated Premises Supervisor

* First name

* Family name

* Nationality

* Place of birth

* Date of birth / /

Personal licence number of proposed designated premises supervisor

Issuing authority of that licence

Full Name Of Existing Designated Premises Supervisor

First name

Family name

* Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?

☒ Yes ☐ No

☒ I will notify the existing premises supervisor (if any) of this application

The premises licence holder can continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work.

It is sufficient for the licensee to inform the existing premises supervisor in writing, without sharing the specific details of the application.

* Will the premises licence or relevant part of it be submitted with this application?

☐ Yes ☒ No

* Reasons why the premises licence or relevant part of it will not be submitted with this application

TO BE FORWARDED BY OUR SOLICITORS MINCOFFS

Continued from previous page...

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 variation

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 4 of 4

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.
This formality requires a fixed fee of £23

DECLARATION

*

☒ Ticking this box indicates you have read and understood the above 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

PETER NEWTON

* Capacity

SPECIAL PROJECTS MANAGER

* Date

23 / 06 / 2022
dd mm yyyy

Remove this signatory

Full name

Capacity

* Date

/ /
dd mm yyyy

Remove this signatory

Add another signatory

OFFICE USE ONLY

Applicant reference number	ESTABLISHMENT
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [Next >](#)

Consent of individual to being specified as premises supervisor

I DAVID HALPIN
[full name of prospective premises supervisor]

of



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

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

VARIATION OF D.P.S.
[type of application]

by

CAMERONS BREWERY LIMITED
[name of applicant]

relating to a premises licence 00CM PREM00016
[number of existing licence, if any]

for ESTABLISHMENT
34 LOW ROW
SUNDERLAND
SR1 3PY

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

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

CAMERONS BREWERY LIMITED
[name of applicant]

concerning the supply of alcohol at

ESTABLISHMENT
34 LOW ROW
SUNDERLAND
SR1 3PY

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

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

00CH09469
[insert personal licence number, if any]

Personal licence issuing authority

LEGAL AND CORPORATE SERVICES, GATESHEAD COUNCIL,
OVIC CENTRE, REGENT STREET, GATESHEAD, NE8 1HH
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

DAVID HALPIN

Date

.....

Appendix 2



Sunderland City Council

Premises Licence**Premises licence number**

00CMPREM00016

Part 1 – Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

Establishment
34 Low Row
Sunderland

Post town Sunderland**Post code** SR1 3PY**Telephone Number****Where the licence is time limited the dates****Licensable activities authorised by the licence**

Provision of regulated entertainment (performances of dance)
 Provision of regulated entertainment (film)
 Provision of regulated entertainment (live music)
 Provision of regulated entertainment (recorded music)
 Provision of regulated entertainment (other entertainment falling within Act)
 Provision of late night refreshment

The times the licence authorises the carrying out of licensable activities**Standard days and timings****Sale by Retail of Alcohol**

Every Day from 09:00 to 03:30

Provision of Regulated Entertainment (performances of dance)

Every Day from 09:00 to 04:00

Provision of Regulated Entertainment (film)

Every Day from 08:00 to 04:00

Provision of Regulated Entertainment (live music)

Every Day from 09:00 to 01:00

Provision of Regulated Entertainment (recorded music)

Every Day from 08:00 to 04:00

Provision of Regulated Entertainment (other Entertainment falling within Act)

Every Day from 09:00 to 04:00

Provision of late night refreshment

Every Day from 23:00 to 03:30

Non standard days and timings

Sale by Retail of Alcohol

On New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day. An additional hour on the morning on which British Summer Time commences.

Provision of Regulated Entertainment (film)

On New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day. An additional hour on the morning on which British Summer Time commences.

Provision of Regulated Entertainment (live music)

On New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day. An additional hour on the morning on which British Summer Time commences.

Provision of Regulated Entertainment (recorded music)

On New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day. An additional hour on the morning on which British Summer Time commences.

Provision of Regulated Entertainment (other Entertainment falling within Act)

On New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day. An additional hour on the morning on which British Summer Time commences.

Provision of late night refreshment

On New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day. An additional hour on the morning on which British Summer Time commences.

The opening hours of the premises

Every Day from 08:00 to 04:00

On New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day. An additional hour on the morning on which British Summer Time commences.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

BOTH

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Camerons Brewery Limited
Lion Brewery
Maingate House
Waldon Street
Hartlepool
TS24 7QS
01429 852060

Registered number of holder, for example company number, charity number (where applicable)

03571101

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence Number



Issuing Authority



Annex 1 – Mandatory Conditions

- 1) No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) No person shall be employed at the Licensed Premises to carry out a security activity as defined by Schedule 2 of the Private Security Industry Act 2001 unless he/she is authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or is entitled to carry out that activity by virtue of section 4 of that Act.
- 4) Where any film shown is classified by the British Board of Film Classification in the 12A, 15 or 18 category no person under the age of 12 (and unaccompanied), 15 or 18 as appropriate shall be admitted to the part of the premises in which the film is being shown. Where any film shown is not classified by the British Board of Film Classification, admission of persons under the age of 18 to the part of the premises in which the film is being shown must be restricted in accordance with any recommendation made by the Council.
- 5) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

- 6) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 7) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 8) The responsible person must ensure that:-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: half pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 9) (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of this condition
- (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) permitted price is the price found by applying the formula where

$$P = D + (D \times V)$$
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) relevant person means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4)[1] Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

[2] The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

- 1) The maximum number of persons (including staff) permitted on the Licensed Premises at any one time is 600
- 2) In the interest of safety a minimum of two doorstaff to be employed from 21:00 until the end of permitted hours on the evenings of Friday and Saturday inclusive and on Christmas Eve, New Years Eve and on Sundays prior to a Bank Holiday Monday in order to prevent crime and disorder.
- 3) The CCTV equipment installed at the premises shall be maintained in good working order and is to be in operation at all times the premises are open to the public. All CCTV recordings are to be kept for a period of 28 days and are to be provided to both Police Officers and Authorised Officers of the Licensing Authority upon request.
- 4) In the last 30 minutes of opening, on any night where the premises is open later than 2:00 a.m., chill out music will be played in order to calm the atmosphere of the venue and facilitate the gradual dispersal of the customers.
- 5) When informed by Northumbria Police of a High Risk Football game at the Stadium of Light, reinforced or plastic glassware is to be used, with no bottle sales over the counter, two door supervisors to be employed to prevent crime and disorder and ensure public safety.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Appendix 3



**NORTHUMBRIA
POLICE**

South Shields Police Station
Millbank
Station Road
South Shields
NE33 1RR
4 July 2022

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

Dear Sir/Madam

RE: Application to Vary the Designated Premises Licence Supervisor to Mr David Halpin, Establishment, 34 Low Row, Sunderland, SR1 3PY

Northumbria Police are in receipt of the above application and wish to place a representation to the application to vary a premises licence to specify David Halpin as Designated Premises Supervisor on the grounds of Crime and Disorder

Northumbria Police are aware that in 2013 a licensing review was instigated due to Mr Halpin's poor management at a premises where he held the position of Designated Premises Supervisor. Due to time constraints, we are unable to evidence full detail of this at this time and would therefore like to make further enquiries.

Northumbria Police reserve the right to produce additional evidence to the objection notice prior to the hearing date and if deciding to do so, will supply such information to Sunderland Council, Licensing Department.

Yours faithfully

Chief Inspector Lesley Wheatley
Southern Area Command