

REPORT OF THE DEPUTY CHIEF EXECUTIVE

LICENSING SUB-COMMITTEE – 20 MARCH 2013

LICENSING ACT 2003 – CONSIDERATION OF THE GRANT OF A PREMISES LICENCE

THE INDEPENDENT 2, 27/28 HOLMESIDE, SUNDERLAND

PAUL LEONARD SMILES

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the grant of a premises licence for 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,
 - 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 Relevant representations have been received in relation to the application and these are detailed at section 4.0.
- 3.2 A copy of the application form is attached as Appendix 1. The licensable activities requested are:

Licensable Activity	Requested Hours
sale by retail of alcohol	Sunday to Wednesday 10:00 to 04:00 Thursday to Saturday 10:00 to 05:00
live music	Sunday to Wednesday 10:00 to 04:30 Thursday to Saturday 10:00 to 05:30
recorded music	Sunday to Wednesday 10:00 to 04:30 Thursday to Saturday 10:00 to 05:30
films	Sunday to Wednesday 10:00 to 04:30 Thursday to Saturday 10:00 to 05:30

plays	Sunday to Wednesday 10:00 to 04:30 Thursday to Saturday 10:00 to 05:30
performance of dance	Sunday to Wednesday 10:00 to 04:30 Thursday to Saturday 10:00 to 05:30
Performances of entertainment which is similar to a performance of live music, record music or dance	Sunday to Wednesday 10:00 to 04:30 Thursday to Saturday 10:00 to 05:30
late night refreshment	Sunday to Wednesday 23:00 to 04:30 Thursday to Saturday 23:00 to 05:30

3.3 The applicant has also requested an additional hour to all terminal hours on the day when British Summertime starts.

3.4 On New Year's Eve the applicant has requested that the hours for licensable activities be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

4.0 CURRENT POSITION

4.1 Representations have been received from Northumbria Police in relation to this application. A copy of their initial representation is attached as Appendix 2. Further information from Northumbria Police has subsequently been received and is attached as Appendix 2A.

4.2 Representations have been received from various bodies in support of the application. Four letters or e-mails are attached as Appendix 3.

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 – Police representations.
- Appendix 2A – Further information from Northumbria Police.
- Appendix 3 – Representations in support.

10.0 BACKGROUND PAPERS

- 10.1 None.

Appendix 1

**Application for a premises licence to be granted
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 Paul Leonard Smiles

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Independent 2 27/28 Holmeside,			
Post town	Sunderland	Postcode	SR1 3JE
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£27,000	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |

- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities, or ☒

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname Smiles		First names Paul Leonard		
I am 18 years old or over		<input checked="" type="checkbox"/> Please tick yes		
Current postal address if different from premises address		[REDACTED]		
Post town	Sunderland	Postcode	SR3 1DT	
Daytime contact telephone number		[REDACTED]		
E-mail address (optional)		[REDACTED]		

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
1	2	3	4	5	6	7	8

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			
1	2	3	4	5	6	7	8

Please give a general description of the premises (please read guidance note 1)

The premise is to be exactly the same, in operation, to the current 'Independent, 36 Holmeside, Sunderland', from which the operators will be moving. The new premises is to be located directly opposite. The proposed opening date for 'The Independent 2' is March 2013. The current premises operates predominantly as a live music venue, providing practice facilities and supporting cultural events, such as poetry readings, art exhibitions, training, private events and parties, amateur dramatics, comedy nights, burlesque, council organised cultural and music events, film exhibitions and club nights which promote internationally recognised niche DJ's. The new venue has a large live room downstairs and a smaller room upstairs. In addition, there are lounge areas / chill out rooms on both floors and areas exclusively set aside for artist changing. The venue is to be a multi-functional venue requiring a great degree of flexibility as a result of the diverse range of activities catered to in the venue. The two rooms at the venue will allow the premises to cater to a new tier of bands, as well as the smaller bands catered for in the past. This will bring new and exciting acts to Sunderland.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" 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 checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" 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 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	04:30	Please give further details here (please read guidance note 3) The Independent has provided spaces for performances and would like to continue to provide such facilities.		
Tue	10:00	04:30			
Wed	10:00	04:30	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	10:00	05:30			
Fri	10:00	05:30	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 (please read guidance note 5) ON THE COMMENCEMENT OF BRITISH SUMMER TIME ONE HOUR SHALL BE ADDED TO THE SPECIFIED FINISH TIMES.		
Sat	10:00	05:30			
Sun	10:00	04:30	TO EXTEND THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEARS EVE TO THE BEGINNING OF THE START TIME ON THE FOLLOWING DAY (NEW YEARS DAY).		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon	10:00	04:30	Please give further details here (please read guidance note 3) Art house films, band displays, music videos.			
Tue	10:00	04:30				
Wed	10:00	04:30	State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur	10:00	05:30				
Fri	10:00	05:30	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 5) ON THE COMMENCEMENT OF BRITISH SUMMER TIME ONE HOUR SHALL BE ADDED TO THE SPECIFIED FINISH TIMES.			
Sat	10:00	05:30				
Sun	10:00	04:30	TO EXTEND THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEARS EVE TO THE BEGINNING OF THE START TIME ON THE FOLLOWING DAY (NEW YEARS DAY).			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon	10:00	04:30	Please give further details here (please read guidance note 3) The venue books bands from all over the world and is recognised internationally for its live music having hosted bands from Europe and America for example. Bands playing at Festivals around Scotland regularly stop over in Sunderland for 'Festival Womps'. The have such an expertise in this sector that they consult for the council on various events, which include live music.	
Tue	10:00	04:30		
Wed	10:00	04:30	State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	10:00	05:30		
Fri	10:00	05:30	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 5) ON THE COMMENCEMENT OF BRITISH SUMMER TIME ONE HOUR SHALL BE ADDED TO THE SPECIFIED FINISH TIMES.	
Sat	10:00	05:30		
Sun	10:00	04:30	TO EXTEND THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEARS EVE TO THE BEGINNING OF THE START TIME ON THE FOLLOWING DAY (NEW YEARS DAY).	

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	10:00	04:30		
Tue	10:00	04:30		
Wed	10:00	04:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur	10:00	05:30		
Fri	10:00	05:30	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 (please read guidance note 5)	
Sat	10:00	05:30	ON THE COMMENCEMENT OF BRITISH SUMMER TIME ONE HOUR SHALL BE ADDED TO THE SPECIFIED FINISH TIMES.	
Sun	10:00	04:30	TO EXTEND THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEARS EVE TO THE BEGINNING OF THE START TIME ON THE FOLLOWING DAY (NEW YEARS DAY).	

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon	10:00	04:30	<u>Please give further details here</u> (please read guidance note 3) The operator has had dance performances in the past, which might include anything from break dancing to Latin American to Swing to Burlesque.			
Tue	10:00	04:30				
Wed	10:00	04:30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur	10:00	05:30				
Fri	10:00	05:30	<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 5)			
Sat	10:00	05:30				
Sun	10:00	04:30	ON THE COMMENCEMENT OF BRITISH SUMMER TIME ONE HOUR SHALL BE ADDED TO THE SPECIFIED FINISH TIMES. TO EXTEND THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEARS EVE TO THE BEGINNING OF THE START TIME ON THE FOLLOWING DAY (NEW YEARS DAY).			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			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 2)	Indoors <input checked="" type="checkbox"/>
Mon	10:00	04:30		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	10:00	04:30	<u>Please give further details here</u> (please read guidance note 3)	
Wed	10:00	04:30		
Thur	10:00	05:30	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)	
Fri	10:00	05:30		
Sat	10:00	05:30	<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 5)	
Sun	10:00	04:30	ON THE COMMENCEMENT OF BRITISH SUMMER TIME ONE HOUR SHALL BE ADDED TO THE SPECIFIED FINISH TIMES. TO EXTEND THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEARS EVE TO THE BEGINNING OF THE START TIME ON THE FOLLOWING DAY (NEW YEARS DAY).	

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon	23:00	04:30	Please give further details here (please read guidance note 3) This will most likely include hot drinks, but may include snack food.	
Tue	23:00	04:30		
Wed	23:00	04:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur	23:00	05:30		
Fri	23:00	05:30	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 5)	
Sat	23:00	05:30	ON THE COMMENCEMENT OF BRITISH SUMMER TIME ONE HOUR SHALL BE ADDED TO THE SPECIFIED FINISH TIMES.	
Sun	23:00	04:30	TO EXTEND THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEARS EVE TO THE BEGINNING OF THE START TIME ON THE FOLLOWING DAY (NEW YEARS DAY).	

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	04:00			
Tue	10:00	04:00			
Wed	10:00	04:00	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 5)		
Thur	10:00	05:00			
Fri	10:00	05:00			
Sat	10:00	05:00	ON THE COMMENCEMENT OF BRITISH SUMMER TIME ONE HOUR SHALL BE ADDED TO THE SPECIFIED FINISH TIMES. TO EXTEND THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEARS EVE TO THE BEGINNING OF THE START TIME ON THE FOLLOWING DAY (NEW YEARS DAY).		
Sun	10:00	04:00			

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

Name TBC in the New Year	
Address The new premises is currently under construction. A DPS will be listed in the New Year, but will most likely be the current DPS and Premises Licence of the Independent, Paul Leonard Smiles.	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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 8).

To the extent that there is any adult entertainment, which might include comedy nights or burlesque performances, they would be for over 18's only, they would be controlled appropriately.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	04:30	<p>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 (please read guidance note 5)</p> <p>ON THE COMMENCEMENT OF BRITISH SUMMER TIME ONE HOUR SHALL BE ADDED TO THE SPECIFIED FINISH TIMES.</p> <p>TO EXTEND THE SPECIFIED FINISH TIMES ON ANY DAY WHICH IS NEW YEARS EVE TO THE BEGINNING OF THE START TIME ON THE FOLLOWING DAY (NEW YEARS DAY).</p>
Tue	10:00	04:30	
Wed	10:00	04:30	
Thur	10:00	05:30	
Fri	10:00	05:30	
Sat	10:00	05:30	
Sun	10:00	04:30	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Please see the attached operating schedule.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

--

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	23.01.13
Capacity	Applicants Solicitor

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Matt Foster Mincoffs Solicitors LLP 5 Osborne Terrace			
Post town	Newcastle upon Tyne	Postcode	NE2 1SQ
Telephone number (if any)	0191 2127702		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) mfoster@mincoffs.co.uk			

Notes for Guidance

1. 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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. 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'.
8. 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.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

OPERATING SCHEDULE TO BE ATTACHED TO THE PREMISES LICENCE

THE INDEPENDENT 2, 27-28 HOLMESIDE, SUNDERLAND, SR1 3JE

A. Conditions relating to the prevention of crime and disorder:-

1. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events. Such risk assessments shall take into account the level of staffing, including the numbers of registered door staff (if necessary), to be employed at the premises from opening to closing time.
2. 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:-
 - i) be operated by properly trained staff;
 - ii) be in operation at all times that the premises are being used for a licensable activity;
 - iii) ensure coverage of all entrances and exits to the licensed premises internally and externally (save for fire exits);
 - iv) ensure coverage of such other areas as may be required by the Licensing Authority and Northumberland Police;
 - v) provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained on paper or otherwise may be put on tape or otherwise (for a period of 28 days, and shall be supplied to the Licensing Authority or Police Officer on request.
3. The Designated Premises Supervisor or other designated management representative shall regularly attend Pubwatch meetings.
4. A refusals register shall be utilised and maintained by the door staff at all times they are on duty. This register shall be available to the Police on request.

B. Conditions relating to the prevention of Public Nuisance.

1. All first floor entrance doors and exit doors, including emergency exit doors, shall remain in the closed position (except during ingress/egress) at all times whilst regulated music entertainment is taking place.
2. A risk assessment will be carried out in respect of the External smoking area to the rear of the premises and appropriate management systems will be operated to ensure that noise from patrons in this area is controlled.
3. No noise from the licensed premises, including noise from patrons, regulated entertainment and entertainment facilities shall be audible beyond the boundary of the premises so as to cause nuisance to local residents.

4. No glass or refuse to be deposited or collected outside the premises or deliveries to take place between 23.00 hrs and 08.00 hrs Monday to Sunday inclusive.

C. Conditions relating to the Protection of Children from Harm

1. Appropriate signage will be displayed in the immediate vicinity of any AWP or age sensitive product with the premises advising as to the relevant age restriction. Such sensitive products will be situated in a position where they may be observed by members of staff and/or the installed CCTV system.
2. All members of staff at the premises including door supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a "PASS" logo.

Appendix 2

NORTHUMBRIA POLICE

Total Policing



Sunderland Area Command

Gillbridge Avenue Police Station
Gillbridge Avenue
Sunderland
SR1 3AW

Tel: 101
Fax: 0191 563 6198

21 February 2013

Matthew Foster
Mincoffs Solicitors
5 Osborne Terrace
Newcastle upon tyne
NE2 1SQ

Cc: *Sunderland Council*

RE: Application for a new premises licence, The Independent 2, 27-28
Holmeside, Sunderland, SR1 3JE

Northumbria Police are in receipt of the above application and wish to object on the grounds of crime and disorder, however these objections will be withdrawn should the applicant agree to have the following conditions attached to the premises licence;

1. A CCTV system must be designed, installed and maintained in proper working order and be correctly time and date stamped. Such a system must;
 - Ensure coverage of all entrances and exits to the licensed premises both internally and externally and such areas as may be required by the licensing authority and Northumbria Police.
 - Provide continuous recording for each camera to the Home Office Scientific Development Branch (HOSDB) standard for identification (CCTV Operational Requirements Manual 2009 No. 28/09). Such recording must be retained for a minimum of 28 days and must be supplied to an Officer of the Council or Police Staff on request.
 - Be in operation at all times the premises are in use.
 - An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded and rectified immediately.
 - The premises are not to be used for licensed activities until the CCTV has been inspected by Northumbria Police. The inspection to be carried out no later than 24 hours prior to the use for licensed activity.
2. 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 years and who is seeking to purchase alcohol on the premises. Such credible evidence will include a photograph of the customer, will either be a passport, photographic driving licence, or a Proof of Age card carrying a 'PASS' logo.

3. A staff training record shall be maintained at the premises;
 - All staff will receive this training before they are allowed to serve alcohol or age restricted products.
 - Such training will include responsibilities under the Licensing Act 2003 with particular focus upon offences and underage sales. All members of staff, paid or unpaid, shall receive this training.
 - A record of training shall be kept at the premises containing the training that each member of staff has received, and be available on request to an Officer of the Council or Police Staff.
4. The Licensee and Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable them to know how many persons there are in the premises at all times when the premises are open for a licensable activity.
5. Door Supervisors and staff must be provided with 'two-way/pubwatch' radios or similar systems capable of ensuring continuous communication between each other and the Police at all times that the premises are open for a licensable activity.
6. On any evening when the premises is open after 2300 hours a minimum of TWO SIA door supervisors are to be employed at the premises from 23:00 until the premises is closed;
 - An exception will apply when only the 'acoustic room' is in operation where doorstaff will be employed on a written risk assessed basis. This risk assessment will be available on request to an Officer of the council or Police Staff.
7. The Licensee shall ensure that on each day that Door Supervisors are engaged for duty at the premises, their details (full names, and licence numbers) are recorded in a book kept at the premises. In conjunction with this record book, the premises shall also keep an incident book. This record book and incident book must be available for inspection by Officers of the Council or Police Staff at all times when the premises are open.
8. A drugs search policy must be in place at the premises.
 - Any searching of patrons must be conducted in a position covered by CCTV.
9. No patrons must be allowed to leave the premises whilst in the possession of any drinking vessel or open bottle, whether empty or containing any beverage.
10. The Designated Premises Supervisor or other designated management representative shall attend all Pubwatch meetings.
11. When informed by Northumbria Police of a High Risk Football game at the Stadium of Light, polycarbonate or plastic drinkware is to be used, with no glass bottle sales over the counter.

12. Opening hours of the premises everyday 1000-0330hours.
13. Supply of alcohol from the premises everyday, 1000-0300hours.
14. Provision of Late Night Refreshment everyday 2300-0330hours.
15. Provision of all other regulated entertainment activities applied for in the operating schedule, everyday 1000-0330hours.

A handwritten signature in black ink, appearing to read 'SEAN MCKENNA', with a stylized flourish above it.

Sean McKenna
Chief Inspector
Sunderland Area Command
Northumbria Police



Appendix 2A

Application for a new premises licence , The Independent 2, 27-28 Holmeside, Sunderland.

Northumbria Police are in receipt of the above application and have objected on the grounds of disorder. The premises propose to operate predominantly as a live music venue, providing practice facilities and supporting cultural events. It is not disputed that we need to support local businesses to help them succeed, however it is the Police contention that later opening hours contribute towards higher levels of crime and disorder, and to operate as the premises intends there is no need for the operating hours to extend past 330am.

Traditionally each venue was limited to fixed licensing hours depending on whether it was a Club or Bar/Pub. This allowed the Local Authority, Police and other public bodies to manage the impact licensed premises had on partnership resources and the community at large.

Since the implementation of the new Licensing Act licensed premises have submitted various amendments to licensing hours. The majority are intent on increasing their business hours to ensure their business remains viable, while others try to address specific customer issues.

This has made the management of crime and disorder issues surrounding the night time economy difficult and complicated. Whilst policing resources have been amended to cater for this change, the increase in premises opening beyond 3am has placed significant demands on those resources, reducing the support and attention that can be given to neighbourhood issues and thus the resident community of Sunderland.

Policing resources are aimed towards periods of peak demand, these are the times that the public want and need police presence in the community. In relation to resources there are 12 officers on average allocated to Guardian which is an Operation ran by Sunderland Area Command to specifically police the night time economy. This operation allows for a Police response for public calls for a service elsewhere in local community areas to remain unaffected.

Post 3am the only resources available to deal with City Centre incidents are the 10 officers on nightshift (5 vehicles) who are spread across this community area. As a consequence when Police respond to an incident within the night time economy officers are abstracted on duty from community areas either on crime prevention patrols or pulling them away from dealing with less serious incidents. Either way the public in these community areas will receive a reduced level of service. 3am is the latest Police can roster the Guardian Operation team to finish.

Research into the level of incidents within the A1 sector reveals that the highest rates of alcohol related anti-social behaviour, crime and alcohol related crime are experienced in the City Centre footbeat area. In 2012 this area accounted for 55.2% of all alcohol related anti-social behaviour within the A1 sector with 653 incidents being created. It accounted for 40.9% of all crime within the A1 sector with 1400 crimes recorded, and 57.8% of all alcohol related crime within the sector with 461 alcohol related crimes recorded. There is little doubt that late licensing hours have the potential to increase crime and disorder in the city;

- More time to drink alcohol is likely to lead to increased drunkenness, a risk of harm, violence and subsequent disorder.
- The lack of transport and taxi marshalled ranks in the city is likely to lead to increased risk of harm to persons under the influence of alcohol attempting to make their own way home.
- Increasing police resources to support the increased licensing capacity may reduce effectiveness in other areas across the city.
- There is a potential for an increase in arrests due to drunkenness, which will again put a strain on police resources at that time.

Government Policy highlights excessive alcohol consumption among some sections of the population is of considerable concern. The national Alcohol Strategy document, 'Safe, Sensible, Social', identifies harm from other people's drinking is common and wide ranging. It ranges from the less severe, such as being kept awake at night by rowdy behaviour or covering for a colleague who fails to turn up for work, through to much more severe consequences, such as domestic violence, assault or neglect of children. There needs to be a similar recognition that excessive drinking also has an impact beyond the drinkers themselves. Family, friends and work colleagues of excessive drinkers can also suffer very seriously from the effects of another's drinking. This will often be long before the health effects of harmful drinking have become apparent to the drinker.

In addition, Sunderland City Centre is currently looking to become a Business Improvement District (BID) to create a vibrant and sustainable city. The BID is a business-led initiative, which gives local organisations the power to raise funds locally, to be spent locally, with the aim of improving their own business environment. Some of the priorities of the BID are to improve:

- A cleaner, greener and safer city centre.
- A busier city centre with increased footfall.
- A more vibrant evening economy attracting more people between 5 and 10pm.
- Events, festivals, celebrations and markets.
- Improved marketing and promotion.
- Better signage, access and information for visitors.

The BID aims to reducing crime and alcohol related anti-social behaviour by delivering an evening economy between 5 and 10pm. In order for the BID to work, businesses need to support the BID which is backed by the Local Authority and Northumbria Police. An aim is to reduce the burden to Police, Ambulance, NHS and the Local Authority, by clearing the city centre of intoxicated persons and deep cleaning the city centre before anyone arrives to work in the morning.

Sunderland is one of the safest cities in the country and this is because of the way the Local Authority, police and other partners work together to reduce the risk of harm to persons.

Appendix 3



I am employed as Deputy Chief Executive at the University Of Sunderland Students' Union, and have been in this role for four years. Prior to this I have approximately 25 years experience in the licensed trade, including being a former divisional director at Pubmaster Ltd and holding senior positions with Enterprise Inns et al. I am writing in support of an application which has been made by Paul Smiles for a new premises licence at 27 to 28 Holmeside, Sunderland. The applicant has operated 'The Independent' from premises across the road for 5 years and has had to relocate their premises recently as a result of a development of the city centre and needs to make a new license application accordingly. In my role I have worked with the premises and Mr Smiles, and based upon my experience I can confirm that they have always acted responsibly as operators.

'Independent' is a vital beacon for Live Music in the Sunderland area. It is important that it continues to thrive and develop and that it is not competitively impeded in promoting its' unique offer as it relaunches in its' new venue.


The operators have forged a reputation second to none in a city which often falls under the shadow of, and loses business and opportunity to Newcastle. The City Council, Stadium of Light, The Bunker, Split Festival and Students' Union join Independent and many of the musical alumni of the city in steering the Music In Sunderland Group which seeks to reverse this trend and continue to develop and promote Sunderland as a Music City. 'Independent' as a professional, hip, established and well-recognised venue is essential to this programme. The Students' Union looks forward to working with the new 'Independent' as one of our selected Strategic Partners following the relaunch.

We do not choose our partners lightly and have considered the professionalism, responsibility, integrity, safety record and 'can-do' spirit of the operations team in this regard. We need to be able to confidently recommend the venue to our members and customers and are happy to do so in this case. The team have also enabled us to promote larger events at our own venue North Shore and have also brought their unique style, experience and capabilities to these ventures.

As the operators of two venues in Sunderland ourselves we are aware of the Licensing Objectives ourselves and do not consider that any issues within the Operating Statement or from the operation of the original may cause any risk to these. Indeed, the presence of a Live Music culture is important in engaging young people to engage and participate, whether actively or as audience members and can often actively reduce disorder and nuisance.

Without a thriving 'Independent' the Sunderland music and cultural scene would be sadly and irreparably diminished.

Mike Wallbank
Deputy Chief Executive





Dear Sir,

I am writing to support the proposal of a licensing extension for the Independent Venue in Sunderland. Live music has proved to be a business driver for the creative and cultural industries in recent times providing financial stability and showing signs of growth within a sector, dogged by arts cuts and the digitisation of recorded music.

The Live Music sector provides jobs, creates revenues and drives tourism, bringing culturally significant music to isolated areas, increasing well-being - (as witnessed by The Lord's "Arts and Culture: Economic Regeneration Question for Short Debate" of 29/1/13) and as we have seen first-hand in Sunderland in recent years, led to significant economic impact for any local authority hosting live music events.

Previous events at Independent have been delivered with care and consideration for the locality complying with Health and Safety procedures and following all guidelines regarding licensing regulations.

To see the Independent unable to compete within the marketplace due to licensing regulations would reduce the opportunities for countless musicians, technicians and developing musicians throughout Sunderland.

Regards,

Jim Mawdsley

CEO
Generator

Generator

Cluny Annex,
36 Lime Street
Ouseburn Valley
Newcastle upon Tyne
NE1 2PC

Tel 0191 231 4016
Fax 0191 231 3796

Web www.generator.org.uk
Email mail@generator.org.uk

Company Registration No: 3370235



Supported by



Ernie Humphrey

From: Joe Frankland [REDACTED]
Sent: 20 February 2013 17:19
To: Licensing
Subject: In support of licensing extension for Independent Sunderland

Dear sir/madam,

Following yesterday's email on behalf of Generator CEO Jim Mawdsley, I hope you don't mind me getting in touch personally in my capacity as Artist Development Manager at Generator, and as an independent music promoter and artist manager.

The Independent is Sunderland's premier music venue and instrumental to supporting both the music scene and cultural enterprise in the city. I would go so far as to say that there would be no music scene in Sunderland without the Independent.

I was saddened to hear of the closure of Independent 1 late last year having enjoyed it as a safe environment to experience new live music and club nights so I was equally delighted when Ben announced that the venue would be moving to new premises on Holmeside. Generator has partnered with Sunderland Council, The Bunker and the Independent on many occasions, including September's 'Split Parade' events which brought the best of the North East's music scene to Sunderland for an all-night celebration of a diverse range of music.

I work day to day with emerging artists and believe passionately that to fulfill potential, artists must be given the opportunity to perform live in a safe environment and one which provides professional standard sound, lights and staging. The team at the Independent are best placed to build upon their great work supporting new music on Wearside and am 100% behind the proposal of a licensing extension for the Independent Venue in Sunderland.

Kind regards,

Joe

Joe Frankland
Artist Development Manager
Generator
t: (0191) 255 4465



The Gen - fortnightly music industry mailout | **The Tipping Point** - new music blog | **Music Industry Advice** - free advice for artists | **Bigger Beat** - free advice sessions for artists | **UMT** - free music training | **Events** latest seminars, panels and showcases | **Business Support** advice for music businesses

21/02/2013

Ernie Humphrey

From: Microtonal Management [REDACTED]
Sent: 20 February 2013 16:52
To: Licensing
Cc: [REDACTED]
Subject: Independent Venue Sunderland

Dear Sir

Regarding The Independent Venue in Sunderland.

I would just like to lend my support to the proposal to extend the licensing for the operators of the Independent Venue.

My background is as a musician and founding member of the band Prefab Sprout and as a young musician starting out, we relied on the availability of clubs and pubs with late licensing options in order to develop our talent and business skills. In particular, Sunderland proved the most beneficial regional area for the band's development providing more venues to perform in than both Durham and Newcastle combined.

30 years and 5 million sales later I can safely say that the music industry is at the cornerstone of most creative and cultural industries and provides a bridge into territories (both cultural and financial) that transcends language.

With the Live Music sector becoming more attractive to venture capital funding and festivals becoming a major tourist attraction for local authorities and regional development, increasing capacity in the live music sector should be beneficial for Sunderland, both financially and spiritually, providing well-being and culture as well as employment.

In my capacity as a manager of bands and musicians I've always found The Independent an important part of my strategy for developing both young talent, businesses and audience and have found them professional and diligent in their duties of administering the live music experience, from planning staging and technical specifications, sound checks, PAT testing equipment and support to carrying out checks on audience behavior.

Regards,

Martin McAloon

21/02/2013