

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

LICENSING COMMITTEE – 28 MARCH 2012

LICENSING ACT 2003 – DECISIONS OF LICENSING SUB-COMMITTEE HEARINGS HELD IN MARCH, APRIL AND MAY 2012

1.0 PURPOSE OF REPORT

- 1.1 To advise the Committee of the outcomes of Licensing Sub-Committee hearings held in March, April and May 2012.

2.0 DESCRIPTION OF DECISION

- 2.1 The Committee is requested to note the contents of the report.

3.0 INTRODUCTION/BACKGROUND

- 3.1 Under the Licensing Act 2003, Sunderland City Council has responsibility for licensing the sale of alcohol, regulated entertainment and late night refreshment within its area. This encompasses the determination, grant, administration and enforcement of premises licences, club premises certificates, personal licences and temporary event notices.
- 3.2 In March 2012 Licensing Sub-Committees considered an application for a summary review of a premises licence and its subsequent full review. They also considered an application for the grant of a premises licence.
- 3.3 In April 2012 a Licensing Sub-Committee considered an application to vary a premises licence.
- 3.4 In May 2012 a Licensing Sub-Committee considered an application to vary a premises licence.

4.0 CURRENT POSITION

- 4.1 On 7 March 2012, a Licensing Sub-Committee consisting of Councillors D. Richardson, P Gibson and S. Bonallie considered an application for a summary review of the premises licence in respect of Ttonic, Green Terrace, Sunderland. Northumbria Police applied for the summary review as in their opinion, the premises were associated with serious crime or serious disorder (or both).
- 4.2 After hearing representations from both the licensee and Northumbria Police, the decision of the Sub-Committee was to introduce the following interim steps until a full review of the licence could take place:

- The licence holder to ensure that measures are in place to change the drinking vessels used from glassware to polycarbonate glasses between 21.00 and 23.00; and
 - An improved incident recording system to be implemented at the premises.
- 4.4 On 27 March 2012, a Licensing Sub-Committee consisting of Councillors A. Wilson, P. Gibson and J.S. Wiper considered the subsequent full review of the premises licence in respect of Ttonic.
- 4.5 After hearing representations from both the licensee and Northumbria Police, the decision of the Sub-Committee was:
- All beverages (except bottled beverages that are not available in polycarbonate bottles) must be served in polycarbonate vessels or bottles after 22.00 hours and no drinking vessels or bottles other than those made of polycarbonate (except bottles used for the sale of wine and champagne before 00.00 hours) may be in use or awaiting collection after 00.00 hours; This condition is not applicable in relation to the sale of wine and champagne in bottles before 00.00 hours;
 - An incident reporting system must be put in place at the premises. Such a system will record all incidents that happen at the premises relating to the public and all staff members. The documentation for such incidents must be retained for a minimum of one calendar year and must be available on request to the Police and the Local Authority; and
 - A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the licensing authority and Northumbria Police. Such a system must:
 - Ensure coverage of all entrances and exits to the licensed premises both internally and externally
 - Ensure coverage of 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 14 days and must be supplied to an Officer of the Council or a Police Officer on request.
 - Be in operation at all times the premises are in use.
- 4.6 On 23 March 2012, a Licensing Sub-Committee consisting of Councillors D. Richardson, D. MacKnight and G. Thompson considered an application for the grant of a premises licence in respect of Plough Food and Drink (formerly Newslines), 2, Victoria Place, St. Marks Road,

Sunderland. The application was for the sale of alcohol for consumption off the premises between the hours of 10.00 and 22.00 seven days a week.

- 4.7 Objections to the application were received from Northumbria Police, the Council's Trading Standards Section and an interested party, Cllr I. Kay. The applicant was the father of the holder of the previous licence for these premises. This licence had recently revoked by a Licensing Sub-Committee following a review.
- 4.8 After hearing all representations the Sub-Committee granted the application subject to the following conditions:
 1. A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the Council and Northumbria Police, such a system must:
 - Ensure coverage of all entrances and exits to the premises;
 - Ensure coverage of such other areas as may be reasonably required by the Council or Northumbria Police;
 - Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings must be retained for a minimum period of 28 days, and must be supplied to an Officer of the Council or Northumbria Police Staff/Officer on request;
 - Must be in operation at all times the premises are in use.
 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. Such credible evidence must include a photograph of the customer, will either be a passport, driving licence or a proof of age card carrying a 'PASS' logo.
 3. A staff training record shall be maintained at the premises:
 - All members of staff shall receive training on their responsibilities, with particular focus on issues surrounding age restricted products. Training will be given to all new members of staff before they are permitted to serve alcohol.
 - Staff shall be trained at least every 6 months.
 - A record of training shall be kept at the premises and be available on request to an Officer of the Council or Police Staff.
 4. A refusals register shall be maintained at the premises. The register shall contain details of all age restricted products that

have been refused to customers by staff, and the reasons for the refusal. This record shall be kept at the premises and be available on request to an Officer of the Council or Police Staff.

5. The following named individuals:-

- Petrit Muca
- Juliette Muca
- Elspeth Lockley

shall have no involvement in the operation or management of or at the premises, 2 Victoria Place, St Mark's Road, Sunderland. This includes being employed or working there in any capacity including as an unpaid volunteer.

6. The Designated Premises Supervisor must be resident in the City of Sunderland.

4.9 On 5 April 2012, a Licensing Sub-Committee consisting of Councillors R. Bell, D. Smith and D. Waller considered an application to vary the premises licence in respect of The New Derby, Roker Baths Road, Roker. The application was to extend the licensable hours for the provision of performances of live music, playing of recorded music, provision of facilities for dancing, sale by retail of alcohol and the provision of late night refreshment as well as to vary the licence plan to include a section marked on the proposed plan as an 'outside drinking area' for non – licensable activities.

4.10 Objections to the application were received from Northumbria Police, on the grounds of crime and disorder, and from 20 interested parties who feared that granting later hours would increase the current problems of noise, disorder and anti-social behaviour in a residential area. They were also concerned that the change of car park to an outside drinking area would increase problems.

4.11 After hearing all the representations the Sub-Committee granted the variation in respect of the extension to the licensable activities on Fridays and Saturdays, an extension to the starting times of the licensable activities on Sundays and the addition of the outside drinking area to the premises licence plan; subject to the following conditions:

1. A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the Council and Northumbria Police. Such a system must:
 - Ensure coverage of all entrances and exits to the premises and the outside drinking area;
 - Ensure coverage of such other areas as may be reasonably required by the Council or Northumbria Police;

- Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings must be retained for a minimum period of 28 days, and must be supplied to an Officer of the Council or Northumbria Police Staff/Officer on request; and
 - Must be in operation at all times the premises are in use.
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, which shall 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. When informed by Northumbria Police of a high risk football game, plastic or polycarbonate drinkware is to be used, with no glass bottle sales over the counter.
 4. All drinks glasses and bottles to be cleared from the outside drinking area by 21.30.
 5. After the premises have closed to the public all staff and customers must leave via the front door.
 6. No licensable activities may take place in the outside drinking area.
- 4.12 On 2 May 2012, a Licensing Sub-Committee consisting of Councillors P. Gibson, D. Richardson and A. Emerson considered an application to vary the premises licence in respect of The Black Bush Inn, Village Lane, Washington. The application was to extend the terminal hour for the sale by retail of alcohol (Thursday to Sunday), to amend the opening hours (every day of the week) and include the provision of late night refreshment (Thursday to Sunday).
- 4.13 Objections were received from the Council's Environmental Health Section on the grounds of Public Nuisance, from four interested parties, including the three Ward Councillors, and by means of a petition signed by 134 interested parties. All of the interested parties' representations expressed concerns about the proximity of the premises to residential properties, the noise nuisance and criminal and disorderly behaviour which has occurred under the previous tenants with the earlier closing time, and the use of an outside area. They feared that, by allowing longer hours than those pertaining to other public houses in the area, the premises would will attract customers from these premises at the end of the night so creating problems into the early hours of the morning.

4.14 After hearing representations, the Sub-Committee granted the application in part only. The licence will now allow the sale of alcohol on Fridays and Saturdays 10.00 to 00.00 with late night refreshment on these days from 23.00 to 00.00. The premises will be permitted to open at 08.00 until 23.30 Sunday to Thursday and until 00.30 on Fridays and Saturdays subject to the following conditions:

1. No customers to be permitted to enter the premises after 23.00.
2. No drinks in open vessels or bottles to be taken outside of the premises after 21.00 and all drinks outside at that time to be brought inside the premises.

5.0 REASONS FOR THE DECISION

5.1 To advise the Committee of the outcomes of Licensing Sub-Committee hearings held in March, April and May 2012.

6.0 ALTERNATIVE OPTIONS

6.1 None.

7.0 RELEVANT CONSIDERATIONS

7.1 None.

8.0 GLOSSARY

8.1 None.

9.0 LIST OF APPENDICIES

9.1 None.

10.0 BACKGROUND PAPERS

10.1 None.