

Appendix C

Representations On A Current Application For A Grant/Variation/Review of a Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

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 (Insert name)

Scott Lawrence, Senior Licensing Officer

Wish to make representation about the application for variation/grant/review for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description

Jungle Bar
20 Vine Place

Post Town Sunderland

Post Code SR1 3NA

Name of premises licence holder or club holding club premises certificate (if known)

Mr John Kerr and Mr Paul Rowe

Number of premises licence or club premise certificate (if known)

00CMPREM00798

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

Please
Tick ✓

- | | | |
|----|---|--------------------------|
| 1) | an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| | a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| | b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| | c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| | d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) | a responsible authority (please complete (C) below) | x |
| 3) | a member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over

Yes

☐

(Please Tick)

Current Address			
Post Town		Post Code	

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

Name and Address

Telephone Number (If any)	
E-Mail address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address Scott Lawrence Senior Licensing Officer Sunderland Council Licensing Neighbourhoods Directorate Sunderland City Council Jack Crawford House Commercial Road Sunderland SR2 8QR
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Telephone Number (If any)	07775548853
E-Mail address (optional)	scott.lawrence@sunderland.gov.uk

This representation relates to the following licensing objective(s)

Please
Tick ✓

- | | | |
|----|--------------------------------------|--------------------------|
| 1. | the prevention of crime and disorder | x |
| 2. | public safety | <input type="checkbox"/> |
| 3. | the prevention of public nuisance | <input type="checkbox"/> |
| 4. | the protection of children from harm | x |

Please state the ground(s) for representation. (please read guidance note 1)

Following the Review application submitted by Northumbria Police, I am representing the Licensing Authority acting in its role as a Responsible Authority and wish to support the application.

The licence formally known as Banana Joes, Eazy Street and Reubens Bar was first granted a Premises Licence on 16 December 2005.

The current licensable activities are as follows:

Sale by Retail of Alcohol

Every Day from 10:00 to 03:00

Provision of Regulated Entertainment (performances of dance)

Every Day from 10:00 to 03:30

Provision of Regulated Entertainment (film)

Every Day from 10:00 to 03:30

Provision of Regulated Entertainment (indoor sporting events)

Every Day from 10:00 to 03:30

Provision of Regulated Entertainment (live music)

Every Day from 10:00 to 03:30

Provision of Regulated Entertainment (recorded music)

Every Day from 10:00 to 03:30

Provision of Regulated Entertainment (other Entertainment falling within Act)

Every Day from 10:00 to 03:30

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. To extend the terminal hour for an additional hour on the day when British summer time begins.

Provision of Regulated Entertainment (performances of dance)

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. To extend the terminal hour for an additional hour on the day when

British summer time begins.

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. To extend the terminal hour for an additional hour on the day when British summer time begins.

Provision of Regulated Entertainment (indoor sporting events)

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. To extend the terminal hour for an additional hour on the day when British summer time begins.

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. To extend the terminal hour for an additional hour on the day when British summer time begins.

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. To extend the terminal hour for an additional hour on the day when British summer time begins.

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. To extend the terminal hour for an additional hour on the day when British summer time begins.

Provision of late night refreshment

On New Year's Eve, from 23:00 to 05:00 on New Year's Day. To extend the terminal hour for an additional hour on the day when British summer time begins.

The current conditions attached to the Premises Licence are as follows:

- 1) The premises licence holder will implement a Dispersals Policy. This shall include the provision of a nominated taxi service and wind down period during the last 30 minutes of opening, when music will be played at a lower volume.
- 2) There will be no new customers permitted to enter the premises after 02:30, except for VIP's or guests of the management (up to maximum of 10% of the occupancy).
- 3) The operator shall ensure that at all times when the premises are open for any licensable activity there are sufficient competent staff on duty for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
- 4) 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.
- 5) The premises licence holder shall implement a Social Responsibility Policy which shall be an analysis of potential risk and reasonable steps to be taken to minimise such. The policy shall address the following: -
 - (i) The risk of customers of being victims of crime when in discrete areas of the premises such as the toilets;

- (ii) The risk of customers of being the victims of crime when intoxicated;
- (iii) The risk to customers of injuries sustained from broken glass and whether polycarbonate receptacles are appropriate on some occasions;
- (iv) The risk to customers of harm and injury caused to themselves as a consequence of irresponsible drinking;
- (v) The risk of nuisance being caused to residents and nearby businesses.

- 6) If the premises is sold to a company, individual or other body which has no association or connection to RND Leisure Ltd, then the premises licence shall revert to that which had effect immediately prior to the variation granted on 15 May 2015.
- 7) There shall be no change to the style of the premises without prior written given to the Licensing Authority which shall include details of the new proposed operating style. The Licensing Authority shall advise the premises licence holder within 21 days whether a formal application for variation to the licence or a new licence is required.
- 8) The maximum number of persons permitted in each of the following areas at any one time shall not exceed:-
 - a) Ground Floor 300
 - b) First Floor 200

But at no time shall the total number of persons on the premises as a whole exceed 500 persons.

- 9) A minimum of TWO door supervisors to be employed from 2200 hrs until the premises are closed to the public on the evenings of Tuesday, Friday, Saturday Sundays prior to a bank holiday, Christmas Eve and New Year's Eve. At all other times the amount of door supervisors employed will be on a risk assessment basis.
- 10) 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 (whilst the premises are open to the public for the provision of licensable activities) for each camera to the Home Office Scientific Development Branch (HOSDB) standard for identification (CCTV Operational Requirements Manual 2009 No. 28/09). Such recordings must be retained for 28 days and must be supplied to an Officer of the Council or a Police Officer on reasonable request.
- 11) A representative from the premises will attend Pubwatch.
- 12) A record of incidents shall be kept and maintained at the premises and shall be available for inspection upon reasonable request by a Police Officer.
- 13) All members of staff at the premises, including door staff, 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, and will either be a passport, driving licence, Proof of Age card carrying the "PASS" logo or such other identification approved by Northumbria Police.
- 14) 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 sell alcohol, and staff shall be retrained at least every 6 months. Such training will be documented and retained at the premises for a minimum of 12 months and be available on the reasonable request of the Police, Licensing Authority or

Trading Standards.

- 15) When informed by Northumbria Police of a 'high risk' football match at the Stadium of Light, reinforced glassware is to be used, with no bottle sales over the counter, plus door supervisors are to be employed to prevent crime and disorder and ensure public safety.

On 18 July 2012, an application for a Review of the Premises Licence was considered by members, following a review application submitted by Northumbria Police. Details of the review hearing show that the Police reported 26 incidents of crime and disorder since January 2012. In all incidents the persons involved were intoxicated with many being arrested. There were also reports of incidents involving persons under the age of 18 years of age. The Licensing Sub Committee resolved to take no further action and it was agreed that a Minor Variation would be submitted to add additional conditions to the Premises Licence. It is also noted that John Kerr attended the hearing on 18 July 2012 and was the Designated Premises Supervisor (DPS) at that time. A copy of the Sub Committee's notice of determination is attached as Appendix 1.

The licence was transferred to Mr John Kerr on 3 September 2013 and subsequently transferred to the current licence holders, Mr John Kerr and Mr Paul Rowe on 14 April 2015.

Under the Licensing Act 2003, the annual fee for licensed premises becomes payable each year on the anniversary of the date the licence was initially granted. The responsibility to pay the annual fee lies with the licence holder. Failure to pay the annual fee may result in the debt being pursued through the courts and could result in the Premises Licence being suspended.

Records show that in November 2018 the fee of £180 became due and an invoice dated 18 January 2019 was sent by Sunderland Council Income and Payments Section to Paul Rowe, requesting the annual fee to be paid by 15 February 2019.

A reminder notice dated 1 March 2019 was sent to Paul Rowe and a final notice dated 14 March 2019 was issued, advising Paul Rowe that failure to pay the annual fee may result in court proceedings against him. A copy of the invoice is attached at Appendix 2.

On 20 January 2020, The Licensing Section sent a further reminder to both John Kerr and Paul Rowe, reminding both licence holders that the annual fee was still outstanding. The letter stated that failure to pay the annual fee by 7 February 2020 will result in the suspension of the Premises Licence. A copy of the letter is attached as Appendix 3.

On 5 March 2020, due to the failure to pay the annual fee due in November 2018, the Premises Licence was suspended. A covering letter and suspension notice was sent to John Kerr and Paul Rowe. Suspension of the licence meant that all activities authorised by the licence must cease from the date indicated on the notice and, if activities continue, a criminal offence may be committed. A copy of the suspension letter and notice is attached as Appendix 4.

The annual fee was subsequently paid on 17 July 2020 and the suspension was lifted.

On 15 June 2021, I visited the premises with officers from Northumbria Police. The reason for the visit was to discuss the number of incidents reported by the Police and to conduct an inspection at the premises in relation to the conditions attached to the licence. Present at the meeting were Mr Stanley Johnston who was managing the premises, however he was not listed on the Premises Licence. When discussing this with Stanley Johnston he confirmed that he has been managing the premises for approximately three years,

however he had not submitted a Transfer or Variation of the Designated Premises Supervisor (DPS). Also present was staff member Jade Mulley and Analise Johnston, Stanley Johnston's daughter.

At the time of the visit, it was identified that the following conditions were not being complying with:

- Unable to locate Premises Licence,
- Summary of Premises Licence not on display,
- Unable to produce a Dispersal Policy,
- Unable to produce a Social Responsibility Policy,
- Unable to produce an incident register,
- Unable to produce staff training records in relation to age restricted products,
- No age verification notices displayed at the premises

I advised Stanley Johnston to contact me within seven days to confirm compliance and failure to rectify the issues may result in further action being taken. The same day, I issued a warning letter to the licence holders and the DPS to inform them of my findings and to contact me within seven days. Copies of the warning letters are attached at Appendix 5.

The same day, I spoke to John Kerr regarding the recent issues at the premises. John Kerr confirmed that he had been suffering from numerous illnesses and it didn't appear that he was in a position to run the premises. John Kerr stated that he had not visited the premises for a number of years and was not aware of any of issues.

John Kerr confirmed that he has five years left on the lease to the premises and Stanley Johnston has been running the business for at least three years. I asked him why the licence wasn't transferred to Stanley Johnston years ago, and he stated that he wanted to transfer the licence and thought this was being dealt with by Stanley Johnston.

At that time John Kerr wished to remove himself from the licence and said that he would speak to the other licence holder, Paul Rowe who was in in Spain at the time. I advised John Kerr of the process involved in surrendering the Premises Licence.

John Kerr advised me that he intended to speak to Stanley Johnston and Paul Rowe and that he would contact me with a decision. I did advise him that as it stands any action taken would be his responsibility as one of the licence holders. I sent an email to Northumbria Police and the Principal Licensing Officer detailing the conversation, which is attached at Appendix 6.

On 17 June 2021, I received a phone call from John Kerr, he stated that he had spoken to Stanley Johnston regarding the issues at the Jungle Bar. John Kerr had been assured that Stanley Johnston had put measures in place to combat the issues identified at the premises. I advised John Kerr that I sent a warning letter regarding the Licensing breaches and the Police were considering their position due to the number of incidents reported and potential concerns over Stanley Johnston taking over the licence.

John Kerr was eager to remove himself from the licence as soon as possible but wanted to wait until the following week when a decision would be made by the Police on the suitability of Stanley Johnston being the licence holder and DPS. John Kerr also advised me that he would speak to Paul Rowe, who was still in Spain to make him aware and would arrange for either a transfer or surrender the licence.

On 22 June 2021, an email was forwarded by Northumbria Police, which was dated 16

June 2021 from Stanley Johnston. Attached in the email was the Jungle Bars dispersal and cooperate/ social responsibility policy. I also received confirmation that the premises were now displaying age verification notices and provided documentation in relation to the staff rules.

On 29 June 2021, I sent an email to Stanley Johnston via the Jungle Bar email address confirming that the Licensing Section had received his email dated 16 June, however in order to fully comply with the conditions and requirements attached to the Premises Licence and to avoid enforcement action being taken, we still required the following:

- Incident register,
- Staff training records in relation to age restricted products,
- Premises Licence,
- Summary of Premises Licence needs to be on display

I also asked to be kept updated on the position with the Jungle bar as soon as possible. A copy of the email is attached at Appendix 7.

On 29 June 2021, copies letters dated 23 June 2021 from Northumbria Police were received. The letters were addressed to both licence holders, Stanley Johnston and the DPS, Anna Jacques and were also hand delivered to the premises and stated that the Police will give the premises four weeks to reduce the level of crime and disorder and improve and implement policies and procedures regarding the overall management of the premises. The letter also stated that failure to evidence improvements will result in enforcement action being taken, which may include the review of the Premises Licence and the suspension or revocation of the licence. Copies of the letters are attached at Appendix 8.

On 29 July 2021, the Licensing Section received notification that Anna Jacques had left her position as the Designated Premises Supervisor. A copy of the notice is attached as Appendix 9.

It should be noted that a Designated Premises Supervisor (DPS) is the person who has day-to-day responsibility for the running of the premises and will act as primary contact for local government and the police.

A DPS must understand the social issues and potential problems associated with the sale of alcohol, and also have a good understanding of the business itself.

The Licensing Act requires the supervisor and all personal licence holders to take responsibility for the sale and supply of alcohol.

It is a mandatory condition to ensure that every supply of alcohol under the Premises Licence is made or authorised by a person who holds a Personal Licence/ The DPS. It is an offence to sell alcohol without a Designated Premises Supervisor in place.

An email was sent to Stanley Johnston at the Jungle Bar on 29 July 2021, to remind him of the non-compliance of the conditions on the Premises Licence. In addition, I informed Stanley Johnston that because there was not a DPS in place, that no alcohol could be sold. A copy of the email is attached at Appendix 10.

Later that day, I contacted the licence holder, John Kerr who was in hospital with a relative. He informed me that Stanley Johnson no longer managed the premises and he was aware that the DPS had left.

John Kerr advised me that a new licence holder and DPS has been appointed. The proposed licence holder was Miss Jade Mulley and the proposed DPS would be Mark Morrison. I advised John Kerr that no sale of alcohol can take place until we receive a valid application to Vary the DPS.

I also contacted Jade Mulley regarding her submitting a transfer and Vary DPS application. Jade Mulley was present at the meeting on 15 June 2021 and was aware of the issues at the premises and the failure to comply with Licence conditions. Jade Mulley advised me that she will ensure that measures are put in place to deal with the issues and to comply with licence conditions.

On 30 July 2021, an application was received from Jade Mulley to transfer the Premises Licence and Vary the Designated Premises Supervisor (DPS) to Mr Mark Morrison. Copies of the applications are attached at Appendix 11.

On 10 August 2021 Northumbria Police objected to the application to transfer the licence due to observing no improvement over the four week probationary period. The Police also were concerned that Jade Mulley had held the position of bar manager at the Jungle bar, during the past year and prior to this Jade Mulley was a member of bar staff for six months. During this time, it was clear that there were concerns over the management and the continued incidents at the premises. A copy of the objection letter from the Police is attached at Appendix 12.

On 10 September 2021, the matter was heard before the Licensing Sub Committee, where the Sub Committee considered the evidence presented and the representations made by Northumbria Police. The Sub Committee decided to refuse the transfer application submitted by Jade Mulley. A copy of the decision notice is attached at Appendix 13.

Officers from Licensing have also made enquiries with the Council's Income and Payments Section, which confirmed that the annual fee of £180 was due in November 2020 and has not been paid. Records show that an invoice dated 12 March 2021 was sent to Paul Rowe. In addition, a further reminder notice, dated 23 August 2021 was sent to Paul Rowe informing him that the annual fee was overdue. Copies of the invoices are attached at Appendix 14.

On 5 October 2021, The Licensing Section sent a further reminder to both John Kerr and Paul Rowe, reminding both licence holders that the annual fee was still outstanding. The letter stated that failure to pay the annual fee by 22 October 2021 will result in the suspension of the Premises Licence. In addition, the letter reminded both licence holders that there were a number of conditions from the inspection on 15 June 2021 that were not being complied with. The letter informed the licence holders that failure to rectify these matters may result in enforcement action against them, which may include a review of the Premises Licence, which could result in the suspension or revocation of the Premises Licence. A copy of the letter is attached as Appendix 15.

The same day, I contacted Paul Rowe to discuss the current position with the Premises Licence. Paul Rowe confirmed that he hasn't been involved with the premises for a number of years and wishes to surrender the licence. I advised Paul Rowe that in order to surrender the licence we would require Paul Rowe and John Kerr to send confirmation that they both wish to surrender the licence.

On 11 October 2021, I contacted the DPS, Mark Morrison to discuss the current position with the Premises Licence. Mark Morrison confirmed that when he was appointed as DPS

by Mr Stanley Johnston on a temporary basis, and that he was advised that there were no issues. He was concerned to find that following a visit by the Police that there were a number of issues at the premises and decided to only work at the premises for three weeks, in order for Jade Mulley to find a replacement. Mark Morrison confirmed that on 3 October 2021 he left his position as DPS.

On 11 October 2021, the Licensing Section received an email from Mark Morrison to confirm that he has left his position as DPS. A copy of this email is attached at Appendix 16.

The same day, I contacted one of the Licence Holders, Paul Rowe who stated that he was not aware of any of the issues at the premises and wished to remove himself from the Premises Licence. Paul Rowe sent an email to withdraw his involvement with the premises. A copy of the email correspondence with Paul Rowe is attached at Appendix 17.

Later that day, I contacted the bar manager Jade Mulley, who confirmed that she wasn't aware that Mark Morrison has left his position as the DPS and would ensure that the premises is closed. Jade Mulley also confirmed that she has never spoke to the licence holder Paul Rowe.

I also contacted the other Licence Holder John Kerr, who confirmed that he would speak to Paul Rowe but said that he doesn't wish to surrender the licence at this time due to his financial interest with the premises. I was advised that Paul Rowe was currently in Spain but would be returning on 14 October 2021 and had arranged a meeting with him to discuss the issues with the premises.

On 12 October 2021, I received an email from Paul Rowe confirming that he had spoken to John Kerr and he would be meeting him on Thursday 14 October 2021.

I replied to Paul Rowe's email to ensure that he understood that the number of incidents, together with the failure to comply with licence conditions and failure to pay the annual fee is the responsibility of the licence holders. I also explained that a review application will be submitted in a matter of days, where consideration will be given to revoke the Premises Licence. I asked Paul Rowe if he wished to formally surrender his responsibilities as the licence holder.

Paul Rowe replied to my email and confirmed that he would pay the annual fee personally and asked if the bar was open on a daily basis. Paul Rowe stated that he was in Italy and flies back in the evening. He also stated that John Kerr wishes to retain the licence. Licensing Officers awaited the outcome of the meeting on 14 October regarding the position of both licence holders. A copy of the emails is attached at Appendix 18.

On 14 October 2021, Northumbria Police submitted an application to review the Premises Licence, the application was made by Chief Inspector Liddell due to concerns with the way the premises are being managed and operated. In addition, there were concerns with the number of incidents, which undermine the Licensing objectives, in particular crime and disorder and the protection of children from harm.

On 15 October 2021, I received a phone call from Jade Mulley to inform me that she had appointed a new DPS and her name is Sandra Helen Hesselewood.

Jade Mulley stated that Sandra Hesselewood had been a DPS at another licensed premises but did not confirm which premises it was. Jade Mulley also stated that Sandra Hesselewood was aware of the issues and that John Kerr was also aware that she had

been appointed. I advised Jade of the application process to vary the DPS and the form needed to be completed by licence holders John Kerr and Paul Rowe. Jade Mulley advised me that she wanted to trade that evening, however I advised her that without a valid DPS application then she won't be able to do so.

A few moments later I received a phone call from John Kerr and he confirmed that Sandra Hesslewood will be appointed as the DPS and had a lot of experience. I asked John Kerr where Sandra Hesslewood had previously worked and he didn't know either.

On 15 October 2021, an application was received to vary the Designated Premises Supervisor (DPS) to Sandra Helen Hesslewood. A copy of the application is attached at Appendix 19.

On 19 October 2021, an email was received in the Licensing mailbox from Sandra Hesslewood confirming that she is no longer the DPS with effect from 19 October. A copy of the email is attached at Appendix 20.

Shortly after receiving the email from Sandra Hesslewood, I spoke to one of the Licence Holders, John Kerr and he was not aware that Sandra had left and intended to speak to her. I advised John Kerr that no alcohol could be sold until a new DPS had been appointed.

During this time, I also spoke to Sandra Hesslewood and she advised me that she has never met John Kerr or Paul Rowe and was dealing only with Jade Mulley. Sandra Hesslewood stated that Jade Mulley sold the job as a new business venture and she would only be needed for a few weeks while Jade Mulley obtained a Personal Licence. Sandra advised me that she had not been advised of the issues with the premises and was not prepared to take on the running of the premises full time as she has other commitments. Sandra also confirmed that she was not present when the premises was open on Friday 15th and Saturday 16th October 2021.

Later that day, I contacted Jade Mulley to inform her that Sandra Hesslewood had left her position as DPS. Jade was not aware of this and she said, "I don't know what more I can do" She stated that when Sandra Hesslewood was appointed as DPS, that she had a meeting with her to make her aware of the issues at the premises. I informed her that no alcohol can be sold until a new DPS has been appointed.

On 22 October 2021, an application was received to vary the Designated Premises Supervisor (DPS) to Mr Mark Morrison. A copy of the application form is attached at Appendix 21.

On 25 October 2021, the Licensing Office received confirmation from the Council's Recovery department that the annual fee for November 2020 was paid on 22 October 2021.

On 25 October 2021, on reviewing the DPS application, it showed that the consent of the individual to being the DPS was incorrectly completed. On 26 October 2021 the Licensing Section received an email with the DPS consent correctly completed. A copy of the form is attached at Appendix 22.

On 2 November 2021, an email was received from Northumbria Police objecting to the application to vary the DPS to Mark Morrison. A copy of the email is attached at Appendix 23.

Although John Kerr confirmed that Stanley Johnston is no longer concerned with the running of the premises, Licensing Officers have made enquiries with the Council's Environmental Health department who have confirmed that Mr Stanley Johnson completed a food business registration form on 14 May 2021 and a further application has not been received. A copy of Mr Johnston's application for a food business registration for the Jungle Bar is attached at Appendix 24.

On 3 November 2021, a meeting was scheduled with John Kerr and Mark Morrison to visit the premises on 10 November 2021 to conduct an inspection to ensure compliance with licence conditions. Both John Kerr and Paul Rowe confirmed that they would attend.

At 9.49am on 10 November 2021, I received a text message from Mark Morrison wishing to postpone the visit due him contracting the symptoms of COVID.

At 10.19am on 10 November 2021, I received a text message from John Kerr, confirming that he couldn't attend the meeting due to health issues. Mr Kerr sent a further text message stating that he couldn't understand why he was required to attend the premises because there were plenty of other staff members who could assist. I advised John Kerr that as one of the premises licence holders, he is responsible for ensuring compliance with licence conditions and unfortunately at that time I couldn't confirm compliance.

At the time of preparing the representation, it has not been possible to confirm compliance with the licence conditions.

It should be noted that the responsibility for ensuring compliance with the mandatory conditions attached to a Premises Licence under the Licensing Act 2003 fall to a 'responsible person'.

This is defined as:

- (a) in relation to licensed premises:
- (i) the holder of a premises licence in respect of the premises,**
 - (ii) the designated premises supervisor (if any) under such a licence, or**
 - (iii) any individual aged 18 or over who is authorised for the purposes of section 153 of the Licensing Act 2003 by such a holder or supervisor,**

In respect of the condition governing age verification, there are specific duties relating respectively to the holder of the premises licence or club premises certificate and designated premises supervisor.

It is clear that both John Kerr and Paul Rowe have not been concerned with the management of the premises for a number of years and therefore cannot ensure compliance with the conditions attached to the Premises Licence. From my discussions with John Kerr, he seems reluctant to surrender his involvement with the premises due his financial interest in the business. Paul Rowe has resided abroad for a number of years and has had no involvement with the running of the business.

On 10 November 2021, the Licensing Section received an email from Paul Rowe, wishing to formally surrender his involvement with the premises. Paul Rowe stated that he hasn't been involved with the premises for a number of years, and from reviewing the review application submitted by Northumbria Police, he wishes to have no affiliation with the site. A copy of this email is attached at Appendix 25.

It is my opinion that the premises are currently been managed by individuals that appear to not have knowledge and understanding of their requirements and the Licensing objectives

under the Licensing Act. It is also a concern that both licence holders are not aware of the number of incidents of crime and disorder that have been reported to the Police and have not proved to officers that they have implemented measures to reduce the number of incidents at the premises.

The Licensing Authority in its role as a Responsible Authority fully support the decision made by Northumbria Police to review the Premises Licence at the Jungle bar and consideration should be given for the revocation of the licence.

Please provide as much information as possible to support the representation. (Please read guidance note 2)

Appendix 1 – Licensing Sub Committee determination notice from 18 July 2012,

Appendix 2 – Copy of annual fee invoice and reminder notices for 2019,

Appendix 3 – Annual fee reminder letter from Licensing,

Appendix 4 – Suspension letter and notice,

Appendix 5 – Warning letters, following visit on 15 June 2021

Appendix 6 - Email to Northumbria Police and the Principal Licensing Officer, detailing conversation with John Kerr,

Appendix 7 – Follow up email to Jungle Bar detailing the conditions that are still not being complied with,

Appendix 8 – Copy of Northumbria Police improvement letter sent to the premises,

Appendix 9 – Copy of notification that Anna Jacques had left her position as the Designated Premises Supervisor,

Appendix 10 – Copy of email sent to Stanley Johnston at the Jungle Bar on 29 July 2021, to remind him of the non-compliance of the conditions on the Premises Licence and to inform Mr Johnston that because there is not a DPS in place, that no alcohol could be sold,

Appendix 11 – Applications to transfer the Premises Licence to Miss Mulley Vary the Designated Premises Supervisor (DPS) to Mr Mark Morrison,

Appendix 12 - A copy of the objection letter from the Police regarding the application to transfer the Premises Licence,

Appendix 13 - Licensing Sub Committee determination notice from 10 September 2021,

Appendix 14 – A copy of annual fee invoice outstanding for November 2020,

Appendix 15 – Reminder notice sent to John Kerr and Paul Rowe,

Appendix 16 – Email from DPS, Mark Morrison confirming he had left his role as DPS,

Appendix 17 – Copy of email correspondence with Paul Rowe,

Appendix 18 – Further email from Paul Rowe regarding the annual fee and the position with John Kerr,

Appendix 19 – A copy of the application to vary the Designated Premises Supervisor (DPS) to Sandra Helen Hesslewood,

Appendix 20 – Copy of email received from Sandra Hesslewood confirming that she is no longer the DPS with effect from 19 October 2021,

Appendix 21 – Application to Vary the Designated Premises Supervisor (DPS) to Mr Mark Morrison,

Appendix 22 - Consent of the individual to being the DPS correctly completed,

Appendix 23 – Copy of email from Northumbria Police objecting to the application to vary the DPS to Mr Morrison

Appendix 24 – Copy of Mr Johnston's application for a food business registration dated 14 May 2021.

Appendix 25 – Email from Paul Rowe surrendering his involvement with the premises

Please
Tick ✓

Have you made any representation relating to these premises before?

☐

If Yes, please state the date of that representation


Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

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Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature		Date	10 November 2021
Capacity	Senior Licensing Officer		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)

Post Town	Post Code
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Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.
6. Information on the Licensing Act 2003 is available at www.sunderland.gov.uk and you are advised to read any relevant guidance leaflets before completing this form.