

LICENSING SUB-COMMITTEE

AGENDA

**Meeting to be held in the Council Chamber, Civic Centre, on Friday,
10th September, 2021 at 10:30a.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Licensing Act 2003 – Consideration of Police Objection to the Transfer of a Premises Licence – Jungle Bar, 20 Vine Place, Sunderland, SR1 3NA	1
	Report of the Director of Neighbourhoods (copy herewith).	

E. WAUGH,
Assistant Director of Law & Governance.

Civic Centre,
SUNDERLAND.

2nd September, 2021

REPORT OF THE EXECUTIVE DIRECTOR FOR NEIGHBOURHOODS

LICENSING SUB-COMMITTEE – 10 SEPTEMBER 2021

LICENSING ACT 2003 – CONSIDERATION OF POLICE OBJECTION TO THE TRANSFER OF A PREMISES LICENCE

JUNGLE BAR, 20 VINE PLACE, SUNDERLAND, SR1 3NA

Applicant – Miss Jade Mulley

1.0 PURPOSE OF REPORT

- 1.1 To consider an objection from the Police to an application for the transfer 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 notice given by Northumbria Police referred to in paragraph 4.0 below and to reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.

3.0 INTRODUCTION/BACKGROUND

- 3.1 A copy of the application form to transfer the premises licence submitted on 30 July 2021 is attached as Appendix 1.

4.0 CURRENT POSITION

- 4.1 Northumbria Police have notified the Council that it is their belief that the granting of the application would undermine the crime prevention objective. A copy of the objection notice is attached as Appendix 2.
- 4.2 On 30 July 2021, Miss Jade Mulley submitted an application to vary the premises licence to specify Mark Morrison as the Designated Premises Supervisor. The Police have raised no objections to this application.

5.0 REASONS FOR THE DECISION

- 5.1 To determine the application as required by section 44(5) of the Licensing Act 2003.

6.0 ALTERNATIVE OPTIONS

- 6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

- 7.1 The provisions of sections 8.100 to 8.102 of the Secretary of State's Guidance (Transfer of premises licence) apply to this matter and are set out below.

8.100

In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police or Home Office (Immigration Enforcement) raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the holder.

8.101

In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

8.102

Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or the Home Office (Immigration Enforcement).

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 LIST OF APPENDICES

Appendix 1 – Transfer Application form.

Appendix 2 – Northumbria Police objection notification.

10.0 BACKGROUND PAPERS

10.1 None.

Appendix 1

* required information

Section 1 of 7

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

jade

* Family name

mulley

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☐ Applying as a business or organisation, including as a sole trader
☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

Section 2 of 7

PREMISES DETAILS

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

Premises Licence

* Premise licence number

Name Of Current Premises Licence Holder

* Name

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Building number or name	<input type="text" value="20"/>
Street	<input type="text" value="vine place"/>
District	<input type="text"/>
City or town	<input type="text" value="sunderland"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="sr13na"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Please give a brief description of the premises

Continued from previous page...

Telephone number at the premises if any

Section 3 of 7

APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

- ☒ An individual or individuals
- ☐ A limited company/limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Please confirm the following:

- ☐ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 7

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

jade

Family name

mulley

Continued from previous page...

Is the applicant 18 years of age or older?

☐ Yes ☐ No

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

 / /

* Nationality

Right to work share code

Right to work share code if not submitting scanned documents

Add another applicant

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FURTHER INFORMATION

Are you the holder of the premises licence under an interim authority notice?

☐ Yes ☒ No

Do you wish the transfer to have immediate effect?

☒ Yes ☐ No

Continued from previous page...

Have you attached the consent form signed by the existing premises licence holder?

☐ Yes ☒ No

Please enter your reasons. What steps have you taken to obtain consent?

mr john kerr is ready to sign it over
mr paul row cant get hold of him

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)?

☒ Yes ☐ No

Have you attached the previous licence?

☐ Yes ☒ No

Please enter your reasons

waiting for a copy from sunderland city council

Section 6 of 7

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online.

The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/sunderland/change-3> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Consent of premises licence holder to transfer

I/we Mr John Kerr
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 000M PREM00798
[insert premises licence number]

relating to

20 Vine Place SR13NA
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

000M PREM00798
[insert premises licence number]

to

Miss Jade Mulley
[full name of transferee].

signed

name

(please print)

dated

John Kerr
29/7/21

Appendix 2



**NORTHUMBRIA
POLICE**
Proud to Protect

Southern Area Command
Millbank Police Station
Station Road
South Shields
Tyne and Wear
NE33 1RR

Tel: 101

10.08.2021

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

Dear Sir/Madam,

**RE: Application to transfer a premises licence, The Jungle Bar, 20 Vine Place,
Sunderland, SR1 3NA**

Northumbria Police (Southern Area Command) are in receipt of the above application to specify Jade Mulley as the Premises Licence Holder of Jungle Bar, 20 Vine Place, Sunderland, SR1 3NA.

Since May 2021 there have been a disproportionate number of incidents at the premises along with poor management. This resulted in the premises being advised in June 2021 of four weeks to reduce the level of crime and disorder and to improve and implement policies and procedures regarding the overall management of the premises.

During the four week period Northumbria Police saw no improvements and incidents continued to occur at the premises. Northumbria Police will therefore be submitting an application to review the premises licence.

Jade Mulley has held the position of bar manager at Jungle Bar during the past year, prior to this she was bar staff for six months. The bar manager is accountable for the effective management of the premises and has a responsibility to protect patrons by upholding the licensing objectives, as detailed above, Ms Mulley has failed in her position.

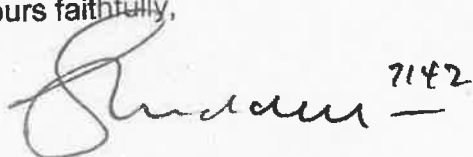
A meeting was held with Ms Mulley and proposed DPS Mark Morrison on 03.08.21 to discuss the proposed plans for the business moving forward, and what measures would be implemented to ensure the safe running of the premises. It was advised Mark Morrison would be involved for the first month but then would take a back seat after this, allowing Jade to manage the premises. The long term plan is for Jade to attend a personal licence course with the view to become DPS. An application was submitted to vary the DPS to Mark Morrison on 30.07.21 and whilst Northumbria Police have no formal grounds to object to this application, there are serious concerns around Mark's inexperience and ability to commit to the long term running of the premises. In addition, there are serious concerns that Jade has not been able to demonstrate she is an effective manager

and the ongoing issues at the premises are embedded. Therefore, it is believed that a complete change of personnel is required.

For the reasons discussed above, the Chief Officer of Northumbria Police is satisfied that the exceptional circumstances of the case are such that granting the application to specify Ms Mulley as Premises Licence Holder would undermine the crime prevention objective.

I trust the above confirms the position of the Chief Officer of Northumbria Police.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Stuart Liddell', followed by a horizontal line and the number '7142'.

Chief Inspector Stuart Liddell
Southern Area Command

CC. J Mulley