

LICENSING ACT SUB-COMMITTEE AGENDA



Tuesday 24th June 2008

At 10.00 am

**In Committee Room B,
Civic Centre, Hartlepool**

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Fleet, Griffin and Hall

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for the review of Premises Licence – The Lighthouse, Church Street, Hartlepool – *Head of Procurement, Property & Public Protection*

LICENSING ACT 2003

Procedure for Review Hearings



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. Head of Public Protection and Housing outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Head of Public Protection and Housing.
4. Applicant for Review presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Licence/Club Certificate holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Parties may question and clarify issues raised with the consent of the Chair.
10. If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
11. If required, the Licence /Club Certificate holder to be given opportunity to sum up.
12. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
13. Members to go into closed session to deliberate.
14. Chair informs parties of their decision, with reasons.

Report of: Head of Procurement, Property & Public Protection

Subject: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – LIGHTHOUSE, CHURCH STREET, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a Premises Licence in respect of Lighthouse, Church Street, Hartlepool.

2. BACKGROUND

2.1 Party requesting review: Cleveland Police

Premises to which application for review relates: Lighthouse

2.2 The current licence authorises the following activities: -

1. Supply of Alcohol (On and Off Supplies)
2. Live Music
3. Recorded Music
4. Performance of Dance
5. Provision of Facilities for Making Music
6. Provision of Facilities for Dancing
7. Provision of Facilities for Entertainment
Similar to 5 and 6 above

Monday – Saturday 1100 – 0400

Sunday 1200 – 0400

2.3 A copy of the Premises Licence is attached as Appendix I.

3. SUMMARY OF THE APPLICATION

3.1 Cleveland Police has requested a review of the Premises Licence on the following grounds: -

Historically, Lighthouse has been a problem premises to Cleveland Police and is continuing to cause major concern. There have been a

concerning number of incidents connected with the premises involving a number of serious assaults and disorder which has resulted in a number of arrests being made and a drug related death. There was a further report of supply of controlled substances (Class A drugs) on the premises.

Since November 2006, Cleveland Police have raised their concerns regarding trouble within the premises on numerous occasions with the DPS, Corinna Pegg. Despite agreements been reached with regards to conditions to prevent undermining the licensing objectives, Cleveland Police remain concerned.

A further voluntary agreement was signed by Corinna Pegg in March 2008. Following this, a serious assault occurred on a police officer which resulted in him suffering from a broken nose.

Cleveland Police are concerned that whenever they have visited the premises, the DPS has rarely been present. The primary source of contact has been Michael Sorby, who holds neither a personal licence nor an SIA badge. Cleveland Police have been advised that the DPS is employed full time as a care worker at a nursing home.

A report has been received from an officer attending the Lighthouse that door supervisors have been un cooperative and unprofessional.

The premises is open for only two evenings a week. Despite this, it accounts for a substantial number of incidents within Church Street.

Although predominantly in the area for night time economy, the premises is situated near to a residential area. In addition to this, a substantial number of foot passengers frequent the immediate area, and it is the opinion of Cleveland Police that incidents at Lighthouse do not contribute to the feeling of wellbeing and public safety amongst law abiding members of the public.

On occasions, Cleveland Police have requested CCTV footage from the premises which has not been readily available.

Cleveland Police believe that the incidents involving lighthouse premises undermine 3 out of 4 of the licensing objectives. Despite the fact that the premises has agreed to work with Cleveland Police and signed up to agreements, this has failed to prevent disorder. It is therefore the opinion of Cleveland Police that nothing less than a revocation will suffice.

3.2 Cleveland Police has also provided the following additional information: -

A series of statements from officers and witnesses and event chronologies relating to incidents at the premises

3.3 A copy of the Application for Review is attached as Appendix II.

4. ISSUES

4.1 An application for the review of a licence is made under Section 51 of the Licensing Act 2003. The application must be made by either a Responsible Authority or Interested Party as defined by the Act. Cleveland Police is a Responsible Authority.

4.2 The application must also relate to at least one of the Act's 'licensing objectives'. These are: -

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

4.3 The application has been advertised in the prescribed manner and no further representations have been received.

4.4 Following consideration of the application, relevant representations and any comments of the licence holder, Members may take such steps as they consider necessary for the promotion of the licensing objectives.


4.5 The steps are: -

- To take no action;
- To modify the conditions on the licence (this may include altering or omitting an existing condition or adding a new condition);
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence

5. RECOMMENDATIONS

5.1 That Members consider the representations made by the applicant, and licence holder and determine what action, if any, should be taken.

Appendix I

Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY		 HARTLEPOOL BOROUGH COUNCIL												
THE LICENSING ACT 2003														
PREMISES LICENCE (PART A)														
Premises licence number	HART/PS/277													
Part 1 - Premises details														
Postal address of premises or, if none, ordnance survey map reference, or description														
Lighthouse Church Street														
Post Town	Hartlepool	Post code TS24 7DN												
Telephone number 01429 233147														
Where the licence is time limited the dates														
N/A														
Licensable activities authorised by the licence. Any entertainment authorised by this licence is limited to indoors only, unless stated otherwise.														
<table border="0"> <tr> <td>1. Supply of Alcohol (On & Off Sales)</td> <td>6. Provision of Facilities for Dancing</td> </tr> <tr> <td>2. Live Music</td> <td>7. Entertainment Similar to 5 or 6 above</td> </tr> <tr> <td>3. Recorded Music</td> <td></td> </tr> <tr> <td>4. Performances of Dance</td> <td></td> </tr> <tr> <td>5. Provision of facilities for Making Music</td> <td></td> </tr> </table>			1. Supply of Alcohol (On & Off Sales)	6. Provision of Facilities for Dancing	2. Live Music	7. Entertainment Similar to 5 or 6 above	3. Recorded Music		4. Performances of Dance		5. Provision of facilities for Making Music			
1. Supply of Alcohol (On & Off Sales)	6. Provision of Facilities for Dancing													
2. Live Music	7. Entertainment Similar to 5 or 6 above													
3. Recorded Music														
4. Performances of Dance														
5. Provision of facilities for Making Music														
The time the licence authorises the carrying out of licensable activities														
<table border="0"> <tr> <td>1. Supply of Alcohol (On & Off Sales)</td> <td>5. Provision of facilities for Making Music</td> </tr> <tr> <td>2. Live Music</td> <td>6. Provision of Facilities for Dancing</td> </tr> <tr> <td>3. Recorded Music</td> <td>7. Entertainment Similar 5 or 6 above</td> </tr> <tr> <td>4. Performances of Dance</td> <td></td> </tr> <tr> <td>Monday – Saturday</td> <td>1100 – 0400</td> </tr> <tr> <td>Sunday</td> <td>1200 – 0400</td> </tr> </table>			1. Supply of Alcohol (On & Off Sales)	5. Provision of facilities for Making Music	2. Live Music	6. Provision of Facilities for Dancing	3. Recorded Music	7. Entertainment Similar 5 or 6 above	4. Performances of Dance		Monday – Saturday	1100 – 0400	Sunday	1200 – 0400
1. Supply of Alcohol (On & Off Sales)	5. Provision of facilities for Making Music													
2. Live Music	6. Provision of Facilities for Dancing													
3. Recorded Music	7. Entertainment Similar 5 or 6 above													
4. Performances of Dance														
Monday – Saturday	1100 – 0400													
Sunday	1200 – 0400													
The opening hours of the premises														
<table border="0"> <tr> <td>Monday – Saturday</td> <td>1100 – 0430</td> </tr> <tr> <td>Sunday</td> <td>1200 – 0430</td> </tr> </table>			Monday – Saturday	1100 – 0430	Sunday	1200 – 0430								
Monday – Saturday	1100 – 0430													
Sunday	1200 – 0430													
1		PREM09												

Where the licence authorises supplies of alcohol whether these are on and / or off supplies	
On and Off Supplies	
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Ms Corinna Anastasia Pegg 2 Raby Gardens Hartlepool TS24 8HE	
Tel No: 07834 990787	
Registered number of holder, for example company number, charity number (where applicable)	
N/A	
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol	
Ms Corinna Anastasia Pegg 2 Raby Gardens Hartlepool TS24 8HE	
Tel No: 07834 990787	
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
HART/PL/202 Hartlepool Borough Council	
Date licence granted: 21 September 2006	
2	PREM09

ANNEX 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.

ANNEX 2 – Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours includes:
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 (or, if there are no permitted hours on the following day, midnight on 31st December).
2. A tamper proof digital CCTV system shall be installed at the premises in liaison with and to the satisfaction of the Cleveland Police Licensing and Community Safety Officers and shall be used to record during all hours that a licensable activity takes place on the premises.
3. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials for use by patrons.
4. A drugs policy shall be prepared and implemented.
5. Except with the prior written approval of the Licensing Authority and subject to any conditions, which may be attached to such approval: -
 - (a) No special effects, naked flames, smoke production or any process creating a risk of fire, or the illusion of smoke or fire shall be used for the purpose of providing regulated entertainment on the premises.
 - (b) No explosives or highly flammable substances shall be brought into or used on the premises.
 - (c) No special effects shall be used or displays given on the premises, which consist of or include the use of lasers.

Applications for consent, giving detailed descriptions of the equipment to be used and details of the event, including dates and times must be made not less than 28 days before the date of the event.
6. The licensee must ensure that the electrical socket outlets in the licensed premises, which are used for the purpose of providing licensed entertainment are protected by a residual current device being a 30 MA tripping circuit.
7. In the event of the fire alarm being activated a suitable relay must be provided so that the electrical power supply to all sound amplification system in the licensed premises must be immediately intercepted so that the alarm can be clearly heard in all parts of the licensed premises.
8. Any person exercising a security activity (as defined by paragraph 2(l) (a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the security industry authority.

9. Security staff will be employed at the premises.
10. Any security staff will clearly display their name badge at all times whilst on duty.
11. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
12. Where CCTV is installed with recording facilities such recording shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
13. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
14. The maximum occupancy for the building (including staff and performers) will be restricted to 300 (three hundred) persons.
15. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of residents and to leave the premises and area quietly.
16. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby premises.
17. Children under the age of 16 shall not be permitted to enter the premises after 21.00 hours.
18. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the Children and Young Persons Act 1933.
19. Toughened drinks glasses shall be provided and maintained.
20. Drinks promotions which promote irresponsible drinking are prohibited.

ANNEX 3 – Conditions attached after a hearing by the Licensing Authority


None

ANNEX 4 - Plans

See attached

Appendix II

Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY



HARTLEPOOL
BOROUGH COUNCIL

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB
PREMISES CERTIFICATE 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 Marie Nevison
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Lighthouse Church Street	
Post town Hartlepool	Post code (if known) TS24 7DN

Name of premises licence holder or club holding club premises certificate (if known) Corinna Anastatasia Pegg
--

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

Part 2 - Applicant details

I am

	Please tick yes
1) an interested party (please complete (A) or (B) below)	
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)	<input checked="" type="checkbox"/>
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>

1

REV01

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick
Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post town Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

2

2

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Constable of Cleveland Police c/o PC T Swales Licensing Unit Hartlepool Police Office Avenue Road Hartlepool TS24 8AJ
Telephone number (if any) 01642 302567
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Historically, Lighthouse has been a problem premises to Cleveland Police and is continuing to cause major concern. There have been a concerning number of incidents connected with the premises involving a number of serious assaults and disorder which resulted in a number of arrests being made and a drug related death. There was a further report of supply of controlled substances (Class A drugs) on the premises.

Since November 2006, Cleveland Police have raised their concerns regarding trouble within the premises on numerous occasions with the DPS, Corinna Pegg. Despite agreements been reached with regard to conditions to prevent undermining the licensing objectives, Cleveland Police remain concerned.

A further voluntary agreement was signed by Corinna Pegg in March 2008. Following this, a serious assault occurred on a police officer which resulted in him suffering from a broken nose.

Cleveland Police are concerned that whenever they have visited the premises, the DPS has rarely been present. The primary source of contact has been Michael Sorby, who holds neither a personal Licence nor an SIA badge. Cleveland Police have been advised that the DPS is employed full time as a Care Worker at a nursing home.

A report has been received from an officer attending the Lighthouse that door supervisors have been un cooperative and unprofessional.

The premise is open for only two evening a week. Despite this, it accounts for a substantial number of incidents within Church Street.

Although predominantly in the area for night time economy, the premises is situated near to a residential area. In addition to this, a substantial number of foot passengers frequent the immediate area, and it is the opinion of Cleveland Police

that incidents at Lighthouse do not contribute to the feeling of wellbeing and public safety amongst law abiding members of the general public.

On occasions, Cleveland Police have requested CCTV footage from the premises which has not been readily available.

Cleveland Police believe that the incidents involving Lighthouse premises undermine 3 out of 4 of the licensing objectives. Despite the fact that the premise has agreed to work with Cleveland Police and signed up to agreements, this has failed to prevent disorder. It is therefore the opinion of Cleveland Police that nothing less than a revocation will suffice.

Please provide as much information as possible to support the application
(please read guidance note 2)

See attached evidence

Have you made an application for review relating to this premises before Please tick yes

If yes please state the date of that application

Day	Month	Year

5

5

If you have made representations before relating to this premises please state what they were and when you made them
 Cleveland Police made representations on 31 August, 2005.

- Please tick yes
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 3)

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

Signature 

Date 2 May 2008

Capacity Solicitor

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review 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 review if available.
3. The application form must be signed.
4. An applicant'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 application.

Copies of this completed application form must be sent to:-

The Licensing Team (HBC),
 Principal Trading Standards Officer (HBC)
 Development Control Manager (HBC)
 Principal Environmental Health Officer (Commercial Services) (HBC)
 Principal Environmental Health Officer (Environmental Protection) (HBC)
 Head of Safeguarding and Review (Licensing) (HBC)
 Cleveland Police,
 Cleveland Fire Brigade

Addresses for the above organisations are attached.

The Licensing Section
 Public Protection and Housing
 Hartlepool Borough Council
 Civic Centre
 Victoria Road
 Hartlepool
 TS24 8AY