

LICENSING ACT SUB-COMMITTEE AGENDA



Friday 31st October 2008

at 10.00 am

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

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Fleet, Fleming and G Lilley

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Application for the review of a premises licence – 24 Hour Store, Raby Road, Hartlepool – *Head of Procurement, Property and 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 – 24 HOUR STORE, RABY ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a Premises Licence in respect of the 24 Hour Store, Raby Road, Hartlepool.

2. BACKGROUND

- 2.1 Party requesting review: Mr J Swift

Premises to which application for review relates: The 24 Hour Store

- 2.2 The current licence authorises the off-sale of alcohol for 24 hours per day, seven days per week.

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

- 2.4 Whilst the premises has a 24 hour licence, the shop actually closes its doors around 23:00 hours but continues to serve the public through a hatch in the front of the premises that is directly opposite Furness Street.

3. SUMMARY OF THE APPLICATION

- 3.1 Mr Swift lives in Furness Street which is in the vicinity of the licensed premises in question and as such he is an Interested Party as defined by the Licensing Act 2003.

- 3.2 Mr Swift's application for review states that he has the support of a number of residents from Furness Street and the grounds for review can be summarised as follows: -

- a) There are sales of alcohol to people who are under age
- b) Long queues outside the shop cause fighting in the street
- c) Men and women urinate outside the premises
- d) Customers buy alcohol, immediately consume it and leave their empty bottles in Furness Street

- e) Taxis, cars and vans obstruct the adjacent road and play loud music
- f) Drunken people abuse local residents

- 3.2 A copy of the application for review is attached as Appendix II.
- 3.3 The application has been advertised in the prescribed manner and a representation has been received from Cleveland Police who are a Responsible Authority under the Licensing Act 2003.
- 3.4 Cleveland Police have stated the area in which the licensed premises is situated already suffers from crime and disorder and drink related problems and that allowing the licence to continue in its current form would undermine all of the licensing objectives.
- 3.5 A copy of the Police's representation is attached as Appendix III and supporting evidence in the form of statements from Police Community Support Offices and Police Offices will be presented at the hearing.

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. Mr Swift is an Interested Party.
- 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 one representation was received from Cleveland Police.
- 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 the times during which alcohol may be supplied or adding, amending or omitting a 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, the Responsible Authority and licence holder and determine what action, if any, should be taken.

Appendix I

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



THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number HART/PS/132

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
119-123 Raby Road	
Post Town	Hartlepool
Post code	TS24 8DT
Telephone number	01429 868888

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
<u>Alcohol Sales</u> Off-Supplies

The time the licence authorises the carrying out of licensable activities		
<u>Alcohol Sales</u>		
Off-Supplies	Monday – Sunday	0001 – 0000

The opening hours of the premises		
	Monday – Sunday	0001 – 0000

Where the licence authorises supplies of alcohol whether these are on and / or off supplies Off Supplies
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Peter Maxfield 18 Hillside Close New Marske Redcar TS11 8HW Tel: 01642 480518
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 Angela Breeze 19 Mapleton Road Hartlepool TS24 8NL
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/114

Date licence granted: 20th December 2005

ANNEX 1 – Mandatory Conditions

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

ANNEX 2 – Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied for Off Sales, except during permitted hours

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

2. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
3. There shall be at least two fully operational CCTV cameras at the premises. These shall be regularly maintained and recordings shall be retained for a minimum of 28 days. Recordings shall be made immediately available to a Police Officer or authorised officer of Hartlepool Borough Council on request.

One CCTV camera shall be positioned on the front exterior of the premises and shall be directed towards Furness Street. The other shall, during the hours the premises are open to the public, be directed towards the shopping aisles. When the premises close to the public this camera shall be re-directed towards the serving hatch.

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

**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.

1 J. SWIFT / TENANTS OF FURNESS CAMELON BGL
(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

24-HOUR STORE BABY ROAD

Post town

HARTLEPOOL

Post code (if known)

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

ANSIE BREEZE

~~NOT KNOWN~~

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

NOT 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 checked="" type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input checked="" 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) ☐

3) a member of the club to which this application relates (please complete (A) below) ☐

REV01

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

Please tick

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

Surname

SWIFT

First names

JOHN

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
addressS. FURNESS STREET
HARTLEPOOL
5

Post town

Post Code

TS24-8JN

Daytime contact telephone number

07939418154

E-mail address
(optional)**(B) DETAILS OF OTHER APPLICANT**

Name and address	3. FURNESS STREET ANGELA SWANSON 7. FURNESS STREET LISA CARROL 9. FURNESS STREET MADELINE MADGE 15. DORRIS OLIVER FURNESS STREET 23. FURNESS STREET TRISH OLIVER 22. FURNESS STREET BRIAN KINGSTON 14. FURNESS STREET GRADY NICKELSON
Telephone number (if any)	
E-mail address (optional)	

13 FURNESS STREET MARTIN FOWLER
8 FURNESS STREET CHAELINE BROWN
10 FURNESS STREET SAM GREEN
20 FURNESS STREET JOE HALL
11 MARIE SUMNERVILLE
6. FURNESS STREET JOANNE HULL

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Telephone number (if any)

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)

STAFF FALLING TO SLEEP ON NIGHT DUTY
 FIGHTS BREAK OUT PEOPLE ACCUSE STAFF
 OF BEING ROBBED OR SHORT CHANGED
 SELLING ALCOHOL TO UNDER AGED PEOPLE
 LONG QUES OUTSIDE CAUSE FIGHTS TO
 BREAK OUT PEOPLE SICK OF WAITING TO
 BE SERVED STAFF ARE TOO SLOW
 MEN + WOMEN URINATING OUTSIDE OF PREMISES
 AND SURROUNDING AREA. BUYING ALCOHOL
 IN GLASS BOTTLES DRINKING IT OUTSIDE OF
 SHOP THEN THROWING EMPTY BOTTLES ACROSS
 ROAD TO FURNESS BACK STREET AND SMASHING
 TAXI AND CARS VANS OBSTRUCTION ROAD SOME
 PLAYING LOUD MUSIC PEOPLE CLIMBING OUT OF
 TAXI CARS CLIMBING BARRIER TO GO TO SHOP
 SOMEBODY WILL BE KILLED

P.T.O

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

DRUNKEN PEOPLES HURLING ABUSE AT
PEOPLE AND RESIDENTS OF SURROUNDING AREA
THIS AREA IS OUT OF CONTROL ON WEEKENDS
WHEN FIGHTS BREAK OUT STAFF ARE RELUCTANT
TO PHONE POLICE SOME RESIDENTS ARE
RELUCTANT TO COME OUT OF THERE PREMISES
AFTER A CERTAIN TIME I HAVE WITNESSED HORRIF
FIGHTS DRUNK DRIVERS I HAVE HAD A VEHICLE
WROTE OFF BY DRUNK DRIVERS WHO USE TAG
TWENTY FOUR HOUR STORK. ALL TAG RESIDENTS
OF F.C.B ARE LOOKING FOR IS TO BE ABLE
TO SLEEP AS THIS GOES ON FROM
THURSDAY TILL MONDAY & IT STARTS WHEN
PEOPLE HAVE TO BE SERVED FROM HATCH
11 P.M TILL 6.AM

Please tick yes

Have you made an application for review relating to this premises before ☒

If yes please state the date of that application

Day	Month	Year
SEPT	05	

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

WHEN THE NEW LATE LICENCE CAME INTO FORCE THE 24 HOUR SHOP APPLIED FOR ONE F.C.B. OBJECTED THEY RE APPLIED AND F.C.B. AGREED TO WORK WITH THE PROPRIETOR OF THE PREMISES THEY WERE GRANTED THE LICENCE. WHAT I CAN'T UNDERSTAND THAT THESE PREMISES HAD BEEN SELLING ALCOHOL FOR A NUMBER OF YEARS WITHOUT A LICENCE 24 HOURS A DAY I THOUGHT THIS WOULD HAVE SOME BEARING ON THERE APPLICATION FOR THERE NEW LICENCE

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

3/9/08

Capacity

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

Appendix III

Sean Price QPM BSc(Hons) MSt(Cantab)
Chief Constable

LEGAL SERVICES

HEAD OF LEGAL SERVICES

Julia E. Hatton LL.B. (Hons)

SOLICITORS

Joanne Monkman B.A. (Hons)

Marie Nevison LL.B.

LEGAL EXECUTIVE

Michelle D. Phillips F.Inst. L.Ex



HEADQUARTERS

P.O. Box 70

Ladgate Lane

Middlesbrough

TS8 9EH

Telephone: 01642 326326

Facsimile: 01642 301227

DX 68801 Middlesbrough 7

Your Ref:
Our Ref: MN/KR

When telephoning please use
Direct Line (302567) to contact
PC Swales

3rd October, 2008

Dear Sirs,

Re: Licensing Act 2003
Application for Review of Premises Licence
24 Hour Shop – 119 – 123 Raby Road, Hartlepool

Cleveland Police are aware that an application for review of the above Premises Licence has been made by an interested party under section 51 Licensing Act 2003.

Following the application for review, I confirm that Cleveland Police wish to make representations for the following reasons:

The premise is situated close to a residential area and in an area which already suffers from crime and disorder and drink related problems. Cleveland Police are therefore of the opinion that by allowing this licence to continue in its current form, all of the licensing objectives are being undermined.

Following concerns regarding reported incidents of anti social behaviour and crime and disorder connected to the premises, PC Swales visited the premises and reminded the DPS, Angela Breeze of her duty to promote the licensing objectives. At this meeting, PC Swales advised Angela Breeze that she could contact Cleveland Police for any advice and support she required.

Licensing Department
Hartlepool Borough Council
DX 60669
Hartlepool



CRIME STOPPERS

CRIMESTOPPERS

0800 555 111

We are an equal opportunities employer

Due to the fact that the premise has a licence 24 hour licence to sell alcohol, the area is inundated with persons of all ages frequenting the area after the night time economy has ceased in order to purchase further alcohol. Persons are visiting the area in taxis and this has resulted in information being passed to Cleveland Police that taxis are parking on double yellow lines outside the premise which is having a detrimental impact on the quality of life of residents.

In addition to the above, further reported incidents have occurred related to the premises. On one occasion, persons arrested outside the premise for drunk and disorderly were also found to be in possession of a controlled substance.

Whilst Cleveland Police believe that the Designated Premises Supervisor, Angela Breeze and her staff are doing their best to promote the licensing objectives and they are co operative with Cleveland Police, the situation appears to be defeating them. Due to either the pressures upon the premises or a lack of due diligence, an under age sale was made on 11 July 2008.

A copy of the following evidence upon which Cleveland Police intend to rely is enclosed with these representations, namely:

1. Witness statement of PC Swales and exhibits
2. Witness statement of Chief Inspector Williams

Further evidence may be submitted at a later date.

I trust that the above information is sufficient to form the basis of police representations. Should you have any further queries in relation to this matter, you may wish to speak to PC Swales on the above number.

Yours faithfully,



M. Nevison
Legal Adviser