

LICENSING ACT SUB-COMMITTEE AGENDA



Friday 19th December 2008

at 2.00 pm

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

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Hall, McKenna and Tumilty

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for a premises licence – The Kube, 10 Whitby Street,
Hartlepool – *Head of Procurement, Property and Public Protection*

Licensing Act 2003

Procedure for 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 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.
4. Applicant 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. Parties may question and clarify issues raised with the consent of the Chair.
9. If required, responsible bodies/interested parties be given opportunity to sum up.
10. If required, the applicant to be given opportunity to sum up.
11. 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.
12. Members to go into closed session to deliberate.
13. Chair informs parties of their decision, with reasons.

Report of: Head of Procurement, Property & Public Protection

Subject: APPLICATION FOR A PREMISES LICENCE – THE KUBE, 10 WHITBY STREET, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for a premises licence in respect of The Kube, 10 Whitby Street, Hartlepool.

2. BACKGROUND

- 2.1 Applicant: LBB Leisure Ltd
Address: 6 Henshaw Drive
Ingleby Barwick
Stockton on Tees
TS17 5BT

3. SUMMARY OF THE APPLICATION

- 3.1 The applicant has applied for a new premises licence to authorise the following activities: -

1. Live music
2. Recorded music
3. Performance of dance (including Lap Dancing)
4. Anything similar to 1,2 or 3 above
5. Provision of facilities for making music
6. Provision of facilities for dancing
7. Anything similar to 5 or 6 above
8. Supply of alcohol (both on and off licence)

The requested hours for these activities are: -

Sunday – Wednesday	1100 – 0200
Thursday	1100 – 0300
Friday – Saturday	1100 – 0400

The proposed opening times for the premises are: -

Sunday – Wednesday	1100 – 0230
Thursday	1100 – 0330
Friday – Saturday	1100 – 0430

A copy of the application is attached as **Appendix 1**.

- 3.2 The application has been advertised in the prescribed manner and four representations have been received. Three from Responsible Authorities (Cleveland Police, HBC Planning and HBC Environmental Health – **Appendices 2- 4**) and one from an Interested Party who resides in the immediate vicinity of the premises (**Appendix 5**).
- 3.3 Cleveland Police have asked the applicant to agree to a number of conditions including the provision of door supervisors, CCTV cameras and a wide range of conditions relating specifically to lap dancing.
- 3.4 Hartlepool Borough Council's Planning Department has highlighted a number of inconsistencies with the application and current planning approval.
- 3.5 Environmental Health officers have requested that a number of conditions be attached to the licence relating to health and safety matters. A verbal agreement has been reached on this issue but at the time of writing, no written confirmation had been received.
- 3.6 The Interested Party has objected to the proposed opening hours but will accept a compromise if the premises close no later than midnight between Monday and Wednesday and 0200 hours between Thursday and Saturday.

4. **ISSUES**

- 4.1 As relevant representations have been received within the prescribed time period, a hearing must be held for Members to consider those representations (unless all parties agree a hearing is unnecessary).
- 4.2 There is a premises licence currently in place for these premises which permits a wide range of licensable activities, including the sale of alcohol, live music and dancing (but not specifically lap dancing) between 1100 hours and midnight between Sunday and Wednesday and 1100 hours and 0200 hours between Thursday and Saturday.
- 4.3 Due to the substantial alterations being made to the premises a new licence application has been submitted. Any decision made by Members today will not affect the licence currently in force. Should Members grant the new licence, the licence holder will surrender the current licence.
- 4.4 Having regard to the representations received, Members may take any of the following steps for the promotion of the licensing objectives:
 - i) Grant the application without amendment
 - ii) Grant the application with conditions, or amended conditions
 - iii) Reject those parts of the application that are relevant to the representations received

4.5 The licensing objectives are:

- i) The prevention of crime and disorder
- ii) Public safety
- iii) The prevention of public nuisance, and
- iv) The protection of children from harm

5. RECOMMENDATIONS

5.1 That Members consider the representations made by the applicant, Responsible Authorities and Interested Party and determine what aspects, if any, of the application should be granted and, if appropriate, what conditions, if any, should be attached.

**Application for a premises licence to be granted
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/W LBB Leisure Ltd,

e

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 10 Whitby Street,			
Post town	Hartlepool	Post code	TS24 7AD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£5750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					

Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name LBB Leisure Ltd
Address 6 Henshaw Drive Ingleby Barwick Stockton on Tees TS17 5BT
Registered number (where applicable) 6715849
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any) 07830 356210
E-mail address (optional)

Part 3 Operating Schedule

	Day
	Month
	Year

When do you want the premises licence to start?

0

Month
Year

Day

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises (please read guidance note1)
Public House on ground and first floors offering regulated entertainment

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I) ☒
- j) dancing (if ticking yes, fill in box J) ☒
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) ☒

Provision of late night refreshment (if ticking yes, fill in box L) ☐

Supply of alcohol (if ticking yes, fill in box M) ☒

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>	
					Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both				<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)				
Tue							
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)				
Thur							
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)				
Sat							
Sun							

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	11.00	02.00		
Tue	11.00	02.00	State any seasonal variations for the performance of live music (please read guidance note 4)	
Wed	11.00	02.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Thur	11.00	03.00		
Fri	11.00	04.00		
Sat	11.00	04.00		
Sun	11.00	02.00		

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	11.00	02.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	11.00	02.00			
Wed	11.00	02.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	11.00	03.00			
Fri	11.00	04.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	11.00	04.00			
Sun	11.00	02.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	11.00	02.00			
Tue	11.00	02.00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed	11.00	02.00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur	11.00	03.00			
Fri	11.00	04.00			
Sat	11.00	04.00			
Sun	11.00	02.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u> possible karaoke		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11.00	02.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11.00	02.00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	11.00	02.00			
Thur	11.00	03.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	11.00	04.00			
Sat	11.00	04.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun	11.00	02.00			

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> usual public house facilities				
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors
Indoors	<input checked="" type="checkbox"/>						
Outdoors	<input type="checkbox"/>						
Both	<input type="checkbox"/>						
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)				
Mon	11.00	02.00					
Tue	11.00	02.00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)				
Wed	11.00	02.00					
Thur	11.00	03.00	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)				
Fri	11.00	04.00					
Sat	11.00	04.00					
Sun	11.00	02.00					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)		Indoors <input checked="checked" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u> A section of the ground and/or first floor will be set aside for dancing if this proves popular with customers		
Day	Start	Finish			
Mon	11.00	02.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	11.00	02.00			
Wed	11.00	02.00	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur	11.00	03.00			
Fri	11.00	04.00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	11.00	04.00			
Sun	11.00	02.00			

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	11.00	02.00		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	11.00	02.00	<u>Please give further details here</u> (please read guidance note 3)	
Wed	11.00	02.00		
Thur	11.00	03.00	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)	
Fri	11.00	04.00		
Sat	11.00	04.00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun	11.00	02.00		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11.00	02.00			
Tue	11.00	02.00			
Wed	11.00	02.00			
Thur	11.00	03.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	11.00	04.00			
Sat	11.00	04.00			
Sun	11.00	02.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Stacey Richmond	
Address 17 Hopper Crescent Shotton Colliery Durham	
Postcode	DH6 2HH
Personal Licence number (if known)	
Issuing licensing authority (if known)	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

Lap dancing

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	02.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	11.00	02.30	
Wed	11.00	02.30	
Thur	11.00	03.30	
Fri	11.00	04.30	
Sat	11.00	04.30	
Sun	11.00	02.30	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

See attached

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and

☐

☐

☐

PROPOSED OPERATING SCHEDULE

THE KUBE (OR AS RE-NAMED), WHITBY STREET, HARTLEPOOL

Proposed Operating Schedule

A. General

See the Licensing Objectives below and the attached Drugs Policy

B. The Prevention of Crime and Disorder

1. An adequate number of SIA Registered Door Supervisors will be provided from 2300 Hours onwards on Thursdays, Fridays and Saturdays and will remain present until the Premises are closed.
- 2(a) The Premises will have an internal and external CCTV System to a specification agreed with Cleveland Police, will be maintained in good working order, and will operate and be monitored by staff throughout operating hours.
- 2(b) All CCTV recording will be retained for a minimum for 28 days and be made available to all responsible authorities upon request.
3. The Premises will adopt and implement a written Drugs Policy, will install a Drugs Box of the type approved by Cleveland Police and will maintain a Drugs Register.
4. Plastic glasses or toughened glasses will be used wherever possible.
5. No irresponsible, inclusive or time led drinks promotions will be used.
6. All incidents of crime/disorder in the Premises will be recorded in an Incident Book retained on the Premises which will be available to all responsible authorities upon request.
- 7(a) All Door Staff will be trained upon induction and at regular intervals thereafter as to the importance of not selling alcohol to the under-18s. Staff will be further trained to insist upon proof of age in cases of doubt and are trained as to the acceptable forms of proof of age and will be made fully aware of the prevalence of bogus identity cards available over the Internet.
- 7(b) A record of staff training will be maintained by the Designated Premises Supervisor (DPS), kept at the Premises and available for inspection by all authorities on request.
- 7(c) A record of refusals to sell alcohol will be written up at the Premises in a Refusals Book and monitored regularly by the DPS.
8. All staff selling alcohol will be provided with a written Form of Authority by the DPS, a record of such Authorities maintained at the Premises.
9. The Challenge 21 Scheme will be adopted at the Premises and only photographic identification (e.g. Driving Licence/Passport/PASS Cards) will be accepted as proof of age.

10(a) Whilst entertainment of an adult nature is being provided:

- (a) No persons under the age of 18 years shall be present on the Premises or admitted to them
- (b) The entertainment shall not be visible from outside the Premises
- (c) Notices indicating the general nature of the entertainment shall be displayed outside the Premises

C. Public Safety

- 11. Section B is repeated
- 12. The Premises will be equipped with an adequate and appropriate supply of first aid materials.

D. The Prevention of Public Nuisance

- 13. The DPS and all staff will be made aware of the need to manage the Premises so as to avoid creating an adverse impact in terms of noise, disorder and criminal activity upon the Premises' surrounding area.
- 14. The staff will be trained as part of their induction regardless as a priority and this will concern or be included in regular re-training.
- 15. Notices will be exhibited in the Premises urging customers to disperse in a quiet and orderly manner to avoid disturbance and requesting them to refrain from laughing, shouting, slamming car doors and sounding car horns as they leave.
- 16. There are no residential neighbours within the vicinity of the Premises likely to be affected by waste disposal operations.

E. Protection of Children from Harm

- 17. Condition 10 of Section B is repeated.

MANAGEMENT DRUGS POLICY

OUR AIM

1. To prevent drug abuse.
2. To prevent drugs being brought onto these premises and to keep them a drug free zone.
3. To keep our premises safe for our customers.

OUR POLICY

We do not tolerate drugs in any quantity no matter how small and whether or not they are intended for personal use only.

We will do everything we can to keep drugs out of these premises and we will cooperate fully with the Police and the Local Authority at all times.

HOW DO WE ACHIEVE THIS AIM?

DOOR STAFF – (if employed – none employed at present)

1. We employ as door supervisors only those accredited by S.I.A.
S.I.A. identification badges must be worn by all our Supervisors when ever on duty.
2. As far as possible we will employ the same Door Staff on a regular basis week on week.
3. We will maintain a record of each Door Supervisor's:
 - Name
 - Address
 - Registration Number
 - Dates and times of commencement of periods of work
 - Involvement in any incident – brief details only.

PERSONAL SEARCHES

- 4.1 We will search individuals on entry to these premises either as a matter of routine in the case of known drug users or those individuals of whom we are otherwise suspicious or on an ad hoc basis either upon entry or within these premises.
- 4.2 Staff of both sexes will be trained and available to carry out searches. No member of staff may search an individual of the opposite sex.
- 4.3 We need consent to search individuals and everyone will be told this before a search takes place. If consent is refused we will refuse admission. Warning notices to this effect are exhibited at our entrance.
- 4.4 We will also search on an ad hoc basis within the premises if we become suspicious of any individual. The same guidelines apply as to entry searches.

IF WE FIND DRUGS AS A RESULT OF A SEARCH WE WILL: -

5. A) Seize the drugs.
B) Detain any person in whose possession the drugs are found whenever practicable and/or possible.

- C) Contact the Police immediately. We will use 999 calls where there is concern for anyone's safety.
- D) If anyone is detained they will be moved out of public view into a suitable side room whenever possible and kept there until the Police arrive.
- E) Where we cannot detain an individual or cannot do so until Police arrive we will do our best to establish their identity.
- F) We will adapt the same attitude on each occasion regardless of the type or quantity of drugs involved.
- 6. We will seize any drugs found inside or immediately outside the premises and advise the Police as soon as possible.
- 7. A) All drugs seized or found together with any related items will be placed in a plastic bag and stored in our safe until collection by the Police. Needles and sharps will be stored separately.
- B) In circumstances where a person is detained all drugs etc, will be labelled and retained by us in our safe and handed to the Police on their arrival to facilitate their immediate availability as evidence. Drugs will be placed in and removed from the safe in the presence of the person detained.
- 8. The drugs Deposit Box is located.....
- 9. We will maintain, in hard board books, a record of: -
 - A) All seizures, finds and collections of drugs.
 - B) Details of the member(s) of our staff involved and the Police officer(s) to whom the drugs are released.
 - C) Details of user or dealer involved (wherever possible)
 - D) Any other incidents.
- 10. This record will be available for inspection and copying by the Police and Local Authority Licensing staff.

ONGOING LIAISON WITH POLICE

- 11. We will maintain close and regular contact with the Police District Drug Liaison officer and Local Authority Licensing officer.

MEDICAL EMERGENCIES

- 12. A) If there is a drug related medical emergency or collapse on these premises we will do our best as a matter of urgency to identify the drug involved and tell medical/ambulance staff attending the emergency.
- B) We will render immediate and appropriate first aid whilst awaiting the arrival of medical/ambulance staff.
- C) We will retain any drugs/tablets/substances found on or near any persons suffering a medical emergency and hand these to the medical/ambulance staff on their arrival.

FIRST AIDERS

- 13. We will always have at least one qualified first aider trained to deal with drug related incident on duty. Member of staff are trained to respond immediately to requests for help from customers and to identify the first aider to them.

CREATING AND MAINTAINING A SAFE ENVIRONMENT

- 14.1 We want everyone visiting these premises to feel safe and to enjoy themselves without putting themselves or anyone else at risk.

To achieve this we will: -

- A) Not exceed the permitted capacity of these premises. Any Door staff will have clickers.
- B) Establish and operate a system for constant monitoring of numbers in and out.
- C) As we approach our licensed capacity customers may have to queue – we will then operate “one in – one out” to ensure that all throughfares, landings, stairways and designated chill out areas do not become overcrowded.
- D) Regularly patrol the premises during opening hours.
- E) Operate a security CCTV system.

OVERHEATING

14.2 We will prevent overheating in our premises by maintaining suitable ventilation/air-conditioning.

CHILL OUT AREA (after 11pm licence only)

14.3 We provide an area with seating, which is cooler and quieter than the dancing areas and display notices showing the location of this area. Our chill out area is located.....

FREE DRINKING WATER

15 This will be provided on request at all times for customers and prominent notices displayed throughout the premises stating where it may be obtained. **Free drinking water will always be available at any bar.**

STAFF TRAINING

- 16 A) INDUCTION: All staff including casual staff will receive thorough training to ensure they are familiar with this Policy.
- B) TRAINING: On going training of all staff will be provided at regular intervals to ensure: -
- i) Compliance with our Policy.
 - ii) Any operational problems and/or incident are discussed and solved.
 - iii) Awareness of changing regulations and legislation.

Signed..... Dated.....

Ref: Janet/Clive/Client/Licensing

- others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Clive Harvard</i>
Date	<i>31.10.08</i>
Capacity	Applicant's solicitor

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Clive Harvard
Forths,
21 High Street
Yarm

Post town	Stockton-on-Tees	Post code	TS15 9BW
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Telephone number (if any)	01642 784000
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
clive.harvard@forths.co.uk

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Your Ref:
Our Ref: MN/KR

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

21st November, 2008

Dear Sirs,

Re: Licensing Act 2003
Application for Premises Licence
The Kube – 10 Whitby Street, Hartlepool
Applicant –

Cleveland Police have received an application for a premises licence in respect of the above named premises for a lap dancing club. On this basis, Cleveland Police wish to make the following representations:

The premise is by its very nature within a sexually charged atmosphere. Cleveland Police are concerned that if conditions are not attached to the licence, it may result in the undermining of both the Crime and Disorder and Public Safety objectives. In particular, controls should be put in place to ensure the safety of employees who are carrying out the role of lap dancing. However, if the following conditions are placed on the licence, representations will be withdrawn since Cleveland Police are of the opinion that this will assist in promoting the licensing objectives:

1. A minimum of two SIA Registered Door Supervisors must be provided from 22.00 hours until closing on a Thursday, Friday and Saturday night.
2. Internal CCTV cameras must be installed in the premise and there must also be CCTV cameras inside each and all the cubicles where dancing takes place. All footage must be retained for 31 days and must be kept in a locked and secure cabinet. The system must be maintained at regular service intervals and must record whenever the premise is open for business.

Mr Ian Harrison
Licensing Department
Hartlepool Borough Council
DX 60669
Hartlepool

3. Staff must be trained and capable of downloading CCTV evidence onto DVD/Discs and it must be made available when required by any Responsible Authority.
4. Toughened glass/polycarbonate glasses must be used at all times.
5. Insofar as the terms of this licence provides for or permits entertainment of an adult or sexually explicit nature, then at such times as any entertainment takes place, access to the premise, or to those parts of the premises where the entertainment is taking place, shall be limited to persons who have attained a minimum age of 18 years, or such age being beyond the age of 18 years as the premises licence holder may determine.
6. Performers must not be aged less than 18 years of age.
7. Performances by topless females or nude male/females must not be visible from outside the premises.
8. There shall be no external advertising outside the premises of striptease or any similar entertainment (nb. this shall not apply to proper press advertisements)
9. A notice shall be displayed at the main entrance (s) warning patrons that the performance includes unclothed male and/or female dancers and that no person under the age of 18 will be admitted.
10. Suitable secure changing rooms must be provided for performers with restricted access and separate from customers and staff.
11. A prominent notice shall be displayed within the entrance advising patrons of key house rules including:-
 - Performers may only dance for seated patrons,
 - Patrons must remain clothed at all times,
 - Performers must not be touched by patrons.
12. All performers must be provided with written information advising them of the house rules in relation to the behaviour of performers and patrons.
13. No customers will be admitted after licensable activities have ceased.
14. All customers will have vacated the premises 30 minutes after licensable activities have ceased.

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

APPENDIX 3**Nicola Purdy**

From: Alison Macklam
Sent: 20 November 2008 15:10
To: Licensing
Subject: RE: New Premises Licence Application - The Kube, 10 Whitby Street

Afternoon Julie

Planning permission was granted on 5 May 1987 (H/FUL/0107/87) for alterations and change of use of first floor to public function suite in connection with an existing pub use. A condition attached to the permission stated that the use of the public function suite hereby permitted shall not operate between 23.00 hours and 08.00 hours on any day without the prior written consent of the Local Planning Authority. Plans attached with the Premises Licence application suggest that a "nightclub" is being formed. I am also aware of concerns that a lap dancing club may also be being formed. In either event the operational use would no longer fall within the Use Class approved (A4) and an application for change of use (Sui Generis) and an increase to the operational hours would be required. Similarly I doubt that any application for either use would be straightforward.

Regards

*Alison Macklam
 Monitoring Officer (Development Control)
 Hartlepool Borough Council
 Regeneration & Planning Services
 Bryan Hanson House
 Hanson Square
 HARTLEPOOL TS24 7BT*

*Tel: 01429 284380
 Fax: 01429 523599*

From: Julie Humphreys **On Behalf Of** Licensing
Sent: 05 November 2008 10:04
To: Adrian Hurst; Jane Kett; Michael Welsh; Sylvia Pinkney; Jacqui Rogers; Mark Pickering; Maureen McEnaney; kreadhead@clevelandfire.gov.uk; pbradley@clevelandfire.gov.uk; rolds@clevelandfire.gov.uk; sanderson@clevelandfire.gov.uk; tconnor@clevelandfire.gov.uk; Alison Macklam; Richard Teece; police; terence.swales@cleveland.pnn.police.uk
Subject: New Premises Licence Application - The Kube, 10 Whitby Street

LICENSING ACT 2003 - NOTIFICATION OF RECEIPT OF APPLICATION

IF YOU HAVE NOT RECEIVED SUCH A COPY YOU SHOULD NOTIFY THIS OFFICE AS SOON AS POSSIBLE.

On 3rd November 2008
 Hartlepool Borough Council received an application for a licence under the Licensing Act 2003 from: -

Name: LBB Leisure Ltd

Address: 10 Whitby Street

Closing date for Consultees: 1st December 2008

Your organisation has been designated or identified as a 'responsible authority' under the Licensing Act and as such the applicant must send you a complete copy of their application immediately.

You are advised that there is a statutory maximum of 28 consecutive days from the receipt of the application

20/11/2008

JLK/196

CH/JD/LBB.L279.1

Mrs Kett
Direct Line (01429) 523320

20 November, 2008

Mr Harvard
Forths Solicitors
21 High Street
Yarm
Stockton on Tees
TS15 9BW

Dear Sir

Licensing Act 2003
Re: Application for a Premises Licence
The Kube, 10 Whitby Street, Hartlepool

I am in receipt of a completed copy of your client's application for a licence under the Licensing Act 2003 and as a designated 'Responsible Authority' I have considered the contents carefully in relation to the Public Safety Licensing Objective.

I am of the view that the completed Operating Schedule fails to (adequately) address the following matters. I am therefore considering making a recommendation to the Licensing Authority recommending that the licence should only be granted subject to the inclusion of the following conditions.

1. 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.

2. The licensee shall ensure that the electrical socket outlets in the licensed premises to be used with electrical equipment provided for the purpose of entertainment shall be protected by a residual current device being a 30 mA tripping circuit.
3. In the event of the fire alarm being activated a suitable relay should be provided so that the electrical power supply to all sound amplification system in the licensed premises shall be immediately intercepted so that the alarm can be clearly heard in all parts of the licensed premises.
4. 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.
5. A drugs policy should be prepared and implemented. In preparing the policy regard should be had to the guidance document 'safer clubbing' - Guidance for licensing authorities, club managers and promoters, published by the Home Office and London Drugs Policy Forum in partnership with Release. (Copies of this document are available from www.drugs.gov.uk.)

If your client is willing for the above conditions to be attached to the Operating Schedule I would ask that you sign the enclosed acceptance form and return it to the above address, marked for my attention, by **1 December 2008**. This will negate the need for me to make a representation in respect of this application.

If your client is unwilling to accept the above conditions, it is likely that the matter will need to be resolved by the Council's Licensing Committee, by way of a hearing.

Yours faithfully



J L KETT
PRINCIPAL ENVIRONMENTAL HEALTH OFFICER
(COMMERCIAL SERVICES)

Rec'd by e-mail 26/11/08
Acknowledged 27/11/08 A

Andrew Tolputt
31 Jersey Street
Hartlepool
TS24 7AD
(01429) 292280
26 November 2008

Dear Mr Harrison

I would like to voice my concern over the licensing application to turn The Kube on Whitby Street into a lap dancing club.

I understand the opening hours on the application are for a closing time of 2am Sunday to Wednesday and 4am Thursday to Saturday.

I wish to strongly object as these times would prove a nuisance to myself. As I live across the street within ten metres of the club the playing of loud music and people leaving the club would prevent me from sleeping.

However I would be willing to compromise if the closing times were restricted to 12am Monday to Wednesday and 2am Thursday to Saturday.

Yours sincerely

Andrew Tolputt