

LICENSING ACT SUB-COMMITTEE AGENDA



Monday 3rd October 2005

At 10am

in Committee Room B

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Hall, Kaiser and Tumilty

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Rio's Bar (*Head of Public Protection and Housing*)

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 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. Applicants present their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witness.
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 to 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 Public Protection and Housing

Subject: APPLICATION FOR A PREMISES LICENCE
CONVERSION AND VARIATION FOR RIOS BAR

1. PURPOSE OF REPORT

- 1.1 To consider an application for the conversion of an existing Justices Licence into a Premises Licence and the subsequent variation of such in respect of Rios Bar, York Road, Hartlepool.

2. BACKGROUND

- 2.1 Applicant: LCT Limited
Premises: Rios Bar
107 York Road
Hartlepool
TS26 9DH

- 2.2 The applicant currently holds a Justices Licence authorising the following activities: -

- Sale of Alcohol (On and Off Sales)

- 2.3 The current licences permit the above activities as follows: -

Monday – Saturday	1100 – 2300
Sunday	1200 – 2230

3. SUMMARY OF APPLICATION

- 3.1 The applicant has applied to convert the above activities into a new Premises Licence and thereafter to vary the new licence as follows: -

1. Sale of Alcohol	Mon – Sun	1000 – 0300
2. Films	Mon – Sun	1000 – 0300
3. Indoor Sporting Events	Mon – Sun	1000 – 0300
4. Live Music	Mon – Sun	1000 – 0300
5. Recorded Music	Mon – Sun	1000 – 0300
6. Provision of facilities for making music	Mon – Sun	1000 – 0300
7. Provision of facilities for dancing	Mon – Sun	1000 – 0300

- 3.2 The proposed closing time for the premises is 0330 throughout the week.
- 3.3 In addition to the above, the applicant has also requested the removal of the Justices' Licence condition requiring alcohol to be ancillary to table meals on the first floor of the premises.
- 3.5 A copy of the application is attached as Appendix I.
- 3.6 The application has been advertised in the prescribed manner and five representations have been received. One from an **Interested Party** living in the vicinity of the premises (Appendix II), and from **Cleveland Police** (Appendix III), **Environmental Health** (Appendix IV) and Hartlepool Council's **Planning Department** (Appendix V).
- 3.7 The **Interested Party** has indicated their belief that an extension of the licence will lead to an increase in vandalism, fighting and noise.
- 3.8 **Cleveland Police** have requested that a condition be added to any licence, if granted, requiring the provision of a minimum standard CCTV system.
- 3.9 The representation from **Environmental Health** recommends that as the premises are based in a predominantly residential area, there should be no extension to the premises current licensed hours.
- 3.10 The **Planning Department** has indicated that there is a potential for late night disturbance and the current planning permission for the premises limits opening hours to between 0800 and 2300 throughout the week.

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 No complaints have been received by the Public Protection and Housing Division regarding noise emanating from the premises.
- 4.3 Members are also advised that the applicant's premises are situated within Hartlepool's 'Special Policy' area.
- 4.4 The Special Policy forms part of Hartlepool's Licensing Policy and states that, because of the number of licensed premises in the specified area, there is a potential impact on the promotion of the four licensing objectives.
- 4.5 The existence of a Special Policy creates a rebuttable presumption that applications for new premises licences, or material variations, will normally be refused, unless it can be demonstrated that the operation of the premises will not add to the cumulative impact being experienced.

- 4.6 As the application relates to activities that, if granted, would extend beyond current planning permission, Members are advised that Hartlepool Borough Council's Licensing Policy states that premises 'must have suitable, appropriate authorised use under planning legislation' and that the Licensing Authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises have an appropriate planning consent.'
- 4.7 Statutory guidance issued by the Secretary of State under section 182 of the Licensing Act states that 'applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned'
- 4.8 The licensing objectives are: -
- a) the prevention of crime and disorder;
 - b) public safety;
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm
- 4.9 Having regard to the representations received, Members may take any of the following steps for the promotion of the licensing objectives.
- 1) Grant the application without amendment
 - 2) Grant the application with conditions, or amended conditions
 - 3) Reject those parts of the variation that are relevant to the representations received
- 4.10 Members are reminded that they must only consider those aspects of the licence variation that are relevant to the representations received.

5. RECOMMENDATIONS

- 5.1 That Members grant the conversion of the Justices' licence into a new Premises Licence.
- 5.2 That Members consider the representations made by the applicant and interested parties and determine what aspects, if any, of the proposed variation should be granted and, if appropriate, what conditions, if any, should be attached.

Appendix I

(Part A) Application for an existing licence to be converted to a premises licence under the Licensing Act 2003 and (Part B) application to vary the premises licence simultaneously

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 LCT Limited

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apply to convert an existing licence to a premises licence under Schedule 8 to the Licensing Act 2003 for the premises described in Part A1 below

Part A1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Rios Bar 107 York Road HARTLEPOOL			
Post town	Hartlepool	Post code	TS26 9DH

Telephone number of premises (if any)	01429 869332
Non-domestic rateable value of premises	£4500 4,300

Part A2 - Applicant Details

Please state the capacity in which you are applying to convert your existing licence

Please tick

- | | | |
|---|-------------------------------------|-----------------------------|
| 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 ☐ 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)

(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 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 case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name LCT Limited
Address Unit 25A Park View Road West Industrial Estate HARTLEPOOL TS25 1PE
Registered number (where applicable) 03217788
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) 01429 866448
E-mail address (optional)

Part A3 - Operating Schedule

General description of premises (please read guidance note 1)

The premises are situated on the corner of South Road and York Road. The premises have two floors but only the ground floor is used for licensed purposes. The main entrance is on York Road.

We seek to have the currently disused first floor incorporated in the conversion of the Licence and for the variation to applied to it also. It is our wish to bring it back into use as a bar operating on the same basis as the ground floor at some time in the future which has not yet been determined.

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

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What existing licensable activities are authorised by your existing licence(s)?

Provision of regulated entertainment

Please tick Yes

- a) plays ☐
- b) films ☐
- c) indoor sporting events ☐
- d) boxing or wrestling entertainment ☐
- e) live music ☐
- f) recorded music ☒
- g) performances of dance ☐
- h) anything of a similar description to that falling within (e), (f) or (g) ☐

Provision of entertainment facilities for:

- i) making music ☐
- j) dancing ☐
- h) entertainment of a similar description to that falling within (i) or (j) ☐

Provision of late night refreshmentSale by retail of alcohol

- a) for consumption on the premises ☒
- b) for consumption off the premises ☒

Please state who you wish to be specified to be the premises supervisor under the new licence

Name

Jeffrey Rudd

Address

20 Jesmond Road,
Hartlepool,
TS26 0HN

Personal Licence number, if known.

State any limitations on the hours during which you are permitted by your licence(s) or any additional authorities to conduct licensable activities, including the sale of alcohol.

4

Amended.

As imposed by the Justices' Licence, i.e. Monday - Saturday, 1100 to 2300 hours; Sundays 1200 - 2230 hours for the sale of alcohol

Describe the conditions subject to which your existing licence(s) has/have been granted (please read guidance note 2):

a) General – all four licensing objectives (b,c,d,e)

Only as provided for by the current permitted hours on the Justices' Licence

b) The prevention of crime and disorder

None

c) Public safety

None

d) The prevention of public nuisance

None

e) The protection of children from harm

None

- Please tick Yes**
- I have made or enclosed payment of the fee ☒
 - I have enclosed my existing licence(s) or a certified copy of each licence ☒
 - I have enclosed a plan of the premises ☒
 - I have sent copies of this application to the chief officer of police (please read guidance note 3) ☒
 - I have enclosed the consent form completed by the proposed premises supervisor, if relevant ☒
 - I have enclosed the consent of the justices' licence holder to my application, if relevant ☒
 - 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 A4 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Yanku 86</i>
Date	<i>29.7.05</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 6). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	Applicant's Solicitor

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 7)			
Mr Clive Harvard Forth & Co 21 High Street YARM			
Post town	Stockton on Tees	Post code	TS15 9BW
Telephone number	01642 784000		
E-mail address (optional)			

IF YOU WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S) UNDER SECTION 34 OR 37 OF THE LICENSING ACT 2003, NOW COMPLETE PART B OF THIS FORM.

IF YOU DO NOT WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S), YOU SHOULD LEAVE PART B BLANK.

PART B - Application to vary a premises licence under the Licensing Act 2003

I/W LCT

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[Insert name of applicant]

being the proposed premises licence holder of an existing licence to be converted under the terms of Schedule 8 to the Licensing Act 2003 apply to vary it under section 34 / section 37 of the Licensing Act 2003 (delete as applicable) for the premises described in Part A above.

Part B1 - Variation

Do you want the proposed variation to have effect from the second appointed day?

Please tick



Day

Month

Year

If not when do you want the variation to take effect from

Please describe briefly the nature of the proposed variation. (Please read guidance note 8)

Proposed hours : Monday - Saturday - 1000 - 0300 hours the following morning
Sunday - 1000 - 0300 hours

Together with 30 minutes drinking up time seven days per week

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 10)		
Tue			State any seasonal variations for performing plays (please read guidance note 11)		
Wed			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 12)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1000	0300	Please give further details here (please read guidance note 10) Occasional showing of videos/dvds on television screens in the premises.		
Tue	1000	0300			
Wed	1000	0300	State any seasonal variations for the exhibition of films (please read guidance note 11) None		
Thur	1000	0300			
Fri	1000	0300	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 12) None		
Sat	1000	0300			
Sun	1000	0300			

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C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 10) Pools and darts competitions
Day	Start	Finish	
Mon	1000	0300	
Tue	1000	0300	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 11) None proposed
Wed	1000	0300	
Thur	1000	0300	<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 12) None proposed
Fri	1000	0300	
Sat	1000	0300	
Sun	1000	0300	

Amended.

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 10)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 11)		
Thur					
Fri					
Sat			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 (please read guidance note 12)		
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 9)	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 10) Small group - moderate amplification		
Mon	1000	0300			
Tue	1000	0300			
Wed	1000	0300	State any seasonal variations for the performance of live music (please read guidance note 11) None		
Thur	1000	0300			
Fri	1000	0300			
Sat	1000	0300	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 12) None		
Sun	1000	0300			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 9)	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 10) Provided by DJ - moderate amplification		
Mon	1000	0300			
Tue	1000	0300			
Wed	1000	0300	State any seasonal variations for playing recorded music (please read guidance note 11) None		
Thur	1000	0300			
Fri	1000	0300	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12) None		
Sat	1000	0300			
Sun	1000	0300			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 10)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 11)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 9)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 10)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 11)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of 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 12)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 8)			<u>Please give a description of the facilities for making music you will be providing</u>	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 9)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	1000	0300	<u>Please give further details here</u> (please read guidance note 10) Provided by DJ - Moderate amplification	
Tue	1000	0300		
Wed	1000	0300	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 11) None	
Thur	1000	0300		
Fri	1000	0300	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 12) None	
Sat	1000	0300		
Sun	1000	0300		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 8)			Will the facilities for dancing be indoors or outdoors or both – please tick (please read guidance note 9)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1000	0300	Please give further details here (please read guidance note 10) A dance floor is provided on part of the raised level adjacent to the DJ stand		
Tue	1000	0300			
Wed	1000	0300	State any seasonal variations for providing dancing facilities (please read guidance note 11) None		
Thur	1000	0300			
Fri	1000	0300	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 (please read guidance note 12) None		
Sat	1000	0300			
Sun	1000	0300			

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 8)			<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 9)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 10)	
Wed				
Thur			<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 11)	
Fri				
Sat			<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 12)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 9)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 10)	
Mon				
Tue				
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 11)	
Thur				
Fri			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 12)	
Sat				
Sun				

M

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 13)	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 11) None		
Mon	1000	0300			
Tue	1000	0300			
Wed	1000	0300			
Thur	1000	0300	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 12) none		
Fri	1000	0300			
Sat	1000	0300			
Sun	1000	0300			

IN ALL CASES PLEASE COMPLETE BOXES N, O, P and Q below

N

<p>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 14)</p> <p>Occasional striptease artists will perform. No-one under the age of 18 years will be admitted and signs outside the premises will make this clear.</p> <p>There may also be occasional displays of lap dancing. No complete nudity or acts of gross indecency will be permitted. There will be no physical or social contact between the dancers and the customers and breach of this rule will result in both being barred from the premises.</p>

O

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 11) None
Day	Start	Finish	
Mon	1000	0330	
Tue	1000	0330	
Wed	1000	0330	
Thur	1000	0330	
Fri	1000	0330	
Sat	1000	0330	
Sun	1000	0330	

Non standard timings. Where you intend to use 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 12)
None

P

Please identify any of the conditions, terms or restrictions currently imposed on the converted licence which you believe could be removed as a consequence of the proposed variation you are seeking

We propose the removal of existing permitted hours and the embedded condition as to drinking up time imposed by the Justices' Licence.

We also seek removal of the restaurant conditions relating to the first floor so we can use it in the same manner as the ground floor.

Q Please describe any additional steps that you intend to take in order to promote the four licensing objectives if the proposed variation is granted:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 15)

The occupancy of the premises is approximately 240 persons and we believe that the measures proposed below adequately address the four licensing objectives but we will be happy to discuss any further requirements with the Licensing Authority and/or the Police

b) The prevention of crime and disorder

See additional sheets

c) Public safety

See additional sheets

d) The prevention of public nuisance

See additional sheets

e) The protection of children from harm

See additional sheets

Part B3 – Premises Supervisor

Prevention of Crime and Disorder

1. Premises will be staffed by an adequate number of door staff/security supervisors who are SIA approved from 23.30 onwards as at present. They will monitor the behaviour of customers as they enter the premises, control the behaviour of queues as necessary and will exclude any known troublemakers, those banned by Pub Watch and those whose behaviour and/or clothing is inappropriate. They will monitor the queues with particular attention to noise reduction and prevention of drug dealing. No customers carrying alcoholic liquor in any container whether open or closed will be admitted.
2. Bar staff will continually monitor the premises internally and will remove any customers indulging in actual or potentially criminal and/or disorderly behaviour and ensure that the premises comply with the requirements/recommendations of the MUSIC document.
3. Staff with clickers will monitor the number of customers entering and leaving the premises and will ensure that the occupancy limit determined by the Fire Officer and/or Licensing Authority is not exceeded.
4. Council owned and operated CCTV cameras are already in position outside the premises. Due to the layout of these ground floor premises it is not considered that any additional cameras are required internally.
5. A drugs box or boxes are/will be located in the premises in positions agreed with the Police/Licensing Authority.
6. Bar staff will monitor the dispersal of customers from the premises employing their skills and experience to defuse potentially disruptive situations. Staff will remain aware of the need to control noise/disorder within a reasonable distance from the premises in order to minimise the impact of their customers upon the neighbourhood and to deter disruptive and/or criminal behaviour.
7. Street lighting is adequate and is supplemented by external lighting on the premises which is already maximised.
8. All incidents of crime/disorder in or near to the premises are logged and records retained on the premises.
9. All staff are fully trained upon induction and at regular intervals thereafter as to the importance of not selling alcohol to the under 18's. Staff are further trained to insist upon proof of age in cases of doubt and are trained as to acceptable forms of proof of age, i.e. Passport, new style Driving Licence, Council issued card and are fully aware of the prevalence of bogus identify cards obtainable over the internet.
10. No person shall be refused admission to the premises on the ground of sex (unless a single sex event is taking place) sexual orientation, disability, race, colour, religion or ethnic or national origin.

- 24A -

The management will comply with all legislation relating to race relations, equal opportunities and anti-discrimination. Admission may be refused to the under 18's at management's discretion.

11. The premises do not have a history of crime/disorder issues. As far as we are aware there have been no breaches of licence in the past and there are no outstanding issues.
12. In the absence of the Designated Premises Supervisor from the premises during operating hours there will always be at least one Personal Licence Holder on the premises who will also be aware of how to contact the DPS promptly.

Public Safety

13. The previous paragraph on Prevention of Crime and Disorder is repeated.
14. Drinks will be served in toughened glass or plastic bottles wherever possible.
15. Glass collectors will be employed to collect glasses regularly throughout operating hours.
16. Customers will not be allowed to take drinks and/or bottles onto the dance floor, nor to smoke on the dance floor and this restriction is monitored by staff. Customers repeatedly in breach of this requirement are promptly removed from the premises.
17. Customers are not allowed to leave the premises with drinks in glasses, bottles or cans.
18. We will comply with the drugs policy submitted as part of this application.
19. The premises are equipped with First Aid boxes.
20. Foam parties will not be held and special effects, (i.e. pyrotechnics, smoke machines, lasers, strobe lighting) will not be used until full risk assessments of such functions or special effects have been submitted to and approved by the Licensing Authority.
21. The premises will comply with all statutory Health and Safety at Work and food hygiene and Fire Safety requirements especially in relation to upholstery, curtains and other hanging materials.
22. Free drinking water is available to customers at all bars throughout operating hours and notices to this effect are displayed at the bars.

Public Nuisance

23. The Designated Premises Supervisor and all staff are 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' business and residential neighbours.

- 24B -

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24. Staff are trained as part of their induction to regard this as a priority and this concern is included in regular re-training.
 25. The measures referred to in the two previous paragraphs on Crime and Disorder and Public Safety contribute to preventing the premises causing any public nuisance.
 26. Audio equipment is set at a level found by experience to be acceptable in the particular location of the premises. Staff are forbidden to alter the setting. Only the Fire Exit doors give out onto South Road where there are some residential properties.
 27. Windows and non-fire escape doors accessible to customers are locked and/or otherwise permanently closed during operating hours. Noise escape is further prevented by double-glazing or secondary glazing to parts of the premises.
 28. The premises are fitted with air conditioning throughout.
 29. Extraction vents where fitted are supplied with external acoustic baffles.
 30. Customers arrive on foot, by public transport, private car or taxi.
Adequate public car parks nearby. Customers depart by private transport, taxi or on foot.
 31. The premises have a pay phone so that individual customers and/or staff on their behalf can order taxis in advance of leaving the premises thus reducing congestion at nearby taxi ranks and reducing the potential for public disorder as customers do not need to wait outside until their taxi has arrived.
 32. Access to and egress from the premises is by means of doors of a type approved by the Fire Officer situated on York Road which is a principal pedestrian route. Experience shows that dispersal of customers through these exits does not cause conflict with local residents.
 33. The premises have adequate toilet facilities in accordance with current Building Regulations.
 34. The premises are situated in a mixed residential and commercial area where they have operated for rather more than 15 years without causing any unacceptable or adverse impact on the area. The premises are situated on the periphery of the town's principal late night entertainment areas and in an established circuit of premises operating licensable activities.
 35. Notices are exhibited in the premises urging customers to disperse in a quiet and orderly manner to avoid disturbing neighbours and requesting them to refrain from laughing, shouting, slamming car doors and sounding car horns as they leave.
 36. The volume of music is reduced towards the end of the evening operating hours and quieter more soothing music is played during this period.

- 24C -

37. Waste disposal operations are carried out only during the daytime to minimise noise upon the neighbours

Children

38. Children are not admitted to these premises.

Full name of proposed designated premises supervisor
Jeffrey Rudd

Address of proposed designated premises supervisor
20 Jesmond Road
Hartlepool
TS26 0HN

Personal licence number of proposed designated premises supervisor, if any, and issuing authority of the personal licence, if applicable

Please tick Yes

- I enclose the consent form completed by the proposed premises supervisor ☒
- I will give a copy of Part B3 of this application to the chief officer of police (section 37 of the Licensing Act 2003) ☒
- I have sent copies of this application to vary (except Part B3) to responsible authorities and others where applicable (section 34 of the Licensing Act 2003) ☒
- I understand that I must now advertise my application to vary (section 34 of the Licensing Act 2003) ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

Part B4 – Signatures (please read guidance note 16)

Signature of applicant (the proposed current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 17) **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Paul OG</i>
Date	<i>19.7.05</i>
Capacity	Applicant's Solicitor

Where the premises licence is jointly held signature of 2nd applicant (the proposed current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 18) **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	Applicant's Solicitor

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 19)

Mr Clive Harvard
Forth & Co
21 High Street
YARM

Post town	Stockton on Tees	Post code	TS15 9BW
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Where your application includes off-supplies of alcohol and you provide a place for consumption of these off-supplies you must include a description of where the place is and its proximity to the premises.

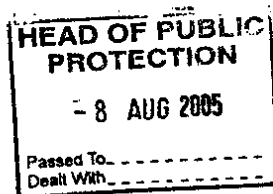
2. Where the conditions to which your existing licence(s) is granted do not relate solely to any one of the four licensing objectives, please describe such conditions in the general box.
3. The law requires you to send a mandatory copy of this application to the chief officer of police for that area at the same time as sending to the relevant licensing authority.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
7. This is the address we shall use to correspond with you about this application.

PART B

This application cannot be used to vary the licence to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act.

8. Please give timings in 24 hour clock and only give details for days of the week when you intend the premises to be used for the activity.
9. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
10. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
11. For example (but not exclusively), where the activity will occur on additional days during the summer.
12. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
13. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
14. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
15. Please list here steps you will take to promote all four licensing objectives together.
16. The application form must be signed.
17. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
18. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
19. This is the address which we shall use to correspond with you about this application.

Appendix II



Mr. C. BROADBENT
26 DENT STREET
HARTLEPOOL
CLEVELAND

6th August, 2005

Dear Sir,
I am writing to object of the granting of
a live entertainment licence, and extended hours
on the following grounds:- at 'Rox Bar';:-

1) There are enough late night bars

- 2) It will only increase problems of vandalism,
fighting, and noise from revellers in nearby areas.
- 3) → The police will be less frequent in patrols on side
streets because of troubles from late night bars.

I suggest that there sort of licences only
be granted in areas where there is less disruption
to residents such as on Church Street.

Yours faithfully

C Broadbent

Appendix III

Your Ref:
Our Ref: MN/KR

When telephoning please use
Direct Line (302162) to contact
PC Paul Hanson

15th August, 2005

Dear Sirs,

Re: Licensing Act 2003
Rio's, York Road, Hartlepool

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

As you may be aware, the premises is situated in Hartlepool Council's Special Policy area.

I am of the view that your completed application form fails to address the following matters. I am presently recommending to the Licensing Authority that the following condition be attached to your licence, as well as those suggested in your application.

1. The premises should have a CCTV system that complies to a minimum approved standard set in partnership with Cleveland Police. The system will also be maintained at regular service intervals and always record when the premises is open for business. Any recordings will immediately be made available to the responsible authorities if requested.

If you are willing for the above conditions to be attached to your licence I would ask that you sign the enclosed acceptance form and return it to the address overleaf.

...../cont.

Forth & Co.,
Solicitors,
DX 60082,
Yarm.

If you are unwilling to accept the attached 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,

M. Nevison
Assistant Legal Adviser

Appendix IV



Sylvia
Tempest/HBCDomino
22/08/05 13:46

To Licensing/HBCDomino@HBCDOMINO
cc Sylvia Pinkney/HBCDomino@HBCDOMINO, Ralph
Harrison/HBCDomino@HBCDOMINO, adrian hurst,
Stephanie Bristow

bcc

Subject environmental protection representations

Sylvia L Tempest
Environmental Standards Manager
Public Protection and Housing Division
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 523316

Fax: 01429 523308

email: sylvia.tempest@hartlepool.gov.uk

website: www.hartlepoolnow.gov.uk

Only print this email if you really need to. Save paper, save money, save the planet!!

Rio's Bar, 107 York Road, Hartlepool

Should this licence be issued the following conditions will be required for the prevention of public nuisance:

As this is a predominantly a residential area and any extension of the opening hours has the potential for an increase in disturbance to residents, I would recommend that no extension to the current opening hours be granted.

Appendix V



Paul Burgon/HBCDomino

06/09/2005 14:44

To Julie Humphreys/HBCDomino@HBCDOMINO

cc Richard Teece/HBCDomino@HBCDOMINO

bcc

Subject Consultee Responses - Rios Bar, 107 York Road

We would make representations/comments on the following licensing application:

Rios Bar, 107 York Road

Our records indicate the premises benefit from a permission to operate as a public bar and restaurant with a condition restricting opening hours (the premises shall not open between 11.00pm and 8.00am on any day. It is intended to use the ground floor for licensed purposes and wish to incorporate in the licence a bar use on the first floor. However, this use would not benefit from a valid planning permission. The proposed opening hours would also be in breach of the planning condition.

The premises are outside the defined late night zone for uses opening later than midnight. Our objection is therefore three fold - there is no valid permission for the use & later hours, and there are potential for late night disturbance relating to the licensing objective of prevention of public nuisance.

Thanks

Paul Burgon - Planning Officer

Tel :- 01429 523277

E-mail :- paul.burgon@gov.uk

Application No. H/FUL/0201/86

HARTLEPOOL BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971

Town and Country Planning General Development Order 1973

PERMISSION TO DEVELOP SUBJECT TO CONDITIONS

Application submitted by

Acting on behalf of

Gilbert Bunting & Company,
Exchange Buildings,
66 Church Street,
Hartlepool,
Cleveland.

H. Greig,
3 Manor Road,
Hartlepool.

The Hartlepool Borough Council as the Local Planning Authority HEREBY PERMIT the development proposed by you in your application received on 28th April, 1986.
namely

Change of use from a Shop to a Public Bar and Restaurant
at 107 York Road.

and shown on the accompanying plan(s) subject to due compliance with the Building Regulations and general statutory provisions in force in the district, and subject to the conditions specified hereunder:

1. No alterations or extensions shall be carried out to the premises without the prior approval of the Local Planning Authority.
2. The use of the premises hereby permitted shall not operate between 2300 hours and 0800 hours on any day without the prior written consent of the Local Planning Authority.

The reasons for the Council's decision to grant permission for the development subject to compliance hereinbefore specified are:

1. To reserve the rights of the Local Planning Authority with regard to these matters.
2. In the interests of amenity of nearby residents.

APPROVED 4th June, 1986.

Dated 11th day of June, 19 86

See Notes Overleaf.

Chief Executive Officer