

LICENSING ACT SUB-COMMITTEE AGENDA



Tuesday 4th October 2005

At 3pm

in Committee Room B

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Morris, Rogan and Wallace

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Banana Jo's (*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 BANANA JO'S
PUBLIC HOUSE

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 Banana Jo's, Whitby Street, Hartlepool.

2. BACKGROUND

- 2.1 Applicant: Nightfree Limited
Premises: Banana Jo's
10 Whitby Street
Hartlepool
TS24 7AD
- 2.2 The applicant currently holds a Justices Licence authorising the following activities: -
- Sale of Alcohol (On and Off Sales)
- 2.3 Holding a Justice's Licence also permits the playing of recorded music.
- 2.4 The current licence permits 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 | Sun – Wed 1100 – 0000 |
| | Thu – Sat 1100 – 0200 |
| 2. Films | Sun – Wed 1100 – 0000 |
| | Thu – Sat 1100 – 0200 |
| 3. Indoor Sporting Events | Sun – Wed 1100 – 0000 |
| | Thu – Sat 1100 – 0200 |

4.	Live Music	Sun – Wed	1100 – 0000
		Thu – Sat	1100 – 0200
5.	Recorded Music	Sun – Wed	1100 – 0000
		Thu – Sat	1100 – 0200
6.	Anything similar to 4 or 5 above	Sun – Wed	1100 – 0000
		Thu – Sat	1100 – 0200
7.	Provision of facilities for making music	Sun – Wed	1100 – 0000
		Thu – Sat	1100 – 0200
8.	Provision of facilities for dancing	Sun – Wed	1100 – 0000
		Thu – Sat	1100 – 0200
9.	Provision of facilities for anything similar to 7 or 8	Sun – Wed	1100 – 0000
		Thu – Sat	1100 – 0200
10	Late Night Refreshment	Sun – Wed	2300 – 0000
		Thu – Sat	2300 – 0200

3.2 The proposed opening times for the premises are: -

Sun –	Wed	1100 – 0000
	Thu and Sat	1100 – 0200
	Fridays	1000 – 0200

3.3 In addition to the above, the applicant has also requested the removal of those conditions imposed by virtue of the Licensing Act 1964 and the Children and Young Persons Act 1933.

3.7 A copy of the application is attached as Appendix I.

3.8 The application has been advertised in the prescribed manner and one representation has been received from **Cleveland Police** (Appendix II).

3.9 **Cleveland Police** have submitted a number of conditions that they believe should be added to any licence, if granted, including the provision of door supervisors, the use of an approved CCTV system and a prohibition on irresponsible drinks promotions.

4. ISSUES

4.1 As a relevant representation has 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 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

4.4 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

4.5 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.

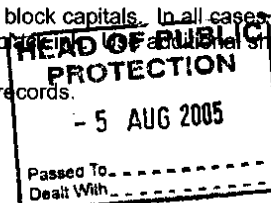
Appendix I

(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 block capitals. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

1/W Nightfree Limited
e



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 Banana Jo's 10 Whitby Street			
Post town	Hartlepool	Post code	TS24 7AD

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

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

Name Nightfree Limited
Address 20-24 South Parade Whitley Bay Tyne and Wear NE26 2RG
Registered number (where applicable) 04964621
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) -
E-mail address (optional) -

Part A3 - Operating Schedule

General description of premises (please read guidance note 1)

Terraced building on the corner of Whitby Street and Exeter Street. Premises comprise of two floors with entrance and egress on ground floor. There are bar areas and lounge areas on both floors with a DJ stand on the ground floor and toilet facilities on the first floor. From time to time the consumption of alcohol may take place in the area to the rear of the property marked on the plan as the delivery yard.

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

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

Provision of regulated entertainment

Please tick Yes

- | | |
|---|--------------------------|
| a) plays | <input type="checkbox"/> |
| b) films | <input type="checkbox"/> |
| c) indoor sporting events | <input type="checkbox"/> |
| d) boxing or wrestling entertainment | <input type="checkbox"/> |
| e) live music | <input type="checkbox"/> |
| f) recorded music | <input type="checkbox"/> |
| g) performances of dance | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) | <input type="checkbox"/> |

Provision of entertainment facilities for:

- | | |
|---|--------------------------|
| i) making music | <input type="checkbox"/> |
| j) dancing | <input type="checkbox"/> |
| h) entertainment of a similar description to that falling within (i) or (j) | <input type="checkbox"/> |

Provision of late night refreshment☒**Sale by retail of alcohol**

- | | |
|-------------------------------------|-------------------------------------|
| a) for consumption on the premises | <input checked="" type="checkbox"/> |
| b) for consumption off the premises | <input checked="" type="checkbox"/> |

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

Name

Stuart Macdonald

Address

28 Kilwick Street
Hartlepool
TS27 7QG

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.

THE SALE OF ALCOHOL

The hours during which alcohol may be sold from the premises are limited to those outlined in s59-61 and 63 of the Licensing Act 1964

There are no limitations on the hours when the premises may be open to the public

ENTERTAINMENT

There are no limitations on the provision of music, dancing or other entertainment of a like kind being promoted for private gain

LATE NIGHT REFRESHMENT

Late Night Refreshment is permitted at the premises between the hours of 23.00 and 23.30 on Mondays - Saturday inclusive by virtue of the existing Justices Licence

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)

None

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>McKenzie Bell</i>
Date	<i>5th August 2005</i>
Capacity	McKENZIE BELL Solicitors and Authorised Agents for the Applicant/s

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	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 7)
 McKENZIE BELL (Ref: ELB/) (DX 60719 - SUNDERLAND)
 19 John Street

Post town	Sunderland	Post code	SR1 1JG
Telephone number	0191 567 4857		
E-mail address (optional)	emmabowens@mckenzie-bell.co.uk		

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

~~1/W~~ Nightfree Limited

e

[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

Please tick

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



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)

To permit the sale of alcohol and provision of regulated entertainment and late night refreshment on Sundays to Wednesdays inclusive 11.00 - 00.00 and on Thursdays Fridays and Saturdays from 11.00 until 02.00

The variation is also required to remove the embedded restrictions placed on the licence by virtue of Schedule 8, paragraph 6(8) of the Licensing Act 2003 with the exception of the provisions relating to New Years Eve and s63(3) of the Licensing Act 1964.

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

Part B2 - Operating Schedule

Please complete those parts of the operating schedule which would be subject to change if this application to vary were successful.

What licensable activities do you now intend to conduct on the premises and/or at what varied times do you intend to conduct them ?

(please see section 1 of the Licensing Act 2003 and Schedule 1 to the Licensing Act 2003)

<u>Provision of regulated entertainment</u>	<u>Please tick Yes</u>
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input checked="" type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input checked="" 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 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"/>
<u>Provision of entertainment facilities:</u>	
i) making music (if ticking yes, fill in box I)	<input checked="" type="checkbox"/>
j) dancing (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>
k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	<input checked="" type="checkbox"/>
<u>Provision of late night refreshment (if ticking yes, fill in box L)</u>	<input checked="" type="checkbox"/>
<u>Sale by retail of alcohol (if ticking yes, fill in box M)</u>	<input checked="" type="checkbox"/>

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	Please give further details here (please read guidance note 10)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 11)		
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 12)		
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	Please give further details here (please read guidance note 10) It is proposed that from time to time the applicants may wish to show films to an audience from television screens or projectors at the premises. This entertainment may take the form of, but will not be exclusive to, films, comedy sketches, pre-recorded sporting events and music videos.		
Mon	11.00	00.00			
Tue	11.00	00.00	State any seasonal variations for the exhibition of films (please read guidance note 11)		
Wed	11.00	00.00			
Thur	11.00	02.00	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) New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day. In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00		
Fri	11.00	02.00			
Sat	11.00	02.00			
Sun	11.00	00.00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details here (please read guidance note 10) Indoor sporting events may take place in the presence of an audience at the premises. This may include (but will not be exclusive to) pool and darts.
Day	Start	Finish	
Mon	11.00	00.00	State any seasonal variations for indoor sporting events (please read guidance note 11)
Tue	11.00	00.00	
Wed	11.00	00.00	
Thur	11.00	02.00	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 (please read guidance note 12) New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day. In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00
Fri	11.00	02.00	
Sat	11.00	02.00	
Sun	11.00	00.00	

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			
Mon			Please give further details here (please read guidance note 10)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 11)		
Thur					
Fri			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)		
Sat					
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			
Mon	11.00	00.00	Please give further details here (please read guidance note 10) The Applicants wish to provide live music which may or may not be amplified. This may be performed by solo artists, duos or small groups of musicians. This form of entertainment will take place indoors and will not be conducted outside the premises. The live music may be provided as a form of entertainment itself but may also be incidental to another form of entertainment or to the provision of entertainment facilities.		
Tue	11.00	00.00			
Wed	11.00	00.00	State any seasonal variations for the performance of live music (please read guidance note 11)		
Thur	11.00	02.00			
Fri	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 12) New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day. In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00		
Sat	11.00	02.00			
Sun	11.00	00.00			

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)		
Mon	11.00	00.00	Recorded music, which may or may not be amplified, may be played within the premises either as background music or as a form of entertainment. Recorded music may be provided as a form of entertainment itself but may also be incidental to another form of regulated entertainment or to the provision of the entertainment facilities.		
Tue	11.00	00.00			
Wed	11.00	00.00	State any seasonal variations for playing recorded music (please read guidance note 11)		
Thur	11.00	02.00			
Fri	11.00	02.00	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) New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.		
Sat	11.00	02.00			
Sun	11.00	00.00	In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00		

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)			Please give a description of the type of entertainment you will be providing Entertainment of a like kind to that included in (e)(f) and (g) to include Karaoke.	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 9)	Indoors <input checked="" type="checkbox"/>
Mon	11.00	00.00		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	11.00	00.00	Please give further details here (please read guidance note 10)	
Wed	11.00	00.00	From time to time the Applicants may wish to provide entertainment of a like kind to that in (e)(f) and (g) for example Karaoke.	
Thur	11.00	02.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 11)	
Fri	11.00	02.00		
Sat	11.00	02.00	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 (please read guidance note 12)	
Sun	11.00	00.00	New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.	
			In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00	

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> Turntables and incidental equipment for use by a DJ Equipment required to provide amplified live music	
			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	11.00	00.00	<u>Please give further details here</u> (please read guidance note 10) Turntables and other equipment required to enable a DJ to play, mix, and announce music, will be provided at the premises. Any equipment necessary to provide amplified live music at the premises	
Tue	11.00	00.00		
Wed	11.00	00.00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 11)	
Thur	11.00	02.00		
Fri	11.00	02.00	<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) New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day. In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00	
Sat	11.00	02.00		
Sun	11.00	00.00		

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	11.00	00.00	Please give further details here (please read guidance note 10) The lighting and recorded or live music may be of the type which will enable patrons to dance.		
Tue	11.00	00.00			
			Patrons may also dance in the public areas which are not a designated dance floor.		
Wed	11.00	00.00	State any seasonal variations for providing dancing facilities (please read guidance note 11)		
Thur	11.00	02.00			
Fri	11.00	02.00	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) New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.		
Sat	11.00	02.00			
Sun	11.00	00.00	In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00		

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 8)			<u>Please give a description of the type of entertainment facility you will be providing</u> Any facilities for entertainment of a similar description to (i) or (j) but in particular a Karaoke Machine and incidental equipment	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 9)	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	11.00	00.00	<u>Please give further details here</u> (please read guidance note 10) Karaoke machine and any other equipment required to enable patrons to take part in this form of entertainment may be provided at the premises.	
Tue	11.00	00.00		
Wed	11.00	00.00		
Thur	11.00	02.00	<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 11)	
Fri	11.00	02.00		
Sat	11.00	02.00		
Sun	11.00	00.00	<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 12) New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day. In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00	

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 10) Hot food and drinks may be provided throughout the premises.		
Mon	23.00	00.00			
Tue	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 11)		
Wed	23.00	00.00			
Thur	23.00	02.00	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) New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.		
Fri	23.00	02.00			
Sat	23.00	02.00	In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00		
Sun	23.00	00.00			

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"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11.00	00.00	State any seasonal variations for the supply of alcohol (please read guidance note 11)		
Tue	11.00	00.00			
Wed	11.00	00.00			
Thur	11.00	02.00	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 12)		
Fri	11.00	02.00			
Sat	11.00	02.00	New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.		
Sun	11.00	00.00	<p>The permitted hours do not apply to the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>The consumption of alcohol may continue a further 30 minutes beyond the terminal hour relating to the supply of Alcohol at the premises.</p> <p>In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00</p>		

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

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 14)

A maximum of two AWP Machines may be provided at the premises

O

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 11)
Day	Start	Finish	
Mon	11.00	00.00	
Tue	11.00	00.00	
Wed	11.00	00.00	
Thur	11.00	02.00	
Fri	10.00	02.00	
Sat	11.00	02.00	
Sun	11.00	00.00	
			<p><u>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</u> (please read guidance note 12)</p> <p>New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.</p> <p>In relation to the morning on which summer time begins, references to the permitted hours ending at 02.00 in the morning will be substituted by references to 03.00</p>

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

The Applicant wishes to remove any embedded restrictions placed on the Licence by virtue of Schedule 8, Paragraph 6 (a) of the Licensing Act 2003, except the provisions relating to New Years Eve (section 60(1)(d) of the Licensing Act 1964 referring to article 3 of the the Regulatory Reform (Special Occasions Licensing) Order 2001) and s63(3) Licensing Act 1964.

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)

Staff employed at the premises will be informed of the Licensing Act 2003 objectives and statutory requirement to comply with all relevant provisions of the Act.

b) The prevention of crime and disorder

1. At all times when the premises are open to the public for any licensable activity, there will be sufficient competent staff on duty for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder

2. CCTV cameras and recording equipment shall be maintained at the premises.
All CCTV recordings are to be kept for a period of 28 days and shall be available to the Police upon request.

c) Public safety

1) Notices detailing the actions to be taken in the event of fire, including how to summon the fire brigade, will be prominently displayed.

2) Fire fighting equipment will be provided in the premises in accordance with the reasonable requirements of the Fire Authority.

3) Fire escape routes shall be identified by adequate signage.

d) The prevention of public nuisance

Clear and legible notices will be displayed at exits requesting patrons to leave the premises having regard to the needs of local residents.

e) The protection of children from harm

The management of the premises will inform all bar staff that if any person, whom they believe to be under the age of 18 years, attempts to purchase alcohol, they should be asked to provide identification to prove their age.

Part B3 – Premises Supervisor

Full name of proposed designated premises supervisor
Stuart Macdonald

Address of proposed designated premises supervisor
28 Kilwick Street
Hartlepool
TS27 7QG

Personal licence number of proposed designated premises supervisor, if any, and issuing authority of the personal licence, if applicable
Not yet known yet

- 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>Monica Bell</i>
Date	5 th August 2005
Capacity	Solicitors for the Applicant

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	

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

Post town		Post code	
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Notes for Guidance**PART A**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which would be relevant to the licensing objectives. 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.

-
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

Your Ref: .
Our Ref: MN/KR

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

12th August, 2005

Dear Sirs,

Re: Licensing Act 2003
Banana Joe's, Whitby Street, 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.

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 conditions be attached to your licence.

1. SIA registered Door supervisors will be provided for all late night openings past 11:00 pm and will remain present until the premises close to the public, including the drinking up period requested in your application.
2. 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.
3. The premises should adopt a drugs policy and incorporate a secured drugs seizure box of the type approved by Cleveland Police.

...../cont.

McKenzie Bell,
Solicitors,
DX 60719,
Sunderland.

4. Persons who appear to be under the age of 18 years shall be required to produce proof of age by way of a recognised proof of age card, accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport.
5. Plastic glasses or toughened glass will be used.
6. No irresponsible drinks promotions will be used.
7. 30 minutes drinking up time will follow the conclusion of sale of alcohol.

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.

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