LICENSING ACT SUB-COMMITTEE AGENDA



Tuesday 11th October 2005 At 2pm in Committee Room B

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Lilley, Richardson and Worthy

- 1. APOLOGIES FOR ABSENCE
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS
- 3. ITEMS FOR DECISION
 - 3.1 Athena Takeaway (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 subcommittee and officers present. Explanation of the decision to be considered.
- 2. Head of Public Protection and Housing outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
- 3. Members ask any questions of the Head of Public Protection and Housing
- 4. Applicant presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
- 5. Questions by Members to applicant and/or applicant's witnesses.
- 6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
- 7. Questions by Members to responsible bodies/interested parties and/or their witnesses
- 8. Parties may guestion and clarify issues raised with the consent of the Chair.
- 9. If required, responsible bodies/interested parties be given opportunity to sum up
- 10. If required, the applicant to be given opportunity to sum up.
- 11. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
- 12. Members to go into closed session to deliberate
- 13. Chair informs parties of their decision, with reasons.

Report of: Head of Public Protection and Housing

Subject: APPLICATION FOR A NEW PREMISES LICENCE

FOR THE ATHENA TAKEAWAY RESTAURANT

1. PURPOSE OF REPORT

1.1 To consider an application for a new Premises Licence in respect of Athena Takeaway Restaurant, York Road, Hartlepool.

2. BACKGROUND

2.1 Applicant: Steven Campbell Premises: Athena Takeaway

98 York Road Hartlepool TS26 9DQ

2.2 This application is for a new Premises Licence as the activities to which this application refers were not previously licensable and no other licences are currently in force.

3. SUMMARY OF APPLICATION

3.1 The applicant has applied for a new Premises Licence for the following activities: -

Late Night Refreshment
 Recorded Music
 Mon – Sun 1700 – 0300
 Mon – Sun 1700 – 0300

- 3.2 A copy of the application is attached as Appendix I.
- The application has been advertised in the prescribed manner and three representations have been received. One from Cleveland Police (Appendix II), Hartlepool Borough Council's Planning Department (Appendix III) and Wharton/Errol Street Residents Association (Appendix IV).
- 3.4 The representation from **Cleveland Police** expresses concerns that there is already a large concentration of licensed premises in the area and that, due to cumulative impact, there may be a negative effect on the crime and disorder licensing objective.
- 3.5 The **Planning Department** has highlighted that the premises do not fall within the area identified by the Council for uses later than midnight and that there is a potential for late night disturbance.

3.6 The objections from **Wharton Street/Errol Street Residents Association** relate to difficulties associated with late night revellers causing a disturbance in and around the area.

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 Members are also advised that the applicant's premises are situated within Hartlepool's 'Special Policy' area.
- 4.3 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.
- 4.4 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.
- 4.5 Members may be aware that as the sale of late night refreshment from takeaway restaurants has not previously been licensable, it has been possible for such premises to remain open for as long as they wished, subject to having appropriate planning permission. There are no planning restrictions relating to these premises.
- 4.6 As the Licensing Act 2003 defines late night refreshment as the provision of hot food after 11:00 p.m. Members may not impose any conditions, or hours restrictions that would have effect prior to this time.
- 4.7 No complaints have been received by the Public Protection and Housing Division regarding noise emanating from the premises.
- 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 the application in full, or in part

4.10 Members are reminded that they must only consider those aspects of the licence application that are relevant to the representations received.

5. **RECOMMENDATIONS**

5.1 That Members consider the representations made by the applicant and interested parties and determine whether the licence should be granted and, if appropriate, what conditions, if any, should be attached.

Appendix 1



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

APPLICATION FOR A PREMISES LICENCE TO BE GRANTED **UNDER THE LICENSING ACT 2003**

1 1 AUS 2005

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Passeu . 24182 before completing this form please read the guidance notes at the end of the form.

Dealt With:

Dealt With:

Dealt with:

Your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

IANG STEVEN CAMPRECION for as premises licence under section 17 of (insert name(s) of applicant)

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

| Part | 1 | - | Premises | details |
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| | | | | |

| Part 1 - Premises details | |
|--|---|
| Postal address of premises or, if none, ordnar | nce survey map reference or description |
| ATHENA TAKEAWAY | |
| 98 YORK ROAD | |
| Post Town HARTCEPOCE | Post Code 7 5 2 6 9 D G |
| PIPERCEI OCC | |
| Telephone number at premises (if any) | 01429 891010 |
| Non-domestic rateable value of premises | £ 4357.50 |
| | ¥ £10,500 |

Part - 2 Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

| a) | An individual or individuals * | 1 | Please complete section (A) |
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| b) | A person other than an individual * i. as a limited company ii. as a partnership. lii. as an unincorporated association or iv. other (for example a statutory corporation) | 1 | Please complete section (B) Please complete section (B) Please complete section (B) Please complete section (B) |
| c) | a recognised club | | Please complete section (B) |
| d) | a charity | Ξ | Please complete section (B) |
| | | | PREM01 |

| e) | the proprietor of an educational establishm | ent 🗆 | please complete section (B) |
|---------|--|--------------------|-----------------------------------|
| f) | a health service body | | please complete section (B) |
| g) | a person who is registered under Part 2 of t Care Standards Act 2000 (c14) in respect of independent hospital | | please complete section (B) |
| h) | the chief officer of police of a police force in England and Wales | | please complete section (B) |
| *If you | are applying as a person described in (a) or (l | b) please confirm: | Please tick * yes |
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| | which involves the use of the premises | | ities; or |
| | I am making the application pursuant to statutory function or | :O a | |
| | a function discharged by virtu | e of Her Majesty's | orerogative \Box |
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| Part 3 Operating Schedul |
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please state the number expected to attend.

| When do you want the premises licence to start? | Day O i | Month | Year 2 0 0 5 |
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| If you wish the licence to be valid only for a limited period, when do you want it to end? | Day | Month | Year |
| If 5,000 or more people are expected to attend the premises a | at any one | time, | N/A |

Please give a general description of the premises (please read guidance note1)

My premises is a small pizza Hakeaway. It is located in a terrace block of Similiar Dusinesse's and Pubs. It is run on York Road, and Hartlepool town centre to the rear entrance of the premises.

What licensable activities do you intend to carry on from the premises? (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

| | | Please tick Y yes |
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| <u>Provisio</u> | n of regulated entertainment | |
| a) | plays (if ticking yes, fill in box A) | |
| ь) | films (if ticking yes, fill in box B) | |
| ε) | indoor sporting events (if ticking yes, fill in box C) | |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | |
| e) | live music (if ticking yes, fill in box E) | |
| f) | recorded music (if ticking yes, fill in box F) | <u>\</u> |
| g) | performances of dance (if ticking yes, fill in box G) | <u> _</u> |
| h) | anything of a similar description to that falling within (e), (f) or (g) | |
| | (if ticking yes, fill in box H) | |
| <u>Provisi</u> | on of entertainment facilities for: | |
| i) | making music (if ticking yes, fill in box !) | |
| j) | dancing (if ticking yes, fill in box j) | |
| k) | entertainment of a similar description to that falling within (i) or (j) | |
| | (if ticking yes, fill in box K) | |
| Provisi | on of late night refreshment (if ticking yes, fill in box L) | © ⁄ |
| Supply | of alcohol (if ticking yes, fill in box M) | |
| tn all c | ases complete boxes N, O and P | |

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| State premi | the nam | e and deta | ils of 1 | he individual whom you wish to specify on the licence as | | |
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| Name | | | ••••• | | | |
| Addre | ss | ., | | | | |
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| Posto | ode | | | | | |
| Perso | nal Licen | ce numb e i | (if kno | (nwo | | |
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| \overline{N} | | | | | | |
| matte | ers ancill | nt any adu ary to the se read guid | use of | rtainment or services, activities, other entertainment or the premises that may give rise to concern in respect of lote 8) | | |
| | None | | | | | |
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| | rs prem | ises are | 19 | itate any seasonal variation (please read guidance note 4) | | |
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| Describe the steps you intend to take to promote the four licensing objectives: |
| a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9) |
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| |
| b) The prevention of crime and disorder |
| I will do my upmost best to prevent groups/or gangs hanging around the area of my premises, I will do this by notifying the police, and authority |
| horas as of the are of my premises, I will do |
| the day solice the area of out thought |
| this by ibritying the point and according |
| Also fively have come in my snop recounty |
| any behaviour hoppening in and around the shop |
| |
| c) Public safety |
| |
| |
| |
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| N= |
| d) The prevention of public nuisance |
| I will regulary collect all the rubbish which is left outside my ship. |
| The state of the s |
| which is left outside my ship. |
| |
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| |
| |
| e) The protection of children from harm |
| The second of th |
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| CHECKLIST:- |
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| | Please tick Y yes |
|---|---|
| I have made or enclosed payment of the fee I have enclosed the plan of the premises I have sent copies of this application and the plan others where applicable I have enclosed the consent form completed by the supervisor, if applicable I understand that I must now advertise my applicable I understand that if I do not comply with the above be rejected | ne individual I wish to be premises |
| T IS AN OFFENCE, LIABLE ON CONVICTION TO TANDARD SCALE, UNDER SECTION 158 OF T MAKE A FALSE STATEMENT IN OR IN CONNEC | HE LICENSING ACT 2003, TO |
| Part 4 – Signatures (please read guidance note 10) | |
| ignature of applicant or applicant's solicitor or other d 1) If signing on behalf of the applicant please state in | uly authorised agent. (See guidance note what capacity. |
| ignature S. Roupbell | |
| 0ate 5-08-05 | |
| For joint applications signature of 2 nd applicant or 2 nd agent. (please read guidance note 12) If signing on behalapacity. | oplicant's solicitor or other authorised |
| Signature | ······································ |
| Date | |
| Capacity | *************************************** |
| | |
| Contact name (where not previously given) and posta with this application (please read guidance note 13) | |
| SAME AS SHOP | |
| Post town | Post code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you by e-m | ail your e-mail address (optional) |
| | |

Appendix II

. Wessage אפי אם ראטאו ערבהבראטה אחרורך

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Page 1 of 1

REEVE, Katherine

From:

REEVE, Katherine

Sent:

25 August 2005 10:17

To:

'licensing@hartlepool.gov.uk'

Cc:

HANSON, Paul

Subject:

Representations - Athena Takeaway

Importance: High

Please find attached a copy of a letter which has today been sent to the applicant. I would be grateful if you could accept this as police representations with regard to this premises.

Please do not hesitate to contact Marie Nevison or myself if you have any queries.

Regards,

Katherine Reeve Legal Assistant 01642 301305

Your Ref: Our Ref: MN/KR

When telephoning please use Direct Line (301231) to contact Mrs M Nevison

26th August, 2005

Dear Mr. Campbell,

Re: Licensing Act 2003 Athena Takeaway, York Road, Hartlepool

I refer to your recent application.

It is for the applicant to demonstrate how they will ensure that the licensing objectives are not undermined since the premises is situated in the Local Authority Special Policy area in Hartlepool. Cleveland Police are concerned that because the premises is situated in an area where there is already a large concentration of licensed premises, the cumulative impact of such an application will have a negative effect on the crime and disorder objective.

Cleveland Police are concerned that the cumulative impact of such an application may also have a negative effect on the public nuisance objective. For example, there is a likelihood of noise from patrons leaving the premises and litter on the streets.

If you wish to discuss the matter, please do not hesitate to contact PC Hanson at Hartlepool Police.

Yours faithfully,

M. Nevison Assistant Legal Adviser

Mr. S. Campbell, Athena Takeaway, 98 York Road, Hartlepool.

Appendix III



Paul Burgon/HBCDomino 07/09/2005 14:13

- To Nicola Purdy/HBCDomino@HBCDOMINO
- cc Richard Teece/HBCDomino@HBCDOMINO

bcc

Subject Consultee Responses - West End Social Club, 70/72 Murray Street & Athena Takeway, 98 York Road

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

2. Athena Takeaway, 98 York Road

Our records indicate the premises benefit from a permission with no opening hours restriction. However, the premises are located outside the defined late night zone for uses opening later than midnight. Our concerns are therefore two fold, premises not in the defined late night zone, 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

Appendix IV

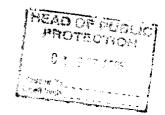
, 2005 12:52 01429420131

PAGE 01

Wharton & Errol Street Area Residents Association P.O. Box 258 Hartlepool TS24 8WX

Thursday, 01 September 2005

OBJECTION TO Athena Takeaway 98 York Road HARTLEPOOL TS26 9DQ



We as a local residents association wish to object to the proposed licence of the premises above on the following grounds.

- Late night revellers leaving the premises causing a disturbance in and around the area shouting, swearing, urinating, banging car doors, vomiting, vandalism to homes and vehicles etc.
- Leaving part eaten meals strewn around on or around our property.
- This behaviour causes stress and lowers our quality of life because of disturbed sleep.
- This is affects other residential area's for example Waldon /Lister Street and Thornton Street to name a few
- We feel there is a policing problem as with other licensed premises

David Berry (Chair)

pp. Wharton/Errol Street Area Residents Association

'public protection

Note

We are willing to withdraw objection provided the licenced premise is closed on or before midnight.

Fax 523308