

LICENSING ACT SUB-COMMITTEE AGENDA



Tuesday 23rd June 2009

at 10.00 am

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

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Fleet, Fleming and G Lilley

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for the Variation of a Premises Licence for 78 Church Street, Hartlepool – *Head of Procurement, Property and Public Protection*

Licensing Act 2003

Procedure for Hearings

Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. Head of Procurement, Property and Public Protection outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Head of Procurement, Property and Public Protection.
4. Applicant presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Parties may question and clarify issues raised with the consent of the Chair.
9. If required, responsible bodies/interested parties be given opportunity to sum up.
10. If required, the applicant to be given opportunity to sum up.
11. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
12. Members to go into closed session to deliberate.
13. Chair informs parties of their decision, with reasons.

Report of: Head of Procurement, Property & Public Protection

Subject: APPLICATION FOR THE VARIATION OF A
PREMISES LICENCE FOR 78 CHURCH STREET,
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the variation of a premises licence in respect of 78 Church Street, Hartlepool.

2. BACKGROUND

- 2.1 Applicant: Surfraz Akbar
Premises: 78 Church Street
Hartlepool
- 2.2 The current licence authorises the following activity: -
Late Night Refreshment Monday to Sunday 23:00 – 03:00
- 2.3 A copy of the current premises licence is attached as Appendix I.

3. SUMMARY OF APPLICATION

- 3.1 The applicant originally applied for an extension of licensable hours until 05:15 a.m. 7 days a week, but following representations, the application has been amended to a request for an extension of hours until 04:30 a.m. 7 days a week.
- 3.2 A copy of the application is attached as Appendix II.
- 3.3 The application has been advertised in the prescribed manner and one relevant representation has been received from **Cleveland Police** (Appendix III).
- 3.4 The representation from Cleveland Police states that any extension to the current opening hours would increase problems associated with late night

revellers in the vicinity and would therefore undermine the 'crime and disorder' and 'public safety' licensing objectives.

4. ISSUES

- 4.1 As a relevant representation has been received within the prescribed time, a hearing must be held for Members to consider those representations (unless all parties agree a hearing is unnecessary).
- 4.2 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
- 4.3 Cleveland Police have stated that late night refreshment establishments in the area in which the premises are situated, historically have become a flashpoint for alcohol related crime and disorder. Previous incidents of crime and disorder in the area have resulted in persons being injured which consequently placed additional demands on the Police resources. In their opinion granting an extension of the current permitted hours would undermine the crime and disorder and public safety, licensing objectives.
- 4.4 Having regard to the representation 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 consider the representations made by the applicant and the Cleveland Police and determine what aspects, if any, of the proposed variation should be granted and, if appropriate, what conditions if any, should be attached.

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



THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/357

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference, or description

78 Church Street

Post Town Hartlepool

Post Code TS24 7DN

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence. Any entertainment authorised by this licence is limited to indoors only, unless stated otherwise.

Late Night Refreshment

The time the licence authorises the carrying out of licensable activities.

Monday to Sunday 23:00 – 03:00

The opening hours of the premises

Monday to Sunday 11:00 – 03:15

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

N/A

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Surfraz Akbar
30 Woodlands Road
Middlesbrough
TS1 3BW
Tel: 07903354050

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorizes the supply of alcohol

N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorizes for the supply of alcohol

N/A

Date licence granted: 9th December 2008

ANNEX 1 – Mandatory Conditions

1. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.

ANNEX 2 – Conditions consistent with the Operating Schedule

1. No under 18 year olds shall be permitted in the premises after midnight.
2. No orders shall be taken after 03:00 hours.
3. No customers will be admitted after 03:00 hours.
4. All customers shall have vacated the premises by 03:15 hours.
5. CCTV cameras will be installed and recordings must be retained for a minimum of 31 days and shall be kept in a locked and secure cabinet.

The system shall be maintained at regular service intervals and shall record whenever the premises is open for business.

6. Staff must be trained and capable of downloading CCTV evidence onto DVD discs and it shall be made available to Responsible Authorities upon request.
7. There must be a minimum of one SIA registered door supervisor on duty from 23:00 hours until closing (03:15 hours), within 2 months of this premises licence being granted.

ANNEX 3 – Conditions attached after a hearing by the Licensing Authority

NONE

ANNEX 4 - Plans

See attached

Our Ref: JRE/MJC.76219.2

Date: 30th April 2009

Your Ref:

Please ask for: **Mr J R Ellwood** tilly bailey irvine

Tel: (01429) 264101

The Licensing Team
Hartlepool Borough Council
Public Protection & Housing
Level 3, Civic Centre
Victoria Road
Hartlepool
TS24 8AY



Dear Sirs

Re: Surfraz Akbar - 78 Church Street, Hartlepool

Further to our letter, amending the application in respect of the client's name, we also note your requirement that the application in it's operating schedule, specifies the opening time, not just the closing time.

We dispute whether this is necessary, since licensable activity commences at 11.00pm, but if you insist, then we consent on behalf of our client to the operating schedule being amended for an opening time of 9.00am.

Yours sincerely

**MR J R ELLWOOD
TILLY BAILEY & IRVINE LLP**

Enc.



Our Ref: JRE/KBU.76219.2

Date: 28 May 2009

Your Ref: IH/HART/PS/357

tilly bailey irvine

Criminal Defence Team: **Mr J R Ellwood**

Tel: (01429) 264101

Mr R N Taylor
Mrs K V Parkinson
Ms S Burton
Mr I Baron
Mr S W Haywood

Mr D Barnfather
Hartlepool Borough Council
Neighbourhood Services Department
Public Protection and Housing
DX 60669
Hartlepool 1



Dear Mr Barnfather

Re: Our Client – Surfraz Akbar
78 Church Street, Hartlepool

Thank you for confirming that the planning permission extends only until 4:30am. Please may the application be amended to include the 4:30am closing time rather than as originally specified.

Yours sincerely

MR J R ELLWOOD
TILLY BAILEY & IRVINE LLP



Our Ref: JRE/MJC.76219.2

Date: 30th April 2009

Your Ref:

Please ask for: **Mr J R Ellwood**tilly bailey irvine

Tel: (01429) 264101

The Licensing Team
Hartlepool Borough Council
Public Protection & Housing
Level 3, Civic Centre
Victoria Road
Hartlepool
TS24 8AY



Dear Sirs

Re: Surfraz Akbar - 78 Church Street, Hartlepool

With reference to the above, please find attached amended front page of application to vary licence premises. We would be obliged if the same could be replaced with the original.

Yours sincerely

MR J R ELLWOOD
TILLY BAILEY & IRVINE LLP

Enc.

Tilly Bailey & Irvine LLP – Solicitors, York Chambers, York Road, Hartlepool, TS26 9DP
Telephone: (01429) 264101 **Fax:** 08453 022990 **DX:** 60650 Hartlepool **Web:** www.tbilaw.co.uk
Offices: Hartlepool - Stockton-on-Tees - Barnard Castle - Wynyard Park

Members: J.B. HALL, A.C. WINFIELD, M.A. LEVINSON, J.R. ELLWOOD, T.J. WILSDON, M.L. BROWN, J. WALTERS, M.H. ELLIS,
Mrs. C.J. TILLY, R.N. TAYLOR, Miss H. DEXTER, S.F. HORSLEY, Miss V.J.S. MORETON, Miss K. MALONEY, Miss A. TATE.

Notary Public: A. BARBER.

Limited Liability Partnership. Registered in England Number OC315000.
Registered Office: York Chambers, York Road, Hartlepool, TS26 9DP.

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Community
Legal Service



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We Surfraz Akbar

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
78 Church Street

Post town	Hartlepool	Post code	TS24 7DN
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£4200
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Part 2 – Applicant details

Daytime contact telephone number	07903 354050		
E-mail address (optional)			
Current postal address if different from premises address	30 Woodlands Road		
Post Town	Middlesbrough	Postcode	TS1 3BW

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

I/We Surfraz Afsar

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
78 Church Street

Post town	Hartlepool	Post code	TS24 7DN
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Telephone number at premises (if any)

Non-domestic rateable value of premises **£4200**

Part 2 – Applicant details

Daytime contact telephone number	07903 354050		
E-mail address (optional)			
Current postal address if different from premises address	30 Woodlands Road		
Post Town	Middlesbrough	Postcode	TS1 3BW

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

☒

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To vary the restricted opening times to ammend them to: -

1. No orders must be taken after 5.00am
2. All entrance doors must be locked at 5.00am
3. No customers will be admitted after 5.00am
4. All customer will have vacated the premises by 5.15am
5. The other conditions are to remain

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

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Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input 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 type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

☒

Sale by retail of alcohol (if ticking yes, fill in box M)

☐

In all cases complete boxes N, O and P

A

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

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed			<u>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</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
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 5)		
Sat					
Sun					

E

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

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
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 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

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

J

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

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
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 4)	
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 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23.00				
		05.15			
Tue	23.00				
		05.15	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23.00				
		05.15			
Thur	23.00				
		05.15	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	23.00				
		05.15			
Sat	23.00				
		05.15			
Sun	23.00				
		05.15			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>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</u> (please read guidance note 5)		

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 8)</p> <p>None</p>
--

O

? 09:00
Time amended
by solicitor letter
dated 30/4/09.

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish		
Mon	until	05:15	4.30	
Tue	until	05:15	4.30	
Wed	until	05:15	4.30	
Thur	until	05:15	4.30	
Fri	until	05:15	4.30	
Sat	until	05:15	4.30	
Sun	until	05:15	4.30	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Times amended by solicitor letter rec'd 1/6/09

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 See Part 3 variation notes

Please tick yes

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

My premises are well run. I have CCTV cameras and SIA registered personnel. the four licencing objectives are prejudiced by an artificially early closing time. I am having to explain to customers why they cannot be served food, yet they can be served alcohol in late night licence premises in Church Street. I am having to turn customers away, when they can see customers already in my shop. Other premises in my area have later licences than mine.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm


Please tick yes

- I have made or enclosed payment of the fee ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☐
- I understand that I must now advertise my application ☐
- I have enclosed the premises licence or relevant part of it or explanation ☐
- 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 5 – Signatures (please read guidance note 10)

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

Signature	
Date	24/9/09
Capacity	

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

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

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or 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 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. 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.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Your Ref:
Our Ref: MN/KR

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

13 May 2009

Dear Sirs,

Re: Licensing Act 2003
Application for Variation of Premises Licence
78 Church Street, Hartlepool – Applicant – Surfraz Akbar

Cleveland Police have received an application for a variation of the above premises licence which is a fast food take away establishment. On this basis, Cleveland Police wish to make the following representations:

The application is to extend the opening hours from 3.00am until 5.15am every day. Indeed, it is only six months ago that this premises applied for a licence until 3.00am and Cleveland Police expressed concerns regarding the late opening, but agreed to the hours on the basis that conditions were placed on the licence. Unfortunately, on this occasion, Cleveland Police do not believe that additional conditions placed on the licence will prevent undermining the licensing objectives, namely the crime and disorder and public safety objectives.

Patrons vacating licensed public houses are fuelled with alcohol which results in late night refreshment establishments becoming a flashpoint for crime and disorder. Historically, allowing such persons to loiter unnecessarily in the vicinity has resulted in crime and disorder and persons being injured.

Although each case is judged on its merits, it is not so long ago that Cleveland Police had cause to have to request that a late night refreshment shop close due to concerns regarding public

Mr Ian Harrison
Licensing Department
Hartlepool Borough Council
DX 60669
Hartlepool

safety when late night revellers attended a venue in such numbers that public safety and fear of crime and disorder were imminent unless the venue closed. There is no reason to suggest that this venue will not suffer from the same problems. This incident resulted in a drain on police resources when officers were called from other areas of the town to deal with the problem.

In the event that this application is not withdrawn, a witness statement from PC Swales will be sent in the near future.

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

Yours faithfully,

M. Nevison
Legal Adviser

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

LEGAL SERVICES

HEAD OF LEGAL SERVICES

Julia E. Hatton LL.B. (Hons)

SOLICITORS

Joanne Monkman B.A. (Hons)

Marie Nevison LL.B.

Jonathan Tomlinson LL.B. (Hons)

LEGAL EXECUTIVE

Michelle D. Phillips F.Inst. L.Ex



HEADQUARTERS

P.O. Box 70
Ladgate Lane
Middlesbrough
TS8 9EH

Telephone: 01642 326326
Facsimile: 01642 301227
DX 68801 Middlesbrough 7

Your Ref:
Our Ref: LICE/20/611/MN



When telephoning please use
(01642) 301231 to contact
Marie Nevison
Marie.Nevison@cleveland.pnn.police.uk

16th June 2009

Dear Sirs

Re:- Application for Variation of Premises Licence
78 Church Street, Hartlepool
Hearing on 23 June, Civic Centre, Hartlepool at 10.00am

Please find enclosed a copy of the witness statement of Sgt Alan Ions being the evidence upon which Cleveland Police intend to rely upon at the above hearing.

Thank you for your assistance in this matter. Please do not hesitate to contact me if you have any further queries.

Yours faithfully

Marie Nevison
On behalf of Legal Services

Mr Ian Harrison
Licensing Department
Hartlepool Borough Council
DX 60669
Hartlepool



CRIMESTOPPERS
0800 555 111

We are an equal opportunities employer

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; MC Rules 1981, r70)

URN	17			
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Statement of **Alan Peter Ions**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Sergeant 1194**

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature _____

Date: **12.6.2009**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Sergeant 1194 of Cleveland Police currently stationed at Hartlepool Police Station, Neighbourhood Safety Department which incorporates the District Licensing Unit.

I joined the police service in March 1986 and have been a serving officer for 23 years.

I have worked in Hartlepool district since July 2001, initially as Custody Sergeant followed by a 5 year attachment to the District Support unit whose primary role is dealing with public order, and as such I've dealt with a considerable amount of drink-related crime and disorder within the night-time economy within Hartlepool Town Centre.

In October 2008 I was posted to the Neighbourhood Safety Department at Hartlepool Police Station with direct responsibility for Licensing within the town.

Part of my role as a licensing officer is to monitor liquor licensing within the district and to enquire into applications made regarding licensed premises,

An application has been received from Surfraz AKBAR, (Premises Licence Holder), in respect of Premises Licence Number HART/PS/357, at 'MAMA MIA' takeaway, 78 Church Street, Hartlepool.

The application is for a variation to the licensing hours.

Signature _____

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 2

Continuation of Statement of **Alan Peter Ions**

At present the premise is licensed to sell food from 11pm until 3.00am with a closing time of 3.15am.

The license has the following conditions attached to it;

1. No person under 18 years to be admitted to the premises after midnight.
2. No orders to be taken after 3.00am
3. No customers to be admitted after 3.00am
4. All customers to vacate the premises by 3.15am
5. CCTV cameras to be installed in the premises and recordings retained for a minimum of 31 days and kept in a locked and secure cabinet The system must be maintained at regular service intervals and record when the premises are open for business. Staff must be trained and capable of downloading CCTV evidence onto DVD disks and it shall be made available to responsible authorities upon request.
6. There must be a minimum of one (1) SIA approved premises supervisor to be present from 11.00pm until closing at 3.00am within 2 months of grant of the licence.

The proposed variation is to extend licensable hours until 4.30am.

The conditions attached to the license are to remain the same

Between the 19th December 2008 and the 01 May 2009 Cleveland Police had no recorded incidents "specific" to "Mama Mia", 78 Church Street, Hartlepool.

Signature _____

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 3

Continuation of Statement of **Alan Peter Ions**

However, between midnight and 5.00am, on Friday and Saturday evenings only, between the 1st October 2008 and 31st March 2009, in Church Street, Hartlepool, crime pattern analyses shows eighty (80) crimes were recorded.

Of these eighty (80) crimes, eighteen (18) were reported as Assaults occasioning actual bodily harm. Eleven (11) were reported as harassment, alarm or distress. Nine (9) were reported as common assault and battery. Five (5) were reported as theft from a person and five (5) Assaults on police officers. Four (4) were reported as inflicting grievous bodily harm, The remaining offences vary from three (3) sexual assaults on females to having possession of a controlled drug and fear or provocation of violence. Fifty-two(52) crimes cited a location on Church Street, Hartlepool.

Between midnight and 5.00am am on Friday and Saturday evenings only, between the 1st October 2008 and 31 March 2009, in Church Street, Hartlepool, crime pattern analyses shows seventy-nine (79) incidents of anti-social behaviour were recorded. This included seventy-seven (77) incidents of nuisance, rowdiness and/or inconsiderate behaviour.

Forty-four(44) incidents cited a location on Church Street Hartlepool.

The combined total of crimes and incidents reported between midnight and 5.00am on Friday and Saturday evenings only, between the 1st October 2008 and 31st March 2009, in Church Street Hartlepool, is one hundred and fifty-nine (159).

The combined total of crimes and incidents reported in the specified area between the 1st October 2008 and 31st March 2009 is two hundred and sixty eight (268) which shows the disproportionate amount of crime and disorder attributable to the night-time economy between midnight and 5.00am in the Church Street area.

Signature _____

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 4

Continuation of Statement of **Alan Peter Ions**

Alcohol related crime and disorder in the Church Street area of Hartlepool continues to be a significant problem and takeaway premises are quite often the flashpoint for violence and public disorder when intoxicated people become involved in confrontational situations whilst waiting for food to be cooked.

There are eight(8) licensed takeaway premises within Church Street, Hartlepool.

Two(2) premises have a 2.30am closing time, three(3) have a 3.00am closing time, two(2) have a 3.15am closing time(including Mama Mia) and one(1) has a 4.30am closing time.

It must be noted that the premise with the 4.30am closing time is a restaurant with takeaway facility and being the only premise with such a late closing time becomes very busy when selling takeaway food.

This has led to overcrowding and public safety issues and in February 2009 the premise was the subject of voluntary closure at 4.15am on a Saturday morning as the licence-holder was unable to control the 20-30 intoxicated people who had crammed into the premises demanding to be served food. The closure was only able to take place with Police assistance to prevent disorder.

It is the opinion of Police that if the licensing hours of 'Mama Mia' were extended they would be subject to the same problems with overcrowding and disorder as the aforementioned premises, probably to a greater extent as this is a specific 'takeaway' premises rather than a 'restaurant'. Consequently there are significant concerns regarding potential crime and disorder and public safety.

At present 'Mama Mia' is one of seven takeaway premises in Church Street, Hartlepool that have closing times between 2.30am and 3.15am and as a result there is a lesser

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 5

Continuation of Statement of **Alan Peter Ions**

concern regarding overcrowding and disorder as revellers are spread between the seven(7) premises.

This is evidenced by the fact that since the licence was issued for 'Mama Mia' on the 9th December 2008 there have been no reported incidents of crime or disorder relating directly to the premises.

The only point of note is that in the early hours of Saturday 16th May 2009 Mr Akbar was given advice by Police after allowing persons into the premises at 3.10am in contravention of the conditions of his licence.(i.e. after 3.00am)

The concern for the level of crime and disorder within Hartlepool town centre, particularly on Friday and Saturday nights, has led Hartlepool Police's District Commander Superintendent Summerbell to arrange a meeting with Hartlepool Licensees to discuss the possibility of them voluntarily reducing their licensable activities back to 3.00am in an attempt to reduce incidents of crime and disorder and increase public safety.

This was supported by those at the meeting although Mr Akbar submitted his apologies and was not at the meeting.

If this proposal is accepted Police believe there will be less drunkenness and there will be more Police resources available to deal with incidents relating to the licensable activities.

Furthermore, after licensable activities have ceased and revellers have returned home, Police resources will be free to deal with other crime issues outside the town centre, which is not the case at the moment as Police resources are needed to deal with crime and disorder in the town centre until about 5.00am with the present closing times.

Signature _____ Signature Witnessed by _____

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Continuation of Statement of **Alan Peter Ions**

The town centre has a special saturation policy which would give an application such as this intense scrutiny. At present this premise is outside of that area.

However, such is the level of concern regarding crime and disorder within the Church Street area that if the proposals suggested by Hartlepool's District Police Commander are not accepted that consideration may be given to Police making an application to extend the area covered in the Special Saturation Policy to include Church Street in an attempt to promote the licensing objectives by reducing crime and disorder and increasing public safety.

The premise currently has a licence and Cleveland Police do not take issue with the applicant or with the premise having a licence, However, the representations are made in relation to the hours proposed.

It is felt that if the premises hours were extended this would encourage revellers to remain in the town centre buying and consuming food rather than vacating the town centre.

This is obviously at odds with what Police are trying to achieve in terms of shortening the licensing hours in an effort to reduce crime and disorder and increase public safety, and as such Police must oppose the application on the grounds it does not support the licensing objectives.

Signature _____ Signature Witnessed by _____