

LICENSING ACT SUB-COMMITTEE AGENDA



Monday 21st November 2005

At 10am

in Committee Room B

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Cambridge, Cook and Rayner

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Mr Cheffee Pizzeria (*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. 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 Public Protection and Housing

Subject: APPLICATION FOR A NEW PREMISES LICENCE
FOR MR CHEFFEE TAKE-AWAY RESTAURANT

1. PURPOSE OF REPORT

- 1.1 To consider an application for a new Premises Licence in respect of Mr Cheffee, 80 York Road, Hartlepool.

2. BACKGROUND

- 2.1 Applicant: David Coulson
Premises: Mr Cheffee
80 York Road
Hartlepool
- 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 Mon – Sun 1600 – 0300

- 3.2 A copy of the application is attached as Appendix I.
- 3.3 The application has been advertised in the prescribed manner and two representations have been received. One from **Environmental Health** (Appendix II) and from **Wharton & Errol Street Residents Association** (Appendix III).
- 3.4 The representation from Environmental Health states that due to the proximity of the premises to other residential properties the provision of late night refreshment should be limited to 1:30 a.m. and for the premises to be closed by 2:00 a.m.
- 3.5 Wharton & Errol Street Residents Association have highlighted their concerns about late night revellers causing a disturbance in and around the area including shouting, swearing, urinating, banging car doors, vomiting and vandalism to homes and vehicles.

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 In addition to the two representations received, Hartlepool Borough Council's Planning Department has indicated there is a planning condition for the premises that it shall only operate until 0230 on weekdays and Saturdays and midnight on Sundays.
- 4.4 Hartlepool Borough Council's Licensing Policy states that premises 'must have suitable, appropriate authorised use under planning legislation' and that 'The Licensing Authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises have an appropriate planning consent.'
- 4.5 Statutory guidance issued by the Secretary of State under section 182 of the Licensing Act states that 'applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned'.
- 4.6 Members may be aware that as the sale of late night refreshment from take-away 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.
- 4.7 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.
- 4.8 No complaints have been received by the Public Protection and Housing Division regarding noise emanating from the premises.
- 4.9 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
- 4.10 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

4.11 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 I

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We David Cheffee apply 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

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

80 York Rd
Hartlepool
known as Mr Cheffee's

Post Town

Hartlepool

Post Code

Telephone number at premises (if any)

222227

Non-domestic rateable value of premises

£ 7500-00

Part – 2 Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

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

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname Coulson First names David

I am 18 years old or over ☐ Please tick ☒ yes

Current postal address if different from premises address

5 Winkworth Drive
West Park
Hpool

Post Town

Hpool

Postcode

TS 2602W

Daytime contact telephone number

260946 Hpool

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname First names

Please tick
 ✓ yes ☐

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS.

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

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)

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 for:

- | | |
|--|--------------------------|
| 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)

☒

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

☐

In all cases complete boxes N, O and P

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			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 5)

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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish	Please give further details here (please read guidance note 3)	Outdoors		
Mon				Both		
Tue						
Wed				State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur						
Fri						
Sat				Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
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 [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
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 [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
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 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)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
Mon				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					

Sat			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 5)
Sun			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	
			Indoors	
			Outdoors	
			Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Fri			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 (please read guidance note 5)	
Sat				
Sun				

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)	
			Indoors	
			Outdoors	
			Both	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	

Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur			
Fri			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 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)			Please give a description of the type of entertainment facility you will be providing	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor
Mon				Outdoor
Tue			Please give further details here (please read guidance note 3)	Both
Wed				
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)	
Fri				
Sat			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 (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 [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
Day	Start	Finish	Both		
Mon	4pm	3am	Please give further details here (please read guidance note 3) Pizzeria Supply Hot and Cold Food to public Between Times Given.		
Tue	4pm	3am			
Wed	4pm	3am	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) None		
Thur	4pm	3am			
Fri	4pm	3am	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) None		
Sat	4pm	3am			
Sun	4pm	3am			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
Day	Start	Finish	Both		
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					

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

Name.....

Address.....

Postcode.....

Personal Licence number(if known)

Issuing licensing authority (if known).....

N

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

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

P

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

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

CHECKLIST:-

Please tick ✓ yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

Signature

Date.....

Capacity

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

Signature

Date.....

Capacity

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

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

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 the 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.
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.

Copies of this completed application form must be sent to:-



**The Licensing Team (HBC),
Principal Trading Standards Officer (HBC)
Development Control Manager (HBC)
Principal Environmental Health Officer (Commercial Services) (HBC)
Principal Environmental Health Officer (Environmental Protection) (HBC)
Head of Safeguarding and Review (Licensing) (HBC)
Cleveland Police,
Cleveland Fire Brigade**

Addresses for the above organisations are detailed in the guidance notes that accompanied this document or can be obtained from the Licensing team on request.

**The Licensing Section
Public Protection and Housing
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY**

PREM01

Appendix II

 **Adrian Hurst**
25/10/2005 10:24
To: Licensing/HBCDomino@HBCDOMINO
cc:
Subject: Re: Premises Application - Mr Cheffee Pizzeria 

These premises are situated on York Road within the special policy area. The premises are located in close proximity to residential properties and there is therefore always the potential for noise nuisance and general disturbance to residents in the area. The later the opening times the more potential there is for this disturbance.

I therefore consider that the sale or provision of late night refreshment should be restricted to 01:30hrs. with a further thirty minutes for clearing/cleaning the premises which I recommend should be closed by 02:00hrs.

Adrian Hurst
(Principal E.H.O.)
Public Protection & Housing Division
Neighbourhood Services Dept.
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 523323
Fax: 01429 523308
e-mail adrian.hurst@hartlepool.gov.uk

Appendix III

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

Friday, 21 October 2005

**OBJECTION TO
Cheffee Takeaway
80 York Road**

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 affects other residential areas as well as our own, it is only a matter of metres from residential property
- Giving this licence will indirectly form a late night zone in very close proximity to an established residential area
- 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