

# LICENSING ACT SUB-COMMITTEE AGENDA



**Friday 25th November 2005**

**At 10am**

**in The Council Chamber**

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Flintoff, Griffin and Jackson

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
  - 3.1 Belle Vue 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 BELLE VUE PIZZERIA TAKEAWAY  
RESTAURANT

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## 1. PURPOSE OF REPORT

- 1.1 To consider an application for a new Premises Licence in respect of Belle Vue Pizzeria Takeaway Restaurant, 14 Sydenham Road, Hartlepool.

## 2. BACKGROUND

- 2.1 Applicant: Mr Muhammad Zabir  
Premises: Belle Vue Pizzeria  
14 Sydenham Road  
Hartlepool  
TS25 1QB
- 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	Sun – Wed	1700 – 0030
	Thu – Sat	1700 – 0230

- 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 the other from **Cleveland Police** (Appendix III).
- 3.4 The representation from **Environmental Health** states that the premises is located directly opposite residential property in a predominantly residential street and recommends that the latest suitable hour for licensing would be no later than midnight.
- 3.5 Cleveland Police have cited similar objections and have proposed that last orders be taken no later than midnight with the premises closing at 0030.

#### **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 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.
- 4.6 No complaints have been received by the Public Protection and Housing Division regarding noise emanating from the premises.
- 4.7 There are no planning restrictions on 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 I

2nd NEW OWNER

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.

**MR. MUHAMMAD ~~QADIR~~ ZABIR**  
 I/we.....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	
14 SYDENHAM ROAD. HARTLEPOOL CLEVELAND	
Post Town	Post Code
CLEVELAND.	TS25 1QB

Telephone number at premises (if any)

01429 235004

Non-domestic rateable value of premises

£ 2075-00 p.a.

**Part - 2 Applicant details**

Please state whether you are applying for a premises licence as

Please tick ✓ yes

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

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- e) the proprietor of an educational establishment *N/A*  please complete section (B)
- f) a health service body *N/A*  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 *N/A*  please complete section (B)
- h) the chief officer of police of a police force in England and Wales *N/A*  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 ~~PERVAT~~ ZABIR First names MUHAMMAD

I am 18 years old or over

Current postal address if different from premises address  
SAME -  
LEAVINS UPSTAIR IN FLAT

Post Town  Postcode

Daytime contact telephone number 01429 23500 4

E-mail address (optional) MSP-0788307423

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3

**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

*N/A*

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)

*N/A*

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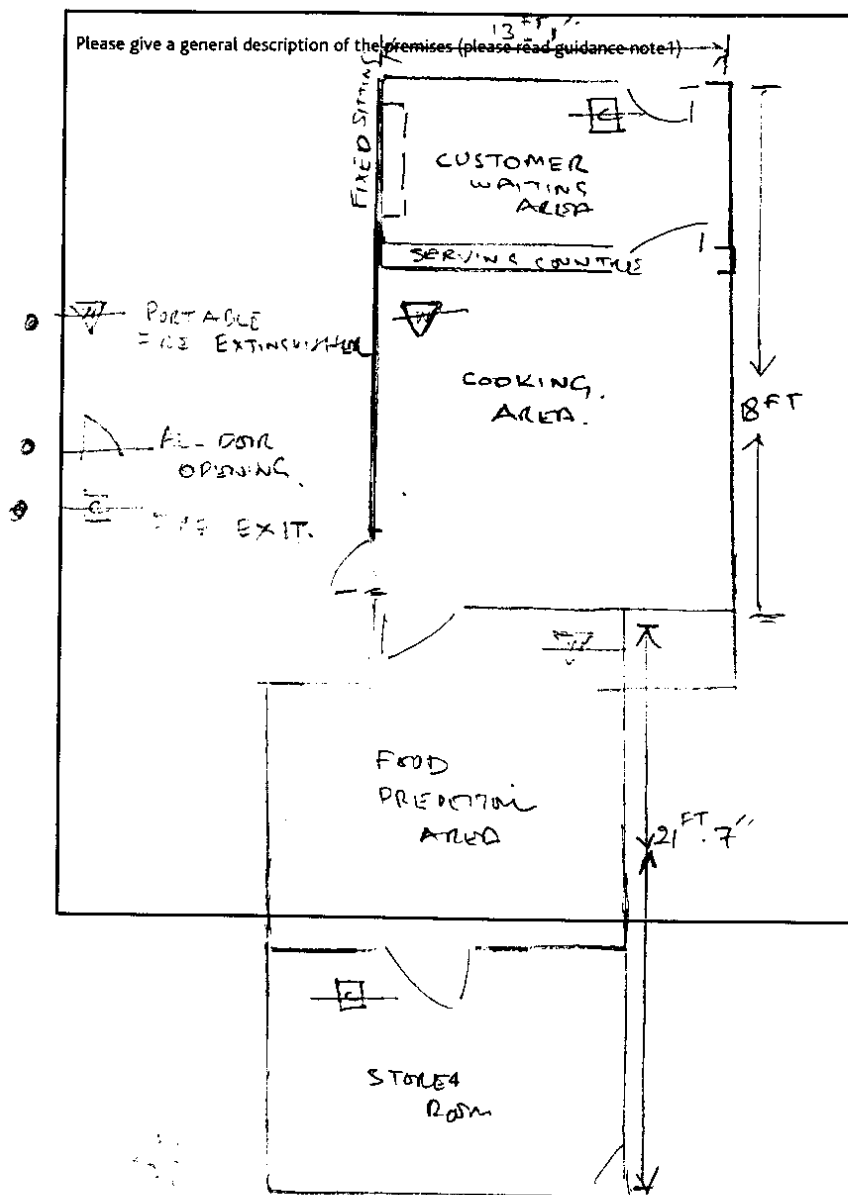
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**Part 3 Operating Schedule**

When do you want the premises licence to start? Day Month Year

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 at any one time, please state the number expected to attend.





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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) *N/A*
- b) films (if ticking yes, fill in box B) *N/A*
- c) indoor sporting events (if ticking yes, fill in box C) *N/A*
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) *N/A*
- e) live music (if ticking yes, fill in box E) *N/A*
- f) recorded music (if ticking yes, fill in box F) *N/A*
- g) performances of dance (if ticking yes, fill in box G) *N/A*
- h) anything of a similar description to that falling within (e), (f) or (g) *N/A*   
 (if ticking yes, fill in box H)

**Provision of entertainment facilities for:**

- i) making music (if ticking yes, fill in box I) *N/A*
- j) dancing (if ticking yes, fill in box J) *N/A*
- k) entertainment of a similar description to that falling within (i) or (j) *N/A*   
 (if ticking yes, fill in box K) *N/A*

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

**Supply of alcohol** (if ticking yes, fill in box M) *N/A*

In all cases complete boxes N, O and P *N/A*

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**A**

<b>Plays</b> 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	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)  State any seasonal variations for performing plays (please read guidance note 4)  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)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> 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	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)  State any seasonal variations for the exhibition of films (please read guidance note 4)  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)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

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**C**

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

**D**

<b>Boxing or wrestling entertainments</b> 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		Outdoors	
Mon					
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					

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**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			N/A	Both	
Tue					
Wed				<b>Please give further details here (please read guidance note 3)</b>	
Thur				<b>State any seasonal variations for the performance of live music (please read guidance note 4)</b>	
Fri				<b>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)</b>	
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			N/A	Both	
Tue					
Wed				<b>Please give further details here (please read guidance note 3)</b>	
Thur				<b>State any seasonal variations for playing recorded music (please read guidance note 4)</b>	
Fri				<b>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)</b>	
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b>Please give further details here (please read guidance note 3)</b>		
Tue					
Wed			<b>State any seasonal variations for the performance of dance (please read guidance note 4)</b>  N/A		
Thur					
Fri			<b>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)</b>		
Sat					
Sun					

**H**

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

Sat			<p><b>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)</b></p>
Sun			

<p><b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)</p>			<p><b>Please give a description of the facilities for making music you will be providing</b></p>								
			<p>Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</p>		<table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>	Indoors		Outdoors		Both	
Indoors											
Outdoors											
Both											
Day	Start	Finish									
Mon			<p><b>Please give further details here (please read guidance note 3)</b></p> <p style="text-align: center; font-size: 2em;">N/A</p>								
Tue											
Wed			<p><b>State any seasonal variations for the provision of facilities for making music (please read guidance note 4)</b></p>								
Thur											
Fri			<p><b>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)</b></p>								
Sat											
Sun											

<p><b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)</p>			<p>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)</p>		<table border="1"> <tr><td>Indoors</td><td></td></tr> <tr><td>Outdoors</td><td></td></tr> <tr><td>Both</td><td></td></tr> </table>	Indoors		Outdoors		Both	
Indoors											
Outdoors											
Both											
			<p><b>Please give a description of the facilities for dancing you will be providing</b></p> <p style="text-align: center; font-size: 2em;">N/A</p>								
Day	Start	Finish									

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**

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b>  N/A	
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoor Outdoor Both
Mon				
Tue			Please give further details here (please read guidance note 3)	
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				

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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"/>
Day	Start	Finish		Outdoors	
Mon	5PM 1700	12.30am 00.30	Please give further details here (please read guidance note 3)	Both	
Tue	5PM 1700	12.30am 00.30		N/A	
Wed	5PM 1700	12.30am 00.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	5PM 1700	12.30am 00.30		2.30 N/A 2.30	
Fri	5PM 1700	2.30am 02.30	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)		
Sat	5PM 1700	2.30am 02.30		2.30	
Sun	5PM 1700	2.30am 00.30	2.30 N/A		

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	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	
Tue				N/A	
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					

12



13

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**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)			<b>State any seasonal variation</b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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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:-

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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 *[Handwritten Signature]*  
 Date 21/9/05  
 Capacity *[Handwritten Signature]*

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)	

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- 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**

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Appendix II

**14 Sydenham road, Hartlepool**

This hot food takeaway is located directly opposite residential property in a commercial terrace of shops located in a predominantly residential street. I am therefore of the opinion that should this licence be granted, the opening hours should be restricted to no later than Midnight in order to prevent any nuisance to the residents opposite during the early hours of the morning.

Adrian Hurst  
(Principal EHO)

24/10/05.

Appendix III

Your Ref:  
Our Ref: MN/KR

When telephoning please use  
Direct Line (302162) to contact  
PC James Ross

17<sup>th</sup> October, 2005

Dear Mr. Zabir,

**Re: Licensing Act 2003**  
**Top Taste, Sydenham Road, Belle Vue, Hartlepool**

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

As you are aware, the premises are situated in a residential area with housing in close proximity. I am therefore recommending to the Licensing Authority that the premises take the last order no later than 12.00 midnight, and close at 12.30am. This is to prevent public nuisance, and disturbance to local residents. Cleveland Police are of the opinion that should the premises be permitted to open any later, this would seriously reduce the quality of life for those living in close proximity to the premises.

If agreement cannot be reached, it is likely that the matter will need to be resolved by the Council's Licensing Committee, by way of a hearing.

Please contact PC Ross or PC Hanson on the above telephone number to discuss the matter.

Yours faithfully,

**M. Nevison**  
**Assistant Legal Adviser**

Mr. M. Zabir,  
Top Taste,  
14 Sydenham Road,  
Hartlepool.  
TS25 1QB