

LICENSING ACT SUB-COMMITTEE AGENDA



Monday 20th February 2006

At 10.00 a.m.

in Committee Room B

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 *Goldmine (Head of Public Protection and Housing)*

Licensing Act 2003

Procedure for Hearings

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

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

Report of: Head of Public Protection & Housing

Subject: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - THE GOLDMINE PUBLIC HOUSE

1. PURPOSE OF REPORT

1.1 To consider an application for the review of a Premises Licence in respect of the Goldmine Public House, Catcote Road, Hartlepool.

2. BACKGROUND

2.1 Party requesting review: Cleveland Police

Premises to which application for review relates: The Goldmine
Catcote Road
Hartlepool

2.2 The current licence authorises the following activities: -

1. Supply of Alcohol (On & Off Licence)
2. Indoor Sporting Events
3. Recorded Music
4. Performance of Dance
5. Provision of facilities for making Music
6. Provision of facilities for Dancing

Monday to Thursday	1100 – 2300
Friday and Saturday	1100 – 0100
Sunday	1100 – 0000

7. Live Music	Monday to Thursday	1100 – 2300
	Friday to Sunday	1100 – 0000

8. Late Night Refreshment	Friday and Saturday	2300 – 0100
	Sunday	2300 – 0000

All the above activities may continue on Christmas Eve until 0000 and New Years Eve until 0200.

2.3 A copy of the Premises Licence is attached as Appendix I.

3. SUMMARY OF THE APPLICATION

- 3.1 The Police have requested a review of the Premises Licence on the following grounds: -

‘The offence of the sale of alcohol outside the hours authorised by the premises licence was found being committed at 0140 hours on Monday 19th December 2005. The premises is on a residential estate and persons leaving at this hour would cause a nuisance to residents by way of noise being made as they leave the premises and make their way home through the estate.’

- 3.2 The Police have also provided the following additional information: -

‘An anonymous call was made to the police reporting after hours drinking taking place at the premises. The police attended and found 23 people in the bar with fresh drinks. The Designated Premises Supervisor was present behind the bar of the premises at the time.

The till roll from the bar was seized by the police licensing officer and some 13 transactions of in the region of 23 alcoholic drinks had been made since the authorisation to sell alcohol to the public had ceased at midnight.’

- 3.3 A copy of the Application for Review is attached as Appendix II.

4. ISSUES

- 4.1 An application for the review of a licence is made under Section 51 of the Licensing Act 2003. The application must be made by either a Responsible Authority or Interested Party as defined by the Act. The Police are a Responsible Authority.

- 4.2 The application must also relate to at least one of the Act’s ‘licensing objectives’. These are: -

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

- 4.3 The application has been advertised in the prescribed manner and no further representations have been received.

- 4.4 No complaints have been received by the Public Protection and Housing Division regarding noise emanating from the premises.

- 4.5 It is a requirement of the Licensing Act 2003, and a condition on the Premises Licence that alcohol sales may only be made at a time when there is a

Designated Premises Supervisor (DPS) in respect of the premises and that the DPS holds a Personal Licence.

- 4.6 Members are advised that at the time of the incident referred to by the police in their representation the Designated Premises Supervisor was Lesley Ann McPartlin. Mrs McPartlin does not hold a Personal Licence. Formal legal action is being considered with regard to this contravention.
- 4.7 Following an application from Mrs McPartlin (at the Premises Licence Holder) on 6th January 2006, a new Designated Premises Supervisor/Personal Licence Holder has now been appointed for these premises.
- 4.8 Following consideration of the application and any relevant representations received, Members may take such steps as they consider necessary for the promotion of the licensing objectives.
- 4.9 The steps are: -
- To take no action;
 - To modify the conditions on the licence (this may include altering or omitting an existing condition or adding a new condition);
 - To exclude a licensable activity from the scope of the licence;
 - To remove the Designated Premises Supervisor;
 - To suspend the licence for a period not exceeding three months;
 - To revoke the licence.

5. RECOMMENDATIONS

- 5.1 That Members consider the representations made by the applicant and licence holder and determine what action, if any, should be taken.

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



**THE LICENSING ACT 2003
PREMISES LICENCE (PART A)**

Premises licence number

HART/PS/288

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference, or description			
The Goldmine Catcote Road			
Post Town	Hartlepool	Post Code	TS25 3JN
Telephone number	07944 903140		

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.

1. Supply of Alcohol (On & Off Licence)
2. Indoor Sporting Events
3. Live Music
4. Recorded Music
5. Performance of Dance
6. Provision of facilities for making Music
7. Provision of facilities for Dancing
8. Late Night Refreshment

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

1. Supply of Alcohol (On & Off Licence)
2. Indoor Sporting Events
4. Recorded Music
5. Performance of Dance
6. Provision of facilities for making Music
7. Provision of facilities for Dancing

Monday to Thursday	1100 – 2300
Friday and Saturday	1100 – 0100
Sunday	1100 – 2400

3. Live Music

Monday to Thursday	1100 – 2300
Friday and Sunday	1100 - 2400

8. Late Night Refreshment

Friday and Saturday	2300 – 0100
Sunday	2300 – 2400

All the above activities may continue on Christmas Eve until 2400 and New Years Eve until 0200.

The opening hours of the premises

Monday to Thursday	0900 – 2330
Friday and Saturday	0900 – 0130
Sunday	0900 – 0030

When the hours for alcohol are extended these hours are also extended for an additional 30 minutes.

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

On and Off Sales

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

Lesley Ann M^c Partlin
 36 Kinbrace Road
 Hartlepool
 TS25 3NR
 Tel: 07944 903140

**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**

Stanley David Hansford
2 Erskine Road
Hartlepool
TS25 4DR

Tel No.

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

HART/PL/103

Date licence granted: 9th January 2006

ANNEX 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol made under the terms of this premises licence must be made or authorised by a person who holds a personal licence

ANNEX 2 – Conditions consistent with the Operating Schedule

1. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the case of an emergency.
2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of the noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
3. Live music shall only take place on the premises between the hours of 11:00hrs and 23:00hrs Monday to Thursday, 11:00hrs to 24:00hrs on a Friday, Saturday and Sunday. 11:00hrs to 24:00hrs Christmas Eve and 11:00hrs until 2:00am New Years Eve.
4. Except with the prior written approval of the Licensing Authority and subject to any conditions which may be attached to such approval: -
 - (a) No special effects, naked flames, smoke production or any process creating a risk of fire, or the illusion of smoke or fire shall be used for the purpose of providing regulated entertainment on the premises.
 - (b) No explosives or highly flammable substances shall be brought into or used on the premises.
 - (c) No special effects shall be used or displays given on the premises, which consist of or include the use of lasers.

Applications for consent, giving detailed descriptions of the equipment to be used and details of the event, including dates and times must be made not less than 28 days before the date of the event.
5. The licensee must ensure that the electrical socket outlets in the licensed premises, which are used for the purpose of providing licensed entertainment are protected by a residual current device being a 30 MA tripping circuit
6. In the event of the fire alarm being activated a suitable relay must be provided so that the electrical power supply to all sound amplification system in the licensed premises must be immediately intercepted so that the alarm can be clearly heard in all parts of the licensed premises.
7. Before any dancing takes place in the premises suitable facilities shall be provided for dancing and details of the same shall be agreed with the local authority.
8. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials for use by patrons.

9. Children will only be allowed in the premises when accompanied by an adult.
10. Thirty minutes drinking up time shall follow the conclusion of the sale of alcohol.
11. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the Children and Young Persons Act 1933.

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


NONE

ANNEX 4 - Plans

See attached

Appendix II

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



HARTLEPOOL
BOROUGH COUNCIL

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB
PREMISES CERTIFICATE 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.

1 PAUL HANSON, LICENSING OFFICER, M'Pool Police.
(Insert name of applicant)

apply for the review of a premises licence under section 51 ~~Apply for the review of a club premises certificate under section 87 of the Licensing Act 2003~~
for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
THE GOLDMINE CATCOTE ROAD HARTLEPOOL.	
Post town	Post code (if known)
HARTLEPOOL	TS25 3JN
Name of premises licence holder or club holding club premises certificate (if known)	
LESLEY ANN MCPARTLIN.	
Number of premises licence or club premises certificate (if known)	

HEAD OF PUBLIC PROTECTION & HOUSING
- 5 JAN 2006
Referred To 27804.
Dealt With:

Part 2 - Applicant details

I am

	Please tick yes
1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>

REV01

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
PAUL HANSON. LICENSING OFFICER. HARTLEPOOL POLICE OFFICE AVENUE ROAD HARTLEPOOL TS 24 8 AB	
Telephone number (if any)	01662 302162
E-mail address (optional)	paul.hanson@cleveland.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

The offence of the sale of alcohol outside the hours authorised by the premises licence was found being committed at 01:40 hrs on Monday 19th December 2005.

The premises is on a residential estate and persons leaving at this hour would cause a nuisance to residents by way of noise being made as they leave the premises and make their way home through the estate.

Please provide as much information as possible to support the application
(please read guidance note 2)

AN ANONYMOUS CALL WAS MADE TO THE POLICE REPORTING AFTER HOURS DRINKING TAKING PLACE IN THE PREMISES, THE POLICE ATTENDED AND FOUND 23 PEOPLE IN THE BAR WITH FRESH DRINKS. THE DESIGNATED PREMISES SUPERVISOR WAS PRESENT BEHIND THE BAR OF THE PREMISES AT THE TIME.

THE TILL ROLL FROM THE BAR WAS SEIZED BY THE POLICE LICENSING OFFICER AND SOME 13 TRANSACTIONS OF IN THE REGION OF 23 ALCOHOLIC DRINKS HAD BEEN MADE SINCE THE AUTHORIZATION TO SELL ALCOHOL TO THE PUBLIC HAD CEASED AT MIDNIGHT.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year
3 0 1 2 2 0 0 5

If you have made representations before relating to this premises please state what they were and when you made them

- Please tick yes
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
 - 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature P. Henderson A 368

Date 30/12/05

Capacity LICENSING OFFICER, HARTLEPOOL POLICE

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. 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 attached.

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