

LICENSING ACT SUB-COMMITTEE AGENDA



Friday 25th September 2009

at 10.00am

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

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors S Akers-Belcher, Fleming and Hall

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 15 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 15 CHURCH STREET,
HARTLEPOOL

1. PURPOSE OF REPORT

1.1 To consider an application for the variation of a premises licence in respect of 15 Church Street, Hartlepool.

2. BACKGROUND

2.1 Applicant: Mr Sheara Singh
Premises: 15 Church Street
Hartlepool

2.2 The current licence authorises the following activity: -

Late Night Refreshment	Sun - Wed	23:00 – 01:00
	Thu – Sat	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 has applied for an extension of the hours to offer late night refreshment until 0500 hours seven 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)** including a statement from the Police Licensing Officer (**Appendix iv**).

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. 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.



THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/299

Part 1 - Premises details

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

15 Church Street

Post Town	Hartlepool	Post Code	TS24 7OJ
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Telephone number	01429 272800
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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.

Provision of Late Night Refreshment

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

Late Night Refreshment

Sunday to Wednesday 2300 – 0100

Thursday to Saturday 2300 – 0300

The opening hours of the premises

Sunday to Wednesday 0800 – 0100

Thursday to Saturday 0800 - 0300

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

N/A

Appendix i

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

Mr Sheara Singh
15 Church Street
Hartlepool

Tel: 07799873001

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

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

N/A

Date licence granted: 16th March 2007

ANNEX 1 – Mandatory Conditions

None

Appendix i

ANNEX 2 – Conditions consistent with the Operating Schedule

1. CCTV cameras shall be installed and the system shall be capable of recording. The CCTV shall be in operation during operating hours and any recordings shall be produced to the Police upon request.
2. Notices be displayed and maintained on the premises warning customers that CCTV cameras are in operation.
3. Suitable controls shall be put in place e.g. wet floor signs, etc, so as to reduce any risk to public safety from slipping.
4. Children shall not be encouraged to use the premises during late hours.

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

NONE

ANNEX 4 - Plans

See attached



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

**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 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 MR SHEERA SINGH apply for as premises licence holder, apply to vary a
(insert name(s) of applicant)
premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

HART/PS/299

Part 1 - Premises details

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

15 CHURCH STREET
HARTLEPOOL

Post Town HARTLEPOOL

Post Code TS24 705

Telephone number at premises (if any)

01429 - 272800

Non-domestic rateable value of premises

£ 3100

Part - 2 Applicant details

Daytime contact telephone number

07535699399

E-Mail address
(optional)

Current postal
address if different
from premises
address

6 REDWOOD CLOSE
HARTLEPOOL
TESSIDE
TS27 3QN

Post Town

HARTLEPOOL

Postcode

TS27 3QN

Part 3 - Variation

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

Please tick Yyes

If not do you want the variation to take effect from

Day	Month	Year

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

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

VARIATION OF LATE NIGHT REFRESHMENT HOURS

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.

Please tick ✓ yes

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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 [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 performing plays (please read guidance note 4)		
Thur						
Fri				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)		
Sat						
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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri				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)		
Sat						
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	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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)
Fri			
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 [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					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
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			
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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																								
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>				Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			Outdoors
Day	Start	Finish																										
Mon																												
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			Both																									
			Please give further details here (please read guidance note 3)																									
			State any seasonal variations for the performance of dance (please read guidance note 4)																									
			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)																									

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								
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> </tbody> </table>			Day	Start	Finish	Mon			Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
Day	Start	Finish									
Mon											
			Outdoor								
			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)		
Day	Start	Finish	Indoors		
			Outdoors		
			Both		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
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					

J

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	
				Outdoor	
Mon				Both	

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 I or J (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	Y
Day	Start	Finish		Outdoors	
Mon	8AM	5AM	Please give further details here (please read guidance note 3) WOULD LIKE TO OPEN AT TIMES SHOWN.	Both	
Tue	8AM	5AM			
Wed	8AM	5AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	8AM	5AM			
Fri	8AM	5AM	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	8AM	5AM			
Sun	8AM	5AM			

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	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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 days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)		
Day	Start	Finish	<p>31/7/09.</p> <p>John Relton</p> <p>confirmed some</p> <p>hours 0800-0500</p>		
Mon					
Tue					

11 7 days

Wed		<p>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 (please read guidance note 5)</p> <p>0800 - 0500</p>
Thur		
Fri		
Sat		
Sun		

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

- I have enclosed the premises licence Please tick ✓ yes
- 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)

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..... 29/7/09
Capacity Solicitor

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)	
DONNELLY MCARDLE ADAMSON 155 YORK ROAD	
Post town HARTLEPOOL	Post code TS26 9EQ
Telephone number (if any) 01429 274732	
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.

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**

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.

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/20/652/MN

When telephoning please use

(01642) 301231 to contact

Marie Nevison

Marie.Nevison@cleveland.pnn.police.uk

12th August 2009

Dear Sirs

Re:- Application to Vary Premises Licence - 15 Church Street, Hartlepool

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 5.00am every day. Although Cleveland Police have no issues with Mr Singh and the way in which he manages the premises to 3.00am, historically, an increase in hours has led to an increase in alcohol related crime and disorder. Unfortunately, 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 often fuelled with alcohol which results in late night refreshment establishments becoming a flashpoint for crime and disorder and historically, allowing such persons to loiter unnecessarily in the vicinity has resulted in 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

Mr Ian Harrison
Licensing Department
Hartlepool Borough Council
DX 60669
Hartlepool



INVESTOR IN PEOPLE

CRIMESTOPPERS

0800 555 111

public 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



Marie Nevison

On behalf of Legal Services

**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 **TERENCE CHRISTOPHER SWALES.**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **POLICE CONSTABLE 75.**

This statement (consisting of **7** 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

*T.C. Swales*Date: **07th SEPT. 2009.**Tick if witness evidence is visually recorded (supply witness details on rear)

I am police constable 75 Terence Christopher SWALES, of Cleveland Police currently stationed at Hartlepool Police Station, District Licensing Unit.

I joined the police service on the 22nd JULY 1985 and have been a serving officer for 24 years.

I have worked in Hartlepool district since JUNE 2002, i.e. 7 years, 2 months. Initially, as part of a Neighbourhood Policing Team. Before moving to a Neighbourhood Support Team and then onto a Response Shift.

On the 10th JULY 2007 I was posted to the District Licensing Unit at Hartlepool Police Station as a licensing officer. I have policed the night time economy many many times over the past 7 years, 2 months. Both under the old licensing act and now the new Licensing Act 2003.

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 Mr. Sheara SINGH, (Premises Licence Holder), in respect of Premises Licence Number HART/PS/299, at 15 Church Street, Hartlepool.

Signature

T.C. Swales

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **TERENCE CHRISTOPHER SWALES.**

The application is for a variation to the licence which will enable the premises to sell late night refreshment from 08:00 hrs to 05:00 hrs, (i.e. for 21 hours) seven (7) days a week. With a terminal hour of 05:00 am.

Cleveland Police note that the applicant Mr. Sheara SINGH has not completed part (O) of the application to vary premises licence under the licensing act 2003 i.e. "hour's premises are open to the public".

The current licence authorises the carrying out of licensable activities: -

Late Night Refreshment -

Sunday to Wednesday	2300 – 0100
Thursday to Saturday	2300 – 0300

The opening hours of the premises: -

Sunday to Wednesday	0800 – 0100
Thursday to Saturday	0800 – 0300

The license has the following conditions attached to it; -

1. CCTV cameras shall be installed and the system shall be capable of recording. The CCTV shall be in operation during operating hours and any recordings shall be produced to the Police upon request.
2. Notices be displayed and maintained on the premises warning customers that CCTV cameras are in operation.
3. Suitable controls shall be put in place e.g. wet floor signs, etc, so as to reduce any risk to public safety from slipping.
4. Children shall not be encouraged to use the premises during late hours.

The proposed variation is to extend licensable hours until 5.00am.

The conditions attached to the licence are to remain the same.

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Cleveland Police wish to present evidence of crime pattern analyses for the period from 01st October 2008 to 31st March 2009. These crime figures accurately reflect the crime and disorder (and incidents of nuisance, rowdiness and/or inconsiderate behaviour) for the six months period 2008 / 2009. If the variation is granted, the first six months of the new extended licensable activity will be the same period for 2009 / 2010. Cleveland Police foresee an increase in crime and disorder (and incidents of nuisance, rowdiness and/or inconsiderate behaviour). This will show the "likely affect" extended licensable activity will have on the night time economy.

Between 00:01 am and 05:00 am, on Friday and Saturday evenings only, between 01st 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 crimes cited a location on Church Street, Hartlepool. Fifty of which were licensed premises. Forty-one of which were licensed premises with a 04:00 am or 04:30 am licensable activity to sell alcohol.

The total number of crimes reported in the specified area between 01st October 2008 and 31st March 2009 was one hundred and twenty-nine (129).

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Continuation of Statement of **TERENCE CHRISTOPHER SWALES.**

Between 00:01 am and 05:00 am, on Friday and Saturday evenings only, between 01st October 2008 and 31st 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 incidents cited a location on Church Street, Hartlepool. Thirty-nine of which were licensed premises. Thirty-two of which were licensed premises with a 04:00 am or 04:30 am licensable activity to sell alcohol.

The total number of incidents reported in the specified area between 01st October 2008 and 31st March 2009 was one hundred and thirty-nine (139).

The combined total of crimes and incidents reported between 00:01 am and 05:00 am, on Friday and Saturday evenings only, between 01st 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 01st October 2008 and 31st March 2009 was two hundred and sixty-eight (268).

Alcohol related crime and disorder in the Church Street area of Hartlepool continues to be a significant problem.

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.

A number of studies have demonstrated a direct link between alcohol consumption and anti-social behaviour and violence. The Governments Crime Reduction data via the Tackling Violent Crime Programme states that half the number of violent crimes relates to the consumption of alcohol.

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It is debatable that the longer the licensable activity, the greater the number of crimes and disorder (anti-social behaviour) will be committed.

Police resources are being directed to the Church Street area of Hartlepool every weekend to tackle and deal with crime and disorder. Police resources are finite and whilst deployment of additional resources is driven by intelligence it is essential to ensure that incidents of crime and disorder are tackled in a partnership, innovative and preventative manner rather than responding to situations that repeat themselves.

At present Cleveland Police cover Hartlepool town centre deploying officers on licensing patrols every Friday and Saturday evenings. Occasionally officers are retained on duty after 03:00 am (following a ten hours tour of duty) to compliment the licensing patrols if required. These resources consist of additional officers on overtime, officers on normal tours of duty and Special Constables (Volunteers). This impact on the police's ability to tackle core crime at other times and any additional time taken on licensing patrols is time taken from dealing with burglary, auto crime and any number of other incidents dealt with in duty time.

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 "flash point" for violence and public disorder when intoxicated people become involved in confrontational situations whilst waiting for food to be cooked.

Overcrowding within 15 Church Street, Hartlepool, is foreseen to be a perceived problem based upon the size of the premise and the number of customers it will attract between 03:00 hrs and 05:00 hrs. This is a major issue regarding public safety. It is difficult

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to see how the applicant will promote the licensing objectives without police assistance during this period.

Prior to the new licensing act 2003 late night refreshment establishments historically were "flash points" for incidents of crime and disorder. Due to the fact that on licensed premises closed before late night refreshment establishment's drunken incidents, assaults and other offences were committed both inside and outside of said establishments.

Cleveland Police believe that this establishment will become a "flash point" for incidents of crime and disorder and that there will be an increased risk of crime / violence and disorder in Hartlepool town centre. This extra time will place a significant drain on police resources and undermine the crime and disorder objective.

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 two meetings with Hartlepool Licensees to discuss the possibility of them voluntarily reducing their licensable activities back to 3.00 am in an attempt to reduce incidents of crime and disorder and increase public safety.

(Proposed trial period from 05/10/09 to 15/11/09 inclusive).

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 5.00 am with the present closing times.

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Continuation of Statement of **TERENCE CHRISTOPHER SWALES.**

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.



PC75 T.C.SWALES.

Signature T.C. Swales Signature Witnessed by _____

