

LICENSING ACT SUB-COMMITTEE AGENDA



Monday, 11 January 2010

at 10.00 am

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

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Aiken, Laffey and Morris

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 77 Church Street, Hartlepool – *Assistant Director (Procurement and Asset Management)*

Report of: Assistant Director (Procurement and Asset Management)

Subject: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR 77 CHURCH STREET, HARTLEPOOL

1. PURPOSE OF REPORT

1.1 To consider an application for the variation of a premises licence in respect of 77 Church Street, Hartlepool.

2. BACKGROUND

2.1 Applicant: Mr Mohammed Jamal Hajaj

Premises: 77 Church Street
Hartlepool

2.2 The current licence authorises the following activity: -

Late Night Refreshment Monday to Sunday 23:00 – 03:00

2.3 A copy of the current premises licence is attached as **Appendix I**.

3. SUMMARY OF APPLICATION

3.1 The applicant has applied for an extension of trading hours so as to permit the supply of late night refreshment until 04:30 hours 7 days a week.

3.2 A copy of the application is attached as **Appendix II**.

3.3 The application has been advertised in the prescribed manner and one relevant representation has been received from **Cleveland Police (Appendix III)**.

3.4 The representation from Cleveland Police states that any extension to the current opening hours would increase problems associated with late night revellers in the vicinity and would therefore undermine the 'crime and disorder' and 'public safety' licensing objectives.

4. ISSUES

- 4.1 As a relevant representation has been received within the prescribed time, a hearing must be held for Members to consider those representations (unless all parties agree a hearing is unnecessary).
- 4.2 The licensing objectives are: -
- a) the prevention of crime and disorder;
 - b) public safety;
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm
- 4.3 Cleveland Police have stated that late night refreshment establishments in the area in which the premises are situated, historically have become a flashpoint for alcohol related crime and disorder. Previous incidents of crime and disorder in the area have resulted in persons being injured which consequently placed additional demands on the Police resources. In their opinion granting an extension of the current permitted hours would undermine the crime and disorder and public safety licensing objectives.
- 4.4 Having regard to the representation received, Members may take any of the following steps for the promotion of the licensing objectives.
- 1) Grant the application without amendment
 - 2) Grant the application with conditions, or amended conditions
 - 3) Reject those parts of the variation that are relevant to the representations received
- 4.5 Members are reminded that they must only consider those aspects of the licence variation that are relevant to the representations received.

5. RECOMMENDATIONS

- 5.1 That Members consider the representations made by the applicant and the Cleveland Police and determine what aspects, if any, of the proposed variation should be granted and, if appropriate, what conditions if any, should be attached.

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



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

Premises licence number

HART/PS/352

Part 1 - Premises details

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

77 Church Street

Post Town Hartlepool**Post Code** TS24 7DN**Telephone number****Where the licence is time limited the dates**

N/A

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

Provision of Late Night Refreshment

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

Monday to Sunday 23:00 – 03:00

The opening hours of the premises

Monday to Sunday 10:00 – 03:15

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

N/A

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

Mr Mohammed Jamal Hajaji
77 Church Street
Hartlepool
TS24 7DN
Tel: 01429264040/07595872614

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

N/A

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

N/A

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

N/A

Date licence granted: 26th February 2009

ANNEX 1 – Mandatory Conditions

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

ANNEX 2 – Conditions consistent with the Operating Schedule

1. Waste bins shall be provided at the premises for disposal of rubbish.
2. Staff shall monitor the presence of children using the premises.
3. No food orders must be taken after 3:00am.
4. No customers will be admitted after 3:00am
5. All customers will have vacated the premises by 3:15am.
6. CCTV cameras will be installed. CCTV will be retained for a minimum of 17 days on computer hard drive and staff must be trained and capable of downloading CCTV evidence onto DVD discs as and when required by responsible authorities.
7. There will be a minimum of one SIA registered door supervisors on duty from 11:00pm until closing.
8. Staff shall be trained to comply with the licensing objectives.

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

Premises licence number

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference, or description 77 Church Street	
Post Town Hartlepool	Post Code TS24 7DN

Telephone number at premises (if any)

Non-domestic rateable value of premises ✓

Part - 2 Applicant details

Daytime contact telephone number

E-Mail address (optional)

Currant postal address if different from premises address

Post Town Postcode

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year

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

- 1) EXTENSION OF OPENING HOURS TO 4.30 am EACH MORNING
- 2) NO CUSTOMERS ARE TO BE TAKEN AFTER 4.30 am. THE ENTRANCE DOORS ARE TO BE LOCKED AT 4.30 am AND NO FURTHER CUSTOMERS ADMITTED AFTER 4.30 am.
- 3) ALL CUSTOMERS WHO HAVE VACATED PREMISES BY 4.45 am

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- 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:

- 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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

E

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

I

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

K

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

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	04.30	Please give further details here (please read guidance note 3) SAVE OF PIZZA, KANAKS ETC INCLUDING FOR EATING OFF THE PREMISES	Both	<input type="checkbox"/>
Tue	10.00	04.30			
Wed	10.00	04.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	10.00	04.30			
Fri	10.00	04.30	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	10.00	04.30			
Sun	10.00	04.30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	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	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

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

Please tick yes

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

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

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

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

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

IT IS INTENDED THAT THE PREMISES WHICH ARE NOW AN ESTABLISHED BUSINESS WILL BE CONTINUED TO BE USED TO SUPPLY A HOT FOOD TAKEAWAY FOR PEOPLE IN THE IMMEDIATE AREA.

b) The prevention of crime and disorder

IT IS NOT BELIEVED THAT THE USE OF THE PREMISES WILL ENCOURAGE CRIME OR DISORDER. A CCTV CAMERA IS HOWEVER INSTALLED IN THE PREMISES.

c) Public safety

THE OWNER OF THE PREMISES WILL COMPLY WITH HEALTH AND SAFETY AND FIRE REGULATIONS.

d) The prevention of public nuisance

THIS SHOULD NOT BE AN ISSUE. THE OWNER HAS AN AGREEMENT WITH THE COUNCIL TO REMOVE REFUSE, AND TRASH AND KEYS SIGNATURE INSIDE AND OUTSIDE THE SHOP.

e) The protection of children from harm

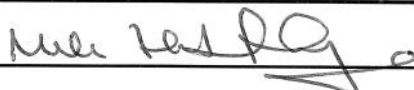
Please tick yes

- 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	22.10.2009
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)

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)			

Your Ref:
Our Ref: LICE/20/605/MN

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

3rd November 2009

Dear Sirs

Re:- Re: Licensing Act 2003
Application for Variation of Premises Licence
77 Church Street, Hartlepool – Applicant – Mohammed Hajaji

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 premise is situated in an area which already suffers from crime and disorder and drink related problems. Cleveland Police are concerned that if the premise is permitted to sell food until a later hour, this will result in the crime and disorder and public safety objectives being undermined.

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

Mr Ian Harrison
Licensing Department
Hartlepool Borough Council
DX 60669
Hartlepool

Although each case is judged on its merits, it is not so long ago that Cleveland Police had cause to have to request that a late night refreshment shop close due to concerns regarding public 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. However, if the following conditions are placed on the premises licence, Cleveland Police are of the opinion that this will assist in ensuring the licensing objectives are not undermined and if agreed, the representations made will be withdrawn:

1. A minimum of one SIA registered door supervisors will be employed every night from 23.00 hours until closing.
2. In addition to the SIA door supervisor, there will be a minimum of two members of staff on duty at all times when licensable activities take place.
3. The premises must have a CCTV system fitted which complies to a minimum approved standard set in partnership with Cleveland Police. The system must be maintained at regular intervals and must record whenever the premises is open for business. Recordings must be kept for a minimum of 28 days and must be made available to responsible authorities upon request.
4. The premises will open for licensable activities from 10.00 hours until 03.00 hours Sundays to Wednesdays, from 10.00 hours until 04.30 hours Thursdays to Saturdays and from 10.00 until 04.30 hours on every Sunday night which is followed by a Bank Holiday Monday. All customers must have vacated the premises 15 minutes after licensable activities have ceased.

In addition to the above, it is unclear how Mr Hajajj intends to promote the licensing objectives on page 19 Part P of the application. Cleveland Police request further clarification.

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

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

Yours faithfully,

M. Nevison
Legal Adviser