

LICENSING ACT SUB-COMMITTEE AGENDA



Tuesday, 30 November 2010

at 10.00 am

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

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Jackson, London and Rogan

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Application For The Review Of Premises Licence – The Office, Church Street, Hartlepool - Assistant Director, Community Safety & Protection

LICENSING ACT 2003

Procedure for Review 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. Assistant Director, Community Safety and Protection outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director, Community Safety and Protection'.
4. Applicant for Review 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. Licence/Club Certificate holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Parties may question and clarify issues raised with the consent of the Chair.
- 10.If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
- 11.If required, the Licence /Club Certificate holder to be given opportunity to sum up.
- 12.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.
- 13.Members to go into closed session to deliberate.
- 14.Chair informs parties of their decision, with reasons.

Report of: Assistant Director, Community Safety & Protection

Subject: APPLICATION FOR THE REVIEW OF PREMISES
LICENCE – THE OFFICE, CHURCH STREET,
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of The Office, Church Street, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Cleveland Police
- Premises to which the review relates: The Office
Church Street
Hartlepool
- 2.2 The current licence authorises the following activities between 1100 and 0200 hours on Monday to Thursday inclusive and 1100 to 0400 hours on Friday to Sunday inclusive: -
1. Supply of alcohol (on and off premises)
 2. Live Music
 3. Recorded Music
 4. Performance of Dance
 5. Anything similar to 2, 3 or 4 above
 6. Provision of facilities for making music
 7. Provision of facilities for dancing
 8. Provision of facilities similar to 6 or 7 above (restricted to karaoke)
- 2.3 A copy of the premises licence is attached as **Appendix I**.

3. BACKGROUND

- 3.1 Cleveland Police has requested a review of the premises licence on the grounds that there has been a constant breach of the terms and conditions of the licence and that there have been numerous incidents that have undermined the licensing objectives.
- 3.2 The application for review has been advertised in the prescribed manner and additional representations have been received from Hartlepool Borough Council's Environmental Health department and The Hillcarter Hotel.

- 3.3 Environmental Health officers have alleged that there have been numerous breaches of the premises licence condition that requires doors and windows to be kept closed whilst regulated entertainment is being provided.
- 3.4 The Hillcarter Hotel has alleged that the premises plays 'extremely loud music which can be heard up and down the whole of Church Street which is compounded by the fact that the premise has its doors fixed open all evening'. It is also alleged that on one recent occasion the music was so loud that one of the Hillcarter Hotel residents checked out of the hotel at 0130 hours as a direct result of the excessive noise coming from The Office.

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. Cleveland Police are a Responsible Authority.
- 4.2 The application must also relate to at least one of the Act's 'licensing objectives'. These are: -
- i) The prevention of crime and disorder;
 - ii) Public safety;
 - iii) The prevention of public nuisance; and
 - iv) The protection of children from harm
- 4.3 Following consideration of the application, relevant representations and any comments of the licence holder, Members may take such steps as they consider necessary for the promotion of the licensing objectives.
- 4.4 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 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 Cleveland Police, Environmental Health, the Hillcarter Hotel and licence holder and determine what action, if any, should be taken.



THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/198

Part 1 - Premises details

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

The Office
49-53 Church Street

Post Town Hartlepool

Post Code TS24 7DX

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.

1. Supply of Alcohol (On & Off Supplies)
2. Live Music
3. Recorded Music
4. Performance of Dance
5. Anything Similar to 2, 3 or 4 above
6. Provision of Entertainment Facilities for Making Music
7. Provision of Entertainment Facilities for Dancing
8. Entertainment Similar to 6 or 7 above (restricted to karaoke)

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

1. Supply of Alcohol (On & Off Supplies)
2. Live Music
3. Recorded Music
4. Performance of Dance
5. Anything Similar to 2, 3 or 4 above
6. Provision of Entertainment Facilities for Making Music
7. Provision of Entertainment Facilities for Dancing
8. Entertainment Similar to 6 or 7 above (restricted to karaoke)

Monday to Thursday 11:00 – 02:00

Friday to Sunday 11:00 – 04:00

The opening hours of the premises

Monday to Thursday	11:00 – 02:30
Friday to Sunday	11:00 – 04:30

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

On & Off Sales

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

Miss Rachael Jade Gilfoyle
265 Oxford Road
Hartlepool
TS25 5QD Tel: 07817750382

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

Craig Devon
14 Gala Close
Hartlepool
TS25 1GA

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/584
Hartlepool Borough Council

Date licence granted: 03RD September 2010

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 under the premises licence must be made or authorised by a person who holds a personal licence.

2. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.
3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that–
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

ANNEX 2 – Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours includes:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Permitted hours under this licence do not prohibit:

- (a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - (b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - (c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - (d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - (e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (f) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - (g) The sale or supply of alcohol, to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's navy, military or air forces;
 - (h) The taking of alcohol from the premises by a person residing there; or
 - (i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - (j) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. Registered door supervisors shall be provided for all late night openings past 23:00 and will remain present until the premises close to the public, including the drinking up period requested in the application.
3. The premises shall have a CCTV system that complies to a minimum approved standard set in partnership with Cleveland Police. The system will also be maintained at regular service intervals and always record when the premises is open for business. Any recordings will immediately be made available to the responsible authorities if requested.
4. A drugs policy shall be prepared and implemented incorporating a secured drug seizure box of the type approved by Cleveland Police. In preparing the policy

regard should be had to the guidance documents “Safer Clubbing” – guidance for licensing authorities, club managers and promoters published by the Home Office.

5. Persons who appear to be under the age of 18 years shall be required to produce proof of age by way of recognised proof of age card, accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport.
6. Plastic glasses or toughened glass shall be used.
7. No irresponsible drinks promotion will be used.
8. Thirty minutes drinking up time shall follow the conclusion of the sale of alcohol.
9. 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.
10. 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 other process creating a risk of fire or the illusion of smoke or fire shall be used in the premises.
 - (b) No explosive or highly flammable substances shall be brought into or used on the premises.

Except with the prior written approval of the licensing authority and subject to any condition, which may be attached to such approval, no special effects shall be used or displayed given on the premises, which consists of or includes 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 shall be made not less than 28 days before the date of the event.

11. The licensee shall ensure that the electrical socket outlets in the licensed premises to be used with electrical equipment provided for the purposes of entertainment shall be protected by a residual current device being a 30mA tripping unit.
12. In the event of a fire alarm being activated a suitable relay should be provided so that the electrical power supply to all sound amplification systems in the licensed premises shall be immediately intercepted so that the alarm can be heard in all parts of the licensed premises.
13. The external doors and windows to the parts of the premises used for regulated entertainment are not to be left open whilst regulated entertainment is being held on the premises.
14. Children are prohibited entry to the premises whilst any ‘adult entertainment’ is being provided.
15. Children shall vacate the premises before 20:00 hours.
16. Customers shall not be allowed to leave the premises with drinks in glasses/bottles.

17. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (i) He is the child of the holder of the premises licence
 - (ii) He resides in the premises, but is not employed there
 - (iii) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from where there is no other convenient means of access or egress.
 - (iv) The bar is in the railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition “bar” includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

No child under 16 years of age shall be admitted to any other part of the licensed premises unless accompanied by an adult.

18. 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

Report of: Assistant Director, Community Safety & Protection

Subject: APPLICATION FOR THE REVIEW OF PREMISES
LICENCE – THE OFFICE, CHURCH STREET,
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of The Office, Church Street, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Cleveland Police
- Premises to which the review relates: The Office
Church Street
Hartlepool
- 2.2 The current licence authorises the following activities between 1100 hours and 0200 hours seven days a week: -
1. Supply of alcohol (on and off premises)
 2. Live Music
 3. Recorded Music
 4. Performance of Dance
 5. Anything similar to 2, 3 or 4 above
 6. Provision of facilities for making music
 7. Provision of facilities for dancing
 8. Provision of facilities similar to 6 or 7 above (restricted to karaoke)
- 2.3 A copy of the premises licence is attached as **Appendix I**.

3. BACKGROUND

- 3.1 Cleveland Police first applied for a review of the licence on 7th October 2010 stating that there had been a constant breach of the terms and conditions of the licence and that there had been numerous incidents that had undermined the licensing objectives.
- 3.2 The application for review was advertised in the prescribed manner and additional representations were received from Hartlepool Borough Council's Environmental Health department and The Hillcarter Hotel.

- 3.3 Environmental Health officers alleged that there had been numerous breaches of the premises licence condition that requires doors and windows to be kept closed whilst regulated entertainment is being provided.
- 3.4 The Hillcarter Hotel alleged that the premises played 'extremely loud music which can be heard up and down the whole of Church Street which is compounded by the fact that the premise has its doors fixed open all evening'. It also alleged that on one recent occasion the music was so loud that one of the Hillcarter Hotel residents checked out of the hotel at 0130 hours as a direct result of the excessive noise coming from The Office.
- 3.5 Following the application for review the licence was transferred from Miss Rachael Gilfoyle to the Haygarth Trading Company, the licensed hours were reduced from 0400 hours to 0200 hours and conditions were added to the licence to electronically limit the volume of amplified music.
- 3.6 At the licensing sub-committee meeting on 30th November 2010 Members were advised of the changes to the licence and all parties requested that the matter be adjourned for two months to allow for their impact to be monitored.
- 3.7 The sub-committee agreed that consideration of the review be adjourned until 'on or around 1st February 2011'.

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. Cleveland Police are a Responsible Authority.
- 4.2 The application must also relate to at least one of the Act's 'licensing objectives'. These are: -
- i) The prevention of crime and disorder;
 - ii) Public safety;
 - iii) The prevention of public nuisance; and
 - iv) The protection of children from harm
- 4.3 As the amendments to the licence detailed above have now been in place for two months Members may wish to consider whether any further action is needed in order to address those matters highlighted in the review application. Members may take such steps as they consider necessary for the promotion of the licensing objectives.
- 4.4 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 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 Cleveland Police, Environmental Health, the Hillcarter Hotel and licence holder and determine what action, if any, should be taken.



THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/198

Part 1 - Premises details

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

The Office
 49-53 Church Street

Post Town Hartlepool**Post Code** TS24 7DX**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.

1. Supply of Alcohol (On & Off Supplies)
2. Live Music
3. Recorded Music
4. Performance of Dance
5. Anything Similar to 2, 3 or 4 above
6. Provision of Entertainment Facilities for Making Music
7. Provision of Entertainment Facilities for Dancing
8. Entertainment Similar to 6 or 7 above (restricted to karaoke)

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

1. Supply of Alcohol (On & Off Supplies)
2. Live Music
3. Recorded Music
4. Performance of Dance
5. Anything Similar to 2, 3 or 4 above
6. Provision of Entertainment Facilities for Making Music
7. Provision of Entertainment Facilities for Dancing
8. Entertainment Similar to 6 or 7 above (restricted to karaoke)

3.1 Appendix 1

Monday to Sunday	11:00 – 02:00
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The opening hours of the premises

Monday to Sunday 11:00 – 02:00

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

On & Off Sales

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

Haygarth Trading Company Limited
Bensway House
Usworth Road
Hartlepool
Tel: 01429 867474

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

Craig Devon

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/584
Hartlepool Borough Council

Date licence granted: 26th November 2010

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 under the premises licence must be made or authorised by a person who holds a personal licence.

2. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.
3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3.1 Appendix 1

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that–
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

ANNEX 2 – Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours includes:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Permitted hours under this licence do not prohibit:

- (a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - (b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - (c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - (d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - (e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (f) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - (g) The sale or supply of alcohol, to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's navel, military or air forces;
 - (h) The taking of alcohol from the premises by a person residing there; or
 - (i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - (j) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. Registered door supervisors shall be provided for all late night openings past 23:00 and will remain present until the premises close to the public, including the drinking up period requested in the application.
3. The premises shall have a CCTV system that complies to a minimum approved standard set in partnership with Cleveland Police. The system will also be maintained at regular service intervals and always record when the premises is open for business. Any recordings will immediately be made available to the responsible authorities if requested.

3.1 Appendix 1

4. A drugs policy shall be prepared and implemented incorporating a secured drug seizure box of the type approved by Cleveland Police. In preparing the policy regard should be had to the guidance documents “Safer Clubbing” – guidance for licensing authorities, club managers and promoters published by the Home Office.
5. Persons who appear to be under the age of 18 years shall be required to produce proof of age by way of recognised proof of age card, accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport.
6. Plastic glasses or toughened glass shall be used.
7. No irresponsible drinks promotion will be used.
8. Thirty minutes drinking up time shall follow the conclusion of the sale of alcohol.
9. 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.
10. 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 other process creating a risk of fire or the illusion of smoke or fire shall be used in the premises.

(b) No explosive or highly flammable substances shall be brought into or used on the premises.

Except with the prior written approval of the licensing authority and subject to any condition, which may be attached to such approval, no special effects shall be used or displayed given on the premises, which consists of or includes 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 shall be made not less than 28 days before the date of the event.

11. The licensee shall ensure that the electrical socket outlets in the licensed premises to be used with electrical equipment provided for the purposes of entertainment shall be protected by a residual current device being a 30mA tripping unit.
12. In the event of a fire alarm being activated a suitable relay should be provided so that the electrical power supply to all sound amplification systems in the licensed premises shall be immediately intercepted so that the alarm can be heard in all parts of the licensed premises.
13. All external doors and windows shall be closed whenever live music is being provided. When recorded music is being provided, external doors and/or windows may remain open only if the music is being limited by means of an electronic noise limiter set at a level agreed with the Hartlepool Borough Council's Environmental Health Department.

3.1 Appendix 1

14. Children are prohibited entry to the premises whilst any 'adult entertainment' is being provided.
15. Children shall vacate the premises before 20:00 hours.
16. Customers shall not be allowed to leave the premises with drinks in glasses/bottles.
17. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (i) He is the child of the holder of the premises licence
 - (ii) He resides in the premises, but is not employed there
 - (iii) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from where there is no other convenient means of access or egress.
 - (iv) The bar is in the railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

No child under 16 years of age shall be admitted to any other part of the licensed premises unless accompanied by an adult.

18. 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

Application for Review of Premises
Licence



**CLEVELAND
POLICE**
Putting People First

The Office
Church Street, Hartlepool

APPLICATION FOR REVIEW OF PREMISES LICENCE

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**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.

I Marie Nevison

(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 Office 49 – 53 Church Street	
Post town Hartlepool	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known) Rachael Gilfoyle 265 Oxford Road Hartlepool TS25 5QD
--

Number of premises licence or club premises certificate (if known)

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 ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) ☐

(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 Chief Constable of Cleveland Police c/o Inspector Green Licensing Unit Hartlepool Police Office Avenue Road Hartlepool TS24 8AJ
Telephone number (if any) 01642 302567
E-mail address (optional)

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

Cleveland Police wish to make an application to review this premises for the following reasons:

Since February 2010, the premises has become a concern to Cleveland Police.

There has been a constant breach of licensing conditions, mainly failure to adhere to the CCTV condition placed upon the premises licence. On 26th March, a Section 19 Criminal Justice and Police Act notice was served on the premises for breach of the condition. Indeed on 28th March 2010, PC Swales advised the then DPS, Lee Haygarth that if he failed to comply with the CCTV condition, a review of the Premises Licence would be considered. On the same evening, it was observed that the fire alarm system was faulty, potentially putting the safety of persons at risk. Mr Haygarth advised PC Swales that he did not want to be the DPS at the premises.

On 30th August 2010 at 01.00 hours, there were no Door Supervisors on duty, despite the fact that Door Supervisors should have been present from 23.00 hours. Graham Kelly, father of the tenant of the premises told Cleveland Police that the door company would be arriving when another premises had closed. This was later denied by the Door Company who said that the premises said they would let them know if they were required. On the same evening, a person was observed leaving the premises with glasses.

There have been numerous occasions when the premises have had to be warned by police regarding noise emanating from the premises. The Office is situated near to a residential area. Nearby premises have also complained about the noise to police. Despite the warnings, noise problems continue despite the change of Premises Licence Holder and DPS.

There has been a constant change of Designated Premises Supervisor who have also been the DPS at other premises. On 1st April 2010, Michael West advised police that he was the new DPS on a short term basis. By 18th July 2010, the DPS had changed to Sandra Twidale. However, on 26th August, Sandra Twidale resigned. Having been in the role for just over a month, Ms Twidale advised Cleveland Police that the running of the premises was "poor".

Following on from Ms Twidale, Steven Awford was put forward as the DPS. However, he was also running other premises and when questioned by police following his resignation, he advised police that he did not want to be associated with The Office or its clientele. Following this, Chris Kelly submitted a request for a particular person to be DPS of the premises. This person was totally unsuitable (and held a criminal record) therefore, Mr Kelly was advised accordingly. Indeed at a later date, this proposed DPS was later found to be causing a disturbance in the premises.

On 12 September, two 17 year old youths advised Cleveland Police that they had been drinking in The Office and had not been challenged by anyone when entering the premises.

In addition to the above, there have been a number of incidents whereby persons have been assaulted either in the premises, or assaulted having left the premises.

In a period of eight months, Cleveland Police have had cause to warn the premises on various matters on numerous occasions. These warnings have gone unheeded, hence undermining the above licensing objectives. For this reason, Cleveland Police have had no alternative but to make an application for review of the Premises Licence.

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

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

--	--	--	--	--	--	--	--

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 

Date

5 October 2010

Capacity Solicitor

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

Licensing Act 2003 Consultees



The Licensing Team
Public Protection & Housing
Level 3, Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Principal Trading Standards Officer
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Chief Fire Officer
Community Services Group
Fire Engineering Hartlepool
Fire Brigade HQ
Endeavour House
Stockton Road
Hartlepool
TS25 5TB

The Licensing Officer
Hartlepool Police Office
Avenue Road
Hartlepool
TS24 8AB

Development Control Manager
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Head of Safeguarding and Review (Licensing)
Hartlepool Borough Council
Municipal Buildings
Hartlepool
TS24 7EQ

Principal Environmental Health Officer
(Commercial Services)
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Principal Environmental Health Officer
(Environmental Protection)
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

RESTRICTED (when complete)
CLEVELAND POLICE
WITNESS STATEMENT

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of Philip James Henderson

Age if under 18 Over 18 (If over 18 insert "Over 18") Occupation TP/s 822

This statement (consisting of 10 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 

Date: 17/09/2010

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Temporary Police Sergeant in Cleveland Police based in the Alcohol Licensing Unit in Hartlepool Police office.

Part of my role is to monitor licensed premises within Hartlepool and ensure that they are not undermining the licensing objectives and abiding by the licensing conditions which have been attached to their licence. If premises are not abiding by the conditions imposed then it my duty to collate evidence of the breaches and inform the license holder of the relevant issues and how to address them.

A review has been initiated by Hartlepool Police in relation to The Office public house, 49-53 Church Street, Hartlepool. The office is currently leased by Lee HAYGARTH to Christopher KELLY. KELLY'S partner, Rachael GILFOYLE, is the licence holder.

Detailed below are offences and incidents which have been recorded by Hartlepool Police and caused particular concern in relation to The Office in the last seven months;

On the 27th February 2010 at 01:20 hours an incident occurred inside of The Office where a male and female alleged to have been assaulted by a well known criminal from Hartlepool. Officers attended the premises and requested CCTV from the staff but they

Signature 

Signature Witnessed by 9

RESTRICTED (when complete)**CLEVELAND POLICE**

MG 11-00(T)

Page No. 2

Continuation of Statement of **Philip James Henderson**

were unable to provide it. It transpired that there was no CCTV and therefore no supporting evidence. This was a contributing factor to the fact that the Police were unable to pursue a complaint of assault and the offender was then allowed to go on and commit further offences against the person.

On the 19th March 2010 at 01:10 a male was assaulted inside of The Office causing numerous facial injuries. Officers again attended the premises but there was no CCTV no witnesses coming forward. Due to the injuries sustained the IP was unable to identify the suspect and the offender was never located. The consequence of which meant the offender was never located and another serious offence was allowed to go undetected.

On the 26th March 2010 Christopher KELLY was issued with a section 19 closure notice by officers from Hartlepool police due to there being no CCTV system as specified in their licences. The section 19 closure notice was issued as a result of CCTV being unavailable when requested for the 20th March 2010 for officers from Hartlepool CID. This was to identify with Christopher KELLY the failings of his premise and to ensure that they were rectified and that the licensing objectives were promoted. This incident is referred to in the statement of Pc SWALES.

On 28th March 2010 Hartlepool Police attended the premise in company with Cleveland Fire Brigade. At this time there was a fault indicated on the fire alarm system. Voluntary closure was requested and agreed by Graham FRIEND (bar manager).

On the 30th March 2010 Pc SWALES spoke to the then DPS, Lee HAYGARTH, reference the CCTV and the investigation carried out Cleveland Fire Brigade. He was informed of the possibility of a review if the issue around the CCTV wasn't rectified. This is referred to in the statement of Pc SWALES.

Signature Signature Witnessed by 10

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 2

Continuation of Statement of **Philip James Henderson**

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Signature

Signature Witnessed by

Continuation of Statement of **Philip James Henderson**

On the 1st April 2010 Hartlepool Police again attended the premise and spoke to Graham KELLY (father of Chris Kelly) reference the CCTV. The CCTV was viewed and deemed not up to the standard expected by Cleveland police with regards to facial recognition and coverage.

On the same date Michael WEST informed Hartlepool Police that he would be the new DPS. He was informed of the issued already outlined and stated that he was only going to be the DPS for a few weeks as he 'needed the money'.

This change of DPS was one of many showing the inconsistencies in Designated Premises Supervisors and the lack of confidence in the business.

On the 18th April 2010 Detectives from Hartlepool CID requested CCTV from The Office with regards to another serious assault which had taken place inside the premises. A door supervisor had been assaulted in Church Street and the offender made off through The Office. Numerous telephone messages left with Christopher KELLY and to date there is still no CCTV received and therefore further a breach of their licence.

On 26th May 2010 Christopher KELLY (who was also the registered tenant of Reds/Scarlets bar in Church Street) had his tenancy terminated by his landlord.

On the 18th July 2010 Rachael GILFOYLE introduced herself to officers from Hartlepool Police as the new manager. Sandra TWIDALE, who was the DPS for Changes public house, became the new DPS. At this time GILFOYLE was warned reference the noise pollution coming from the bar and an entry made in the officers PNB which was signed By GILFOYLE. This is referred to in the statement of Pc SWALES.

On the 26th July 2010 officers spoke to TWIDALE who stated that Jackson Security would be providing the required SIA door staff. She was informed of the breach 26th March 2010

Signature 

Signature Witnessed by 12

RESTRICTED (when complete)
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Page No 4

Continuation of Statement of **Philip James Henderson**

(no CCTV) the officers PNB was signed. This is referred to in the statement of Pc SWALES.

On the 8th August 2010 at 00:30 hours officers attended The Office and asked Rachael GILFOYLE and Christopher KELLY to turn the music down as it could be heard across the road. It was pointed out that Church Street is also residential and that there a hotel directly opposite it expected that all premises pay respect to that fact. A PNB entry was made and signed to this effect. The entry was made in the PNB of Pc HUSSAIN, exhibit YH/1.

On the 9th August 2010 at 00:35 hours officers again had cause to attend The Office and request Daniel KELLY (manager) to turn the music down. A further PNB entry was made signed to that effect. The entry was made in Pc HUSSAIN'S PNB, exhibit YH/2

On the 10th August 2010 at 03:35 hours a group of males who had been in the office where asked to leave the area on several occasion by Police. Upon leaving the area one member of the group exposed himself before making off. As they left the area the CCTV operator followed them and captured one of the males assault another male knocking him to the floor.

The Office is attracting specific types of cliental who are drinking to the extreme before going on to commit offences against the person. The Office is assisting in maintaining the high levels of violent crime in the NTE by allowing potential trouble causers to get drunk in their premise. Several Police Officers had to be used in order to defuse this particular situation which meant that they could not provide support for the other premises within Church Street.

Signature _____

Signature Witnessed by _____

Continuation of Statement of **Philip James Henderson**

On the 14th August 2010 at 01:10 hours officers again had cause to attend The Office and request Daniel Kelly to turn the music down. A further PNB entry was made and signed to that effect. The entry was made in the PNB of Pc HUSSAIN'S PNB, exhibit YH/3.

On the 25th August 2010 TWIDALE informed Pc Swales that she was intending to resign as the DPS.

Just over a month after taking over as the DPS, TWIDALE resigned.

On the 26th August 2010 I spoke with TWIDALE reference her resigning as the DPS. She stated that the day to day running of the premise was poor. She said that the DJ would constantly turn the music up too loud despite being told by the police not to and that there were occasions when there would only be one door supervisor.

The same day Mr Graham KELLY (father to Christopher KELLY) submitted a request for Michael CRANNEY (also the DPS of 2 other public houses in Hartlepool) to become the new DPS. At this time Graham KELLY was acting on behalf of his son and Rachael GILFOYLE who were both away on holiday.

Friday the 27th August 2010 I spoke to Michael CRANNEY who stated that he had regretted taking on the DPS role at The Office and that he was going to withdraw it. He said that he had heard bad things about the running of the business. He withdrew his application.

That same day Graham KELLY submitted a request for a further DPS who was well known to Hartlepool Police for causing public order situations and being issued with directions to leave the town centre due to his volatile behaviour. This was strongly objected by Hartlepool police. Given that it was bank holiday weekend Graham KELLY informed me he

Signature _____

14
Signature Witnessed by _____

RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 6

Continuation of Statement of **Philip James Henderson**

was desperate to open the premise hence the inappropriate suggestion of the proposed DPS.

At closing that day Graham KELLY submitted a request for Steven AWFORD (DPS of The Staincliff, Seaton Crew). This request was approved by Hartlepool police.

The same evening officers attended The Office and spoke to Daniel KELLY. Steven AWFORD was not present but attended upon request to discuss noise issues.

On the morning of the 29th August 2010 at 01:48 hours officers spoke to Daniel KELLY reference the noise. Hartlepool Borough Council noise abatement team were present and requested the noise be turned down as it could be heard beyond the premise. A PNB entry was made and signed to that effect. This is referred to in the statement of Pc SWALES.

On Monday the 30th August 2010 at 01:06 hour officers attended The Office and observed that there were no door supervisors. The license stipulated that there should be SIA door supervisors from 2300 hours and therefore this shows a further breach of their licence. There were also persons leaving the premises with glasses due to this fact. Officers were also requested to assist Daniel KELLY remove a male from the premise who was refusing to leave. Officers observed that it was in fact the male that Graham KELLY had requested to be DPS but which was opposed by Hartlepool Police. Upon see officer the male decided to leave of his own accord.

Graham KELLY stated that he had contacted Jackson Security and they said that they would be attending at 01:30 hours when MGM (another licensed premise) had closed. Graham KELLY stated that he decided to close the premise of his own accord, albeit over two hours after he should have had door supervisors. A PNB entry was made and signed by Graham KELLY. This is referred to in the statement of Pc SWALES.

Signature _____

15
Signature Witnessed by _____

Continuation of Statement of **Philip James Henderson**


On Thursday the 2nd September 2010 Steven AWFORD was interviewed by officers from the Alcohol Licensing Unit at Hartlepool police office reference him resigning as the DPS of The Office and also about the events of the previous weekend. He stated that he didn't want to be associated with The Office or it's cliental and didn't understand the issues associated with the premise. He said had he know that he wouldn't have agreed to be the DPS for that weekend.

The same day Pc Hussain spoke to Kevin JACKSON of Jackson Security reference there being no door supervisors on the evening of the 29th August 2010. He stated that Daniel KELLY had told Kevin that he would phone him if he required any door supervisors. He stated that neither him nor any of his staff heard from the Daniel KELLY and therefore didn't provide any staff. This incident is referred to in the statement of Pc HISSAIN.

On the 11th September 2010 AT 23:40 officers had cause to attend The Office and request them to turn down the music. A PNB entry was made and signed by Pc HUSSAIN and can be exhibited as YH/4

On the same night at 01:45 hours on the morning of the 12th September officers spoke to two young males, both aged 17 who claimed have been drinking in The Office. There was door staff on at the time but neither could say who let them in. Details were obtained of the young males.

On Saturday the 18th September 2010 at 0154 hours I attended The Office and spoke to Rachael GILFOYLE and Daniel Kelly. At this time the double doors on the front of the premises was open and the music was blasting out and could be hear at the top of Church Street some 200 yards away. I had to shout at the door staff as the music was so loud and requested them to ask Rachael to come to the front of the premises and speak to me. She

Signature Signature Witnessed by 

RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 8

Continuation of Statement of **Philip James Henderson**

attended in company with Daniel and I requested them to turn the music down as it was too loud and clearly causing discomfort to the door supervisors. I also asked them to close the double doors and use the main entrance which meant that revellers would walk through an air lock type system trapping the noise inside. The music was turned down and the double doors were closed to the obvious relief of the door staff.

Given that The Office is situated on a main strip of bars and clubs there is also a lot of other premises who open and operate at a similar time.

On numerous occasions staff from the Hillcarter, which is situated directly opposite, have attended and asked for the noise to be turned down due to complaints from the residents. Both the managers from the Hillcarter have attended The Office and asked for the noise to be turned down. See statement of Pc HUSSAIN.

Church Street does not only accommodate for licensed premises but it is also a residential street with a hotel.

The Office have on numerous occasions as outlined above, flaunted their lack of respect for other businesses and residents. Not only have they annoyed their neighbours but they have also failed to adhere to the conditions of their licence.

The Office appears to be operating at minimum outlay at all costs, even that of the safety of revellers. This is all in order to make money at all costs without taking the precautions stipulated on their licence and ensuring that the licensing objectives are adhered to.

The fact that they have had several DPS in the last 7 months which appears to show that no-one with the slightest knowledge of The Office are willing to take control and help promote the licensing objectives.

The incidents above show serious breaches of the licensing objectives as outlined below;

Signature _____

Signature Witnessed by _____

Continuation of Statement of **Philip James Henderson****Prevention of crime and disorder.**

The Office, in its current state is a public nuisance. The noise is a constant contributor to this; as are the revellers who leave The Office and go onto to assault other revellers enjoying their evening. Constant warnings have gone unheeded.

Public Safety.

Cleveland Fire Brigade, the Noise Abatement Team and Cleveland police have all had to intervene at some stage with regards to Public safety. On too many occasions to say that they were one off incidents.

The prevention of public nuisance.

The type of clientele that The Office attracts means that there will always be a public nuisance. The Noise is a constant contributor to this; as are the revellers who leave The Office and then go on to assault other revellers enjoying their evening.

The protection of children from harm.

Officers have shown that there are underage sales taking place inside the premises. If The Office is operating a challenge 21 policy which they say they are then why are 17 year old males drinking inside when they are clearly not old enough? They have a condition on their licence to challenge persons under 18 and this is not happening.

There have been numerous interventions by Hartlepool Police in an attempt to remedy the issues which have been highlighted above, none of which appeared to have worked. Despite Police action none of the issues appear have been resolved hence Hartlepool Police initiating a review of the premises.

Signature _____

18
Signature Witnessed by _____

RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 10

Continuation of Statement of **Philip James Henderson**

I can only assume that the incidents which have been recorded and detailed above are only a small percentage of what actually does occur in The Office.

As a result of Police presence at The Office other premises who require our attention are also suffering. The ripples of which stem to the wider community because when we are dealing with incidents in The Office then we can not direct our resources to the rest of the community. The results of which are an increase in offences, more victims of crime and increase in the fear of violence within the Night Time Economy.

It appears Mr KELLY'S desire is to make as money in the shortest length of time, cutting as many corners as possible in the process means that this can only be at the expense of the tax payer and safety of the public. It is the belief of officers at Hartlepool Police that if something is not done to address the issues then it is only a matter of time for there a serious incident and an innocent member of the public is severely or even fatally injured.

Signature _____

19
Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of Terence Christopher SWALESAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Constable 75

This statement (consisting of 11 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. SwalesDate: 02/09/10Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Constable 75, Terence Christopher SWALES of Cleveland Police, presently stationed at Hartlepool Police Station. (Alcohol Licensing Unit).

I joined the Police Service on the 22nd July 1985 and have been a serving Police Officer for 25 years. In June 2002 I was posted to Hartlepool Neighbourhood Policing Team, before moving to Hartlepool Response Police Team. (Z Relief).

On the 10th July 2007 I was posted to Hartlepool District Licensing Unit as a District Licensing Officer.

I Have Policed Hartlepool Town Centre Night Time Economy many times over the past 8 years. Both under the old Licensing Act and the new Licensing Act 2003.

This review process is in respect of The Office 49-53 Church Street, Hartlepool. (Also known as Dingo's Australian Bar). The Current Premises Licence Holder is Rachael

Signature

T.C. Swales

Signature Witnessed by

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RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 2

Continuation of Statement of **Terence Christopher SWALES**

GILFOYLE, aged 19 years who is also a student. The current Designated Premises Supervisor is Steven AWFORD (also DPS for the Staincliffe Hotel at The Cliff, Seaton Carew, Hartlepool.

The current Manager for The Office is Daniel KELLY aged 20 years. The current "Tennant" for The Office is Christopher Kelly, aged 23 who sub leases the premises. The Office is Premises License HART/PS/198.

At 14:35 hrs on Tuesday 23rd February 2010 at Hartlepool Police Station, whilst on duty in company with the witness, Acting Chief Inspector 442 Green, together we spoke with Christopher KELLY.

KELLY stated the owners of The Office are "HORNSY" but is leased via Greig Cavey Estate Agents, South Road, Hartlepool. KELLY stated he was taking over the tenancy from Lee HAYGARTH, HAYGARTH Trading Company, Bensway House, Usworth Road, Hartlepool, TS25 1PD.

Kelly further stated that Graham FRIEND will be the "Barman", Premises Licence Holder and Designated Premises Supervisor for The Office.

At 14:22hrs on Friday 26th March 2010, at The Office, Church Street, Hartlepool, whilst on duty, I spoke with Christopher KELLY (sub lease holder) regarding a section 19 closure notice regarding breach of premises licence, (no closed circuit television recording facility, or CCTV not maintained/not in good working order). I requested CCTV evidence from

Signature T.C. Swales 24 Signature Witnessed by _____

RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 3

Continuation of Statement of **Terence Christopher SWALES**

23:45hrs on Saturday 20th March 2010 on behalf of DC HOLBORROW and DC MOON. I observed the CCTV system was not working, not in good working order, not maintained. I conferred with Anthony BRISCOE (HSA Group) at the premises regarding the CCTV system. BRISCOE stated that there was no CCTV recording system on the premises. NO VHS or digital recording system present.

At 14:47hrs the same day I served the section 19 of the criminal justice and police act 2001, closure notice on Christopher KELLY (tenant) timed dated and signed by Christopher KELLY (tenant). (Wit ref no TCS1). The Designated Premises Supervisor Lee James HAYGARTH was not present at this time.

At 00:31hrs on Sunday 28th March 2010 at The Office, Church Street, Hartlepool, whilst on duty in full uniform in company with Joe FLOUNDERS (Cleveland Fire Service) I spoke with Graham FRIEND. FRIEND stated he was not a Personal Licence Holder, but was working for Christopher KELLY (tenant) for cash payment. The Designated Premises Supervisor, Lee James HAYGARTH was not present at this time.

At 00:38hrs the same day, Joe FLOUNDERS (Cleveland Fire Service) stated there was a fault indication with the fire alarm system. Together we discussed a voluntary closure of the premises with Graham FRIEND. Graham FRIEND (Barman) made several telephone calls to contact Christopher KELLY with no success. A voluntary closure was agreed with Graham FRIEND (Barman).

Signature T.C. Swales 22 Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 4

Continuation of Statement of **Terence Christopher SWALES**

At 00:54hrs the same day Christopher KELLY arrived at The Office. Joe FLOUNDERS (Cleveland Fire Brigade) advised KELLY regarding the fault indication with the fire alarm system. Lee James HAYGARTH (DPS) was not present at this time.

At 10:22hrs on Tuesday 30th March 2010, at HAYGARTH Trading Company Limited, Usworth Road, Hartlepool, (Premises Licence Holders) regarding The Office. I spoke with Lee James HAYGARTH (Designated Premises Supervisor). At this time I served HAYGARTH with a copy of the section 19 closure order for The Office, regarding no CCTV recording system. I also informed HAYGARTH of the Prohibition Notice on the premises served by Cleveland Fire Service. I also advised HAYGARTH regarding possible legal action at the Magistrates Court, and a review of the Premises Licence if the section 19 closure notice was not complied with. We further discussed a possible change of Designated Premises Supervisor as Lee HAYGARTH was an absent DPS and not present at the premises to authorise the sale of alcohol. (Pocket notebook number 15669, Pg25 and 26 signed by HAYGARTH). (Wit ref no TCS2).

At 14:05hrs on Thursday 1st April 2010, at The Office, Church Street, Hartlepool, I spoke with Graeme KELLY, (Father of Christopher KELLY (tenant)), regarding a CCTV inspection. Graeme KELLY stated four cameras working at this time, three new cameras inside the premises working via radio aerial signals to a monitor with four screens. One (of two) external cameras working via the same monitor. I observed that the old (original) internal cameras were not working. The old (original) internal cameras were not connected to a monitor. One (of two) external cameras not working, not connected to a monitor. I

Signature

T.C. Swales

Signature Witnessed by

23

Continuation of Statement of Terence Christopher SWALES

advised that three more internal cameras good enough for facial recognition and one external camera to be repaired and in good working order, also one internal camera to cover the bar area, optics and tills were money stored. Christopher KELLY (tenant) not present at this time.

About 14:20hrs the same day, at The Office I spoke with Michael WEST regarding two separate applications naming West as the new premises licence holder and new Designated Premises Supervisor, WEST stated that he had only signed to be the DPS not the premises licence holder. I explained the following to WEST;

1. Sect 19 premises closure order, served regarding breach of premises licence (no CCTV)
2. Prohibition Notice served by Cleveland Fire Service due to fault indication with fire alarm system.
3. Voluntary closure by Graham FRIEND.
4. WEST responsibilities as Premises Licence Holder and DPS.

WEST stated he needed a job and needed the money. Stated it would only be for six to eight weeks. Graeme KELLY (father of Christopher KELLY) stated his son Christopher KELLY would be sub-leasing for nine weeks and then buying the lease.

About 12:25hrs on Wednesday 26th May 2010 at Hartlepool Police Station, I received a telephone call from Christopher SANDERSON, STR Enterprises Limited, 30 The Oval, Benton, Newcastle Upon Tyne, NE12 9PP, "Landlord" at another nearby premises in Hartlepool, stating that they had exercised their right under the tenancy at will agreement

Signature

T.C. Swales

Signature Witnessed by

24

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 6

Continuation of Statement of **Terence Christopher SWALES**

with Christopher KELLY (tenant) to change the locks at the premises because of failure to pay rent and insurance.

Christopher KELLY was the tenant and premises licence holder at this time, whilst also tenant at The Office, 49-53 Church Street, Hartlepool, TS24 7DX.

At 00:40hrs on Sunday 18th July 2010 at The Office, Church Street, Hartlepool, I spoke with Rachael GILFOYLE. GILFOYLE stated she was a student and introduced herself as the Manager of The Office. GILFOYLE stated Sandra TWIDALE was the Designated Premises Supervisor at this time, not Michael WEST. I was aware that Sandra TWIDALE was also the DPS for another premises in Hartlepool. TWIDALE was not present at the time of speaking with Rachael GILFOYLE.

I advised GILFOYLE regarding excessive noise/music coming from the premises. I further advised GILFOYLE to close the doors and windows to The Office and turn the music down. I also advised that the Hartlepool Borough Council Noise Abatement Officers were on duty and would check the volume of noise/music coming from the premises. (Pocket notebook no 16471, pg 24 signed by Rachael GILFOYLE). (Wit ref no TCS3).

At 13:55hrs on Monday 26th July 2010, at Hartlepool Police Station, whilst on duty in company with PC 2086 HUSSAIN, we spoke with Sandra TWIDALE, (DPS for Changes, York Road, Hartlepool, and The Office, Church Street, Hartlepool).

TWIDALE confirmed she was the Designated Premises Supervisor (DPS) for both another premises in Hartlepool and The Office. TWIDALE stated Jackson Security Company would be used at The Office to provide Security Industry Authority (SIA) registered door

Signature



Signature Witnessed by

25

RESTRICTED (when complete)

CLEVELAND POLICE

MG 11-00(T)

Page No 7

Continuation of Statement of **Terence Christopher SWALES**

supervisors for all late night openings past 23:00hrs. (As per condition number (2) of premises licence number HART/PS/198).

I briefly explained to TWIDALE regarding "insurance liability" and SIA regulations. I also explained to TWIDALE regarding the Section 19 closure notice, served on Christopher KELLY by me, on Friday 26th March 2010, regarding Breach of Premises Licence. (No close circuit television recording facility or CCTV not maintained not in good working order). (Pocket notebook number 16471, pg31 and 32 signed by Sandra TWIDALE). (Wit ref number TCS4).

On Wednesday 25th August 2010 I spoke to TWIDALE who advised me that she intended to resign as DPS for The Office later that day with immediate effect.

I advised TWIDALE to attend BRIAN HANSEN HOUSE, Lynne Street, Hartlepool to speak with David BARNFATHER, (Hartlepool Borough Council Enforcement Officer) to make her resignation formally in writing. I believe TWIDALE formally resigned on Wednesday, 25th August 2010.

About 19:00hrs on Thursday 26th August 2010, at Hartlepool Police Station, I became aware of an application to vary a premises licence to specify an individual as Designated Premises Supervisor under the Licensing Act 2003, naming Michael CRANNEY (personal licence number HART/PL/442). The application was signed by G.A.KELLY, (i.e. Graeme KELLY) and dated 25th August 2010.

Signature

T.C. Swales

Signature Witnessed by

26

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 8

Continuation of Statement of **Terence Christopher SWALES**

I expressed my concerns to Acting Chief Inspector GREEN, regarding Michael CRANNEY being DPS for three licensed premises at the same time and I questioned how CRANNEY could effectively supervise three licensed premises, which were not in close proximity to each other.

At 23:25hrs on Friday 27th August 2010 at The Office 49-53 Church Street, Hartlepool, whilst on duty, in full police uniform, in company with Acting Inspector 1055 MARRAM, PC 2257 RYAN and two Hartlepool Borough Council Noise Abatement Officers, (Dan BRIGGS and colleague), I spoke with Daniel KELLY aged 20. Daniel KELLY stated he was the "Manager" for The Office and that Steven AWFORD (from a hotel in Seaton Carew), was the DPS.

Daniel KELLY telephoned Steven AWFORD at my request, to attend the premises. I advised Daniel KELLY

1. Two SIA registered door supervisors present (Jacksons Security).
2. Close the doors and windows
3. Keep the music noise levels down

(Pocket notebook number 16471 pg68 signed by Daniel KELLY (Wit ref...TCS5)

At 23:42hrs the same day at The Office, Church Street, Hartlepool, I spoke with Steven AWFORD (DPS). Also present was Graeme KELLY. (Authorised agent for Rachael GILFOYLE PLH).

I advised Steven AWFORD;

1. Know the conditions of the premises licence number HART/PS/198.

Signature



Signature Witnessed by

27

RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 9

Continuation of Statement of **Terence Christopher SWALES**

2. Keep doors and windows closed.
 3. Keep music/noise levels down
 4. Two SIA registered door supervisors present (Jacksons Security)
 5. Situation to be monitored by Cleveland Police and Hartlepool Borough Council Noise Abatement Officers. (Pocket notebook number 16471, pg68 signed by Steven AWFORD).
- The above comments were made in the presence and hearing of Graeme KELLY, (authorised agent for Rachael GILFOYLE) (pocket notebook number 16471 pg 68 signed by Graeme KELLY) (Wit ref TCS6)

Further advice was given to AWFORD and KELLY by A/Insp MARRAM and both HBC noise abatement officers.

At 01:37hrs on Sunday 29th August 2010 at The Office, Church Street, Hartlepool, whilst on duty in full Police uniform, in company with P/SGT SPROSON, I spoke with Daniel KELLY (Manager). I advised KELLY that we were waiting for the HBC Noise Abatement Officers to attend the premises. I observed that the windows were closed and that one of the two entrance doors was also closed. Music/noise was coming from inside the premises, omitting outside into Church Street, Hartlepool.

At 01:48hrs, we were joined by Steven WILLIAMS and Dan BRIGGS from HBC noise Abatement team. Steven WILLIAMS advised Daniel KELLY that the volume of the music should be constant and not cranked up by the DJ, therefore the music should be turned down and kept at a constant level (no cranking up the volume). (pocket notebook number

Signature

T.C. Swales 28

Signature Witnessed by

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 10

Continuation of Statement of **Terence Christopher SWALES**

16471 pg71 signed by Daniel KELLY (Manager). (Wit ref no TCS7). Steven AWFORD (DPS) was not present at this time.

At 01:06hrs on Monday 30th August 2010 at The OFFICE, Church Street, Hartlepool whilst on duty in full police uniform; I observed that there were no SIA registered door supervisors present. Also, customers were leaving the premises carrying pint glasses and glass bottles of alcohol in their hands, unchallenged. At this time I was approached by Stacey KELLY (Glass collector, aged 19 years) who asked me to assist her brother Daniel KELLY (manager) to remove a person who was refusing to leave the bar.

It should be noted that following Sandra TWIDALE'S resignation on Wednesday 25th August 2010, the person refusing to leave the bar was the person who was proposed by Graeme KELLY, to replace TWIDALE as Designated Premises Supervisor for The Office, (which was rejected by Cleveland Police). The person concerned eventually left The Office of his own accord.

On speaking with Daniel KELLY, he stated he had telephoned Kevin JACKSON of Jacksons security to establish why door supervisors had not turned up for work at The Office. KELLY stated he was told that a premises in Whitby Street, Hartlepool was closing at 01:30hrs and that the door supervisors from that particular premises would be coming to The Office after 01:30hrs. However, he advised that he had decided to close early himself.

At this time Graeme KELLY (Father of Daniel KELLY) and Stacie KELLY arrived at The Office. I then outlined the circumstances to Graeme KELLY. (Pocket notebook number 16471 pg75 signed by Graeme KELLY, Daniel KELLY and Stacie KELLY). (Wit ref number TCS8).

Signature



Signature Witnessed by

RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 11

Continuation of Statement of **Terence Christopher SWALES**

At this time (about 01:35hrs), A/Insp MARRAM attended The Office. I then outlined the circumstances to A/Insp MARRAM reading the notes from my Pocket notebook. (Pocket notebook number 16471 pg75, signed by A/Insp MARRAM). (Witness reference number TCS9). *T.C. Swales.*

Signature

T.C. Swales 30

Signature Witnessed by



**CLEVELAND
POLICE**
Putting People First

CLOSURE NOTICE

Closure Notice made under Section 19 of the Criminal Justice and Police Act 2001

Date and Time Closure Notice Served: Friday 26th March 2010 (14:47hrs).

Police Force: Chief Constable of Cleveland Police
c/o Hartlepool District Licensing Unit
Avenue Road
Hartlepool
TS24 8AB

Person making the Notice: PC 0075 Swales

Signature: T. Swales. (PC75).

Name and Address of the Affected Premises:

Haygarth Trading Company Limited
(DPS – Lee James Haygarth)
The Office(Dingo's Australian Bar)
49- 53 Church Street
Hartlepool

Alleged Unauthorised Sale of Alcohol:

The notice is made under Section 19 Criminal Justice and Police Act 2001 due to the fact that sales of alcohol/ licensable activities have taken place otherwise than in accordance with an authorisation (Premises Licence) in that the premises is failing to adhere to the following condition on their licence:

1. The premises shall have a CCTV system that complies to a minimum approved standard set in partnership with Cleveland Police. The system will also be maintained at regular service intervals and always

record when the premises is open for business. Any recordings will immediately be made available to the responsible authorities, if requested.

Steps which may be taken to end the Alleged Unauthorised Sale of Alcohol:

Prior to selling alcohol/ carrying on licensable activities:-

- 1) Ensure that the premises has a CCTV system that complies to a minimum approved standard set in partnership with Cleveland Police. Ensure that the system is maintained at regular service intervals and always recording when the premises is open for business. Ensure that any recordings will be immediately made available to the responsible authorities, if requested.

IF YOU FAIL TO ADDRESS THE STEPS TAKEN ABOVE TO PREVENT UNAUTHORISED SALE OF ALCOHOL/LICENSABLE ACTIVITIES, A COMPLAINT WILL BE MADE TO TEESSIDE MAGISTRATES' COURT IN NOT LESS THAN SEVEN DAYS OF SERVICE OF THIS NOTICE IN ORDER TO PREVENT ANY FURTHER BREACH TAKING PLACE AND A CLOSURE ORDER MAY BE MADE.

Person on whom Closure Notice has been served:

Name: *CHRISTOPHER WILLIAM KELLY.*
(Sub Lease).

Signature: *DC [Signature]*

ISSUED TO

Name: T. C. SWALES

Admin No. P-75

Date: 8. 20. 10

Completed: 9/6/10

Swales (.....) Officer in Charge

This is a G.N./O. Refill

OCCURRENCES

POLICE OFFICER'S
THREE-IN-ONE POCKET BOOK

15669

Witness reference no. T.C.S. 2.

Licensing Updates. -

Sun. 28/3/10 R/D.

Mon. 29/3/10 R/D.

Tuesday 30 March 10

Duty - H1/DCU. -

Shift - 8:30 am x 4:30 pm

8:20 am. Comm. duty @ H1. -

H1/DCU. E-mails.

Confer P/Sgt 1194 TONS
10.22 of @ Haygarth Trading

Co. Ltd. speak with Lee
Haygarth (DPS re
The Office

① Section 19 Closure
Notice served to Lee
Haygarth (DPS).

Fire Breach of
Premises Licence re NO
CCTV recording aptn

② Fire Brigade - The
Flounders - re Prohibition
Notice on the premises.

③ Advised re Prosecution
@ Mag's Court and

Reinew of Premises
Licence. If Sect 19
Closure Notice NOT
complied with.

④ Possible change of

DPS. - Change Lee
Hoygarth as DPS. 26
Advised re Absent
DPS - NOT present
on site to authorise
sale of alcohol. -

x - 11.0

10.50am. Resume. - Mobile.

10.58am @ Safer Hayslepool
Partnership Office, Church
St, meet with Mike
Whitfield re CCTV inspec-
tions @ licensed premises.
Also confer with Peter
Goldman re same. CCTV
inspections. -

11.28am. Resume. Mobile.

11.40am. @ HI/DLU. -
IRIS Updated.

[REDACTED]

ISSUED TO

Name: T. SWALES

Admin No. PC 75

Date: 07/6/10
03/8/2010

Completed: 11:30 AM

SA [Signature] Officer in Charge

This is a G.N/O. Refill

OCCURRENCES

POLICE OFFICER'S
THREE IN ONE POCKET BOOK
16471

Witness reference no. T.C.S.3.

00:40 am. The Office.
speak with Richard
GILFOYLE.
by [redacted] (1978)

Student.
Manager of Office
DPS - Gardra
Twydale
NOT - Michael West.
Advised re excessive
noise (music) from
the premises. Advised
re closing doors and
windows. Noise
abatement to check
volume of noise. —

X. K. Green

ISSUED TO

Name: T. SWALES

Admin No: PC75

Date: 07/6/10

Completed: 03/8/2010

SAWA J. Officer in Charge

This is a G.N./O. Refill

OCCURRENCES

POLICE OFFICER'S

THREE-IN-ONE POCKET BOOK

16471

Witness reference no. T.C.S.4.

[REDACTED]
[REDACTED]
Monday 26th July '10.
Duty: HVI ALU -
Dale: 8am x 4pm. -
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

② [REDACTED] The Office
Church Street W Hpd.
NOTE: - SIA Registered
Door Supervisors. -
@ Changes; -
Phoenix Security to
be employed.
x (Insurance Liability). x
S Twidale

Door Supervisors at
[redacted] The Office
Chilich Street -
Jackson's Security to
be employed -
& (Insurance Liability) &
S. Twidale
Sandra TWIDALE -
to be DPS @ [redacted]
at The Office (Both).
D. S. Twidale
Inform TWIDALE of
Sept 19 Closure Notice
at [redacted] The Office
re Poor CCTV
Breach of Premise
Licence. CCTV to be
examined a.s.a.p. -
D. S. Twidale
[redacted]

ISSUED TO

Name T. SWALES

Admin No. PC 75

Date 07/6/10
03/8/2010

Completed Date 11/1/10

SAVANA Officer in Charge

This is a G.N/O Refill

OCCURRENCES

POLICE OFFICER'S
THREE IN-ONE POCKET BOOK

16471

Witness reference no. T.C.S.#(5)+(6).

ISSUED TO

Name: T SWALES

Admin No. PC75

Date: 07/6/10
03/8/2010

Completed: 16471

Swales, T. Officer in Charge

This is a G.N.O. Refill

OCCURRENCES

POLICE OFFICER'S
THREE-IN ONE POCKET BOOK

16471

Witness reference no. T.C.S. \$(7).

Advised & Close the doors and windows.

Keep music noise
levels down. No
Noise Abatement
needed at this time.

 $\Delta K_e / h_f$

11:42 pm. At above

Speak with the Stager
AWFORTY (DPS)

Present Tel-

Advice Given re

- (1) Know the conditions of P.L. -
- (2) Keep doors and windows closed. -
- (3) Keep music/noise levels low/down
- (4) 2 x SIA Door Supervisors

Jack your security.
Situation to be
monitored. —

P. Singh

Also present Graham
Kelly (Father of
Christopher Kelly) —

Authorized Agent
for Rachael Gifford
(P.L.H.)

D. G. H. J.

[Signature]

01:37pm The Office, Church
Street, speak with
Daniel KELLY
(Manager) 1/c PLS &
Sproson, Assist
Noise Abatement Team
to attend premises -
01:48pm. Steve Williams
& Dan Briggs at
scene. Volume to be
constant. No cranking
up the volume.
P. D Kelly

01:55pm @ Busby's 1/c

5

ISSUED TO

Name T. SWALES

Admin No. PC75

Date 07/6/10
03/8/2010

Completed: 12.30 PM

SAWLEY Officer in Charge

This is a G.N/O. Refill

OCCURRENCES

POLICE OFFICER'S
THREE IN-ONE POCKET BOOK

16471

Witness reference no. T.C.S. # (8) + (9)

GREANE KELLY. —

[Signature]

75

DANIEL KELLY

(Manager) *K.D. Kelly*

STACIE KELLY

(Glass Collector)

[Redacted] MARRAM. —

[Redacted] Ainsp 1055

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

RESTRICTED (when complete)
CLEVELAND POLICE
WITNESS STATEMENT

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of Yasmeen HUSSAIN

Age if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Constable 2086

This statement (consisting of 3 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

[Signature] PC2086

Date: 26th August 2010

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a police constable employed by Cleveland police, currently stationed at Hartlepool police office.

At 00:30 hours on Sunday 8th August 2010 I was on uniformed foot patrol on Church Street, Hartlepool, as part of licensing patrols to reduce drink related violence and anti social behaviour in the area.

At this time I had cause to attend The Office public house due to the music been played inside the premises. The music which was being played inside The Office public house could be heard on the opposite side of the road, where KALS bar is situated, there is approximately 25 – 30 metres distance between KALS bar and The Office .

Upon arrival I spoke to Rachel Gilfoyle who is the licensee for The Office and Danny Kelly who is manager. I advised both Gilfoyle and Kelly that the music coming from inside their premises was very loud and could be heard on the opposite side of the road. I advised

Signature

[Signature] PC2086

Signature Witnessed by

Continuation of Statement of **Yasmeen HUSSAIN**

Gilfoyle and Kelly that they were to close the main doors and open the side the door to allow customers access into and out of the premises or to turn the music down. Kelly stated that he would turn the music down, I advised Kelly that once police left the vicinity of the premises and if any complaints are received or if I re-attend the location and find the music has being turned up I would request an inspector to attend the premises and seek to close the premises down under section 161 of the Licensing Act.

Danny Kelly signed this entry in my pocket note book, reference number 16454 applies of page 67, which I exhibit as YH/1.

At 00:35 hours on Monday 9th August 2010 I was on uniformed foot patrol on Church Street, Hartlepool, as part of licensing patrols to reduce drink related violence and anti social behaviour in the area.

At this time I had cause to attend The Office public house due to the music been played inside the premises could be heard outside the premises. I had already spoken with Rachel Gilfoyle and Danny Kelly the previous night in relation to the music coming from inside the premises being heard outside onto the main road.

Upon arrival I spoke with Danny Kelly advised him to turn the music down or to close the main doors and open the side door to allow customers entry in and out of the premises.

Signature PC2086

Signature Witnessed by

50

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No. 3

Continuation of Statement of **Yasmeen HUSSAIN**

Kelly signed my pocket note book to this effect, reference number 16454 applies of page 72, which I exhibit as YH/2

At 01:10 hours on Sunday 14th August 2010 I was on uniformed foot patrol on Church Street, Hartlepool, as part of licensing patrols to reduce drink related violence and anti social behaviour in the area.

At this time I had cause to attend The Office public house due to the music been played inside the premises could be heard outside the premises. I had already spoken to the manager Danny Kelly in relation to the loud music the previous weekend and had advised him accordingly.

Upon arrival I spoke with Danny Kelly and advised him that he was either to close the main doors and open the side door of the premises to allow customers entry in and out of the premises, or he was to turn the music down. I further warned Danny Kelly that once I left the vicinity of the premises and upon my return I found that the music had been turned up and could be heard outside onto the main street, I would request an inspector to attend the premises seek to close the premises down under section 161 of the Licensing Act 2003.

Mr Kelly agreed to close the main doors and open the side door for the remainder of the night, my pocket note book was signed to this effect by Danny Kelly, reference number 16454 applies, page 75, which I exhibit as YH/3

Signature 

Signature Witnessed by

SI

ISSUED TO

Name *HP*

Admin No *6207*

Date *10/5/40*

Completed *2-5-41*

Office in Charge

This is a G. W. C. Form

OCCURRENCES

POLICE OFFICER'S
THREE-IN-ONE POCKET BOOK

16434

exhibit ym/1

Package.
0720 off duty.

67

Saturday 7/8/10 14/1
TOD 2200x 0000

2130 on duty

AHU.

Licensing Patrols
in company with Insp
442 Green.

0030 Attended the off
space with Rachel
Graham and Danny
Kelly advised to turn
music down or close
doors and open
side doors Kelly
stated would turn
music down and
leave doors open

advised Kelly if
music is turned back
up once police leave
vicinity and if
receive complaints
or when I re attend
music has been
turned up they
will be closed
under Section 161
of Licensing Act

15/14

00.30

8/8/2010

~~0120~~
~~15/14~~
~~00.30~~
~~8/8/2010~~
~~0120~~
~~15/14~~
~~00.30~~
~~8/8/2010~~

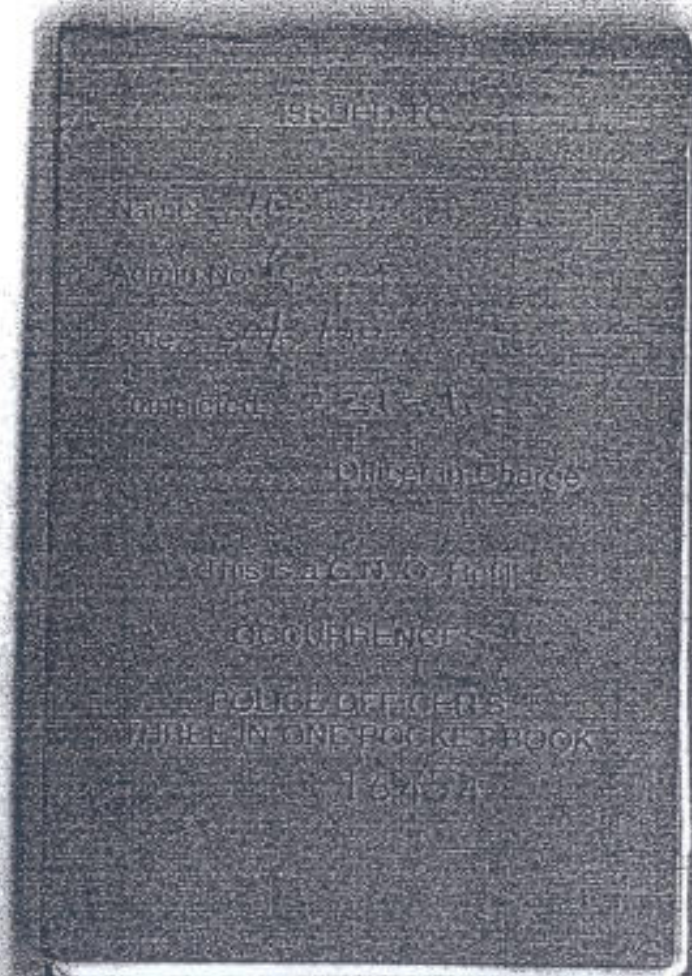


exhibit yH/2.

ISSUED TO
NAME
ADDRESS
CITY
COMPANY
OFFICE IN CHARGE
INVESTIGATOR
OCCURRENCES
POLICE OFFICER'S
THREE-MONTH ROCKET BOOK
10-1-74

exhibit yu/3

44/3

~~early closure~~ July

~~1st letter~~ 75

~~2nd letter~~

~~3rd letter~~

~~for Russell~~

~~1st letter~~

010 Daniel Kelly

I am the Manager
of the office

I have been
warned by PC 2080

Hussain at 0110

hours on Sunday

15/8/10 in relation

to the music

been so loud

have been advised

to turn the

music down

or close the front

doors and open

the side door

I have also been

warned if the

music is turned

up once PC Hussain

leaves, my premises

will be closed under

Sec 161 of Licensing

Act 2003.

I have agreed

to close the main

doors and open the

side door.

D Kelly

Danny Kelly

I can confirm that

I have received

2 x letters re

early closure which

is due to commence

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of Yasmeen HussainAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Police Constable 2086

This statement (consisting of 4 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 [Signature] PC2086Date: 7th Septmeber 2010Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a police constable employed by Cleveland Police, currently stationed at Hartlepool Police office.

I am currently posted to the Alcohol Licensing Unit as Licensing Officer, I have policed Hartlepool town centre night time economy many times in the past 3 years.

This statement I am providing is in relation to The Office public house 49 – 53 Church Street, Hartlepool (Previously known as Dingo's Australian bar).

At 09:55 hours on Thursday 2nd September 2010 I was on uniformed duty at Hartlepool police office in my role as alcohol licensing officer. At this time I attended Hartlepool police office front desk area where I spoke to a male who I now know to be Steven Awford dob [REDACTED]. Mr Awford informed me that he is the Designated Premises Supervisor of [REDACTED]. At 16:00hrs on Friday 27th August 2010 whilst at The [REDACTED] Hotel in his capacity as DPS he was approached by Graeme

Signature [Signature] PC2086

Signature Witnessed by _____

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RESTRICTED (when complete)**CLEVELAND POLICE**

MG 11-00(T)

Page No 2

Continuation of Statement of **Yasmeen Hussain**

Kelly. Mr Kelly had informed Mr Awford that his son Chris Kelly was currently in Mexico and in his absence he required a DPS for The Office public house, Church Street, Hartlepool. Mr Awford agreed to become the DPS for The Office public house.

At 23:45 hours on Friday 27th August 2010 Mr Awford attended The Office public house in his capacity as DPS. The Office was quite at the time and appeared in order, Mr Awford left The office at midnight. Mr Awford stated that he didn't attend The office on Saturday 28th August 2010 or Sunday 29th August 2010, however Mr Graeme Kelly had his contact details and had informed Mr Awford if there was any problems at The Office he would contact him. Mr Awford further stated as he had not heard from Mr Kelly he assumed all was in order at The Office.

At 13:00 hours on Monday 30th August 2010 Mr Awford stated that he received a telephone call from Graeme Kelly. Mr Kelly had informed him that on Sunday 29th August 2010 leading into morning of Monday 30th August 2010 no door staff had turned up for work, due to this he was unable to keep The Office public house open. Mr Awford stated that as part of the The Office licensing conditions they must have 2 x door staff working on the doors from midnight on days the open to sell alcohol. Mr Awford stated that as he had been informed by Mr Kelly that as soon as no door staff attended he closed his premises at midnight Sunday 29th August 2010 morning of Monday 30th August 2010. Mr Awford further stated as far as he was concerned Mr Kelly closed the premises, therefore there was no issues for him as the DPS.

Mr Awford stated that on Tuesday 31st August 2010 he e-mailed Hartlepool council licensing department and resigned as DPS for The Office public house from immediate effect. Mr Awford stated that he didn't want to be associated with The Office public house,

Signature  PC2086

Signature Witnessed by

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RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 3

Continuation of Statement of **Yasmeen Hussain**

he enjoyed working at The [REDACTED] Hotel, the cliental who attend The Office are different to the cliental The Office attracts. Therefore he didn't want to continue being the DPS of The Office, in his capacity as DPS for The Office if he had been aware that no door staff had turned up to work on Sunday 29th August 2010 he would have closed the premises immediately.

This was recorded and signed by Mr Steven Awford in my pocket note book reference number 17223, page 18 – 21 apply, exhibit YH/4

I have enclosed a copy of the e-mail Mr Awford forwarded to Hartlepool council licensing exhibit YH/5 applies.

At 12:15 hours on Thursday 2nd September 2010, I attended Hartlepool police office front desk, where I spoke to Mr Kevin Jackson proprietor of Jackson security firm. Mr Jackson informed me that he provides security door staff to licensed premises, including The Office public house. At 23:00 hours on Friday 27th August 2010 2 x door staff worked at The Office public house until 3am. This was arranged and agreed with Danny Kelly manager of The Office and Paul Meek who is head supervisor. The same had been agreed for Saturday 28th August 2010. Mr Jackson informed me that Paul Meek had asked Danny Kelly (Manager) of The Office if they would like door staff for Sunday 29th August 2010, however Danny had stated to Paul if he required any door staff he would let him know. Due to Mr Jackson or Mr Meek not hearing from The Office regarding door staff, no door staff attended The Office. Mr Jackson further stated that if The Office had requested door staff he would of ensured door staff were provided as he runs a reputable business.

Signature



Signature Witnessed by

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RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 4

Continuation of Statement of **Yasmeen Hussain**

This was recorded and signed by Mr Kevin Jackson in my pocket note book reference number 17223 page 22 -23 apply, exhibit YH/6

At 13:00 hours on Thursday 2nd September 2010 I was on uniformed duty, at this time I attended The Hillcarter Hotel where I spoke with Mr Daniel McCarte, Deputy General Manager of The Hillcarter Hotel. Mr McCarte provided a statement in relation to The Office public house regarding the excessive noise levels coming from the premises.

exhibit YH/7 applies.



Signature 

Signature Witnessed by _____

62

44/4 15

1600

1700

0750

0455

Steven ANFORD

Dob. 01-1-1971

11A 20 Ave. [redacted]

[redacted]

I am the above
named person and
currently reside
at the above
address. I am currently
the Designated Premises
Supervisor of the
[redacted]

[redacted] H. Pool

I have held my DPS
licence for 13 months.

Now, At 4pm on
Friday 27th August

2010 I was working
at the [redacted]

Hotel in my capacity
as the DPS my

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role & responsibility
as a ops. are to ensure
challenge 21 19
responsible for sales
of alcohol, & staff
who sell alcohol;
the running of the
premises as a whole
promote Public Safety.
I was approached
by a male who I
don't know as Graham
Kelly, Mr Kelly
informed me that
his son was currently
away in Mexico
and he needed a OPS
for the premises
in his son Chris Kelly's

DPS for the office
public House in the
absence of Chris Kelly
At 23:45 hours
on Friday 27th August
2010. I attended
the office Public House
in my capacity as
the OPS. The office
was quiet, all appeared
in order, I remained
at the premises
until midnight and
then left. I had
not attended the
office on Saturday
28th August or Sunday
29th August 2010
in my capacity
as OPS. Mr Graham
Kelly had my contact

details and informed me that if there was any problems²⁰ at the office on the Saturday or Sunday he would contact me. As I had not heard from Mr Kelly I assumed all was in order. At 1pm on Monday 30th August 2010 I received a phonecall from Mr Kelly whilst I was at work at The ~~Star~~ Hotel. Mr Kelly informed me that on Sunday 29th August leading

2010 no door staff had turned up to work and due to this he was unable to keep the office open. This is part of the office licencing condition to have 2 door staff working on the premises from midnight during the days they open to sell alcohol. Mr Kelly informed me as soon as no door staff attended he closed his premises at midnight Sunday night 29th August 2010 morning of

YH/S

Monday 30th August 2010
 As far as I am concerned
 Mr Kelly closed 21
 the premises, therefore
 there was no issues
 for me as the DPS.
 On Tuesday 31st
 August 2010 I
 emailed Hipool
 Council Licensing
 Department and
 resigned as DPS
 for the office as
 from immediate
 effect, I removed
 myself as I didn't
 want to be associated
 with the office Public House
 I enjoy working

Who attend the
~~same~~ are different
 to the Chordel the
 office attacks.
 Therefore I didn't
 want to continue
 being the DPS
 off the office.
 In my capacity
 as DPS for the
 office if I had
 been aware that
 no staff had
 turned up to
 work on Sunday
 29th August 2010
 I would have
 closed the premises
 immediately.

YH/4

SA

10:20

02/09/10

Premises upon their request.

At 11pm on Friday 23
27th August 2010

2 x door staff worked
at The office Public
House until 3am

This was arranged
and agreed with
Danny Kelly manager
of the office

and Paul Meek
who is Team Door
Supervisor. The same

arrangements were
agreed for Saturday
28th August 2010.

However Paul asked
Danny Kelly
at the

like door staff for
Sunday 29th August
2010.

Danny informed
Paul that he
would let him
know if he required
any door staff.

Paul or I had
not heard from
the office requesting
door staff therefore
no door staff attended
if the office had
requested door staff

I would have
ensured that door
staff were provided
as I have a business
to run and reputation
to adhere to. 4/4/10

[Signature]

PJH/1 7H/7

MG 11-00(T)

RESTRICTED (when complete)

CLEVELAND POLICE

WITNESS STATEMENT

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of Daniel McCarte

Age if under 18 Over 18 (If over 18 insert "Over 18") Occupation Deputy General Manager

This statement (consisting of 3 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 _____

Date: 2nd September 2010

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named person and currently reside at the address shown overleaf.

I am employed as the deputy general manager at the Hillcater public house which is situated on Church Street, Hartlepool.

I would describe the premises as a large end terraced hotel/nightclub complex. The hotel consist of 25 bedrooms and a function room, restaurant. There is 4 bars situated within the nightclub.

There are several public houses within the vicinity of The Hillcater. On a weekend Church Street is busy with revellers who come into the town centre to have an enjoyable night out. The hotel within The Hillcater is often booked with very few rooms left available. To ensure clients who are staying within The Hillcater hotel stay is comfortable and they aren't affected with noise levels coming from within the bars, nightclub on the ground level of the premises all the music audio equipment has been set to a low limit.

This limits the volume controls to keep it at a pace that doesn't make it uncomfortable for clients who are staying in the hotel rooms, which are on the 2nd and 3rd floor of the hotel. On the 1st floor of the hotel is the main reception area for clients to check in and out of the

Signature _____

Signature Witnessed by _____

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RESTRICTED (when complete)
CLEVELAND POLICE

MG 11-00(T)

Page No 2

Continuation of Statement of **Daniel McCarte**

hotel. Also on the 1st floor is a bar for residents and general members of the public to use. Majority of clients who stay at the hotel during the week, Monday to Friday are business clients who work in the vicinity of Hartlepool. They are generally up at 7am on the morning. I have received complaints from clients who have stayed at the hotel in relation to the noise levels of the music coming from The Office public house.

The Office public House is situated on Church Street, Hartlepool and is directly opposite The Hillcater. The complaints I have received from clients have been on Thursday and Friday nights. I have witnessed the music being very loud coming from The Office, however as police have attended the music level has been turned to a lower level.

Due to there being minimum police presence on Church Street on Thursday and Sunday nights. The music level from The Office has been extremely loud on a number of occasions. I have attended The Office myself and spoken with Christopher Kelly who is the licensee of The Office and requested him to turn the music noise level down. Informed Mr Kelly that residents staying within the hotel are business personal and are up early each morning for work. They are unable to sleep due to the noise coming from his establishment and are complaining. Mr Kelly has ignored my request on turning the music down. On occasions customers staying within the hotel have took it up on themselves to attend The Office, to ask them to turn the music down, however their requests have been ignored. On occasions I have contacted the police in relation to the excessive noise coming from The Office. I was given a contact number for the noise abatement team. I was informed they only operate Friday and Saturday nights. I have spoken to the Manager Caroline Hedley regarding the excessive noise coming from The Office, she has also complained to The Office regarding the noise being unacceptable coming from inside their

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)
CLEVELAND POLICE

Page No 3

Continuation of Statement of **Daniel McCarte**

premises. Again they have ignored requests Miss Hedley has made in relation to them keeping their music to a level which doesn't affect any other premises on Church Street including our premises.

I appreciate that on a weekend Church Street is busy with revellers enjoying themselves, however all other establishments maintain their music to a level that doesn't affect another drinking establishment. The Office predominately keep their music very loud, ignoring requests from myself and Miss Hedley to turn their music down.

I can confirm that I have spoke with Mr Christopher Kelly and his brother Mr Daniel Kelly regarding the noise levels coming from inside their premises and complaints I have received from customers. However I have not recorded the time and date I have spoken with them.

I personally keep the music form inside my premises at a level that can only be heard inside the premises and not to any other person on Church Street. The Office should also keep their music to a level that can only be heard within their premises, and should not affect any other businesses in the vicinity or be heard outside of their premises.

This is a weekly occurrence me having to speak to The Office in relation to the loud music coming from their premises

Signature _____71
Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of Anthony Joseph GreenAge if under 18 Over 18 (If over 18 insert "Over 18") Occupation Insp 442

This statement (consisting of _____ 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 _____

Date: 29.09.10Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Inspector in the Cleveland Police stationed at Hartlepool. My current role is Night Time Economy Manager and the day to day management of the District Alcohol Licensing Unit (DALU).

At 01:10 hours on Sunday the 11th of July, 2010, I was on duty in Church Street at its junction with Whitby Street, Hartlepool, when because of excessive noise coming from a premises my attention was drawn to The Office Public House at 49 – 53 Church Street.

The Office public house is on the north side of Church Street and was about 50m from my position.

Looking at it from the front, it has a series of sash windows on the ground floor which are very often lowered, double doors which are usually open onto the pavement and which allow direct entry into the premises drinking area. These doors are usually monitored by door staff and have over time become the favoured route into the premises. Immediately to the left of these doors is another door which allows entry into a small lobby. Further entry into the premises from the lobby is through a door. The lobby is in-fact the most appropriate way to control noise pollution from the premises and was previously the normal

Signature _____

Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**

Page No 2

Continuation of Statement of **Anthony Joseph Green**

way into the public house although it is rarely used as an entrance now.

Because of my DALU duties I am aware of a number of complaints regarding excessive noise from The Office. I am also aware of a number of interventions made by the Local Authority to address the issue and of frequent interaction with the premises management by my staff in order to tackle the din from The Office. At the time of this incident there had been no appreciable improvements; those that were implemented were, as far as I could tell simply the result of police intervention and not connected with any desire to actually improve the management of the premises or the comfort of residents in the area. There appeared to be a collective lack of desire by anyone connected with the management of The Office to improve their arrangements for noise reduction. In fact I would go so far as to say that the refusal was wilfully defiant.

I approached the premises and spoke to a person I know now to be Daniel Kelly, bn. 07.10.89. Mr Kelly was, he alleged, performing the role of Manager of the Premises. I pointed out the extreme level of noise, that the open double doors were exacerbating the problem and requested him to close them and start to use the airlock to reduce the noise. Mr Kelly agreed to do so and signed PNB 14487, page 72 to that effect.

I took no further part in the incident.

Signature _____

73
Signature Witnessed by _____

