

LICENSING ACT SUB-COMMITTEE AGENDA



Thursday 1st June 2006

at 10.00am

in Committee Room B

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Lilley, Richardson and Worthy

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 46 Ow ton Manor Lane (Premier Grocery Express) - *Head of Public Protection and Housing*

Report of: Head of Public Protection & Housing

Subject: APPLICATION FOR THE REVIEW OF A PREMISES
LICENCE – 46 OWTON MANOR LANE

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a Premises Licence in respect of 46 Owton Manor Lane, Hartlepool.

2. BACKGROUND

- 2.1 Party requesting review: Trading Standards
- Premises to which application for review relates: 46 Owton Manor Lane
Hartlepool
- 2.2 The current licence authorises the following activities: -
- | | | |
|---------------------------------|--------------------|-------------|
| Supply of Alcohol (Off Licence) | Monday to Saturday | 0800 – 2300 |
| | Sunday | 1100 – 0000 |
| | Christmas Day | 1200 – 1500 |
| | | 1900 – 2230 |
| | Good Friday | 0800 – 2300 |
- 2.3 A copy of the Premises Licence is attached as Appendix I.

3. SUMMARY OF THE APPLICATION

- 3.1 Trading Standards has requested a review of the Premises Licence on the following grounds: -

‘On 24th June 2005 the licensed premises supplied alcohol to a child of fourteen years of age on two separate occasions.

Supplying alcohol to children can have a serious impact on anti-social behaviour in an area and be a nuisance to residents.

Selling alcohol to children can also place that child at risk, both in terms of their health and personal safety.’

3.2 Trading Standards has also provided the following additional information: -

‘On 24th June 2005 the Trading Standards team conducted a covert test purchasing exercise using two fourteen year old volunteers.

The exercise involved supervision of the children as they attempted to purchase alcohol from off-licensed premises.

The children entered this premise twice during the evening of the 24th June 2005 and purchased alcoholic beverages on both occasions.

The children were witnessed purchasing the alcohol on the first occasion by a Trading Standards Officer. Proof of age was not requested by the staff member. On the second occasion the children purchased alcohol and the sale was recorded on covert camera.

On the 13th March 2006 the store licensee, Mr Sahota was successfully prosecuted for two offences contrary to Section 169A of the Licensing Act 1964.

Mr Sahota was fined £400 for each offence and ordered to pay £525 in costs’

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

4. **ISSUES**

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

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

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

4.3 The application has been advertised in the prescribed manner and two representations have been received.

- 4.4 The Head of Hartlepool Borough Council's Safeguarding and Review Unit, the competent body responsible for matters relating to the protection of children from harm, has made the following representation, which is also attached as Appendix III: -

'In respect to the four licensing objectives, under the category of protecting children from harm, the implications of supplying alcohol to a minor places the child at risk, both in terms of their health and personal safety; alcohol can have a serious impact on anti-social behaviour in an area and be a nuisance to residents.'

- 4.5 Cleveland Police have made the following representation, which is also attached as Appendix IV: -

'Hartlepool has had a number of disorder problems recently through the sale of alcohol to under age drinkers. Once the inevitable consumption takes place we have to police the rowdiness which accompanies juvenile drunkenness which can lead to a multiple of disorder problems. This draws valuable resources away from other priority areas. And in terms of the impact on the wider populace, they are intimidated by the gathering of inebriated youths on their estates and neighbourhoods, police response times are stretched due to dealing with the same youths and selling to under age youths is obviously part and parcel of a significant town wide problem.'

- 4.6 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.

- 4.7 The steps are: -

- To take no action;
- To modify the conditions on the licence (this may include altering or omitting an existing condition or adding a new condition);
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

5. RECOMMENDATIONS


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

Appendix I

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

THE LICENSING ACT 2003

PREMISES LICENCE (PART A)

 HARTLEPOOL BOROUGH COUNCIL

Premises licence number **HART/PS/134**

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference, or description
46 Owton Manor Lane

Post Town **Hartlepool** Post code **TS25 3AU**

Telephone number **01429 297296**

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Alcohol Sales
 Off sales

The time the licence authorises the carrying out of licensable activities
Alcohol Sales

Off sales	Monday – Saturday	0800 – 2300
	Sunday	1000 – 2230
	Christmas Day	1200 – 1500
		1900 – 2230
	Good Friday	0800 – 2230

The opening hours of the premises
At the discretion of the licensee

1 PREM09

Where the licence authorises supplies of alcohol whether these are on and / or off supplies	
Off sales	
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Mr Jagtar Singh Sahota & Mrs Dalbir Sahota 44 Owton Manor Lane Hartlepool TS25 3AU	
Tel: 01429 297296	
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 authorises the supply of alcohol	
Mr Jagtar Singh Sahota 44 Owton Manor Lane Hartlepool TS25 3AU	
Tel: 01429 297296	
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
HART/PL/121 Hartlepool Borough Council	
Date licence granted: 12 th August 2005	

2

PREM09

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

ANNEX 2 – Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied for Off Sales, except during permitted hours

The above restrictions do not prohibit:

- (a) 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;
 - (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) 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 naval, military or air forces.
2. Alcohol shall not be sold in an open container or be consumed in the licensed premises.



ANNEX 4 - Plans

See attached

Appendix II

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

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 Neil Harrison on behalf of Hartlepool Borough Council Trading Standards Team
(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
46 Owton Manor Lane

Post town Hartlepool Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known)
Jagtar Singh Sahota

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) below) ☐

REV01

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

Please tick

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

Surname

First names

Please tick yes

☐

I am 18 years old or over

Current postal
address if
different from
premises
address

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

Trading Standards Team,
Hartlepool Borough Council,
Civic Centre,
Hartlepool
TS24 8AY

Telephone number (if any)
01429 523567

E-mail address (optional)
neil.harrison@hartlepool.gov.uk

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

Please tick one or more boxes

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

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

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

On 24th June 2005 the licensed premises supplied alcohol to a child of fourteen years of age on two separate occasions.

Supplying alcohol to children can have a serious impact on anti-social behaviour in an area and be a nuisance to residents.

Selling alcohol to children can also place that child at risk, both in terms of their health and personal safety.

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

On 24th June 2005 the Trading Standards team conducted a covert test purchasing exercise using two fourteen year old volunteers.

The exercise involved supervision of the children as they attempted to purchase alcohol from off-licence premises.

The children entered this premise twice during the evening of the 24th June 2005 and purchased alcoholic beverages on both occasions.

The children were witnessed purchasing the alcohol on the first occasion by myself. Proof of age was not requested by the staff member. On the second occasion the children purchased alcohol and the sale was recorded on covert camera.

On the 13th March 2006 the store licensee Mr Sahota was successfully prosecuted for two offences contrary to Section 169A of the Licensing Act 1964.

Mr Sahota was fined £400 for each offence and ordered to pay £525 in costs.

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

None

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

20th March 2006

Capacity

Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

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

Appendix III

 lookedafterchildren/HBCDomino
 Sent by: Lorraine Hutchinson
 02/05/06 13:56

To: Licensing/HBCDomino@HBCDOMINO
 cc:
 bcc:
 Subject: Re: Review of Licence - Premier Grocery Express, 46 Owton Manor Lane

Hi

The Head of the Safeguarding and review unit Ann McMorris wishes to comment the below.

Review of Licence Application for 46 Owton Manor Lane

The trader of the above premises was caught selling alcohol to miners.

In respect to the four licensing objectives, under the category of protecting children from harm, the implications of supplying alcohol to a miner places the child at risk, both in terms of their health and personal safety; alcohol can have a serious impact on anti-social behaviour in an area and be a nuisance to residents:

The recommendation from the Safeguarding and Review Unit is to revoke the licence.

Lorraine Hutchinson
 LAC Clerk
 Children Services
 Municipal Buildings
 Church Square

Ext: 01429 523843
 Fax: 01429 523905
 Licensing/HBCDomino

Licensing/HBCDomino
 Sent by: Julie Humphreys
 10/04/2006 15:10

To: ajbell@clevelandfire.gov.uk, hpfs@clevelandfire.gov.uk,
 pbradley@clevelandfire.gov.uk,
 anthony.green@cleveland.pnn.police.uk, Jane
 Kett/HBCDomino@HBCDOMINO, Adrian
 Hurst/HBCDomino@HBCDOMINO, Paul
 Burgon/HBCDomino@HBCDOMINO,
 lookedafterchildren/HBCDomino@HBCDomino,
 hpfs@clevelandfire.gov.uk
 cc:
 Subject: Review of Licence - Premier Grocery Express, 46 Owton Manor Lane

LICENSING ACT 2003 - NOTIFICATION OF RECEIPT OF REVIEW

We have received a notice of review re the above property from Mr N Harrison, Trading Standards Officer. In conjunction with the above Act you should also have received a copy.

You are advised that there is a statutory maximum of 28 consecutive days from the receipt of the application for your organisation to make any representations concerning it.

Appendix IV



*GREEN, Anthony
(P0442)*
<Anthony.Green@cleveland
.pnn.police.uk>
26/04/2006 11:31

To: <Julie.Humphreys@hartlepool.gov.uk>
cc: *KNIGHTS, Peter (P1155)*
<Peter.Knights@cleveland.pnn.police.uk>
bcc:
Subject: RE: Review of Licence - Premier Grocery Express, 46 Owton Manor Lane

Dear HBC Licensing

Hartlepool Police take the view that we should be allowed to make representations at this review.

Hartlepool has had a number of disorder problems recently through the sale of alcohol to under age drinkers. Once the inevitable consumption takes place we have to police the rowdiness which accompanies juvenile drunkenness which can and has lead to a multitude of disorder problems. This draws valuable resources away from other priority policing areas. And in terms of the impact on the wider populace, they are intimidated by the gathering of inebriated youths on their estates and neighbourhoods, police response times are stretched due to dealing with the same youths and selling to under age youths is obviously part and parcel of a significant town wide problem. We take the view that this is a significant breach and ought to attract a punitive response.

Sgt GREEN
Community Safety [Licensing]
Hartlepool Police
Extn 2158

From: Julie.Humphreys@hartlepool.gov.uk [mailto:Julie.Humphreys@hartlepool.gov.uk]
Sent: 26 April 2006 10:35
To: GREEN, Anthony (P0442)
Subject: Fw: Review of Licence - Premier Grocery Express, 46 Owton Manor Lane

The contents of this email are confidential and are intended for the use of the individual to whom they are addressed.

This header confirms that this email message has been successfully virus scanned.

Any problems, please contact infosys@hartlepool.gov.uk

Julie Humphreys
Licensing Admin Officer
Public Protection
Hartlepool Borough Council
Tel: 01429 523351
e-mail: julie.humphreys@hartlepool.gov.uk