

LICENSING ACT SUB-COMMITTEE AGENDA



Monday, 18 April 2011

at 10.00 am

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Fleet, Lawton and Morris (Chair)

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for the Review of a premises licence – Rockies, 75 Church Street, Hartlepool – *Assistant Director – Regeneration and Planning*

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. Head of Public Protection and Housing outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Head of Public Protection and Housing.
4. 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 – REGENERATION & PLANNING

Subject: Application for the Review of a premises licence – Rockies, 75 Church Street, Hartlepool

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of Rockies, 75 Church Street, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Cleveland Police
- Premises to which the review relates: Rockies
75 Church Street
Hartlepool
- 2.2 The current licence authorises the following activities between 1000 and 2330 hours on Monday to Wednesday inclusive and 1000 to 0200 hours on Thursday 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. Facilities for making music
 7. Facilities for dancing
 8. Entertainment similar to 6 or 7 above
- 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 general lack of cooperation from the licence holder, Alison Shirvani, and that there has been a number of incidents of crime and disorder at the premises.
- 3.2 The application for review has been advertised in the prescribed manner and no additional representations have been received.

- 3.3 Following the application for review the licence holder has formally amended the licence by reducing the trading hours from 0300 hours to 0200 hours and by adding further conditions to the licence including the use of a CCTV system, the employment of door supervisors and the introduction of a Challenge 21 system to prevent the sale of alcohol to children.

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 and licence holder and determine what action, if any, should be taken.



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

THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/129

Part 1 - Premises details

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

Rockies (Cellar Bar)
Church Street

Post Town Hartlepool

Post Code TS24 7DW

Telephone number 01429 273777

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.

Supply of Alcohol (On & Off licence)

Entertainment

- 1 Live Music
- 2 Recorded Music
- 3 Performance of Dance
- 4 Anything similar to 1, 2 or 3 above
- 5 Facilities for making music
- 6 Facilities for dancing
- 7 Entertainment similar to 5 or 6 above

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

Supply of Alcohol (On & Off licence)

Entertainment

- 1 Live Music
- 2 Recorded Music
- 3 Performance of Dance
- 4 Anything similar to 1, 2 or 3 above
- 5 Facilities for making music
- 6 Facilities for dancing
- 7 Entertainment similar to 5 or 6 above

Monday to Wednesday	10:00 – 23:30
Thursday to Sunday	10:00 – 02:00

The opening hours of the premises

Monday to Wednesday	10:00 – 23:30
Thursday to Sunday	10:00 – 02:00

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

On and Off Sales

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

Alison Shirvani
The Royal
Church Street
Hartlepool
TS24 7DN Tel: 07505 141 124

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

N/A

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

Alison Shirvani
The Royal
Church Street
Hartlepool
TS24 7DN Tel: 07505 141 124

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/116
Hartlepool Borough Council

Date licence granted: 10th March 2011

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. (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.

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3. 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).
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

As of 1st October 2010

5. (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.
6. 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).

2. 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.
3. 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.
4. A drugs policy shall be prepared and implemented
5. Except with the prior written approval of the Licensing Authority and subject to any conditions which may be attached to such approval: -
 - (a) No special effects, naked flames, smoke production or any process creating a risk of fire, or the illusion of smoke or fire shall be used for the purpose of providing regulated entertainment on the premises.
 - (b) No explosives or highly flammable substances shall be brought into or used on the premises.
 - (c) No special effects shall be used or displays given on the premises, which consist of or include the use of lasers.

Applications for consent, giving detailed descriptions of the equipment to be used and details of the event, including dates and times must be made not less than 28 days before the date of the event.

6. The licensee must ensure that the electrical socket outlets in the licensed premises, which are used for the purpose of providing licensed entertainment are protected by a residual current device being a 30 MA tripping circuit.
7. In the event of the fire alarm being activated a suitable relay must be provided so that the electrical power supply to all sound amplification system in the licensed premises must be immediately intercepted so that the alarm can be clearly heard in all parts of the licensed premises.
8. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the case of emergencies.
9. A suitable sound insulation scheme to control noise breakout shall be submitted to and approved by the Licensing Authority. The approved scheme shall be

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implemented to the satisfaction of the licensing authority prior to any regulated entertainment taking place on the premises and the said scheme maintained for the duration of the licence.

- 10 Bottles, glasses and cans will not be allowed to be removed from the cartilage of the premises.
- 11 Registered door supervisors will be provided for late night openings past 22:00 every Friday and Saturday night and will remain present until the premises close to the public, including the drinking up period requested in the application. A minimum of two registered door supervisors shall be present at the front door and independent of all other duties having sole responsibility for the safety of the reveler. At least one other member of staff shall be registered as SIA during the permitted opening hours and present for all late night openings.
- 12 The DPS shall ensure that staff, including door supervisors, are briefed to offer every assistance to the police in the lawful execution of their duties.
- 13 No more than 60 revelers should be permitted into the premise at any one time. Head counts to be carried out for persons both entering and leaving the premises to ensure numbers are monitored.
- 14 The premises should have a CCTV system that complies to a minimum approved standard set in partnership with Cleveland Police. The system shall 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 and maintained for a minimum period of 28 days.
- 15 The premises shall ensure that the digital CCTV system covers areas to be determined in liaison with Cleveland Police.
- 16 A written record shall be kept every time images are recorded by CCTV and shall include details for the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. When recording is on a removable medium, (ie videotape, compact disc, flash card etc) a secure storage system to store those recording mediums shall be provided.
- 17 The records and recordings shall be made available for inspection or viewing on demand by an authorised officer of Hartlepool Borough Council, a Fire Officer or a Police Constable. That person can either take a copy of it, view it, on or off the premises and if considered appropriate, can retain it, only after a note is made in the records to that effect.
- 18 Persons who appear to be under the age of 21 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.
- 19 The DPS shall ensure that a refusals register is maintained at the premises and

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made available to the police immediately when required for inspection during opening hours.

- 20 The DPS ensures staff training is conducted regularly, properly and legibly recorded and made available to police for inspection.
- 21 Plastic glasses or toughened glass will be used.
- 22 That the DPS is readily available to the police for consultation during its opening period, except during reasonable holidays.
- 23 There shall be no change to the standard closing times during the two nights of the year when GMT and BST commence.

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

NONE

ANNEX 4 - Plans

See attached