

LICENSING ACT SUB-COMMITTEE AGENDA



Monday 10th July 2006

at 10.00am

in Committee Room B

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Hall, Kaiser and Tumilty

- 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 – 89-91 Chatham Road, Hartlepool (Halliday Stores) – *Head of Public Protection and Housing*

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: Head of Public Protection & Housing

Subject: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – 89-91 CHATHAM ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a Premises Licence in respect of 89-91 Chatham Road, Hartlepool.

2. BACKGROUND

- 2.1 Party requesting review: Trading Standards
- Premises to which application for review relates: 89-91 Chatham Road
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 21st September 2005 the licensed premises supplied alcohol to a child of fourteen years of age.

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 21st September 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 during the evening of the 21st September 2005 and purchased an alcoholic beverage.

The store is owned by Mr Joseph Vincent who is also the Licensee.

The sale was recorded on covert video camera. Proof of age was not requested by the store assistant. Mr Vincent was adjacent to the staff member who sold and did not intervene.

On the 16th May 2006 Mr Vincent was successfully prosecuted for the offence contrary to Section 169A of the Licensing Act 1964.

He was fined £500 for the offence and ordered to pay £825 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: -

‘The position is this; Hartlepool is experiencing disorder on a weekly basis due to underage drinking. Our Response Teams are stretched to the limit, particularly on a weekend in order to deal with this problem.

It is no accident that one Team of officers are specifically tasked and have been for months with dealing with disorder linked with underage consumption of alcohol especially at weekends.

The summer is now upon us, that will inevitably bring yet more problems due to the longer days and the warmer weather.

Furthermore, officers dealing with juvenile drunkenness cannot respond in a timely fashion to more legitimate calls for assistance from members of the public.

My personal view is that enough is enough. The law abiding majority have for too long had to endure the harassment and disorder that juvenile drunkenness imposes on their neighbourhoods. Everyone has a part to play in restoring order to our streets and Licensees in whatever capacity they function have quite specific responsibilities. A cavalier attitude appears to be at play in some areas and I think that this cannot be tolerated any longer. The juveniles have to be protected from themselves and the law abiding majority reassured that those in positions of responsibility not only can and will take stern action to deal with abuses.

This is not a decision to be taken lightly but I believe revocation is the only viable option.’

- 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

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

THE LICENSING ACT 2003

PREMISES LICENCE (PART A)

Premises licence number HART/PS/212

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
Halliday Stores 89 - 91 Chatham Road	
Post Town	Hartlepool
Post code	TS24 8QH
Telephone number	01429 273002

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Alcohol Sales

Off-Licence

The time the licence authorises the carrying out of licensable activities

<u>Alcohol Sales</u>		
Off-Licence	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 Joseph Vincent
89 – 91 Chatham Road
Hartlepool
TS24 8QH

01429 273002

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 Joseph Vincent
89 – 91 Chatham Road
Hartlepool
TS24 8QH

Tel No. 01429 273002

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/204

Date licence granted: 12th August 2005

ANNEX 1 – Mandatory Conditions

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; 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;

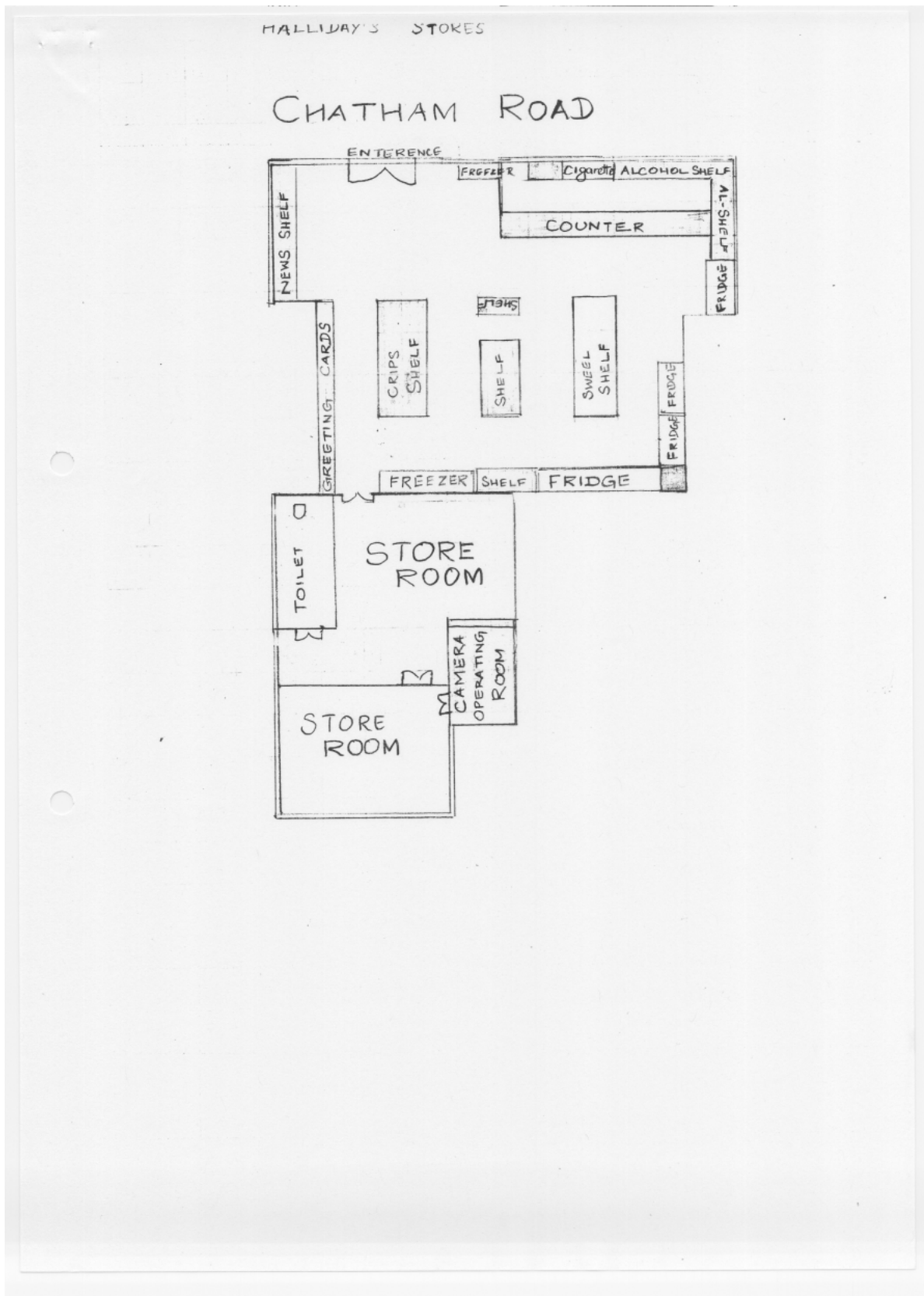
2. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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


None

ANNEX 4 - Plans

See attached



Appendix II



HARTLEPOOL
 BOROUGH COUNCIL

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 89-91 Chatham Road, Hartlepool.	
Post town Hartlepool	Post code (if known) TS24 8QH

Name of premises licence holder or club holding club premises certificate (if known) Mr Joseph Vincent
--

Number of premises licence or club premises certificate (if known)	HEAD OF PUBLIC PROTECTION & HOUSING 18 MAY 2006 Passed To: Dealt With: Please tick yes
---	---

Part 2 - Applicant details
I am

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

(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

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

On 21st September 2005 the licensed premises supplied alcohol to a child of fourteen years of age.

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.

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.

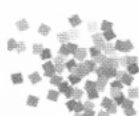
Signature

Nathan

Date 17th May 2006

Capacity Trading Standards Officer

Appendix III

 lookedafterchildren/HBCDomino
Sent by: Lorraine Hutchinson
24/05/2006 08:44
To: Licensing/HBCDomino@HBCDOMINO
cc
bcc
Subject: Re: Review of Licence - Halliday Stores

Hi
Reveiw of Licence - Halliday Stores

Ann McMorris, the Head of the Safeguard and Review Unit wishes to take the view that as a responsible Authority that she wold like to make a representation at this review

In respect of the four licensing objectives, under the category of protecting children from har, 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.

Lorraine Hutchinson
LAC Clerk
Children Services
Municipal Buildings
Church Square

Ext: 01429 523843
Fax: 01429 523905
Licensing/HBCDomino

Licensing/HBCDomino
Sent by: Jayne Kreczak
19/05/2006 14:23

To: Anthony.Green@cleveland.pnn.police.uk
cc: hpfs@clevelandfire.gov.uk, hpfs@clevelandfire.gov.uk,
ajbell@clevelandfire.gov.uk, pbradley@clevelandfir.gov.uk,
Paul Burgon/HBCDomino@HBCDOMINO, Jane
Kett/HBCDomino@HBCDOMINO, Adrian
Hurst/HBCDomino@HBCDOMINO,
lookedafterchildren/HBCDomino@HBCDomino
Subject: Review of Licence - Halliday Stores

LICENSING ACT 2003 - NOTIFICATION OF RECEIPT OF REVIEW

We have received a notice of review re the above property from Neil 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.

If you wish to make any representations regarding the above or have any queries please do not hesitate to contact this office.

Appendix IV



"GREEN, Anthony
(P0442)"
<Anthony.Green@cleveland
.pnn.police.uk>

16/06/2006 12:14

To <lan.Harrison@hartlepool.gov.uk>

cc

bcc

Subject Hallidays Review

I refer to my previous email to you re this issue.

The position is this; Hartlepool is experiencing disorder on a weekly basis due to underage drinking. Our Response Teams are stretched to the limit, particularly on a weekend in order to deal with this problem.

It is no accident that one Team of officers are specifically tasked and have been for months with dealing with disorder linked with underage consumption of alcohol especially at weekends.

The summer is now upon us, that will inevitably bring yet more problems due to the longer days and the warmer weather.

Furthermore, officers dealing with juvenile drunkenness cannot respond in a timely fashion to more legitimate calls for assistance from members of the public.

My personal view is that enough is enough. The law abiding majority have for too long had to endure the harassment and disorder that juvenile drunkenness imposes on their neighbourhoods. Everyone has a part to play in restoring order to our streets and Licensees in whatever capacity they function have quite specific responsibilities. A cavalier attitude appears to be at play in some areas and I think that this cannot be tolerated any longer. The juveniles have to be protected from themselves and the law abiding majority reassured that those in positions of responsibility not only can and will take stern action to deal with abuses.

This is not a decision to be taken lightly but I believe **REVOCATION** is the only viable option.

Sgt Green
Licensing
Hartlepool

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