

Licensing Act Sub Committee Hearing

Wednesday 14 March 2012

Members of the Panel:	Councillors Brash, G Lilley and Shields
Application Premises:	Sorrentos, 49 Church Street, Hartlepool
Officers present:	Sylvia Pinkney, Public Protection Manager Tony Macnab, Solicitor Vicky Bosley, Democratic Services Officer
Applicant	Mr Forozan Eivazmohammadi
Respondent	Sergeant Jonathan Wrigley Constable Andrew Thorpe
Decision:	
Meeting adjourned as applicant's solicitor not in attendance. Meeting to be reconvened 4 th April 2012, 10am.	

Wednesday 4th April 2012

Members of the Panel:	Councillors Brash, Jackson and Shields
Application Premises:	Sorrentos, 49 Church Street, Hartlepool
Officers present:	Ian Harrison, Principal Trading Standards and Licensing Officer Tony Macnab, Solicitor Vicky Bosley, Democratic Services Officer
Applicant	Mr Forozan Eivazmohammadi Mr John Ellwood
Respondent	Sergeant Jonathan Wrigley Constable Andrew Thorpe
Decision:	
<p>Meeting reconvened 4th April 2012, 10.40am.</p> <p>The Licensing Sub-Committee considered an application for a variation of the premises license for the provision of the late night refreshments until 4am Monday – Sunday.</p> <p>The Applicant accepted that his premises had provided late night refreshment beyond it's licensed hours on the morning of 31 December last year and 1 April this year.</p>	

The Applicant explained that at present he allows customers into his premises until 2am on the days permitted and then the door is shut. He takes the orders and the food is freshly cooked. On occasions he has not been able to supply the food to all of the customers waiting in the premises by 2.30am. He alleges that members of the public are outside of his premises banging on the door and windows wanting to be let in as they see those inside the premises being served. He explained that this was his main reason for making the application and therefore avoiding the problem and thereby enabling him to comply with the conditions.

The police gave evidence of the Applicant providing late night refreshment during the early hours of the morning on the dates referred to above until 3.15am and 2.46am respectively. In addition the Police stated that there wasn't a door supervisor on duty when they observed the premises during the early hours of 31 December.

The Police stated that if the premises were granted a variation until 4am then the Applicant would face the same problems he currently has between 2.00 – 2.30am.

The Licensing Sub-Committee considered all the evidence and arguments put to it and rejected the argument put forward by the Applicant and accepted the Police's argument. However, the Licensing Sub-Committee's prime consideration was its compliance with the Council's current statement of licensing principles (The Licensing Policy) in particular paragraph 4.25 which reads:-

'The licensing authority does not accept that longer opening hours have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and creates a nuisance for those residents who are affected by revellers returning home during the early hours.'

....In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.'

The Licensing Sub-Committee did not consider that the licensing objectives would be promoted by deviating from the Policy.

The Licensing Sub-Committee decided that there was no reason for refusing to vary the license to 2am on Sundays – Wednesdays inclusive however rejected the application to vary the hours beyond the current hours for Thursday, Friday and Saturday night. The Licensing Sub-Committee did not consider that the licensing objectives would be promoted by varying the hours further than those stated in the Licensing Policy.

The Licensing Sub-Committee considered the current conditions on the premises license and decided that condition seven be varied so that it reads as follows:-

Any shutters to the premises must be down and all customers must have exited the premises by 2am Sunday – Wednesday inclusive and 2.30am on Thursday, Friday and Saturday.

CHAIR