

# **LICENSING ACT SUB-COMMITTEE AGENDA**



**21 September 2012**

**at 10.00 a.m.**

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

**MEMBERS: LICENSING ACT SUB-COMMITTEE:**

Councillors Gibbon, Morris and Tempest

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
  - 3.1 Application for a New Premises Licence, 239 Raby Road, Hartlepool -  
*Assistant Director, Regeneration and Planning*

**Report of:** Assistant Director, Regeneration & Planning

**Subject:** APPLICATION FOR A NEW PREMISES LICENCE,  
239 RABY ROAD, HARTLEPOOL

---

## **1. PURPOSE OF REPORT**

- 1.1 To consider an application for a new premises licence in respect of 239 Raby Road, Hartlepool.

## **2. SUMMARY OF APPLICATION**

- 2.1 Applicant: Mr Peter Gupta

Premises: 11 Danby Grove  
Hartlepool  
TS25 1EL

- 2.2 The applicant has applied for the following activities: -

Supply of Alcohol (Off Sales)

Monday to Sunday                      0900 - midnight

A copy of the application is attached as Appendix 1.

## **3. BACKGROUND**

- 3.1 The application has been advertised in the prescribed manner and representations have been received from four local residents, Hartlepool Borough Council's Trading Standards Service and Hartlepool Borough Council in its capacity as licensing authority (attached as Appendices 2-7).
- 3.2 The representations from local residents refer to crime, nuisance and public safety.
- 3.3 The Trading Standards Service has requested that the applicant agree to a number of conditions being imposed on the licence – specifically the installation and operation of a CCTV system and procedures to prevent the sale of alcohol to children.
- 3.4 The representation from Hartlepool Borough Council in its capacity as licensing authority relates to the fact that the trading hours requested in the

application go beyond those stated in the Council's Licensing Policy as being suitable for residential areas. The licensing authority believes that granting the proposed licence will lead to an increase in nuisance for residents who live close to the premises concerned.

- 3.5 It is understood that the applicant, Mr Gupta, has operated this property as an off-licence previously, but enquiries would suggest that this was some time prior to 1999.

#### 4. ISSUES

- 4.1 As relevant representations have been received within the prescribed time period, a hearing must be held for Members to consider those representations (unless all parties agree a hearing is unnecessary).
- 4.2 Members are reminded that whilst a number of the representations from local residents refer to the fact that there are already a number of licensed premises in the area, the 'need' for another off-licence is not something that can be taken into account when considering whether a new licence should be granted.
- 4.3 The Trading Standards Service has requested that the applicant agree to a number of additional operating procedures. These relate to the implementation of a 'Challenge 25' age verification policy, a till prompt system that will alert shop staff whenever alcohol is being purchased, a 'refusals book' where staff would record any failed alcohol purchases by children and the installation of a suitable CCTV system,
- 4.4 The representation made by the Principal Trading Standards & Licensing Officer on behalf of the licensing authority draws attention to the Council's current Licensing Policy which states: -

*4.25 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.*

*Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused....*

*And*

- 5.4 *The licensing authority is aware of the problems that the sale of alcohol can cause for local residents and, for this reason, applications for licences in residential areas will generally only be granted if the operating hours fall within 0900 hours and 2200 hours for off licences.*
- 4.5 Members are asked to note that the Licensing Policy does not create a concept of ‘automatic refusal’ but rather that every application must be considered on its individual merits, taking into account the licensing authority’s position as expressed in its policy and all other evidence presented.
- 4.6 Members may wish to note that another premises in Raby Road, the 24 Hour Store, had its licence reviewed in 2009 following complaints from a number of local residents who alleged that the late opening hours were causing significant nuisance. This was particularly the case on Saturday and Sunday nights when the main supermarkets close at 2200 hours or earlier and alcohol could only be bought from those estate premises that stayed open later.
- 4.7 Having regard to the representations received, Members may take any of the following steps for the promotion of the licensing objectives:
- i) To approve the application in its entirety
  - ii) To approve the application in part - with or without the addition of further conditions
  - iii) To reject the whole or part of the application
- 4.8 The licensing objectives 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
- 4.9 Members are reminded that they must only consider those aspects of the licence application that are relevant to the representations received.

## 5. RECOMMENDATIONS

- 5.1 That Members consider the representations made by applicant, local residents and Responsible Authorities and determine what aspects, if any, of the application should be granted and, if appropriate, what conditions, if any, should be attached.



## Application for a premises licence to be granted 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/we PETER GUPTA  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <div style="text-align: center; font-size: 1.2em; margin-top: 10px;">239 RABY ROAD</div>			
Post town <u>HARTLEPOOL</u>		Post code <u>TS24 8EH</u>	
Telephone number at premises (if any) <span style="float: right;">REGENERATION &amp; NEIGHBOURHOODS DEPARTMENT 26 JUL 2012</span>			
Non-domestic rateable value of premises		£3,400.00 / <i>JP</i>	

#### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as  
Please tick yes

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *                 | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *            |                                     |                             |
| i. as a limited company                           | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                              | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or          | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                              | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                      | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body                          | <input type="checkbox"/>            | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - statutory function or ☐
  - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <u>GUPTA</u>			First names <u>PETER</u>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		Confidential			
Post Town	<u>HARTLEPOOL</u>			Postcode	Confidential
Daytime contact telephone number					
E-mail address (optional)					

REGENERATION & NEIGHBOURHOODS  
DEPARTMENT  
26 JUL 2012

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	<b>REGENERATION &amp; NEIGHBOURHOODS DEPARTMENT</b>  <b>26 JUL 2012</b>
Address	
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	
Telephone number (if any)	
E-mail address (optional)	

### Part 3 Operating Schedule

When do you want the premises licence to start? *A.S.A.P.*

Day	Month	Year

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

*off licence/general dealers*



If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

#### Provision of regulated entertainment

Please tick yes

- |   |                          |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |



**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I) ☐
- j) dancing (if ticking yes, fill in box J) ☐
- k) entertainment of a similar description to that falling within (i) or (j)  
(if ticking yes, fill in box K) ☐

**Provision of late night refreshment** (if ticking yes, fill in box L) ☐

**Supply of alcohol** (if ticking yes, fill in box M) ☒

**In all cases complete boxes N, O and P**



M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	9am	12midnight	State any seasonal variations for the supply of alcohol (please read guidance note 4) <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;">           REGENERATION &amp; NEIGHBOURHOODS DEPARTMENT 26 JUL 2012         </div>		
Tue	9am	12Midnight			
Wed	9am	12midnight			
Thur	9am	12midnight			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	9am	12midnight			
Sat	9am	12midnight			
Sun	9am	12midnight			

State the name and details of the individual whom you wish to specify on the licence as  
premises supervisor

Name	PETER GUPTA		
Address	<div style="border: 1px solid black; padding: 5px;">Confidential</div>		
Postcode			
Personal Licence number (if known)			
Issuing licensing authority (if known)			

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

REGENERATION & NEIGHBOURHOODS  
DEPARTMENT

26 JUL 2012

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	9am	00.15	
Tue	9am	00.15	
Wed	9am	00.15	
Thur	9am	00.15	
Fri	9am	00.15	
Sat	9am	00.15	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Sun	9am	00.15	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The applicant is a well respected local businessman who will observe advice & guidance from the police in relation to (B) (C) (D) & (E) below including Challenge 21 policies.

b) The prevention of crime and disorder

REGENERATION & NEIGHBOURHOODS  
DEPARTMENT

26 JUL 2012

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

REGENERATION & NEIGHBOURHOODS  
DEPARTMENT

26 JUL 2012


Please tick yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- 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 4 – Signatures** (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

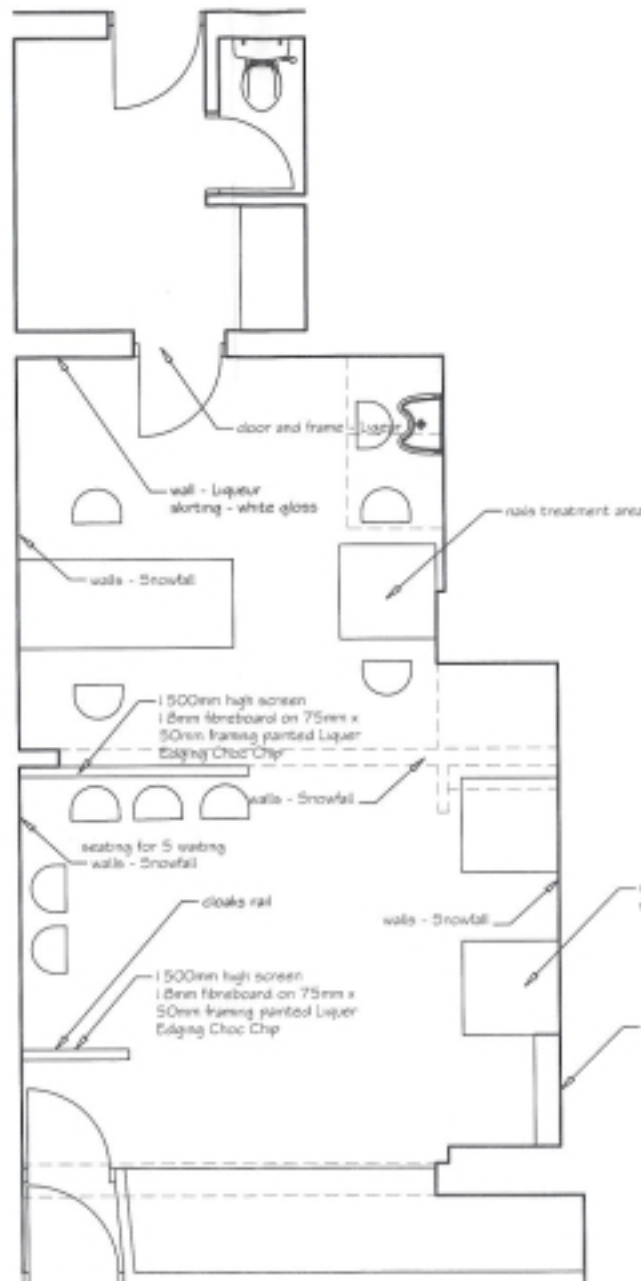
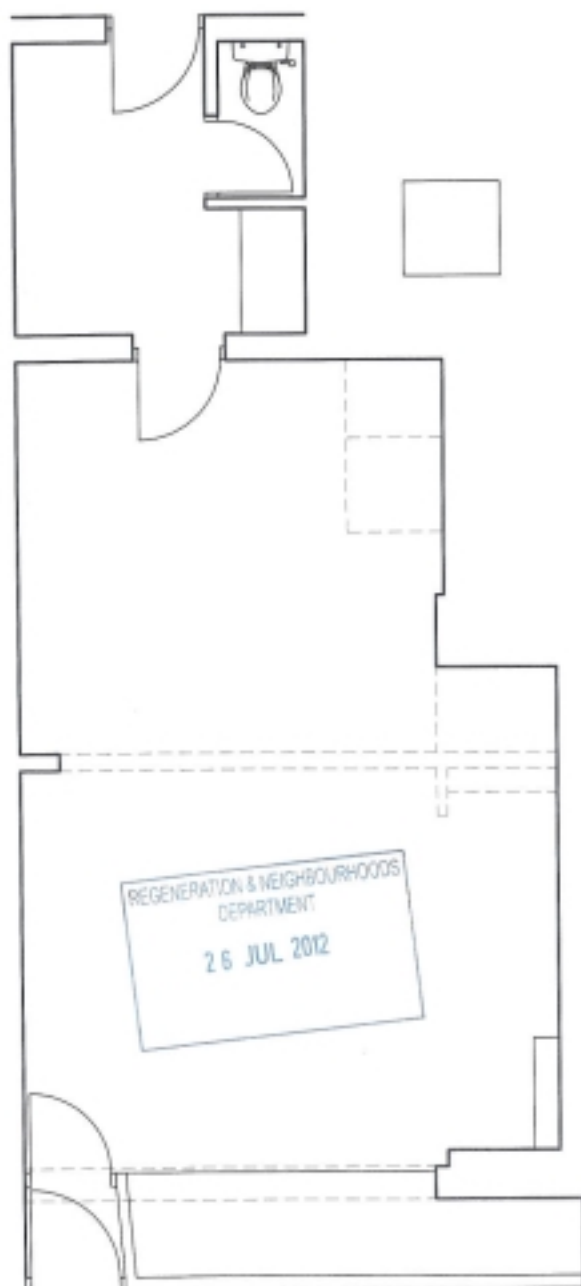
For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

MR JOHN ELLWOOD  
TILLY BAILEY #1 (RIVINELL)  
YORK CHAMBERS  
YORK ROAD

Post town	HARTLEPOOL	Post code	TS26 9DP
Telephone number (if any)	01429 264101		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
jrellwood@tbi-law.co.uk			



ALL PAINTS SELECTED FROM  
CROWN RANGE 2009

Proposed extensions and alterations to  
239 Raby Road  
Hartlepool

Scale 1:50  
Date Sept. 2009

Existing

220



Kandasamythurai Thamothiram pillai  
2 Marton street  
Hartlepool  
TS24 8PW



I wish to object to an alcohol licence being granted to 239 Raby road as I feel that a lot of money has been spent re-generating the area over the past couple of years and there are already 4 other shops selling alcohol so another is not needed.

There is a high rate of crime in this area; a lot of which is alcohol included. So another licenced premise will not help. There are also schools in this immediate area and children often hang around asking people to purchase cigarettes and alcohol for them; some adults happily oblige them.

Number 239 Raby road is also quite close to a very busy bus stop with not enough adequate parking nearby for people stopping to use a shop, therefore cars will park in the bus stop causing a danger to people getting either on or off bus stop. But also there will be no space for the bus to park which means that it will have to stop at the middle of the road in front of the traffic lights causing traffic.

Thank you

Kandasamythurai Thamothiram pillai

confidential

Ram Puvvada  
195 Raby road  
Hartlepool  
TS24 8EH



I would like to object to an alcohol licence being granted to 239 Raby road as this will cause a lot of public nuisance. This store is located in front of the bus stop which means people are likely to park on the bus stop causing a huge problem for the buses to stop and for people getting on and off. This will cause traffic and for police and ambulance to pass in an emergency will cause a lot of problems. There is also a high rate of crimes in this area therefore granting this licence may put children in danger as there are a few schools around this area.

I would also like to mention that there are already a lot of alcohol shops in this area so another is no appropriate.

Thank you  
Ram Puvvada

confidential



Thanaluxmy Pathmanathan  
199 Raby road  
Hartlepool  
TS24 8EH



I am writing on behalf of objecting to an alcohol licence being granted to 239 Raby Road as there have been a lot of houses re-built in this area therefore, granting this licence will cause a lot of crime. Therefor not many people will be willing to live in these houses. This is mainly caused by alcohol therefore; it is also going to put the children in danger. Parents like me will be scared to let the children walk on their own to school as they might be stopped by alcoholics on the ways, as the shop is located very close to the schools.

The shop is also located in front of the bus stop which means that if there are a group of people drinking or stood outside the shop it will stop people from using that bus stop because they might be scared especially children or elderly people, taking into account the fact that this is a very busy bus stop.

Thank you

Thanaluxmy Pathmanathan

confidential

**Linda Grylls**

**From:** Lynne Hutton [confidential]

**Sent:** 21 August 2012 13:07

**To:** Licensing

**Subject:** 239 Raby Road, Hartlepool - Sale or Supply of Alcohol

I am not sure if I am too late to object to the above. I believe that there are more than enough shops locally that sell alcohol. Another such establishment would cause more nuisance to local people. There is also the problem of parking. The shop is quite near the traffic lights and there are double yellow lines leading up to these lights. I hope you will consider my objection.

Lynne Hutton  
223 Raby Road  
Hartlepool  
TS24 8EH

22/08/2012



**Neil Harrison**

**Senior Trading Standards Officer  
Hartlepool Borough Council  
Regeneration and Neighbourhoods  
Bryan Hanson House  
Hanson Square  
TS24 7BT**

**Tel: 01429 523567  
Fax: 01429 523308**

**From:** Neil Harrison  
**Sent:** 01 August 2012 09:24  
**To:** Licensing  
**Subject:** RE: New Premises - 239 Raby Road

I have written to the applicant and requested 4 conditions as follows.

1. Closed Circuit Television System (CCTV) must be installed and maintained in good working order and be correctly time and date stamped. The system will incorporate sufficient built-in hard drive capacity to suit the number of cameras installed, whilst complying with Data protection legislation. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs. There will be a minimum of 28 days recording required. The system must have a minimum of a simplex multiplexing facility and be recording for 24 hours a day. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer. The digital recorder must have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images. There will be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from police or any other responsible Authority, will be able to produce the footage within a reasonable time – within 24hrs or immediately if urgently required for investigation of serious crime.
2. A “Challenge 25” policy shall be operated at the premises at all times. Customers attempting to purchase alcohol who appear to be less than 25 shall be challenged by staff to produce a passport, photo driving license or a PASS approved Proof-of-Age card. No other form of identification shall be accepted. The policy shall be documented and all staff must have received sufficient training to ensure they understand it and can comply with it. A written record shall be maintained detailing when the Challenge 25 training was provided and shall be signed as confirmation by the member of staff to whom the record relates. The policy and training records shall be made available for inspection by Police Officers or other authorised officers. A Challenge 25 Notice or Poster shall be visible at the entrance to the premises and at each point of sale to both inform the public and remind staff of the policy.
3. At the sales counter there shall be a means of alerting or reminding staff to verify the age of a prospective purchaser whenever an age restricted product is presented for purchase.
4. The business must maintain a refusals book to record all occasions where the supply of alcohol has been refused including dates/times, staff member and

description of the incident. The Designated Premises Supervisor / Store manager / Business Owner is to check the book and sign / date it at least every 28 days.

**Nicola Purdy**

---

**From:** Ian Harrison  
**Sent:** 16 August 2012 15:23  
**To:** Licensing  
**Subject:** RE: New Premises - 239 Raby Road

Dear Nicola

Re: 239 Raby Road, Hartlepool

Please accept this e-mail as a formal representation against the above licence variation application.

The representation is on the grounds that Hartlepool Borough Council, as licensing authority, has adopted a Statement of Licensing Principles that states in paragraph 4.25: -

'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.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused.'

The licensing authority believes that granting the proposed variation will lead to an increase in nuisance for residents who live close to the premises concerned.

Regards

Ian Harrison  
Principal Trading Standards & Licensing Officer

---

**From:** Nicola Purdy **On Behalf Of** Licensing  
**Sent:** 31 July 2012 09:32  
**To:** Adrian Hurst; Alison Macklam; Andy Thorpe-Police; Dave Barnfather; Fire Brigade General Email; Graeme Joynt; Ian Harrison; Jane Kett; Jonathan Wrigley - Police; Neil Harrison; Peter Kelly - PCT; Rachel Hogg; Stephen Cranston - Police; Stephen Davies - Police; Sylvia Pinkney; Yasmeen Hussain-Police  
**Subject:** New Premises - 239 Raby Road

LICENSING ACT 2003 - NOTIFICATION OF RECEIPT OF APPLICATION

IF YOU HAVE NOT RECEIVED SUCH A COPY YOU SHOULD NOTIFY THIS OFFICE AS SOON AS POSSIBLE.

On 26<sup>th</sup> July 2012

Hartlepool Borough Council received an application for a under the Licensing Act 2003 from: -

Name: Peter Gupta

Address: 239 Raby Road

Closing date for Consultees: 23<sup>rd</sup> August 2012

Your organisation has been designated or identified as a 'responsible authority' under the Licensing Act and as such the applicant must send you a complete copy of their application immediately.

22/08/2012