

LICENSING ACT SUB-COMMITTEE AGENDA



9 October 2012

at 10.00 a.m.

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

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Dawkins, Griffin and Jackson

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Application for Variation of Premises License – 69-72 Church Street, Hartlepool – *Assistant Director, Regeneration and Planning*

Report of: Assistant Director, Regeneration & Planning

Subject: APPLICATION FOR VARIATION OF PREMISES
LICENCE – 69-72 CHURCH STREET, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the variation of a premises licence in respect of the 69-72 Church Street, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Applicant: Sheara's Fast Foods Ltd

Premises: 69-72 Church Street
Hartlepool

- 2.2 The applicant has applied to vary the terms of an existing licence so as to extend the hours for the provision of late night refreshment to:-

Sunday – Thursday	11:00 – 04:00
Friday – Saturday	11:00 – 04:30
Sundays preceding bank holidays	11:00 – 04:30

A copy of the application is attached as Appendix 1.

- 2.3 The current licence authorises the following activities: -

Supply of Alcohol

Monday to Sunday (inclusive) 11:00 – 03:30

Live and Recorded Music, Performance of Dance, Provision of facilities for Dancing

Monday to Sunday (inclusive) 11:00 – 04:00

Late Night Refreshments 11:00 – 02:00

Monday to Sunday (inclusive) 11:00 – 02:00

A copy of the current licence is attached as Appendix 2.

3. BACKGROUND

- 3.1 The application is for the variation of an existing premises licence in respect of the provision of late night refreshment. No other activities currently authorised by the licence are subject to change.
- 3.2 The property to which this application relates has been closed for approximately two years having previously operated as a nightclub under the names Ultima and The Lighthouse. The licence at that time authorised the supply of alcohol and provision of regulated entertainment until 4:00 hours but did not permit late night refreshment.
- 3.3 As the premises now operates as a restaurant with an annexed take away it was necessary to add late night refreshment to the licence and this was done in July 2012 when permission was granted until 02:00 hours.
- 3.4 In August 2012 a further variation was submitted to extend late night refreshment from 02:00 hours to as late as 04:30 hours.
- 3.5 The application has been advertised in the prescribed manner and representations have been received from a local resident, Hartlepool Borough Council's Planning Department, Cleveland Police and Hartlepool Borough Council in its capacity as licensing authority. Copies of all representations are attached as Appendices 3-6.

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 The representation from a local resident states that an extension of opening hours will lead to increased noise nuisance.
- 4.3 The Planning Department has submitted representations that the current planning permission for the premises states that *'the premises shall only be open to the public between the hours of 11:00 and 02:00 hours.'*
- 4.4 Paragraph 5.27 of Hartlepool Borough Council's current Licensing Policy states *'The licensing authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning consent, or an appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should not be refused and the planning status of the premises has not yet been finalised.'*

- 4.5 Members may wish to enquire from the applicant as to why this application should be regarded as an exception.
- 4.6 Cleveland Police have highlighted concerns about an extension of opening hours for late night refreshment when combined the current authorisation for the same premises to supply alcohol until 03:30 hours and the impact that a further late licence would have on Police resourcing.
- 4.7 The Licensing Authority has submitted a representation with regard to this application which states: -

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.

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.

In addition, specifically referring to issues of crime and disorder, paragraphs 5.12 and 5.13 state: -

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

For this reason 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 authority believes that granting the proposed variation will lead to an increase in nuisance and crime & disorder.

- 4.8 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.

4.9 Having regard to the representation received, Members may take any of the following steps for the promotion of the licensing objectives:

- i) Grant the application without amendment
- ii) Grant the application in part and/or with conditions or amended conditions
- iii) Refuse the application

4.10 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

4.11 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 the applicant, interested party and Responsible Authorities and determine what aspects, if any, of the proposed application should be granted and, if appropriate, what conditions, if any, should be attached.



APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

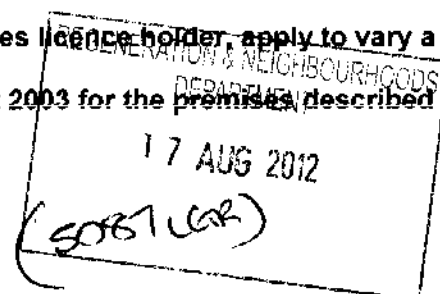
Before completing this form please read the guidance notes at the end of the form.

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 or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We SHERPA'S FAST FOOD LTD apply for as premises licence holder, apply to vary a
(insert name(s) of applicant)
premises licence under section 34 of the Licensing Act 2003 for the premises described
in Part 1 below

Premises licence number

HART PS 389



Part 1 - Premises details

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

69 - 72 CHURCH STREET

Post Town

HARTLEPOOL

Post Code

TS24 7DN

Telephone number at premises (if any)

01429 264213

Non-domestic rateable value of premises

£ 15,250

Part - 2 Applicant details

Daytime contact telephone number

Confidential

E-Mail address
(optional)

Confidential

Current postal
address if different
from premises
address

Post Town

Postcode

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?



If not do you want the variation to take effect from

Day Month Year

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Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO VARY EXISTING LATE NIGHT REFRESHMENT PART OF EXISTING LICENCE. RELATING TO 69 CHURCH STREET PART OF THE BUILDING WHICH IS A BRASSerie BUILT TAKE AWAY, WE WISH TO VARY OUR OPENING HOURS ON FRIDAY UNTIL 04:30 AND SATURDAY TO 04:30 AND SUNDAYS PRECEDING BANK HOLIDAYS TO 04:30. APPROPRIATE ALTERATION IN OPENING HOURS FOR FRIDAY SATURDAY SUN WE CURRENTLY HOLD A LATE NIGHT REFRESHMENT LICENCE TO 0:430 (THUR FRI SAT [SUN B/H]) OUR INTENTION WOULD BE TO GIVE THIS UP MEANING IT WOULD BE A QUID PRO QUID (I THINK!)

I STRONGLY BELIEVE IT WILL ENHANCE OUR CUSTOMER EXPERIENCE GIVEN THE CURRENT STATUS OF OUR TWO ESTABLISHMENTS.

CHANGE OF NAME OF PREMISES TO 'SUGRA'S FAST FOOD LTD'

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

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) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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

☒

Sale by retail of alcohol (if ticking yes, fill in box M)

☐

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3) ALREADY STATED		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) ALREADY STATED)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3) ALREADY STATED			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u> AREA) STAGE)	
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) PROVIDING OF LATE NIGHT REFRESHMENT	
Mon	11.00	02.00		
Tue	11.00	02.00		
Wed	11.00	02.00		
Thur	11.00	02.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Fri	11.00	04.30		
Sat	11.00	04.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)	
Sun	11.00	02.00		
	11.00	04.30	PROVIDING BANK HOLIDAYS	

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 type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) ALREADY STATED		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>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</u> (please read guidance note 5)		

N

<p>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)</p>
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O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) NONE
Day	Start	Finish	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 (please read guidance note 5)
Mon	11.00	04.00	
Tue	11.00	04.00	
Wed	11.00	04.00	
Thur	11.00	04.00	
Fri	11.00	04.30	
Sat	11.00	04.30	
Sun	11.00	04.00	
	11.00	04.30	

PRECEDING BANK HOLIDAY

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NONE FURTHER. SECURITY PERSONNEL WOULD REMAIN ON THIS PREMISES INSTEAD OF GOING OUT TO IS CHURCH STREET.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

☒☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

WE AIM TO PROVIDE EXCELLENT FACILITIES THAT WILL ENCOURAGE FAMILY DINING IN A RELAXED ATMOSPHERE. OUR PRICING STRUCTURE WILL DISSUADE HEAVY CASUAL DRINKING.

STAFF WILL STRICTLY MONITOR ALL AREAS

b) The prevention of crime and disorder

FULL AND UP TO DATE CCTV WILL BE VISIBLE IN ALL AREAS, STAFF WILL 'WALK' THE RESTAURANT AND BAR AREAS.

SECURITY PERSONNEL WILL PATROL TAKE AWAY/ BAR AREAS AT TIMES TO BE DISCUSSED WITH POLICE AUTHORITY

c) Public safety

LOOKING TO PROMOTE A FAMILY ATMOSPHERE IN RESTAURANT AND BAR AREAS. TAKE-AWAY WILL BE QUIET DURING WEEKDAYS.

d) The prevention of public nuisance

ENCOURAGEMENT OF RESPONSABLE DRINKING. PRICING STRUCTURE WILL DETERR HEAVY CASUAL DRINKING

e) The protection of children from harm

CHILDREN WILL BE IN RESTAURANT AREA ONLY AND WILL VACATE PREMISES AT A SUITABLE TIME

Please tick yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- 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 5 – Signatures (please read guidance note 10)

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

Signature	Confidential
Date	15/8/12
Capacity	FINANCIAL DIRECTOR

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd 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 address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			



THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/389

Part 1 - Premises details

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

69 - 72 Church Street

Post Town Hartlepool

Post Code TS24 7DN

Telephone number

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.

- | | |
|----------------------|--|
| 1. Supply of Alcohol | 4. Performance of Dance |
| 2. Live Music | 5. Provision of Facilities for Dancing |
| 3. Recorded Music | |

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

Supply of Alcohol

Monday to Sunday (inclusive) 11:00 – 03:30

Live and Recorded Music, Performance of Dance, Provision of facilities for Dancing

Monday to Sunday (inclusive) 11:00 – 04:00

Late Night Refreshments 11:00 – 02:00

Monday to Sunday (inclusive) 11:00 – 02:00

The opening hours of the premises

Monday to Sunday (inclusive) 11:00 – 04:00

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

On & Off Sales

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

Sheara's Fast Foods Ltd
20 Reef House
Harbour Walk
Hartlepool
TS24 0XT

Tel: 07804151172

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

07215971

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

Joseph Michael Cuthbert

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/620
Hartlepool Borough Council

Date licence granted: 17th July 2012

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. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.
3. (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.

4. 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).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (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.
7. 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. Security lighting must be installed at the rear of the premises and must be maintained in good working order, in particular, the area above the rear emergency fire exit doors. This area must be well illuminated.
2. Toughened glass and/or polycarbonate (plastic) must be used at all times.
3. A drugs policy must be in place and implemented.
4. A CCTV system of a type and specification approved by Cleveland Police shall be installed, operated and maintained. It shall be operational during all trading hours and there shall be at least one camera permanently directed at each sales counter and bar so as to record all sales taking place.

Recordings shall be retained for a minimum of 28 days. Copies of recordings shall, on request be given immediately to police officers or other authorised officers.

5. The DPS shall review the premises' CCTV on a daily basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection by police officers or other authorised officers.
6. A "Challenge 21" policy shall be operated at the premises at all times. All staff shall check identification of all person who appear to be less than 21 years old. This check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted. The policy shall be documented and all staff are to receive training on it.
7. Publicity materials notifying customers of the operation of the "Challenge 21" scheme shall be displayed at the premises, including a "Challenge 21" sign of at least A5 size at each point of sale.
8. At least one notice shall be displayed at the entrance to the premises and at each point of sale, where it can be clearly seen and read and shall indicate that it is unlawful for persons under 18 years of age to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
9. The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by police officers or other authorised officers. The DPS shall check the book once a week ensuring it is complete and up to date. The DPS will sign the book each time it is checked.
10. A documented training scheme shall be introduced for all staff. The scheme shall be made available for inspection by police officers or other authorised officers.
11. The premises licence holder/DPS shall conduct weekly reviews with all members of staff and anyone else authorised to sell alcohol in order to reinforce the training

and to promote best practice. A written record shall be made of the content of such reviews.

12. The premises licence holder/DPS shall maintain a file at the premises for each person authorised to sell alcohol. The file shall contain all training records for that person and copies of the record of each of the weekly reviews. The file is to be made available to police officers or other authorised officers upon request.
13. Except with 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.

14. 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.
15. 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.
16. Before any dancing takes place in the premises suitable facilities shall be provided for dancing and details of the same be agreed with the local authority.
17. 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.
18. In order to promote the prevention of crime and disorder a manager shall patrol the premises, as is necessary and check the challenge 21 policy is being implemented.
19. The licence holder shall ensure that regular checks to toilets, bars and surrounding areas are made.
20. Music shall be maintained at a reasonable level and internal doors kept shut so as not to prevent public nuisance.
21. The Take-away facility shall be maintained closed off from the Bar by a door, as detailed on the plan.
22. Family dining shall be encouraged and the promotion of a relaxed atmosphere.

23. A pricing structure shall be in place to dissuade heavy casual drinking.
24. Security personnel and staff shall monitor and patrol the Bar and Take-away areas at sufficient times agreed with the Police Authority.
25. Children shall vacate the premises at a suitable time.

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

NONE

ANNEX 4 - Plans

Plan Number BIG/IC/ST/426-02

Date: Sept 2011

YOU ARE REMINDED THAT IT IS YOUR LEGAL OBLIGATION TO ATTACH THE CURRENT 'PLAN' TO THIS PREMISES LICENCE AND KEEP THIS LICENCE (OR A CERTIFIED COPY) IN A SECURE PLACE AT THE LICENSED PREMISES.

IT IS AN OFFENCE NOT TO PRODUCE YOUR PREMISES LICENCE (INCLUDING THE PLAN) UPON REQUEST BY A POLICE OFFICER, LOCAL AUTHORITY OFFICER OR AUTHORISED PERSON.

Nicola Purdy

From:

CONFIDENTIAL

Sent:

07 September 2012 17:40

To:

Licensing

Subject: Objection to premises licence application

Rachel MacGregor
67a Church Street
Flat 12
Hartlepool
TS24 7DN

Dear Sir or Madam

I am emailing to strongly object to the application by Sherea's Fast Food to extend its opening hours on Friday, Saturday and Sundays preceding a bank holiday from 2pm to 4.30 pm at its premises at 69-72 Church Street, Hartlepool for the following reasons:

I live in the block of flats right next to this building and the noise from revellers in Church Street is already terrible- this opening hours extension will only make things worse and encourage revellers to hang about making a noise both inside and outside the premises until much later.

There are already more than enough licenced drinking premises in Hartlepool and in Church Street in particular.

The noise all the time but especially on a weekend from revellers and music from these establishments is already horrendous and I have complained to the council about this before. It often prevents me getting to sleep at night and often wakes me up during the night- sometimes more than once.

There is often empty beer cans and bottles left on the doorstep of the flats or on the windowsill or else were nearby- once there was a smashed bottle all over the floor right outside the door.

There is often lots of revellers hanging about inside and outside of the takeaway shop Sherea's and right outside my block of flats, making a noise- until as late as 4.30pm on a weekend. Unfortunately, it will only get worse should the opening hours be extended.

I did not agree with this establishment being granted a licence to open in the first place, but unfortunately I did not know it was opening until I noticed and heard workmen in.

Please, think about local residents before you approve this extended licence.

Best Regards,

27/09/2012

Nicola Purdy

From: Alison Macklam
Sent: 22 August 2012 10:13
To: Licensing
Subject: RE: Premises Licence Variation - Ultima 69 - 72 Church Street Morning Val

I would advise you that planning permission H/2011/0512 was granted on 29 November 2011 for a change of use from nightclub to restaurant bar and takeaway with a single storey extension to rear to provide kitchen and provision of rear fire door.

A condition of the approval stipulates that **the premises shall only be open to the public between the hours of 11.00 and 02.00.**

The licensing application does not reflect the hours approved and although an application has been submitted to change the opening hours from 11 a.m. to 4.30 a. this has a determination period of 8 weeks.

I therefore object.

Regards

Alison

From: Valerie Misseldine **On Behalf Of** Licensing
Sent: 20 August 2012 13:29
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: Premises Licence Variartion - Ultima 69 - 72 Church Street

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 17th August 2012

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

Name: Ultima

Address: 69-72 Church Street

Closing date for Consultees: 14th September 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.

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 comments concerning it.

Only those comments received within 28 consecutive days may be considered by the Licensing Authority when making its determination about the licence application. Similarly, the Authority can only consider matters and impose conditions relating to representations made to it. You are therefore advised to comment on ALL matters that concern you.

Nicola Purdy

From: CONFIDENTIAL
Sent: 14 September 2012 12:32
To: Licensing
Cc: HUSSAIN, Yasmeen (P2086); THORPE, Andrew (P0894); RUKIN, Lee (P1150)
Subject: RE: Consultee End Date
 With regard to the below application.

Cleveland Police would like to submit the following representations with regard to the application of a 0430 hrs Late Night Refreshment licence for Ultima.

The owner of Ultima, Mr Sheara Singh, currently has a lease for 15 Church Street, Hartlepool (opposite Ultima) and runs his takeaway business from that premises. This lease has another 2 years to run and Mr Singh is currently trying to extend this lease. Cleveland Police have been told this information by Mr Michael Cuthbert, the current manager of Shearas (15 Church Street). Mr Cuthbert also stated that Mr Singh intends to keep 15 Church Street, Hartlepool open as what he described as a 'cheap and cheerful' takeaway. Mr Cuthbert did say that these premises would close at 0200 hrs but stated that they would not be looking to hand in the current Late Night Refreshment Licence which allows trading till 0430 hrs.

Mr Singh has applied for a 0430 hrs Late Night Refreshment Licence for Ultima. This would cover both the proposed restaurant and the takeaway. Mr Singh has also, within the application, provisions on the licence for the sale of alcohol until 0330 hrs.

Cleveland Police would like to object to the granting of a 0430 hrs licence on the following grounds.

Church Street currently has 7 takeaway establishments trading on a regular basis, 1 of which has a 0400 hrs licence and 3 of which have a 0430 hrs licence. The addition of another licence to 0430 hrs would put further strain on police resources by having to monitor another premise and deal with members of the public who have drank to excess and who will congregate in the vicinity of the new premises. Our experience tells us that allowing another premise to open would allow and increase the number of customers remaining in the area which would spread the police resources over a wider area reducing the police capability to deal with disorder and violence. The new premise also has an alcohol licence till 0400 hrs so the mixture of a takeaway open till 0430 hrs and a bar open till 0400 hrs would provide a flashpoint for crime and disorder.

Mr Singh states in his application that he would have door staff at the new premises (Ultima) but would remove the door staff from 15 Church Street, Hartlepool. If Mr Singh intends to keep 15 Church Street open, due to the recent history of disorder there, this would be unacceptable to police. The door staff would only be able to react to disorder and not prevent it. If the door staff were dealing with an incident at 15 Church Street, they would be unable to monitor the situation at Ultima and visa versa.

We fully support Hartlepool Borough Councils policy of not granting new or extending current licences past 0200 hrs unless exceptional circumstances exist and we believe on this occasion they do not.

On behalf of Cleveland Police

Jonathan Wrigley

Sergeant District Licensing Unit, Hartlepool
 Ext 2162

From: Nicola Purdy [mailto:Nicola.Purdy@hartlepool.gov.uk] **On Behalf Of** Licensing
Sent: 14 September 2012 09:55
To: 'Fire Brigade General Email'; THORPE, Andrew (P0894); WRIGLEY, Jonathan (P1814); DAVIES, Stephen (P0375); HUSSAIN, Yasmeen (P2086)
Subject: Consultee End Date

The closing date for Consultee Responses to the following applications is today. If you have made any representations/comments we have not received them.

Premises Variation – Ultima, 69-72 Church Street

27/09/2012

Nicola Purdy
Licensing Support Officer

The Licensing Team
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Tel: 01429 523343
Fax: 01429 523308
Email: licensing@hartlepool.gov.uk
website: www.hartlepool.gov.uk/licensing

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and then permanently delete what you have received.

Please note: Incoming and outgoing e-mail messages are routinely monitored for compliance
with our policy on the use of electronic communications.

Nicola Purdy

From: Ian Harrison
Sent: 31 August 2012 10:12
To: Licensing
Subject: 69-72 Church Street

Dear Nicola

Re: 69-72 Church Street

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.

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.

In addition, specifically referring to issues of crime and disorder, paragraphs 5.12 and 5.13 state: -

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

For this reason 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 authority believes that granting the proposed variation will lead to an increase in nuisance and crime & disorder.

Regards

Ian Harrison
Principal Trading Standards & Licensing Officer
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

(01429) 523349

Please consider the environment before printing this e-mail