

LICENSING ACT SUB-COMMITTEE AGENDA



Tuesday 8th August 2006

at 2.00 pm

in Committee Room B

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors R Cook, Rayner and Rogan

- 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 – Shades, Church Street, Hartlepool – *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 – SHADES, CHURCH STREET, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a Premises Licence in respect of Shades, Church Street, Hartlepool.

2. BACKGROUND

- 2.1 Party requesting review: Cleveland Police

Premises to which application for review relates: Shades
Church Street
Hartlepool

- 2.2 The current licence authorises the following activities: -

1. Supply of Alcohol (On and Off Supplies)	Mon – Sun	1000 – 0400
2. Live Music	Mon – Sun	1000 – 0400
3. Recorded Music	Mon – Sun	1000 – 0400
4. Performance of Dance	Mon – Sun	1000 – 0400
5. Anything Similar to 2, 3 or 4 above	Mon – Sun	1000 – 0400
6. Provision of Facilities for Making Music	Mon – Sun	1000 – 0400
7. Provision of Facilities for Dancing	Mon – Sun	1000 – 0400
8. Provision of Facilities for Entertainment Similar to 6 and 7 above	Mon – Sun	1000 – 0400

- 2.3 A copy of the Premises Licence is attached as Appendix I.

3. SUMMARY OF THE APPLICATION

- 3.1 Cleveland Police has requested a review of the Premises Licence on the following grounds: -

‘Historically, Shades has been a problem premises to Cleveland Police and is continuing to cause major concern.

In the last six months, the Designated Premises Supervisor, Raymond Lancaster, has been interviewed by police on no less than 2 occasions in connection with disorder on the premises.

There have been numerous incidents involving the premises in a six month period. This is far greater than any other premises in the vicinity, especially when taking into account the fact that the premises is only open 3 days a week, and most of the other premises in the vicinity are open for 7 days.

The premises is situated near a residential area. Fights inevitably cause raised voices, and it is the opinion of Cleveland Police that this cannot fail but to disturb the peace and quiet of those residents living in the nearby vicinity.

Cleveland Police believe that the incident involving Shades undermine all four of the licensing objectives.'

3.2 Cleveland Police has also provided the following additional information: -

'On 1st June 2006, Cleveland Police carried out a positive test purchase, when 2 fifteen year old girls visited the premises and were served alcohol by a member of staff. Subsequently, the Police and HBC Trading Standards have been made aware of 13/14 year old girls still drinking in the premises.

On Saturday 7th January 2006, at approximately 00:30 hours, police attended Shades following information regarding a fight outside the premises. Despite the fact that the police arrived almost immediately, the fight had dispersed. Questions were directed to door staff, including the DPS Raymond Lancaster, about the incident, but officers were met with grunts and shrugging of shoulders.

CCTV later revealed a fight between two persons whereby one of the persons fighting was biting the face of the other to such an extent that blood was drawn. The assailant took refuge inside the premises. It appeared that this was upon being aware of imminent police attendance. The DPS did not volunteer this information. Subsequently, the assailant was seen re-entering Shades, shaking hands with door staff and chatting amiably.

Following the incident, the owner of the building, though not the Premises Licence Holder, sent a letter to Cleveland Police, guaranteeing something would be done about the situation. To date, the problems have not been rectified.

One premises, who were granted opening hours until 4 a.m. has recently started to close at 2 a.m. They advised Cleveland Police that the reason for this is that they are inheriting patrons from Shades after 2 a.m. and this was resulting in crime and disorder to such an extent that it was not worth staying open until 4 a.m.

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. Cleveland Police 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 one representation has 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 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 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.
- 4.6 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, Civic Centre, Victoria Road, Hartlepool, TS24 8AY

THE LICENSING ACT 2003

PREMISES LICENCE (PART A)

Premises licence number HART/PS/171

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
Shades Hotel Church Street	
Post Town	Post code
Hartlepool	TS24 7DJ
Telephone number 01429 869204	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence (<i>indoors unless otherwise stated</i>)
<ol style="list-style-type: none"> 1. Supply of Alcohol (On and Off Supplies) 2. Live music 3. Recorded music 4. Performances of dance 5. Anything similar to 2, 3 or 4 above 6. Provision of facilities for making music 7. Provision of facilities for dancing 8. Provision of facilities for entertainment similar to 6 and 7 above

The time the licence authorises the carrying out of licensable activities		
1. Supply of Alcohol (On and Off Supplies)	Mon – Sun	1000 – 0400
2. Live music	Mon – Sun	1000 – 0400
3. Recorded music	Mon – Sun	1000 – 0400
4. Performances of dance	Mon – Sun	1000 – 0400
5. Anything similar to 2, 3 or 4 above	Mon – Sun	1000 – 0400
6. Provision of facilities for making music	Mon – Sun	1000 – 0400
7. Provision of facilities for dancing	Mon – Sun	1000 – 0400
8. Provision of facilities for entertainment similar to 6 and 7 above	Mon – Sun	1000 – 0400

1
PREM09

The opening hours of the premises

Monday – Sunday 1000 – 0430

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

On and Off Supplies

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

Mr Raymond Anthony Lancaster

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 Raymond Anthony Lancaster

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

HART/PL/168
Hartlepool Borough Council

Date licence granted: 14th September 2005

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.

ANNEX 2 – Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours includes:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Permitted hours under this licence do not prohibit:

- (a) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - (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;
 - (d) 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;
 - (e) The taking of alcohol from the premises by a person residing there; or
 - (f) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - (g) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (i) He is the child of the holder of the premises licence
 - (ii) He resides in the premises, but is not employed there
 - (iii) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from where there is no other convenient means of access or egress.
 - (iv) The bar is in the railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

No child under 16 years of age shall be admitted to any other part of the licensed premises unless accompanied by an adult.

3. This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the Children and Young Persons Act 1933.

4. Bottles and glasses will not be allowed to be removed from the curtilage of the premises.
5. Registered door supervisors will be provided for all late night openings past 23:00 and will remain present until the premises close to the public, including the drinking up period requested in the application.
6. The premises should have a CCTV system that complies to a minimum approved standard set in partnership with Cleveland Police. The system will also be maintained at regular service intervals and always record when the premises is open for business. Any recordings will immediately be made available to the responsible authorities if requested.
7. A written record shall be kept every time images are recorded by CCTV and shall include details for the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. Where recording is on a removable medium, (i.e. videotape, compact disc, flash card etc.) a secure storage system to store those recording mediums shall be provided.

The records and recordings shall be made available for inspection or viewing on demand by an authorized officer of Hartlepool Borough Council, a Fire Officer or a Police Constable. That person can either take a copy of it, view it, on or off the premises and if considered appropriate, can retain it, only after a note is made in the records to that effect.

8. The premises should adopt and implement a drugs policy and incorporate a secured drugs seizure box of the type approved by Cleveland Police.
9. Persons who appear to be under the age of 18 years shall be required to produce proof of age by way of recognized proof of age card, accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence or passport.
10. Plastic glasses or toughened glass will be used.
11. No irresponsible drinks promotion will be used.
12. Thirty minutes drinking up time will follow the conclusion of the sale of alcohol.
13. There shall be maintained on the premises at all times adequate and appropriate supply of First Aid Equipment and materials for use by patrons.
14. Except with the prior written approval of the licensing authority, and subject to any conditions which may be attached to such approval: -
 - (a) No special effects, naked flames, smoke production or other process creating a risk of fire or the illusion of smoke or fire shall be used in the premises.
 - (b) No explosive or highly flammable substances shall be brought into or used on the premises.

Except with the prior written approval of the licensing authority and subject to any condition which may be attached to such approval, no special effects shall be used or displayed given on the premises which consists of or includes 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 shall be made not less than 28 days before the date of the event.

15. The licensee shall ensure that the electrical socket outlets in the licensed premises to be used with electrical equipment provided for the purposes of entertainment shall be protected by a residual current device being 30mA tripping unit.
16. In the event of a fire alarm being activated a suitable relay should be provided so that the electrical power supply to all sound amplification systems in the licensed premises shall be immediately intercepted so that the alarm can be heard in all parts of the licensed premises.

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

None

ANNEX 4 - Plans

See attached

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 Marie Nevison

(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

Shades
Church Street

Post town Hartlepool

Post code (if known)

Name of premises licence holder or club holding club premises certificate (if
known)

Raymond Lancaster

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

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

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Constable of Cleveland Police c/o Sergeant Green Licensing Unit Hartlepool Police Office Avenue Road Hartlepool TS24 8AJ
Telephone number (if any) 01642 302567
E-mail address (optional)

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)

Historically, Shades has been a problem premises to Cleveland Police and is continuing to cause major concern.

In the last six months, the DPS, Raymond Lancaster, has been interviewed by police on no less than 2 occasions in connection with disorder on the premises.

There have been numerous incidents involving the premises in a six month period. This is far greater than any other premises in the vicinity, especially when taking into account the fact that the premises is only open 3 days a week, and most of the other premises in the vicinity are open for 7 days.

The premises is situated near a residential area. Fights inevitably cause raised voices, and it is the opinion of Cleveland Police that this cannot fail but to disturb the peace and quiet of those residents living in the nearby vicinity.

Cleveland Police believe that the incidents involving Shades undermine all four of the licensing objectives.

Please provide as much information as possible to support the application
(please read guidance note 2)

On 1st June, 2006, Cleveland Police carried out a positive test purchase, when 2 fifteen year old girls visited the premises and were served alcohol by a member of staff. Subsequently, the Police and HBC Trading Standards have been made aware of 13/14 year old girls still drinking in the premises.

On Saturday 7th January, 2006, at approximately 00:30 hours, police attended Shades following information regarding a fight outside the premises. Despite the fact that police arrived almost immediately, the fight had dispersed. Questions were directed to door staff, including the DPS, Raymond Lancaster, about the incident, but officers were met with grunts and shrugging of shoulders.

CCTV later revealed a fight between two persons whereby one of the persons fighting was biting the face of the other to such an extent that blood was drawn. The assailant took refuge inside the premises. It appeared that this was upon being aware of imminent police attendance. The DPS did not volunteer this information. Subsequently, the assailant was seen re-entering Shades, shaking hands with door staff and chatting amiably.

Following the incident, the owner of the building, though not the Premises Licence Holder, sent a letter to Cleveland Police, guaranteeing something would be done about the situation. To date, the problems have not been rectified.

One premises, who were granted opening hours until 4am, has recently started to close at 2am. They advised Cleveland Police that the reason for this is that they are inheriting patrons from Shades after 2am, and this was resulting in crime and disorder to such an extent that it was not worth staying open until 4am.

Event chronologies and further evidence in the form of witness statements and CCTV footage will be provided at the earliest opportunity.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Cleveland Police made representations on 12th August, 2005, when conditions were requested to be placed on the licence (these representations were made for the initial application under the Licensing Act 2003).

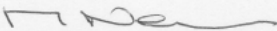
Please tick yes

- 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 

Date 20th June, 2006

Capacity Solicitor

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Copies of this completed application form must be sent to:-

The Licensing Team (HBC),
 Principal Trading Standards Officer (HBC)
 Development Control Manager (HBC)
 Principal Environmental Health Officer (Commercial Services) (HBC)
 Principal Environmental Health Officer (Environmental Protection) (HBC)
 Head of Safeguarding and Review (Licensing) (HBC)
 Cleveland Police,
 Cleveland Fire Brigade

Addresses for the above organisations are attached.

The Licensing Section
 Public Protection and Housing
 Hartlepool Borough Council
 Civic Centre
 Victoria Road
 Hartlepool
 TS24 8AY

Appendix III



lookedafterchildren/HBCDomino
Sent by: Lorraine Hutchinson

26/06/2006 15:09

To Licensing/HBCDomino@HBCDOMINO
cc
bcc

Subject Re: Review of Licence - Shades, Church Street, Hartlepool

Hi

I can confirm that The Safeguard and Review Unit has received a paper copy of the above.

The Head of the Unit, Ann McMorris wishes to comment on the above:

In respect of 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.

Thanks
Lorraine Hutchinson
LAC Clerk
Children Services
Municipal Buildings
Church Square

Ext: 01429 523843
Fax: 01429 523905
Licensing/HBCDomino

Licensing/HBCDomino
Sent by: Jayne Kreczak

21/06/2006 15:16

To Adrian Hurst/HBCDomino@HBCDOMINO,
pbradley@clevelandfire.gov.uk, ajbell@clevelandfire.gov.uk,
hpfs@clevelandfire.gov.uk,
Paul.Hanson@CLEVELAND.PNN.POLICE.UK, Jane
Kett/HBCDomino@HBCDOMINO, Michael
Welsh/HBCDomino@HBCDOMINO, Paul
Burgon/HBCDomino@HBCDOMINO,
lookedafterchildren/HBCDomino@HBCDomino,
david.halliday@cleveland.pnn.police.uk

cc

Subject Review of Licence - Shades, Church Street, Hartlepool

LICENSING ACT 2003 - NOTIFICATION OF RECEIPT OF REVIEW

We have received a notice of review re the above property from **Marie Nevison - Cleveland Police**.
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.