

LICENSING ACT SUB-COMMITTEE AGENDA



6th February 2013

at 10.00am

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

MEMBERS: LICENSING ACT SUB-COMMITTEE 4:

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 a New Premises Licence, 42nd Street, Lucan Street, Hartlepool – *Assistant Director (Regeneration and Planning)*



Report of: Assistant Director, Regeneration & Planning

Subject: APPLICATION FOR A NEW PREMISES LICENCE,
42nd STREET, LUCAN STREET, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for a new premises licence in respect of 42nd Street, Lucan Street, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Applicant: Red Sugar Limited

Premises: 42nd Street
Lucan Street
Hartlepool
TS24 8BE

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

1. Supply of Alcohol	Monday – Sunday inclusive	10:00 – 02:00
2. Plays	Monday – Sunday inclusive	10:00 – 02:00
3. Films	Monday – Sunday inclusive	10:00 – 02:00
4. Indoor Sporting Events	Monday – Sunday inclusive	10:00 – 02:00
5. Boxing and Wrestling	Monday – Sunday inclusive	10:00 – 02:00
6. Live Music	Monday – Sunday inclusive	10:00 – 02:00
7. Recorded Music	Monday – Sunday inclusive	10:00 – 02:00
8. Performance of Dance	Monday – Sunday inclusive	10:00 – 02:00
9. Anything similar to 7, 8 or 9 above	Monday – Sunday inclusive	10:00 – 02:00
10. Late Night Refreshment	Monday – Sunday inclusive	23:00 – 02:00

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 Cleveland Police, Hartlepool Borough Council's Health and Safety Team, Hartlepool Borough Council's Noise Team, the Trading Standards Team and 8 local residents.

- 3.2 Cleveland Police have stated that the premises are situated in an area which already suffers heavily from alcohol related crime and disorder and that, in their opinion, granting this application would add to these problems. A copy of the representation is attached as Appendix 2.
- 3.3 As the applicant did not detail any proposed operating procedures in the application form Hartlepool Borough Council's Health and Safety Team, Noise Team and Trading Standards Team have requested that the applicant agree to a number of conditions that will safeguard the safety of both staff and patrons, reduce the possibility of the sale of alcohol to children and prevent noise nuisance. Copies of the representations are attached as Appendices 3, 4 and 5.
- 3.4 Eight representations have been received from local residents who, collectively, refer to concerns they have relating to the potential for crime, anti-social behaviour and nuisance. These representations are attached as appendices 6-13.
- 3.5 42nd Street is a well known nightclub that had operated for a number of years until its closure in approximately 2006. In May 2009 the Council became aware that the owner of the licence, Capanac Leisure, had been wound up and, as is required by law, the premises licence was cancelled.
- 3.6 There has been no premises licence in place for 42nd Street since that date and therefore a new premises licence is required before the premises can re-open.

4. **ISSUES**

- 4.1 As relevant representations have been received within the prescribed time period a hearing must be held for Members to consider the application.
- 4.2 Members are advised that the applicant's premises are situated within Hartlepool's 'Special Policy' area.
- 4.3 The Special Policy forms part of Hartlepool's Licensing Policy and states that, because of the number of licensed premises in the specified area, there is a potential impact on the promotion of the four licensing objectives.
- 4.4 The existence of a Special Policy creates a rebuttable presumption that applications for new premises licences, or material variations, will normally be refused, unless it can be demonstrated that the operation of the premises will not add to the cumulative impact being experienced.
- 4.5 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

4.6 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

4.7 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 and the objectors 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.

We Red Sugar Limited

(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			
42nd Street Nightclub, Lucan Street			
Post town	Hartlepool	Postcode	TS24 8BE

Telephone number at premises (if any)	01429 269145
Non-domestic rateable value of premises	£ 30250.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" 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 ☐ please complete section (B)
- f) a health service body ☐ 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 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)					

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
Red Sugar Limited
Address
10 Victoria Road Hartlepool TS24 7SD
Registered number (where applicable)
07913865
Description of applicant (for example, partnership, company, unincorporated association etc.)
Limited Company
Telephone number (if any)
01429 269145

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **As soon as possible**

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Nightclub supplying alcohol, licensable entertainment and refreshments on the premises.

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 any that apply

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



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



Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" 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	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00	<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	10:00	02:00			
Fri	10:00	02:00	<u>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</u> (please read guidance note 5)		
Sat	10:00	02:00			
Sun	10:00	02:00			

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 checked="" 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	10:00	02:00			
Tue	10:00	02:00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	10:00	02:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur	10:00	02:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Fri	10:00	02:00	<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)		
Sat	10:00	02:00	<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)		
Sun	10:00	02:00	<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)		

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	10:00	02:00	
Tue	10:00	02:00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	10:00	02:00	
Thur	10:00	02:00	
Fri	10:00	02:00	<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	10:00	02:00	
Sun	10:00	02:00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input checked="" 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	10:00	02:00				
Tue	10:00	02:00				
Wed	10:00	02:00	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur	10:00	02:00				
Fri	10:00	02:00	<u>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</u> (please read guidance note 5)			
Sat	10:00	02:00				
Sun	10:00	02:00				

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input checked="" 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	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	10:00	02:00			
Fri	10:00	02:00	<u>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</u> (please read guidance note 5)		
Sat	10:00	02:00			
Sun	10:00	02:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music 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)			
Mon	10:00	02:00				
Tue	10:00	02:00				
			State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Wed	10:00	02:00				
Thur	10:00	02:00				
			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 (please read guidance note 5)			
Fri	10:00	02:00				
Sat	10:00	02:00				
Sun	10:00	02:00				

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 checked="" 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	10:00	02:00				
Tue	10:00	02:00				
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Wed	10:00	02:00				
Thur	10:00	02:00				
			<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)			
Fri	10:00	02:00				
Sat	10:00	02:00				
Sun	10:00	02:00				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	02:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	02:00	<u>Please give further details here</u> (please read guidance note 3)		
Wed	10:00	02:00			
Thur	10:00	02:00	<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	10:00	02:00			
Sat	10:00	02:00	<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	10:00	02:00			

I

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	<u>Please give further details here</u> (please read guidance note 3)			
Mon	23:00	02:00				
Tue	23:00	02:00				
Wed	23:00	02:00				
Thur	23:00	02:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Fri	23:00	02:00				
Sat	23:00	02:00	<u>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</u> (please read guidance note 5)			
Sun	23:00	02:00				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)			
Mon	10:00	02:00				
Tue	10:00	02:00				
Wed	10:00	02:00				
Thur	10:00	02:00				
Fri	10:00	02:00				
Sat	10:00	02:00				
Sun	10:00	02:00				

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

Name	
Tim Gilbert	
Address	
Confidential	
	f known)

Issuing licensing authority (if known)

Gateshead Council

K

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 are intended, but if any were to take place children would be excluded.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	02:30	<u>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</u> (please read guidance note 5)
Tue	10:00	02:30	
Wed	10:00	02:30	
Thur	10:00	02:30	
Fri	10:00	02:30	
Sat	10:00	02:30	

Sun	10:00	02:30	

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

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

The style and location of the premises, along with the appropriate management controls will ensure that the licensing objectives are complied with.

b) The prevention of crime and disorder

-do-

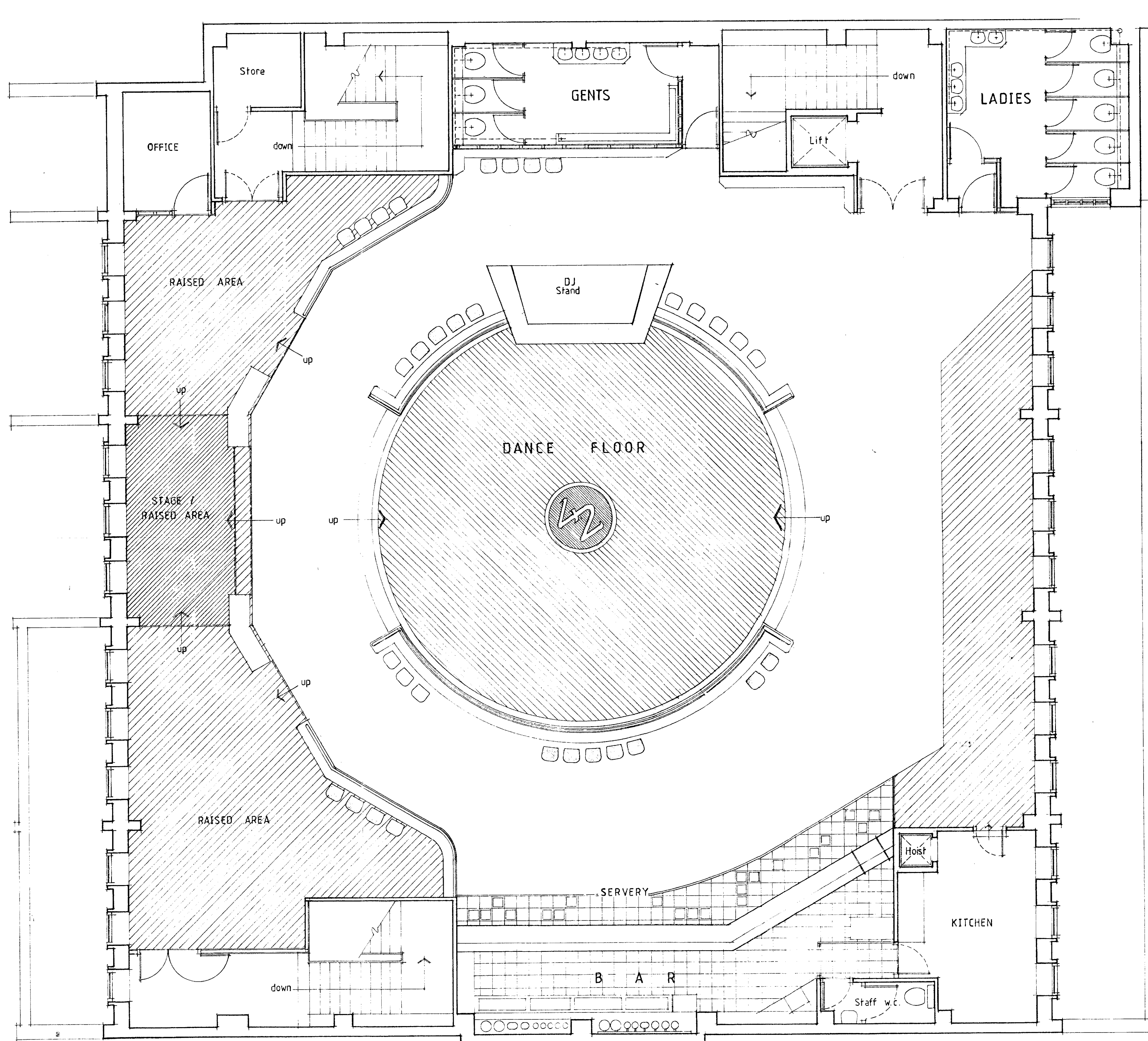
c) Public safety

-do-

d) The prevention of public nuisance

-do-

e) The protection of children from harm



FIRST FLOOR PLAN 1:50 as proposed

GENERAL NOTES

THIS DRAWING SHOULD NOT BE SCALED AND ALL DIMENSIONS TO BE CHECKED ON SITE. ANY DISCREPANCIES BETWEEN DRAWINGS, SPECIFICATION, AND SITE, TO BE REPORTED TO THE DESIGN CONSULTANTS.

ALL PROJECTS/CONSTRUCTION WORKS (WHERE APPROPRIATE) TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THE CONSTRUCTION DESIGN AND MANAGEMENT (C.D.M) REGULATIONS 1994.

PRINCIPAL CONTRACTOR, MAIN CONTRACTOR (INCLUDING SUB CONTRACTORS) TO ENSURE THAT ALL WORKS ARE CARRIED OUT IN STRICT ACCORDANCE WITH THE 'MANAGEMENT OF HEALTH & SAFETY AT WORK' REGULATIONS 1992.

BEFORE TENDERING, THE CONTRACTOR (AND RELEVANT SUB-CONTRACTORS) SHALL VISIT THE SITE AND INSPECT ALL ITEMS AND MAKE HIMSELF FULLY CONVERSANT WITH ALL SITE CONDITIONS. NO CLAIM DUE TO LACK OF KNOWLEDGE WILL BE ACCEPTED. CONTRACTOR TO ALLOW FOR ALL WORKS INDICATED ON THE DRAWINGS REQUIRED TO COMPLETE THE PROJECT.

CONTRACTOR TO BE RESPONSIBLE FOR CONTACTING BUILDING CONTROL ON INITIAL COMMENCEMENT OF WORKS AND ENSURE RELEVANT INSPECTIONS ARE MADE THROUGHOUT THE DURATION OF THE PROJECT.

ALL PLANT, MACHINERY, COMPONENTS, FIXTURES & FITTINGS TO DISPLAY C.E. MARK OR RELEVANT BRITISH STANDARD MARK.

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LISTER
ARCHITECTURAL &
INTERIOR DESIGN
CONSULTANTS

56 AVENUE ROAD
HARTLEPOOL
TS24 8AT
TEL: (01429) 861797
FAX: (01429) 223230

CONTRACT NO.
ML / W / 1067

DRAWING NO.
5

SCALE
1:50

DRAWN BY
C.C.

DATE
OCT 1996

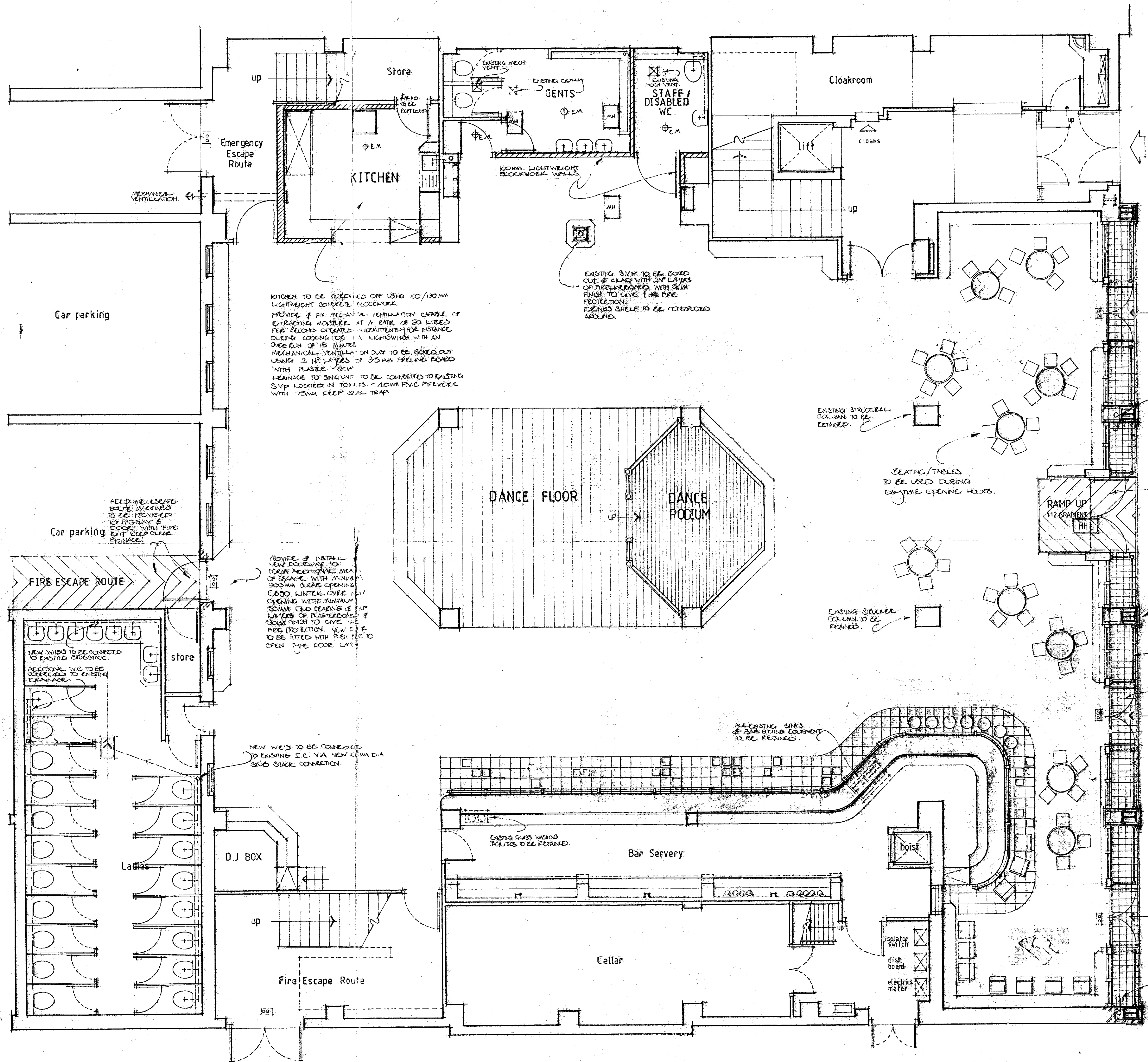
REV.

CHARTERED DESIGNERS
ARCHITECTURAL CONSULTANTS

PROJECT
PROPOSED INTERNAL / EXTERNAL
ALTERATIONS TO 42nd STREET
LUCAN ST
HARTLEPOOL

DESCRIPTION
PROPOSED FIRST FLOOR PLAN

CLIENT
CAPANAC LEISURE



GENERAL NOTES:

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ALL PLANT, MACHINERY, COMPONENTS, FIXTURES & FITTINGS TO BE REPRODUCED OR COPIED WITHOUT THE PERMISSION OF THE DESIGN CONSULTANT.

FIRE PROTECTION:

ALL FIRE DOORS TO BE 1/2 HR SELF-CLOSING & TO BE FITTED WITH INTUMESCENT STRIPS & SMOKE CLOSERS.

FIRE ALARM SYSTEM TO BE EXTENDED TO COVER ALL AREAS IN ACCORDANCE WITH BS 5824 PT 1:1998.

ALL SOUND SYSTEMS WILL BE OUT OF WAY WITH FIRE ALARM PANEL IS ACTIVATED.

EMERGENCY LIGHTING IS TO BE INSTALLED IN ACCORDANCE WITH BS 5266 PART 1:1998.

ALL WALLS FINISHED TO ACHIEVE CLASS 0 FIRE PROTECTION.

EXIST'G EXTERIOR LIGHT TO BS 5266.

WINDOWS:

REPLACE VERTICAL & HORIZONTAL D.P.F. TO ALUM UNBRIDGED JAMES.

GLAZING TO WINDOWS TO BE SAFETY GLAZING TYPE TO WINDOWS BELOW 600MM W.C. & 600MM BELOW 1500MM. ALL ALLOW FOR SAFETY GLAZING TO WINDOWS BELOW 600MM WHERE WITHIN 300MM OF DOOR ORNINGS.

FOUNDATIONS:

TO STALLAGE TO RECESSED SHEPPHART TO CONSIST OF 600MM DIA. C.B. BEARING TACKEN DOWN TO ADEQUATE LOAD BEARING STRATA A MINIMUM 750MM BELOW OUTSIDE GROUND LEVEL.

DISABLED WC:

TO BE IN ACCORDANCE WITH B RECS DOCUMENT M3 SECTION 4 DIA 12.

<p>REV B 13/10 WE ALTERATIONS & REAR EXT</p> <p>REV A 01/05 REAR EXT. CHANGING</p>	
<p>LISTER ARCHITECTURAL & INTERIOR DESIGN CONSULTANTS</p> <p>56 AVENUE ROAD HARTLEPOOL TS24 8AT TEL: (01429) 861797 FAX: (01429) 223230</p>	<p>CONTRACT NO. ML / W / 1067</p>
	<p>DRAWING NO. 4</p>
	<p>SCALE 1:50</p>
	<p>DRAWN BY C.C.</p>
	<p>DATE 16-10-96</p>
<p>REVISIONS</p> <p>REV. A E</p>	
<p>CHARTERED DESIGNERS ARCHITECTURAL CONSULTANTS</p>	
<p>PROJECT PROPOSED INTERNAL / EXTERNAL ALTERATIONS TO 42nd STREET LUCAN ST HARTLEPOOL.</p>	
<p>DESCRIPTION PROPOSED GROUND FLOOR PLAN.</p>	
<p>CLIENT CAPANAC LEISURE</p>	

Your Ref:
Our Ref: LICE/20/822/MN

When telephoning please use
(01642) 302567 to contact
Hartlepool Licensing Unit

19th December 2012

Dear Sirs

Re: Licensing Act 2003
42nd Street Nightclub, Hartlepool, , TS24 8BE

Cleveland Police have received an application for a premises licence in respect of the above named premises to allow licensable activities from 10.00 – 02.00 daily to which Cleveland Police make the following representations:

The premises is situated in an area which already suffers heavily from alcohol related crime and disorder and if this premises licence is granted, Cleveland Police are concerned that this will add to the problems already associated with the area and undermine the crime and disorder and public safety objectives.

In addition to the above, it should be noted that the premises is situated in an area of Hartlepool that has been declared saturated by Hartlepool Borough Council. It is therefore the opinion of Cleveland police that the onus is on the applicant to demonstrate that there will be no negative cumulative impact on the licensing objectives (see R(ON THE APPLICATION OF JD WETHERSPOON) v GUILDFORD BOROUGH COUNCIL 2006).

Mr Ian Harrison
Principal Licensing Officer
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

In the event that this application is not withdrawn, further evidence will be provided by Cleveland Police.

I confirm that a copy of these representations has been sent to the applicant, Red Sugar Limited. Thank you for your assistance in this matter. Please do not hesitate to contact me if you require any further assistance.

Yours faithfully,

Marie Nevison
On behalf of Legal Services

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of **Andrew THORPE**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable 0894**

This statement (consisting of **9** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature _____

Date: **24/01/2013**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a serving police officer with Cleveland Police. I am currently stationed with the Hartlepool District Alcohol Licensing Unit.

Part of my role is monitor licensed premises within Hartlepool and ensure that any new applications for premise licences are in the spirit of the four licensing objectives, will not have an adverse affect on the surrounding community or have a negative impact on Crime & Disorder and Public Safety objectives.

This statement is in relation to a new premise application submitted in relation to 42nd Street, Lucan Street, Hartlepool. Cleveland Police make representations to the application on the grounds that if granted it will add to the problems already associated with the area, which has been declared saturated by Hartlepool Borough Council.

I have recently reviewed all police information and intelligence systems for the previous six months in order to compile this statement. I will be providing a true reflection of the

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **Andrew THORPE**

behaviour of revellers in the area at and around the time, the application suggests.

The Victoria Road/Avenue Road/York Road/Lucan Street area (Victoria Area) is particularly busy during what we refer to as the Night Time Economy (NTE). This is the time when premises who have licences are open and carrying out licensable activities such as the sale and supply of alcohol, the playing of recorded music and dance, and the supply of hot food all after 11pm. The core times for these activities are Friday and Saturday nights from 11pm until 4am. The Victoria Area is unique in Hartlepool in that it has eight premises licensed to sell/supply alcohol on premises in a relatively small area and has four licensed takeaways within walking distance.

The following are detailed incidents/offences, which are associated to Victoria Road, Lucan Street, Avenue Road and York Road, Hartlepool.

In the early hours of Sunday morning, 13th January 2013 at around 00:30 hours and incident occurred outside a takeaway, which is in the saturation area. Two males who had been out drinking assaulted a female who was head-butted causing a cut to her lip and bruising to her face. The female was out with a female friend and they were intending to end the night by getting something to eat when this unprovoked attack happened. A male was arrested in connection with this incident.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **3**Continuation of Statement of **Andrew THORPE**

In the early hours of New Years Day 1st January 2013 at around 01:15 hours whilst in on-licensed premise situated in the saturation area, an adult male was assaulted and injured. The male was inside the premises where he was enjoying a night out he was approached by three adult males and was punched to the face. He assault resulted in him sustaining a mouth injury (resulting in stitches) and swelling to the face and nose. This incident is still under investigation.

On Sunday 30th December 2012 at around 01:35 hours, police were dealing with a drunken male in the area declared saturated by the council. Whilst they were trying to arrest the male for being drunk and disorderly in a public place the male assaulted one of the arresting officers punching him in the face causing injury to the officers left eye. The male was charged with both offences.

During the early hours of Friday 21st December 2012, an adult female is out with her friend in an on-licensed premise in the area declared saturated by Hartlepool Borough Council at around 01:00 hours enjoying a night out with friends. The female noticed one her friends was being harangued by an adult male and adult female. The female walks over and tries to separate them getting in between the parties. Due to her actions, the female is hit to the face and grabbed by the throat before the parties are dealt with by door staff at the venue. The female sustained reddening to the face and bruising around her throat. A female has been interviewed regarding the incident.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **4**Continuation of Statement of **Andrew THORPE**

On Saturday 15th December 2012 at around 02:00 hours, an adult male was in the saturation area in a licensed premise with friends socialising. An adult male who he knew approached him and without warning punched him to the head causing a deep cut to his right ear. The adult male then leaves the premise where he is detained outside by the police. This incident is still under investigation.

At around 02:00 hours during the morning of Monday 19th November 2012 an adult male approaches the beer garden of a licensed premise within the saturation area. The door staff on the gate refused the male entry due to his demeanour. The male became abusive towards the door staff and lunged forward at the member of door staff on the gate punching him several times to the face. The member of door staff sustained a cut to his top lip and a bloodied nose. The male had to be restrained on the floor due to his aggressive nature and was arrested by police. The male was later charged.

In the early hours of Saturday morning 17th November 2012 at around 01:55 hours, an on-licensed premise in the area declared saturated by the local council are trying to close up. There are a group of two males and a female who are resistant to leaving and want to carry on their night. In the end the door staff usher them out giving them no option but to leave and unfortunately the door staff have to bodily eject the party. One of the males and a female take exception to being ejected from the premise and attack the door staff at the front door. Hitting one of the door staff, they cause swelling and reddening to the member

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **5**Continuation of Statement of **Andrew THORPE**

of door staff's face and jaw. The police arrive and all three are arrested. The investigation is still ongoing.

On Sunday 28th October 2012 at around 22:50 hours, a male is in the saturation area in an on-licensed premise when he is involved in a verbal argument with another male at the bar. The male leaves the premise not wanting the situation to escalate, but is followed by the adult male with whom he has been arguing. The adult male punches the male in the face without warning sustaining an injury to his right eye. The male was arrested and cautioned for his actions.

On Friday night 26th October 2012 at around 23:25 hours, a male tries to get into an on-licensed premise in the saturation area as declared by Hartlepool Borough Council, but is refused entry by the door staff. The male becomes aggressive shouting abuse at the door staff and then spits at them. The police arrest the male on seeing his actions.

During the morning of Saturday 20th October 2012 at around 01:00 hours, two adult females were in an on licensed premise situated in the area declared saturated by Hartlepool Borough Council enjoying a night out on the town when they were approached by a known female. One of the females knew this female and there had been some animosity between them. The known female grabs one of the adult females by the hair and starts to hit her in the face and to the head. Some time during the fight, the other adult

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **6**Continuation of Statement of **Andrew THORPE**

female was also assaulted. Out of this one incident, there were two assaults and one female was arrested.

On Friday 14th October 2012 at around 01:30 hours during the early hours of the morning an adult female is out with her friends upstairs in an on-licensed premise in the saturation area. She is approached by a female she knows and has immediately pushed her. The two females begin to fight and when they are separated by the door staff one of the females has deep cuts to her back as though she has been cut with something. One of the females was arrested for Section 18 Assault and the investigation is still ongoing.

During the nighttime hours of Saturday 13th October 2012 at about 23:40 hours, in an on licensed premises within the saturation area, a male is trying to gain entry to the premise. A member of door staff refuses the male entry at which point the male becomes very aggressive. The male swings a punch at the member of door staff connecting with the right side of his head. This does not produce a visible injury but leaves the member of door staff in considerable pain. The male is restrained by other door staff due to his aggressive nature until police arrive and detain the male. The investigation is still ongoing.

On Saturday 13th October 2012 at about 23:30 hours, an adult male approached an on-licensed premises within the area declared saturated by the council. He is refused entry by the door staff. The male becomes aggressive and punches one of the door staff in the face.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **7**Continuation of Statement of **Andrew THORPE**

Whilst there is no apparent, visible injury the attack left the member of door staff in pain. The male was arrested for assault and the investigation is still ongoing.

At around 00:38 hours in the early morning of Sunday 7th October 2012, police see two males arguing on Victoria Road, Hartlepool within the saturation area. One of the males punches the other once to the face causing a cut bottom lip. The assailant makes off and police go after him and detain him. Whilst placing the male under arrest the male lashes out at one of the officers hitting him. The male was arrested for assault and assault on an officer and was later charged.

During the early hours of Sunday morning 9th September 2012 at around 01:00 hours, an adult male is out enjoying a sociable drink within the area declared saturated by Hartlepool Borough Council when he becomes involved in a heated argument with two other males. One of the other males punches the male to the face causing him to fall to the floor. As a result of the attack, the male sustained swelling around his left eye and a bloodied nose. The assailant was arrested and charged.

In the early hours of Friday 6th September 2012 at around 01:20 hours, an adult male is ejected from one of the licensed premises within the saturation area. When ejected for his behaviour the male aggressively argues with door staff and punches one of the members of door staff three times to the face causing reddening to the door staff's face. The male was arrested by police officers and received a caution for the offence.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **8**Continuation of Statement of **Andrew THORPE**

On Saturday 4th August 2012 at around 00:10 hours, a male was ejected from an on-licensed premise within the saturation area due to his behaviour. The male became aggressively abusive towards door staff and due to his behaviour was arrested by police officers for being drunk and disorderly. The male became exceedingly aggressive on arrest, and had to be restrained on the ground after biting an officer on the left forearm causing marking and pain. The male was later charged with both offences.

During the early hours of the morning around 02:45 hours on Saturday 28th July 2012 the aggrieved male was arguing with another male on Avenue Road, Hartlepool after a night out. The argument quickly escalated and after some pushing and shoving the male assailant bit the complainant on the arm causing reddening to the skin and pain, which later developed into a bruise. The assailant was arrested and later charged.

Whilst it cannot be denied, that the number of violent incidents in the Town Centre NTE has fallen in the past 24 to 18 months as you can see from the above instances they still do happen. It would also be remiss of us not to point out that the premises themselves are very proactive in dealing with any instances and are more than happy to assist police where possible. It is however, apparent from the above instances that even with the proactive approach the premises take there can still be issues.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **9**Continuation of Statement of **Andrew THORPE**

Our concern is not that the premises will be poorly managed, in fact, we have a very good working relationship with Tim Gilbert and Red Sugar, but that in an area of the size we are talking about it will take the problems encountered above to another location. This will shift the crime and disorder to a street where there have been a lot fewer problems, which is less accessible than Victoria Road or York Road and where there is chance of further offences being caused as a result of the reckless nature of fighting and disorder. There are always cars parked in Lucan Street and there is a likelihood that this will result in damage being caused to these cars either deliberately or recklessly.

This dispersal of people to another road will also stretch police resources resulting in police being unable to react as rapidly to escalating situations as they would normally. Although I am sure that Mr Gilbert and Red Sugar are applying for this licence with the best of business intentions, I cannot see how this will benefit the licensing objective for Crime and Disorder nor the successful policing of the Victoria Area NTE.

In the Victoria Area alone, the police have issued numerous, Section 27 Direction to Leave (DTL) notices. These notices give us the power to exclude people from a specified (but legitimate) area for a period not exceeding 48 hours in order to prevent anti-social behaviour and alcohol fuelled disorder which could happen as a result of their demeanour and actions. They are an excellent tool with which to control the disorder normally associated with the drinking culture.

Signature _____ Signature Witnessed by _____

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **10**Continuation of Statement of **Andrew THORPE**

I would reiterate our concerns are not that the premise will not be responsibly run, our past dealings suggest that Mr Gilbert and Red Sugar have the best intentions. However, Cleveland Police believe that if this application is granted it will add to the cumulative impact in the area therefore there is no alternative but make representations to the application. Our concern is that the addition of another on licence premise, which will be serving alcohol, will bring another set of challenges to controlling crime and disorder at a time when the police do not need their resource stretching further. We think this will add the problems in the area.

Signature _____ Signature Witnessed by _____

Nicola Purdy

From: Jane Kett
Sent: 20 December 2012 16:38
To: Licensing
Subject: FW: New Premises Application - 42nd Street, Lucan Street, Hartlepool
Importance: High

Attachments: Representation - 42nd St.doc

I wish to make a representation in respect of the above application for a Premises Licence made under the Licensing Act 2003.

Please see attachment.

Regards

Jane Kett

Principal Environmental Health Officer (Commercial Services)

Public Protection
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Lynn Street
Hartlepool
TS24 7BT

Tel: (01429) 523320

Fax: (01429) 523308

Email: jane.kett@hartlepool.gov.uk

Secure email (GCSX/GSI): jane.kett@hartlepool.gcsx.gov.uk

www.hartlepool.gov.uk

Please consider the environment before printing this e-mail

LICENSING ACT 2003

Re: 42nd STREET, LUCAN STREET, HARTLEPOOL

If the application for a Premises Licence is granted I would recommend that the following conditions be added to the Operating Schedule:-

Conditions

1. 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 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.

2. 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.
3. In the event of the fire alarm being activated a suitable relay should be provided so that the electrical power supply to all sound amplification system in the licensed premises shall be immediately intercepted so that the alarm can be clearly heard in all parts of the licensed premises.
4. 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.
5. A Registered Medical Practitioner shall be present at any sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
6. Where the entertainment requires the provision of a ring, it shall be installed by a competent person who shall ensure that it is properly constructed and supported and all materials used in its construction are non-combustible. The Premises Licence Holder or the Club Premises Certificate Holder shall obtain a certificate from that competent person that the ring has been correctly constructed, is fit for use and is constructed of non-combustible material. The Premises Licence Holder or the Club Premises Certificate Holder shall produce that certificate if required to do so to an authorised officer of the Council or Cleveland Fire and Rescue.

7. No member of the public shall be allowed to be seated or to enter an area within 2.5 metres of the outermost edge of the playing area of the sport.

Nicola Purdy

From: Adrian Hurst
Sent: 10 January 2013 17:18
To: Licensing
Subject: RE: New Premises - 42nd Street
Importance: High

I would have no objections to this licence subject to the inclusion of the following condition for the prevention of public nuisance.

All external doors and windows shall be kept closed when regulated entertainment is being provided except in the case of an emergency.

Regards

Adrian Hurst
(Principal Environmental Health Officer)
Environmental Protection
Public Protection
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT
Tel: 01429 523323
Fax: 01429 523169
e-mail adrian.hurst@hartlepool.gov.uk

From: Licensing
Sent: 17 December 2012 13:52
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 - 42nd 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

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

Name: Red Sugar Limited
Address: 42nd Street Nightclub, Lucan Street

Closing date for Consultees: 10th January 2013

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.

10/01/2013

Dawn Howley

From: Neil Harrison
Sent: 19 December 2012 12:30
To: Licensing
Subject: RE: New Premises - 42nd Street
Attachments: image002.jpg

Hi

With reference to the above licence application please accept this e-mail as a formal objection on the grounds that the applicant has, in my opinion, failed to sufficiently address issues relating to the licensing objectives of 'Protection of Children from Harm', 'Prevention of Crime and Disorder' and 'Public Nuisance'.

I have requested that the applicant agree to the addition of the following conditions onto the licence, should it be granted, and until I receive a satisfactory response my objection shall remain.

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 21" policy shall be operated at the premises at all times. Customers attempting to gain entry to the premises who appear to be less than 21 shall be challenged by door staff to produce a passport, photo driving license or a PASS approved Proof-of-Age card. No other form of identification shall be accepted.

Those customers attempting to purchase alcoholic beverages who appear to be less than 21 shall be challenged by bar staff to produce a passport, photo driving license or a PASS approved Proof-of-Age card.

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 21 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.

3. A Challenge 21 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.

Dawn Howley

From: confidential
Sent: 08 January 2013 13:39
To: Licensing
Subject: RE:- 42ND STREET.

I HAVE JUST BEEN INFORMED THAT 42ND STREET HAS APPLIED FOR LICENSES TO REOPEN AS A NIGHTCLUB.

I OBJECT TO THIS BEEN GRANTED ON THE GROUNDS OF NOISE, URINATING IN THE STREETS, VOMITING IN THE STREETS, FIGHTS OUTSIDE OF OUR DOORS AND CLUBBERS HAVING SEX BEHIND 42ND ST, MARCO POLO, THE CURRY HOUSE. I THINK WE HAVE PLENTY OF THE ABOVE AS IT IS WITH THE SHOWROOM, YATES, LOONS, BAR PARIS.

NOT TO MENTION ALL THE TAKE AWAYS. I LIVE IN BARBARA MAN COURT AND THE NOISE FROM THESE PLACES IS UNREAL AS IT IS.

Signed

Name

Date

From: confidential

Sent: 08 January 2013 21:16

To: Licensing

Subject: planning for 42nd street nightclub

dear sir / madam .i have recently learned of the planned proposal for a license to reopen the night club formerly know as 42nd street,as a concerned resident of derwent st i would like to strongly object to any plans for any license to be granted,because of past problems ,namely noise nuisance anti social behaviour at unacceptable times through out the early hours yours sincerely d. molnar

confidential

Dear Sir / Madam

As concerned residents living in Derwent Street, we would strongly object to any planned application for a drinks and entertainment license being granted for the building, club formerly known as 42nd St. Our main reasons for this objection relate to past experiences, involving many incidents of drunken anti social behaviour, shouting, fighting, increased rubbish take away cartons, wrappers etc.

We as residents who live in this area, felt that this misery and disruption was directly connected to the above nightclub being in operation.

With the closure of this building, we have enjoyed several years of general peace and quiet, and would like it to remain so.

Yours faithfully

confidential



confidential

I have been informed that it has been proposed to open a night club namely Hand St., which we absolutely DO NOT NEED we have had a vely peaceful few years since the night club was closed down. We do not want a restail of noise, vomit, fights, & filth, WE DO NOT WANT night clubs near our homes, we object most strongly to this proposal of opening a night club anywhere near my home & my decent, neighbours homes, some of us & I are in their 70th years & appreciate the quiet, & safe feeling of peace. Please please do not allow this night club? a licence. We are decent Rate Payers Law Abiding Citizens, we have worked for our right to a decent nights sleep

Yours Very Sincerely

confidential



confidential

Dear Sir/Madam,

I would like to strongly object to the reopening of 42nd Street. We have had enough of the noise, anti-social behaviour, litter, vomit and people urinating outside our doors.

If the proprietor is allowed to reopen this establishment as a nightclub then we would be subject to all of the above again on a larger scale. We don't need anymore nightclubs and clubs there are already too many around the area; there are old people, working people and children of school age who would all suffer from the noise and anti-social behaviour. So please don't give him the license and add to our misery and sleepless nights this night club holds around 1,000 people. Think of the residents who are in close proximity to 42nd Street

yours, Sincerely

confidential

SO I REALLY HOPE YOU WILL
REFUSE THE OPENING LICENSE

PLEASE! PLEASE!

A VERY FED UP
RESIDENT!

Yours Sincerely

confidential

REGENERATION & NEIGHBOURHOODS
DEPARTMENT

10 JAN 2013

confidential

DEAR SIR OR MADAM,

IT HAS COME TO MY ATTENTION
THAT THERE ARE PLANS TO RE-OPEN A 2ND.
NIGHTCLUB.

I FOR ONE PROTEST AGAINST THIS
REDICULOUS IDEA FOR A LOT OF REASONS
APART FROM THE FOUL LANGUAGE AND SPOUTING
LATE AT NIGHT.

BUT ALSO FOR PEOPLE VOMITING
AND URINATING IN THE SIDE STREET, WHICH
IS OUTSIDE MY FRONT DOOR.

BUT I THINK THERE ARE ENOUGH PUBS
AND NIGHTCLUBS IN THE TOWN.

BUT IN THE AREA CONCERNED THEY
ARE IS ALREADY (A NIGHTCLUBS)

SO I REALLY DO STRONGLY OBJECT
TO ANOTHER ONE OPENING RIGHT
OPPOSITE TO WHERE I LIVE.

(NO THANK YOU.)

OF BOTH THE MUSIC AND
THE ANTI SOCIAL BEHAVIOUR IS
EXTREME.

ON SEVERAL OCCASIONS I HAVE
HAD TO CONTACT THE ENVIRONMENTAL
HEALTH TEAM AT HARTLEPOOL COUNCIL
TO EXPRESS MY CONCERN.

AFTER ALL, THIS IS A RESIDENTIAL
AREA AND THE CONCERNS & WELL
BEING OF THE RESIDENTS MUST BE
TAKEN INTO ACCOUNT.

I THINK THAT ISSUING A LICENCE
TO 42ND STREET WOULD ONLY
MAKE WORSE, AN ALREADY WORRYING
PROBLEM.

Yours faithfully

REGENERATION & NEIGHBOURHOOD
DEPARTMENT

confidential

04 JAN 2013

REGENERATION & NEIGHBOURHOOD
DEPARTMENT

04 JAN 2013

confidential

28/12/2012

DEAR SIR OR MADAM,

I FEEL MY WIFE
AND I MUST OBJECT, TO THE
PROPOSED APPLICATION FOR A LICENCE
TO SELL ALCOHOL AT THE PREMISES
KNOWN AS 42ND STREET, LUCAN
STREET, HARTLEPOOL TS24 8BE.

WE, AND THE OTHER THREE ELDERLY
LADIES WHO OCCUPY THE BLOCK OF FLATS
HAVE TO ENDURE NOISE AND ANTI
SOCIAL BEHAVIOUR ON A WEEKLY
BASIS, AS WE LIVE ABOUT 50 YARDS
FROM LOONS, BAR PARIS, YATES &
THE SHOWROOM. DURING THE SUMMER
MONTHS WE HAVE TO CLOSE OUR
BEDROOM WINDOWS, AS THE NOISE

Signed

Name

Date

From: confidential
Sent: 08 January 2013 14:43
To: Licensing
Subject: 42nd Street Nightclub.

Principal Licensing Officer
 Hartlepool Borough Council
 Brian Hanson House
 Hartlepool

Dear Sir/Madam,

Both my wife and I were shocked and distressed to learn recently that the owners of the 42nd Street Nightclub have applied for planning and various licenses, presumably in relation to reopening the premises under previous usage. If the latter is the case then in the first instance, 'Why weren't those within the local community (many of whom have a vested interest) informed?' In the second, my wife and I wish to object most strongly and anticipate that the Licensing Authority will take 'Seriously' the feelings and the wishes of the local community in this case.

Central Government have recently disclosed that it is their intention to curtail the opening hours of such premises as they have at last recognised the potential for disturbance and antisocial behaviour such businesses generate within the locals they are situated.

My wife and I have lived in the area in question for almost three decades and throughout that time have witnessed customers of the local situations spilling out onto the streets and then engaging themselves in running battles with rivals both singular and in the form of, 'Mobs'. Their attacks aimed at, not just their own kind, but those of the police officers sent to quell the violence many of whom, incidentally have suffered injuries as a result. Some of the most violent episodes of which have actually been shown on television.

If the activity generated by such premises as those in question at the 'Alcohol Level' wasn't bad enough, there is the added concern of knowing that 'ALL' such premises end up as known, 'Drug Dens' peddling misery and death to those who don't have the capacity to deal with, Life without a, 'Chemical Crutch'.

Most of the disturbances we suffer currently are limited to the slamming of car doors and raised voices, the latter situation arising from the fact that when the majority become intoxicated, they are unable to relate, 'Quietly and in a, Civilised Manner'. All too often the conversations filled with strong language and to a level that has the potential to wake the Dead!

We have noticed an increase in, 'Rented Accommodation' within this area over the last couple of years, a phenomenon which holds the potential to allow for certain tenants (who harbour a, 'Don't Care' attitude) to become entrenched if the situation is left to its own devices however, both myself and the rest of the 'Private Householders' in the area have endeavoured, (as much as possible) to integrate those in question into the community.

I have spoken to a number of the residents in the area and have found the general consensus to be that there are more than sufficient premises already catering for such clientele as those that would frequent this place.

It is my view that if You and your, Colleagues have any sense of 'Civic Duty' you will oppose the application in question as fiercely as we do.

Very best regards.

confidential

STATEMENT

of

TIM GILBERT

I, Tim Gilbert make this statement of truth:-

1. I am authorised to make this statement on behalf of Red Sugar Limited and I am to be the designated premises supervisor of 42nd Street.
2. I consent to the conditions sought to be attached to the operating schedule by Neil Harrison and I attach confirmation of this as document 1.
3. I consent to the conditions sought by Jane Kett and I attach a copy of those conditions. Document 2.
4. I consent to a condition sought by Adrian Hurst, Principal Environmental Health Officer. I attach a copy of his email. The condition I think would be better drafted to read "all external doors and windows should be kept closed when regulated entertainment is being provided except in the case of emergency and save to allow access to the premises". Document 3.
5. I attach a letter from the Cleveland Fire Brigade. I confirm that we will comply with all reasonable requests of the Fire Brigade. Substantial work will be required prior to opening the premises and they will be consulted throughout. Document 4.
6. I was pleased to read in a statement of Andrew Thorpe, police officer, dated 24 January 2013 at page 9 that I have a good relationship with the police and I am pleased that he does not think that the premises would be poorly managed. In fact if he were asked I am sure that he would confirm that all premises which are managed by me are well run and that with the police we introduce innovative and effective preventative measures to avoid any compromise of the licensing objectives. If called upon to do so I could expand upon these but effectively we prevent access to our premises to people who may compromise the licensing objectives. Our staff are trained to identify potential problems before they occur. They are trained to identify body language. We have effective door staff who not only manage access to the premises but walk the premises to intervene before any problems occur. I have worked in the licensing trade for long enough to recognise that the environment

within licenced premises has changed. This is as a result of trouble makers being kept out and proper and effective management and surveillance within the premises.

7. I also have read in Andrew Thorpe's statement a schedule of incidents which occur in Hartlepool. I am aware that he can tailor his data to suit any application and he could if he wished identify problems that occur after 3 o'clock, 4 o'clock or even before 12 o'clock if he chose. I am aware that the data is produced to focus on the hours of the applications. I am also aware that he has identified incidents within the large special policy zone in Hartlepool which extends well to the North, South and West of our premises and also extends East to the bottom of Church Street. This is an extremely large catchment area.
8. The special policy area was first identified in the Hartlepool Council's Licensing Policy in 2005. At that time it did not extend down Church Street but in 2008 it was so extended. I recently attended a meeting at which Mr Ian Harrison, Principal Licensing Officer of the Council declared that within the town centre area during the period of the Licensing Act there has been a 40% reduction in licensed premises.
9. Both prior to the advent of the Licensing Act 2003 and after it 42nd Street Nightclub was licensed. From the advent of the Licensing Act 2003 42nd Street was licensed until 4am. Therefore not only was it within the special policy area both in its original form and when it was extended by the Licensing Policy in 2008 it existed throughout with a 4am licence. The premises closed during the period of the special policy. The licence continued and would now still be in existence but for the fact that the licence was in the name of a company which ceased to exist. The owners of the premises remain as they always have done. Red Sugar Limited has applied in effect therefore to renew this licence on behalf of identical original owners. I therefore seek to distinguish this application from all other new applications for licences within the special policy area. Whilst technically it is a new application and may be viewed as such it is in reality a renewal of a recently extinguished licence. It is also a renewal of a licence in an area where there has been a 40% reduction in premises operating. Therefore to argue that the special policy area will be adversely affected by the re-opening of 42nd Street as a result of cumulative impact has no basis in logic at all. It is for this reason that I was disappointed to read the statement of PC Thorpe. I had thought that our good working relationship would have prevented what I consider to be a technical argument. 42nd Street re-opening therefore would not be an addition to the area designated within the special policy area because it was there when that policy was created and there were at that time more premises.
10. Not only would 42nd Street be merely a restoring of what was there originally but could be regarded as an improvement as to what was there originally. As I have already stated 42nd Street used to have a 4am licence but in anticipation of the intended early morning restriction orders and the anticipated change in the public's habits we believe that a 2am licence would be more appropriate.

11. I am led to believe that when 42nd Street was open some patrons leaving 42nd Street and patrons from other licenced premises made their way down an alleyway beside 42nd Street. Indeed I believe that some patrons made their way across York Road and attempted to get home via alleyways there. The council have with our co-operation and encouragement placed gates on all these alleyways. We have in addition campaigned for better lighting in Lucan Street and this has now been achieved.
12. I am also sufficiently experienced in the licensing trade to recognise that again patron's habits have changed. More people now go home by taxi than they ever did. Apart from one taxi parking space outside Loons Bar on Victoria Road the taxi ranks are on both sides of Avenue Road for a substantial distance and then on one side of Avenue Road for a longer distance up to the police station. More importantly one side of Lucan Street is now virtually entirely a taxi rank and the other side comprises double yellow lines denoting no parking. The only parking available are small spaces at the York Road end of Lucan Street. Therefore persons leaving licensed premises on Victoria Road make their way into Avenue Road and Lucan Street to get taxis home. Persons leaving the back of licenced premises in Victoria Road leave into Lucan Street to get taxis home. The opening of 42nd Street with its only access being onto Lucan Street opens out into what is in effect a street of taxis. I can think of no reason why any patrons leaving 42nd Street should come into any form of contact with nearby residents.
13. The most popular late night licensed premises in the area is Skyy Lounge. That is further away from other premises on Victoria Road than 42nd Street. It, like 42nd Street is virtually opposite the police station. It was therefore with some disappointment that I read that PC Thorpe thinks that it may be inconvenient for the police to manage Lucan Street. This bearing in mind my summary of the location defies logic.
14. I have no doubt that some of our competitors will object to 42nd Street re-opening. We will inevitably receive their customers. I do not think that I would be challenged by the police when I say that those customers within our premises will be better supervised and be safer than elsewhere.

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Signed

Tim Gilbert

Dated: 30.01.2013

Applicant:	Premises:
Red Sugar Limited 10 Victoria Road Hartlepool TS24 7SD	42 nd Street Nightclub Lucan Street Hartlepool TS24 8BE

Neil Harrison
Senior Trading Standards Officer,
Bryan Hanson House,
Hartlepool,
TS24 7BT

Further to your recent correspondence concerning the above. I confirm that if the above application is successful, I am willing to accept that the following legally binding Conditions be attached to the Operating Schedule.

Conditions

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 21" policy shall be operated at the premises at all times. Customers attempting to gain entry to the premises who appear to be less than 21 shall be challenged by door staff to produce a passport, photo driving license or a PASS approved Proof-of-Age card. No other form of identification shall be accepted.

Those customers attempting to purchase alcoholic beverages who appear to be less than 21 shall be challenged by bar staff to produce a passport, photo driving license or a PASS approved Proof-of-Age card.

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 21 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.

3. A Challenge 21 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.

Signature:	
Print Name	
Position:	
Date:	

For the attention of:

Jane Kett, Principal Environmental Health Officer (Commercial Services)
Public Protection, Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

LICENSING ACT 2003

RE: APPLICATION FOR A PREMISES LICENCE

42nd STREET, LUCAN STREET, HARTLEPOOL TS24 8BE

Further to your recent correspondence concerning the above. I confirm that if the above application is successful, I am willing to accept that the following Conditions be attached to the Operating Schedule of the Premises Licence.

Conditions

1. 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 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.

2. 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.
3. In the event of the fire alarm being activated a suitable relay should be provided so that the electrical power supply to all sound amplification system in the licensed premises shall be immediately intercepted so that the alarm can be clearly heard in all parts of the licensed premises.
4. 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.
5. A Registered Medical Practitioner shall be present at any sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.

6. Where the entertainment requires the provision of a ring, it shall be installed by a competent person who shall ensure that it is properly constructed and supported and all materials used in its construction are non-combustible. The Premises Licence Holder or the Club Premises Certificate Holder shall obtain a certificate from that competent person that the ring has been correctly constructed, is fit for use and is constructed of non-combustible material. The Premises Licence Holder or the Club Premises Certificate Holder shall produce that certificate if required to do so to an authorised officer of the Council or Cleveland Fire and Rescue.
7. No member of the public shall be allowed to be seated or to enter an area within 2.5 metres of the outermost edge of the playing area of the sport.

Signature:

Print Name:

Position:

Sherry Peachey

From: John Ellwood
Sent: 17 January 2013 14:28
To: Sherry Peachey
Subject: FW: 42nd Street, Lucan Street, Hartlepool

Importance: High

From: Adrian Hurst
Sent: 17 January 2013 14:27:53 (UTC) Dublin, Edinburgh, Lisbon, London
To: John Ellwood
Subject: 42nd Street, Lucan Street, Hartlepool

Dear Mr Ellwood,

I have made a representation to the licensing committee in respect of the premises application for 42nd Street, Lucan Street, Hartlepool.

I am e-mailing you to ask if your client would agree to the addition of the attached condition in respect of the prevention of public nuisance?

This was one of the conditions on the original licence.

If your client is willing to accept the condition being added then I will withdraw my representation.

'All external doors and windows shall be kept closed when regulated entertainment is being provided except in the case of an emergency.'

Many Thanks

Adrian Hurst
(Principal Environmental Health Officer)
Environmental Protection
Public Protection
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT
Tel: 01429 523323
Fax: 01429 523169
e-mail adrian.hurst@hartlepool.gov.uk

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Hartlepool Council

PREVENTING PROTECTING RESPONDING



Protecting local communities

Your Ref: JRE/SMc/1235351

Our Ref: 10901004 FE/SM/JM

Date: 14 December 2012

Red Sugar Limited
c/s John Ellwood
Tilly Bailey & Irvine LLP
York Chambers
York Road
Hartlepool
TS26 9DP

Cleveland Fire Brigade
Fire Brigade Headquarters
Endeavour House
Stockton Road
Hartlepool
TS25 5TB

Chief Fire Officer
Ian Hayton

When telephoning ask for:
Mr Steve Mulholland
Tel: (01429) 872311 Ext. 4109
Email: smulholland@clevelandfire.gov.uk
Website: www.clevelandfire.gov.uk

Dear Sir,

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

42ND STREET, LUCAN STREET HARTLEPOOL TS24 8BE

Receipt is acknowledged of an application for a Premises Licence under the Licensing Act 2003.

The application has been examined and Cleveland Fire Brigade offer no representations against the Grant of the Licence.

The plans received seem to include the removal of a staircase from premises compared to those presently held by Cleveland Fire Brigade. If this is the case a Building Regulation would be required at which point Cleveland Fire Brigade would be consulted.

The applicant should note that, in accordance with the Regulatory Reform (Fire Safety) Order 2005, that the responsible person must carry out a Fire Risk Assessment (in writing) or appoint a competent person to do so.

The following issues should be considered when compiling a Fire Risk Assessment for a premises:-

1. Means of escape doors and routes
2. Fire resisting self closing doors, walls and glazing
3. Structural items affecting the means of escape, e.g. external stairs
4. Fire alarm systems (including interrupt relay)
5. Emergency lighting systems

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6. Signs and notices
7. Fire fighting equipment
8. Upholstery and furniture
9. Up to date records of testing and servicing for:
 - a) Fire warning system (including interrupt relay)
 - b) Emergency lighting system
 - c) Staff training
10. Safe occupancy levels together with arrangements to ensure they are not exceeded.

The above items and any other items identified in your premises fire risk assessment should be maintained to the highest standard.

Further guidance on what may be required for your particular premises and how to carry out the risk assessment are detailed in the relevant guide to accompany the Regulatory Reform (Fire Safety) Order 2005 for your premises.

"Fire Safety in large places of assembly"
"Means of Escape for Disabled People"

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ISBN – 13:978 1 85112 874 7

copies of which may be purchased from The Stationary Office, their agent or any good bookseller, or accessed through Cleveland Fire Brigade's web site, www.clevelandfire.gov.uk To assist, enclosed is a Cleveland Fire Brigade Fire Risk Assessment advice sheet.

Any failure to comply with or maintain the above conditions will result in appropriate enforcement measures under the above named Fire Safety Order which could result in a representation to the Licensing Authority regarding the premises licence.

Should you require any further assistance, or clarification of any of the items dealt with, please do not hesitate to contact the above named person.

Yours faithfully

confidential

for CHIEF FIRE OFFICER

Enc: Fire Risk Assessment Advice Sheet

CC: Licensing Authority