LICENSING ACT SUB-COMMITTEE AGENDA



2 April 2013

at 10.00am

in Committee Room A, Civic Centre, Hartlepool

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Hall, Shields and Sirs

- 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, 176 Raby Road, Hartlepool Assistant Director, Regeneration and Planning



LICENSING ACT 2003



Procedure for 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 subcommittee 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 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. Parties may question and clarify issues raised with the consent of the Chair.
- 9. If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
- 10. 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.
- 11. Members to go into closed session to deliberate.
- 12, Chair informs parties of their decision, with reasons.

Report of: Assistant Director, Regeneration & Planning

Subject: APPLICATION FOR A NEW PREMISES LICENCE,

176 RABY ROAD, HARTLEPOOL.

1. PURPOSE OF REPORT

1.1 To consider an application for a new premises licence in respect of 176 Raby Road, Hartlepool.

2. SUMMARY OF APPLICATION

2.1 Applicant: Mrs Thanaluxmy Pathmanathan

Premises: 176 Raby Road

Hartlepool TS24 8EH

2.2 The applicant has applied for the following activities: -

Supply of Alcohol (Off Sales)

Monday to Saturday 09:00 - 22:00 Sunday 10:00 - 22:00

A copy of the application is attached as **Appendix 1**.

3. BACKGROUND

- 3.1 The application has been advertised in the prescribed manner and, as a consequence, a petition has been received which contains approximately 125 names, many of which appear to be from local residents (attached as **Appendix 2**).
- 3.2 The petition has been organised by a local resident and refers to the potential impact of granting the application on the four licensing objectives which are: -
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 3.3 Among the issues specifically raised are a potential for the increased risk of accidents, anti social behaviour and the effects granting a new licence would have on the peace and safety of local residents.

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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 (unless all parties agree a hearing is unnecessary).
- 4.2 The premises to which this application relates is currently empty and previously traded as a food business until January 2012.
- 4.3 Members are reminded that whilst the representation from local residents refers to the fact that there are already a number of licensed premises in the area, the 'need' for another off-licence is not something that can be taken into account when considering whether a new licence should be granted.
- 4.4 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
- 4.5 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
- 4.6 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.

apply desc relev	(Inser I for a ribed ant lic	t name(s) of applicant) premises licence under section in Part 1 below (the premises) a censing authority in accordance	n 17 of the Lic	censing naking	this application	on to you as the
Bost	al add	ress of premises or, if none, or	dnance surve	v man	reference or	description
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Post	town	HartlePool		· <u>-</u>	Post code	7524 8 6 3
Tele	ohone	number at premises (if any)	Confidential			
Non-	dome	stic rateable value of premises	£ 2,8	500	10.	
			,		VA	
Part	2 - Ap	oplicant Details			•	
Plea	se sta	te whether you are applying for a	premises licen	ice as ase tick	VAS	
			1 100	23C tion	-	
a)	an i	ndividual or individuals *			please comp	plete section (A)
b)	a pe	erson other than an individual *				
	i.	as a limited company			please comp	olete section (B)
	ii.	as a partnership			please comp	olete section (B)
	iii.	as an unincorporated association	n or		please comp	olete section (B)
	iv.	other (for example a statutory co	orporation)		please comp	olete section (B)
c)	a re	ecognised club			please comp	olete section (B)
ď)	a cl	harity			please comp	olete section (B)
e)		proprietor of an educational estat	olishment		please com	plete section (B)
f)		ealth service body			•	plete section (B)
'/	411	outer control words	4	_	•	

a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales a person who is registered under Chapter 2 of Part please complete section (B)							
ga) a person who is registered under Chapter 2 of Part please complete set 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	ction (B)						
h) the chief officer of police of a police force in England and Wales please complete se	ction (B)						
* If you are applying as a person described in (a) or (b) please confirm:							
	lease tick yes						
 I am carrying on or proposing to carry on a business which involves the use of t premises for licensable activities; or 	the 🗹						
I am making the application pursuant to a							
o statutory function or							
 a function discharged by virtue of Her Majesty's prerogative 							
(A) INDIVIDUAL APPLICANTS (fill in as applicable)							
Mr ☐ Mrs ☑ Miss ☐ Ms ☐ Other Title (for example, Rev)							
Surname First names							
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I am 18 years old or over Current postal address if different from premises address	-						

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr 🗀	Mrs 🗌	Miss 🗌	ı	vls □	Other Title (for example, Rev)	,
Surname				First na	mes	
I am 18 years	old or ov	er			☐ Ple	ase tick yes
Current post if different fro premises add	om					
Post Town		•			Postcode	
Daytime con	tact teleph	one number		·		
E-mail addre (øptional)	ss					
give any reg body corpor Name	istered nu ate), pleas	mber. In the cas e give the name	e of a pand ad	oartnershi dress of e	p or other joint ve each party concer	enture (other than a ned.
Address						
Registered no	umber (who	ere applicable)				
Description o	of applicant	(for example, par	tnership	o, compan	y, unincorporated a	ssociation etc.)
Telephone n	umber (if a	ny)	-			
E-mail addre	ss (optiona	ıl)				

Par	t 3 Operating Schedule	
Wh	en do you want the premises licence to start?	Day Month Year 0 40 32 0 1 3
	ou wish the licence to be valid only for a limited period, when do want it to end?	Day Month Year
Plea	ase give a general description of the premises (please read guidance	note1)
C	onvenience Store	
If 5,	2000 or more people are expected to attend the premises at any time, please state the number expected to attend.	
Wha	at licensable activities do you intend to carry on from the premises?	
(Ple 200	ase see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 3)	and 2 to the Licensing Ac
Pro	vision of regulated entertainment	Please tick yes
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	

f)

g)

h)

recorded music (if ticking yes, fill in box F)

(if ticking yes, fill in box H)

performances of dance (if ticking yes, fill in box G)

anything of a similar description to that falling within (e), (f) or (g)

Provision of entertainment facilities:

i)	making music (if ticking yes, fill in box i)	
j)	dancing (if ticking yes, fill in box J)	
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	
Prov	rision of late night refreshment (if ticking yes, fill in box L)	
Supp	oly of alcohol (if ticking yes, fill in box M)	Ø
in ali	cases complete boxes N, O and P	

5

Plays Standard days and timings (please read			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
timings (please read guidance note 6)			(please read guidance note 2)	Outdoors	
 Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	dance note 3)	
Tue		 	 -		
Wed		<u> </u>	State any seasonal variations for performing p	lays (please rea	ad
1100			guidance note 4)		
Thur	<u> </u>				
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Sat					
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timings	ard days ar (please re ce note 6)	ead	Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
- Guida		_		Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guide	ance note 3)	
Tue					
Wed			State any seasonal variations for the exhibition of read guidance note 4)	of films (please	ŀ
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Fri			Non standard timings. Where you intend to use the exhibition of films at different times to those column on the left, please list (please read guidan	listed in the	<u>or</u>
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Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			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 (please read guidance note 5)
Fri		,	
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Day	Start	Finish		Both	 _	
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Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use boxing or wrestling entertainment at different tim in the column on the left, please list (please read	nes to those lis	sted	
Sat				94.44.755 175.65	·,	
Sun						

Standa	Live music Standard days and timings (please read		Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors		
timings (please read guidance note 6)			(picaco roda galdanos noto 2)	Outdoors		
Day	Start	Finish		Both		
Mon			Please give further details here (please read guid	ance note 3)		
Tue			 - -			
Wed	_		State any seasonal variations for the performance of live music			
			- (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the performance of live music at different times the column on the left, please list (please read great times).	to those listed	<u>l in</u>	
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Standa	Recorded music Standard days and timings (please read		Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
timings (please read guidance note 6)			(please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guide	ance note 3)	
Tue					
Wed			State any seasonal variations for the playing of (please read guidance note 4)	recorded musi	<u>c</u>
Thur					
Fri			Non standard timings. Where you intend to use the playing of recorded music at different times the column on the left, please list (please read gu	to those listed	for in
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Standa	Performances of dance Standard days and timings (please read		Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
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Day	Start	Finish		Both	
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Wed			State any seasonal variations for the performance read guidance note 4)	ce of dance (pl	ease
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Fri			Non standard timings. Where you intend to use the performance of dance at different times to the column on the left, please list (please read guidar	<u>iose listed in tl</u>	for ne
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Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)		nat , (f) or nd ead	Please give a description of the type of entertain providing	ment you will	<u>be</u>
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read	Indoors	
Mon		·	guidance note 2)	Outdoors	
				Both	
Tue		Please give further details here (please read guidance note 3)			
Wed					
Thur			State any seasonal variations for entertainment description to that falling within (e), (f) or (g) note 4)		ınce
Fri					
Sat			Non standard timings. Where you intend to use the entertainment of a similar description to that (f) or (g) at different times to those listed in the oplease list (please read guidance note 5)	falling within	<u>(e),</u>
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Provision of facilities for making music Standard days and timings (please read guidance note 6)		i c ad	Please give a description of the facilities for make be providing	ing music you	will
			Will the facilities for making music be indoors or outdoors or both – please tick (please read	Indoors	
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J

Provision of facilities for dancing Standard days and timings (please read			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	
guidar	nce note 6)	eau)		Outdoors	14
		Τ -		Both	
			Please give a description of the facilities for dar providing	ncing you will b	<u>)e</u>
Day	Start	Finish			
Mon			Please give further details here (please read guid	lance note 3)	
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Wed			State any seasonal variations for providing dance (please read guidance note 4)	cing facilities	<u>"</u>
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Fri			Non standard timings. Where you intend to use the provision of facilities for dancing entertainm times to those listed in the column on the left, pl	ent at different	+
Sat			read guidance note 5)	CROO HOL (PICAG	, C
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Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)		t of a on to n i or j	Please give a description of the type of entertain will be providing	ment facility vo	<u>ou</u>
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick (please read	Indoors	
Mon			guidance note 2)	Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for the provision of entertainment of a similar description to that fall (please read guidance note 4)	of facilities for ling within i or	i
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L Will the provision of late night refreshment Indoors Late night refreshment take place indoors or outdoors or both -Standard days and please tick (please read guidance note 2) timings (please read Outdoors guidance note 6) Both Finish Start Day Please give further details here (please read guidance note 3) Mon Tue State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Wed Thur Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those Fri listed in the column on the left, please list (please read guidance note 5) Sat Sun

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	
Day	Start	Finish	1	Off the premises	V
Mon	9.00	22.00	State any seasonal variations for the supply of a guidance note 4)	Both Icohol (please	read
Tue	9.00	22.00	Í		
Wed	9.00	22.00			
Thur	9.00	22.00	Non standard timings. Where you intend to use to the supply of alcohol at different times to those it column on the left, please list (please list).	he premises f	o <u>r</u>
Fri	9.00	22.00	column on the left, please list (please read guidant	ce note 5)	
	 -				
Sat	9.00	22.00			j

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

Name Thanaluxmy path	manathan
Postcode	
Personal Licence number (if known)	HART/01/342
Issuing licensing authority (if known)	HART/PL/343 Hartlepool Borough Council

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)

N.A

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Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	9.00	22.00	
Tue	9.00	22.00	
Wed	9.00	22.00	Non standard timings. Where you intend the premises to be one
Thur	9.00	22.00	to the public at different times from those listed in the column o the left, please list (please read guidance note 5)
Fri	900	22.00	
Sat	9.00	22.00	
Sun	10.00	22 <i>-0</i> 0	

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

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

Premises will apply a Standard of operation which will ensure compliance with all toor licensing objectives.

b) The prevention of crime and disorder

The Style of operation at these premises is designed to minimise crime and disorder. This will be achived by the use of "CCTV" for a minimum period of 31 days for prosecution purposes. These premises will operate a challenge "25" policy.

c) Public safety

The Premises will comply with corrent legal requirements for fire sately and Health and Safely including periodic risk assessments.

d) The prevention of public nuisance

The fremises licensed for the consumption of Alcohol of the premises only. In addition to there being no consumption on the premises. We operate within the required littles! refuse regulations adopted by the council.

e) The protection of children from harm

It is proposed that these fremises will bentit trom a fremises licence tor consumption off the fremises only. We will operate a "Challenge 25" folicy as a minimum whereby any person not looking the age of 25 must prove that they are intact over the lawful agent 18 ber the purpose of sole of alcohol. Acceptable forms of ID like photo I.D and pass logo proof of age card. All Staff are obligated to tamiliarise Themselves with these requirements signage located throughout the store confirming the legal age for purchase of Alcohol and other age related products and the store policy.

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PREMO1 (01/11)

Please	tick	ves
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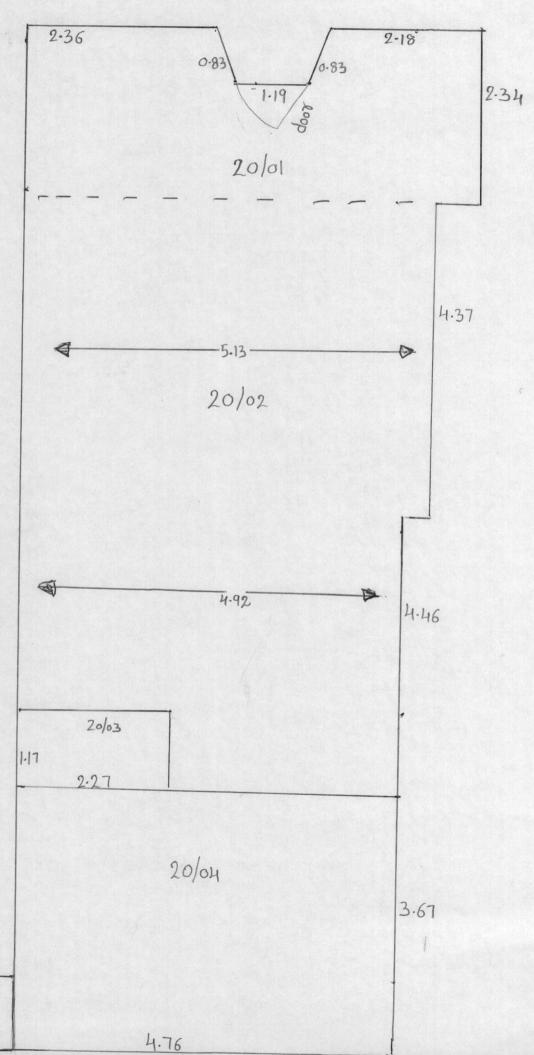
 I have made 	de or enclosed payment of the fee	d					
 I have enc 	losed the plan of the premises	N					
 I have sent where app 	t copies of this application and the plan to responsible authorities and others licable						
 I have encl supervisor 	losed the consent form completed by the individual I wish to be premises , if applicable	Ø					
 I understar 	I understand that I must now advertise my application						
	nd that if I do not comply with the above requirements my application will be						
SCALE, UNDER	ICE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STAND R SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE I OR IN CONNECTION WITH THIS APPLICATION	ARD					
Part 4 – Signatu	ires (please read guidance note 10)						
Signature of ap note 11). If sign	plicant or applicant's solicitor or other duly authorised agent (See guidancing on behalf of the applicant please state in what capacity.	e					
Signature	Confidential	_					
Date	04/02/2013						
Capacity ——————	Premises Supervisor						
For joint applica authorised agen state in what ca	ations signature of 2 nd applicant or 2 nd applicant's solicitor or other nt. (please read guidance note 12). If signing on behalf of the applicant plea	ase					
Signature							
Date							
Capacity							
Contact name (vissociated with	where not previously given) and postal address for correspondence this application (please read guidance note 13)						
Confidential							
		L					
you would pre	fer us to correspond with you by e-mail your e-mail address (optional)						

Notes for Guidance

- Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
- 2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
- For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

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

176. Raby Road



20/04 0.85 2.42 000



We the undersigned are against the proposal to open yet another store to sell alcohol in Raby road. within walking distance off the proposed store there are premises that already sell alcohol: namely HART MINI MARKET, two premier store, the spar, and Gibson off-licence that makes 5 store currently open and one more store that has just been given an alcohol licence (simply DIY) all within walking distance of each other. Most within a 200 yard stretch of raby road

Our concern is also that our peace, and the safety of others will be compromised in the vicinity and it will be more so than it is at present if yet another alcohol licence is permitted.

There is already rowdiness in Raby road and brougham terrace at night. The congested parking already causes us concern for the safety of the general public. This is likely to increase bringing an increased risk of accident or even death to an adult or child. The junction of Raby road and brougham terrace already a junction where accidents have occurred.

Where the trade of alcohol is there will always be consequences: whether that is in the lives of the people around the store or the people who drink it. Already there is a problem with glass bottles smashed, litter dropped from takeaways, empty cans, and other rubbish we believe this would increase.

Today no one appears to care about the comfort and peace of residents, or the damage teenagers and adults full of alcohol can do to our property. Our homes and cars are already damaged on a regular basis and this could be put through and this has already caused anxiety and fear without the extra cost involved. Please consider the long term effects of this on our health and well-being always wondering, what will happen tonight? We do not have any desire to live in such an atmosphere.

We ask that you will allow us the privilege of living our life in relative peace and safety and that you deny a licence to sell yet more alcohol in Raby road. Some of us are getting on in years and just want some peace when we retire to bed.

We hope you will take all the above into consideration when you make your decision and our desire for peace and safety where we live.

confidential Cassas



NO	NAME	ADDRESS	SIGNATURE
	P Bromley.	Confidential	
	k Bromley.		
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	J LOWERY		
	538kg		
	Krish		
	ROBER O		
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	Chris Honderson	+	
-	M. ODONAVAN		
	E. COXON		
	K. Foster		
	D. Flowers		
	4. Braydan		



NO	NAME	ADDRESS	SIGNATURE
	ALAN WAGEN	Confidential	
	Laura Boddy		
	Samantha Biggins		
	I have		
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	Peter frank		
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