

LICENSING ACT SUB-COMMITTEE AGENDA



8 May 2013

at 2.00pm

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

Licensing Act Sub-Committee:

Councillors Hall (Chair), Dawkins and Tempest

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Application for a New Premises Licence – The Mission Hall, Burbank Street, Hartlepool – *Assistant Director, Regeneration*



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 sub-committee and officers present. Explanation of the decision to be considered.
2. Head of Public Protection and Housing outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director, Regeneration.
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

Subject: APPLICATION FOR A NEW PREMISES LICENCE –
THE MISSION HALL, BURBANK STREET
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for a new premises licence in respect of The Mission Hall, Burbank Street, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Applicant: Subashini Tharmarajah

Premises: The Mission Hall, Burbank Street, Hartlepool

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

Supply of Alcohol (Off Sales)

Monday to Sunday (including Bank Holidays) 09:00 – 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 representations have been received from the Council's Planning department and two 'Other Person's'.

Copies of their representations are attached as Appendices 2 - 4.

- 3.2 The nature of the representations received can be summarised as follows:

- The Planning department has stated that planning permission, which was granted on 9th April 2013, restricts opening hours to:

Monday to Friday 08:00 to 23:00
Saturdays, Sundays and Bank Holidays 08:00 to 17:00

- One local resident has concerns that the Burbank Street already has problems with anti social behaviour from local residents and opening a licensed premises would only escalate these problems.
- The Chair of a local Community Association has objected to the application on the grounds that the area is already a Police priority area and in the past a shop on the estate was closed because of anti-social behaviour and that a new licensed premises would cause problems on the estate.

4. ISSUES

4.1 As relevant representations have been received within the prescribed time period a hearing must be held for Members to consider those representations (unless all parties agree a hearing is unnecessary).

4.2 The premises to which this application relates is currently empty and was previously used by an electrical contractor.

4.3 Members will note that the Planning Department has highlighted that the licensed hours requested exceed those currently permitted by planning permission – specifically the licence application is to trade until 2200 hours on Saturday, Sundays and Bank Holidays whilst the current planning permission restricts trading to no later than 1700 hours on those days.

4.4 Para 5.26 of the Council's Licensing Policy states: -

The licensing authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning consent, or an appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should not be refused when the planning status of the premises has not yet been finalised.

4.5 Members may therefore wish to consider whether the applicant has provided compelling reasons for the licensing authority to deviate from this policy.

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

- Grant the application without amendment
- Grant the application in part and/or with conditions or amended conditions
- Refuse the application

4.7 The licensing objectives are:

- The prevention of crime and disorder
- Public safety

- iii) The prevention of public nuisance, and
- iv) The protection of children from harm

4.5 Members are reminded that they must only consider those aspects of the licence application that are relevant to the representations received.

5. RECOMMENDATIONS

5.1 That members consider the representations made by the applicant and the objectors and determine what aspects, if any, of the proposed application should be granted and, if appropriate, what conditions, if any, should be attached.



Hartlepool
Application for a premises licence
Licensing Act 2003



For help contact
licensing@hartlepool.gov.uk
 Telephone: 01429 523354

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

mission hall burbank street

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Subashini

* Family name

Tharmarajah

* E-mail

Confidential

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	Confidential	
* Street		
District		
* City or town		
County or administrative area		
* Postcode		
* Country	United Kingdom	

Agent Details

* First name	Eklas	
* Family name	Bradwell	
* E-mail	Confidential	
Main telephone number		Include country code.
Other telephone number		

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

- * Is your business registered in the UK with Companies House? ☐ Yes ☒ No
- * Is your business registered outside the UK? ☐ Yes ☒ No

* Business name		If your business is registered, use its registered name.
* VAT number	- none	Put "none" if you are not registered for VAT.
* Legal status	Sole Trader	
* Your position in the business	owner	
Home country	United Kingdom	The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name	confidential
* Street	
District	
* City or town	
County or administrative area	
* Postcode	
* Country	United Kingdom

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	mission hall
Street	Burbank Street
District	
City or town	Hartlepool
County or administrative area	
Postcode	TS24 7JW
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	60,000

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ 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 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Confirm The Following

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

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- ☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Confidential

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

confidential

Telephone number

Other telephone number

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start?

01 / 05 / 2013
dd mm yyyy

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

/ /
dd mm yyyy

Provide a general description of 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.

detached building , currently vacant and to be converted to shop. It will comprise mainly of a sales area with stores and delivery areas and offices adjacent. Main shop access from Burbank Street. Shop will be open outside of alcohol offsite sales times as convenience store as well.

Continued from previous page...

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

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PROVISION OF PLAYS

Will you be providing plays?

☐ Yes ☒ No

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PROVISION OF FILMS

Will you be providing films?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☐ Yes ☒ No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes ☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

Continued from previous page...

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

shop will be open 24hours on bank holidays but sale of alcohol will be limited to 9am til 10 pm as normal

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name

Subashini

Family name

Tharmarajah

Enter the contact's address

Building number or name

Confidential

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Personal Licence number
(if known)

LN20102377

Issuing licensing authority
(if known)

London Borough of Merton

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☐ Electronically, by the proposed designated premises supervisor

☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

non only alcohol

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 08:00

End 22:00

Start

End

SUNDAY

Start 08:00

End 22:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

24hours on bank holidays

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

adequately trained staff will be in charge and on site during opening hours. the advise of licensing officers and the crime prevention officer will be sought and followed

b) The prevention of crime and disorder

Internal cctv system to be used to cover till and sales areas. Crime prevention officers advise to be sought and followed. All alcohol will be kept in display units that can be sealed shut outside of licensed hours to avoid any public staff conflict occurring at those times. Approved burglar alarm with link to 24 hour number to be installed to identify any potential breakins

c) Public safety

Public areas will be kept clean and tidy at alltimes, access routes and means of escape routes will be kept free of any storage or blockages.

Continued from previous page...

d) The prevention of public nuisance

No loud music will be allowed, internally or externally and external areas will be monitored and any groups of people asked to move on.

e) The protection of children from harm

Children will be allowed into the shop for general sales but sales of alcohol will only be to adults of legal age to do so. Anyone appearing to be underage will be asked for proof of age and identification and if not available or if in doubt will not be served

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

Continued from previous page...

* Fee amount (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

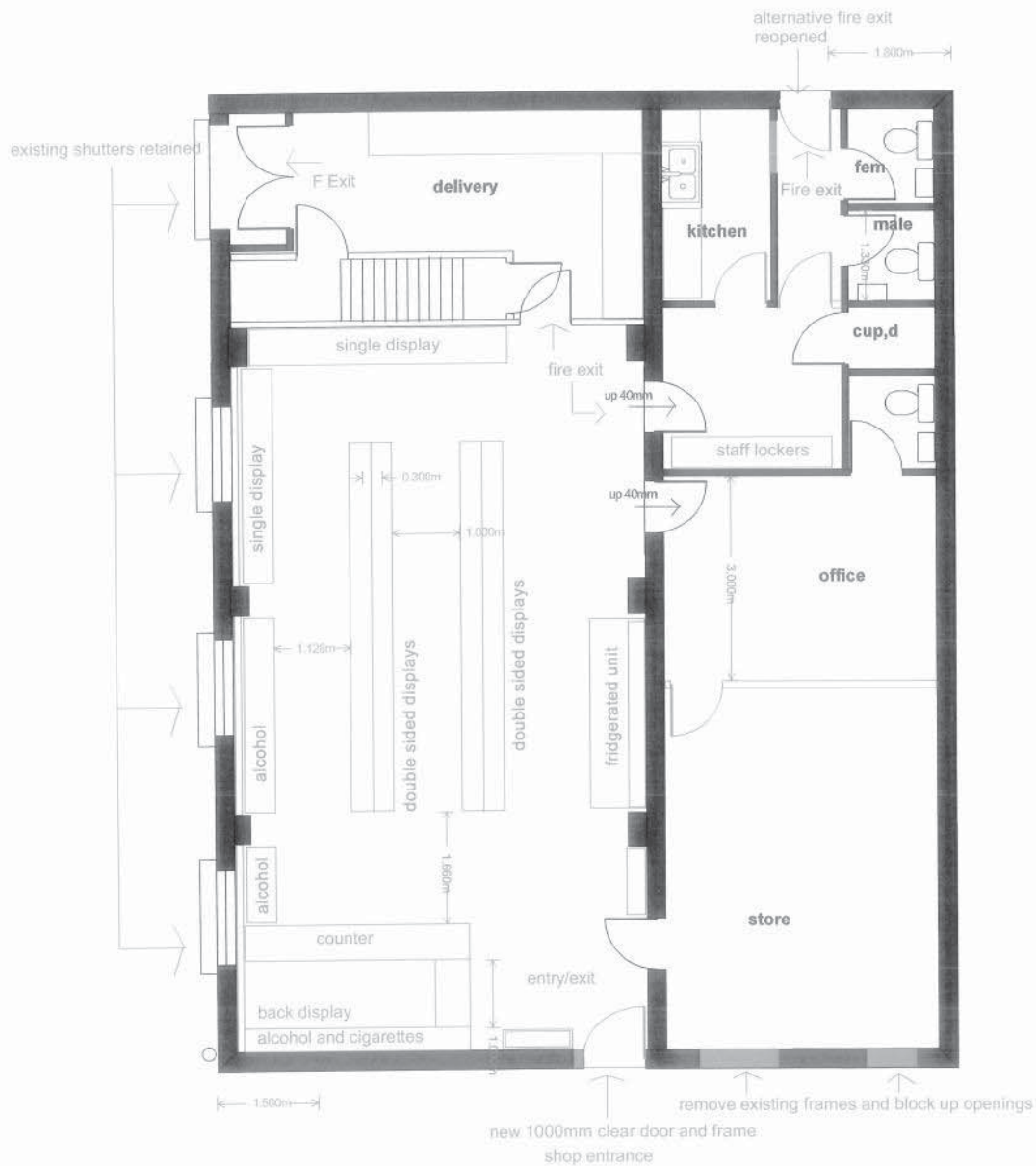
One you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/hartlepool/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.



new shop front with single electric security shutter



Ground Floor Plan

Nicola Purdy

From: Alison Macklam
Sent: 12 April 2013 12:18
To: Licensing
Subject: RE: Mission Hall, Burbank Street
 Hi Dawn

I would advise you planning permission H/2013/0075 was granted on 9 April 2013 for the change of use to shop. The permission is subject to the following condition restricting the hours of operation:

- The premises shall only be open to the public between the hours of 8am to 11pm Monday to Friday and 8am to 5 pm Saturday, Sunday and Bank Holidays.

Regards

Alison Macklam
 Monitoring Officer (Development Control)
 Hartlepool Borough Council
 Regeneration & Neighbourhoods
 Bryan Hanson House
 Hanson Square
 HARTLEPOOL TS24 7BT

*Applied for:
 Mon-Sun 9am-10pm
 (including bank holidays)*

Tel: 01429 284380
 Fax: 01429 523599

From: Licensing
Sent: 12 April 2013 12:10
To: Alison Macklam
Subject: Mission Hall, Burbank Street

Hi Alison

I am dealing with the applications for a new premises licence for the above. You have previously advised me that planning permission wasn't currently in place, but that it would be dealt with by 8 April 2013.

Was planning permission given?

Regards

Dawn Howley
 Technical Officer - Licensing

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

Tel No: 01429 523363
 Fax No: 01429 523308

additional email: licensing@hartlepool.gov.uk
 website: www.hartlepool.gov.uk/licensing

Please consider the environment before printing this e-mail

Please consider the environment before printing this e-mail

12/04/2013

19th March 2013

To The Principle Licencing officer

I am writing to you regarding the application for a licenced shop to open on Burbank Street.

As a resident on this street this excited me to think that I would be able to access a shop so close to home. I then realised this would be a licenced shop, this really disturbs me as this street has very vulnerable residents living here, young children, a local primary school and residents who are substance misusers and alcoholics. Already this street has a few residents who cause disturbance and local police are called out most weekends to fights. Opening a licenced shop will cause these incidents to escalate so I am writing to oppose this request.

Yours sincerely

Angela Hall



Hello

I am writing about the Mission Hall on Burbank Street.

Most people are happy to be getting a shop on the estate, but not all

I am the Chair man of the residents association and at a public meeting I asked what people thought about a shop?

No one wanted it to sell alcohol! We had a shop on the estate in the past and it was closed because of the amount of anti-social behaviour associated with it?

Plus Burbank Street is a police ward priority area! I think there would be lots of problem with a shop selling alcohol on a housing estate!

So I want to formally object to the sale of Alcohol.

Regards

Clive Hall

Chair of Bridge Community Association.

Sent: 12 April 2013 13:53
To: Susan McBride
Cc: Adele Wilson
Subject: Re: license

Hi Sue and Ian

I would like to show that the shop is:-

- 1, 10 meters from the main entrance from Ward Jackson school gate.
- 2, There is a shop which is OFF the estate which sell alcohol only 800 meters away.
- 3, Burbank Street has been a Ward Priority street for over a year. Apart of the problem being groups of teenagers intimidating people has they walk passed. Plus an number of alcoholic live on the street!
- 4, A previous shop ON the estate was forced to close because of Anti-social behaviour. Which is why people do not want this shop to sell alcohol!

There will be a number of people at the hearing who can verify the facts I am showing.

Regards

Clive Hall

From: [Susan McBride](#)
Sent: Friday, April 12, 2013 12:20 PM
To: 'Clive'
Cc: [Adele Wilson](#)
Subject: RE: license

Hi Clive,

I have heard back from Ian, he says your objections have been logged and that you have therefore been invited to the licensing meeting on 7th May, any further objections need to be received by end of play today. His guidance is as follows

Objections must be on the likely effect of granting a licence on the 'licensing objectives' which are: -

Prevention of crime and disorder
Prevention of public nuisance
Public safety
Protection of children from harm

You will be given the opportunity to explain to the committee why the granting of the licence would in fact

12/04/2013