

LICENSING SUB-COMMITTEE AGENDA



Thursday 10th October 2013

at 10.00am

in Committee Room B,
Civic Centre, Hartlepool

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Ainslie, Morris and Tempest

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

3.1 To confirm the minutes of the meeting held on 12th September 2013

4. **ITEMS FOR DECISION**

4.1 Application to transfer a premises licence, 34 Church Street, Hartlepool
– *Director of Public Health*



LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

12th September 2013

The meeting commenced at 9.30am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors Steve Gibbon and Sheila Griffin

Officers: Ian Harrison, Principal Trading Standards and Licensing Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

Also in attendance:

Leanne Bonner – Merry-Go-Round
Ben Bowers – Games Tech

. Apologies for Absence

None

. Declarations of interest by Members

None

. Application for the Variation of a Gaming Machine Permit – Merry Go Round, Easington Road, Hartlepool, TS24 9AL – (*Assistant Director, Regeneration*)

In 2007 members of the Licensing Committee determined that applications for 4 or more gaming machines must be referred to a sub-committee for consideration. An application had been submitted on behalf of Merry Go Round for an increase in the number of Category C gaming machines from four to five. The Gambling Act 2005 requires that when considering permit applications licensing authorities give consideration to the licensing objectives as follows:

- a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- b. Ensuring that gambling is conducted in a fair and open way
- c. Protecting children and other vulnerable persons from being harmed

or exploited by gambling

Permit holders must also comply with the Gambling Commission's Code of Practice in relation to the location and operation of machines. A copy of the Code of Practice was appended to the report

Representatives from the premises and the machine suppliers were present at the meeting. Members queried how staff at the premises would ensure that under-age gambling did not take place. The Deputy General Manager, Ms Bonner, assured members that all staff were made aware as part of their induction training that under-18s were not permitted to use the gambling machines. The premises operated a Challenge 25 policy in relation to the purchase of alcohol and use of the gambling machines. All machines were directly in line of sight of the bar and floor staff would also patrol those areas regularly. A floor plan of the premises showing the sites proposed for the machines was provided for members' information. If anyone appearing to be under age was found to be using the machines they would be asked to provide valid ID and if they were unable to do so would be asked to leave the machine. Ms Bonner also gave members details of staffing arrangements at the premises.

Decision

That the application for the variation of a gaming machine permit in respect of the Merry Go Round be approved.

The meeting concluded at 10:10am.

CHAIR

Report of: Director of Public Health

Subject: APPLICATION TO TRANSFER A PREMISES
LICENCE, 34 CHURCH STREET, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application to transfer a premises licence in respect of 34 Church Street, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Applicant: Mr Mohammed Hajajj
- Premises: Maram's Pizzeria (formerly Mario's)
34 Church Street
Hartlepool
TS24 7DG

3. BACKGROUND

- 3.1 The application is to transfer the premises licence for 34 Church Street from Mr Mousa Mousa to Mr Mohammed Hajajj. A copy of the application is attached as **Appendix 1**.
- 3.2 The current premises licence has been held by Mr Mousa Mousa since it was first granted in 2005.
- 3.3 Cleveland Police have objected to the transfer on the grounds that granting the application would undermine the Crime Prevention objective.
- 3.4 In summary the objection alleges Mr Hajajj has knowingly failed to comply with the conditions attached to his previous premises (77 Church Street) and, since moving into 34 Church Street, he has failed to comply with the conditions attached to that licence also. A copy of the objection is attached as **Appendix 2**.

4. ISSUES

- 4.1 As a valid objection has been received from Cleveland Police a hearing must be held for Members to consider it.

4.2 Having regard to the objection received, Members may only:

- i) Grant the application
- ii) Reject the application, if Members consider it necessary for the promotion of the crime prevention objective

4.3 When making their determination, Members are reminded that they must only consider those aspects of the licence application that are relevant to the objection received.

5. RECOMMENDATIONS

5.1 That members consider any representations made by Cleveland Police and the applicant and determine whether the proposed transfer should be granted or rejected.



Premises name change.
**Application to transfer 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.

I/We Mohammed HAJAJI
 (Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

HART/PS/276.

Part 1 – Premises details

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

MARAM'S Pizzeria
34 church str -
TS24 7DG

Post town

Post code

Telephone number at premises (if any)

Confidential

REGENERATION & NEIGHBOURHOODS
 DEPARTMENT
 10 SEP 2013

Please give a brief description of the premises

Take away

Name of current premises licence holder

MOUSA MOUSA

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

a) an individual or individuals*

Please tick ☒ yes

☒ please complete section (A)

b) a person other than an individual *

i. as a limited company

☐ please complete section (B)

ii. as a partnership

☐ please complete section (B)

- iii. as an unincorporated association or ☐ please complete section (B)
- iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ 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) an individual 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 respect of 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 ☒ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev)

Surname

HAJAJJ

First names

MOHAMMED.

I am 18 years old or over

Please tick ☒ yes

☒

**Current postal
address if
different from
premises
address**

confidential

Post town

Daytime contact

**E-mail address
(optional)**

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ☒ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post code

Daytime contact telephone number

**E-mail address
(optional)**

(B) 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
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick ☒ yes

Are you the holder of the premises licence under an interim authority notice? ☐

Do you wish the transfer to have immediate effect? ☒

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick ☒ yes

I have enclosed the consent form signed by the existing premises licence holder ☒

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☒ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)



Please tick ☒ yes

I have enclosed the premises licence



If you have not enclosed premises licence referred to above please give the reasons why not.

Premises Licence with Council - Variation app form.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 2). If signing on behalf of the applicant please state in what capacity.

Signature

confidential

Date

4-9-13.

Capacity

Owner bisnis.

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

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

CONSENT OF PREMISES LICENCE HOLDER TO TRANSFER
UNDER THE LICENSING ACT 2003



I/We X Mousa Mousa
(full name of premises licence holder(s))

the premises licence holder(s) of premises licence number HART/PS. 1276
(premises licence number)

relating to Marans, 34 Church Street, H'Pool.
(name & address of premises to which the application relates)

hereby give my consent for the transfer of premises licence number HART/PS.....

to Mr Mohammed Hajaj
(full name of proposed licence holder)

Signed:

confidential

Name X M. MOUSA
(please print)

Dated: X 5/9/13

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

PREM05(b)

Your Ref:
Our Ref: LICE/20/765/MN

When telephoning please use
(01642) 301231 to contact
Marie Nevison
Marie.Nevison@cleveland.pnn.police.uk

18th September 2013

Dear Sirs

Re: - Notice of Objection to Transfer of Premises Licence
Marios Takeaway (Maram's) 34 Church Street, Hartlepool
Mr Mousa Mousa to Mr Mohammed Hajaji

I refer to the above application, which was received by Cleveland Police on 10th September 2013, and confirm that Cleveland Police give notice of objection for the following reasons:

Cleveland Police have recently made an application to review this premises licence. This is due to the fact that the premises continuously open beyond the hours permitted by their premises licence. In addition to this, they failed to comply with a condition, which requires two door supervisors after 00.00 hours – a condition that was placed on the premises licence following a number of alcohol related incidents at the premises.

In addition to this, Cleveland Police have made representations following Mousa Mousa's application to extend the opening hours, the reasons being as set out above.

Mohammed Hajaji is currently the premises licence holder of Maram's which is situated at 77 Church Street. 77 Church Street suffers from alcohol related crime and disorder incidents and Mr Hajaji has in the past failed to employ door supervisors at 77 Church Street (which is also a condition on this other premises).

Mr Ian Harrison
Licensing Department
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool

Cleveland Police are aware that Mohammed Hajajj is now running the premises formerly known as Marios (34 Church Street) which is also now called Marams.

On 7th and 8th September 2013, whilst 34 Church Street was under the control of Mr Hajajj, the premises closed at 02.00 hours, as dictated by the Premises Licence. However, Mr Hajajj failed to employ the required door supervisors. It is the opinion of Cleveland Police that Mr Hajajj is aware of the condition requiring door supervisors. Indeed, whilst in control of Maram's at number 77 Church Street, he was reminded of the importance of complying with this condition.

Cleveland Police are concerned that with the history of incidents which have occurred at 77 Church Street, the situation at this premises may deteriorate further and present Cleveland Police with more concerns than at present. In addition to this, it should be noted that the location of the premises at 77 Church Street does not suffer from as much alcohol related crime and disorder as where this premises is situated.

For the above reasons the Chief Constable of Cleveland Police is satisfied that the exceptional circumstances of this case are such that granting the transfer of the premises licence will undermine the crime prevention objective.

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

Yours faithfully

Marie Nevison
On behalf of Legal Services

Dawn Howley

From: NEVISON, Marie (C7711) [Marie.Nevison@cleveland.pnn.police.uk]

Sent: 24 September 2013 08:23

To: Ian Harrison; Licensing

Cc: HUSSAIN, Yasmeeen (P2086)

Subject: notice opf objection to xfr of plh - Mario's/Marams

Attachments: noticeopfobjectiontoxfrfoplh-V1.doc

Please find attached a copy of the amended notice of objection in respect of the above premises. There was an error in the second last paragraph which read "variation" instead of transfer. I apologise for any inconvenience caused. However, please do not hesitate to contact me if you have any further queries.

Kind Regards,

Marie Nevison

24/09/2013