LICENSING SUB-COMMITTEE AGENDA



Wednesday 5th March 2014

at 2.00pm

in Committee Room C, 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

No items

- 4. ITEMS FOR INFORMATION
 - 4.1 Application to vary a premises Licence, Vicky's Convenience Store, 36 Mulgrave Road, Hartlepool *Director of Public Health*
- 5. ANY OTHER ITEMS THE CHAIR CONSIDERS ARE URGENT



LICENSING ACT 2003



Procedure for Hearings (Licence Reviews)

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.

- The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
- 2. The Director of Public Health shall outline the application, any relevant representations and relevancy to licensing policy and statutory guidance.
- 3. Members ask any questions of the Director of Public Health.
- 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 other responsible authorities/interested parties and witnesses introduced where appropriate.
- 7. Questions by Members to responsible authorities/interested parties and/or their witnesses.
- 8. Licence holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
- 9. Questions by Members to licence holder and/or applicant's witnesses.
- 10. Parties may question and clarify issues raised with the consent of the Chair.
- 11. If required, responsible bodies/interested parties to be given opportunity to sum up.
- 12. If required, the applicant to be given opportunity to sum up.
- 13. 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.
- 14. Members to go into closed session to deliberate.
- 15. Chair informs parties of their decision, with reasons.

Report of: Director of Public Health

Subject: APPLICATION TO VARY A PREMISES LICENCE,

VICKY'S CONVENIENCE STORE, 36 MULGRAVE

ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

1.1 To consider an application to vary a premises licence in respect of Vicky's Convenience Store, 36 Mulgrave Road, Hartlepool.

2. SUMMARY OF APPLICATION

2.1 Applicant: Mr Suvaissan Savarimuthu

Premises: 36 Mulgrave Road

Hartlepool TS26 8EB

- 2.2 This application is for the variation of a premises licence that was issued in respect of these premises on 21st March 2013.
- 2.3 The current licence authorises the following activities: -

Sale of Alcohol

Monday to Sunday - 1000 - 1930

- 2.4 A copy of the current licence is attached as **Appendix 1**.
- 2.5 The applicant has applied to vary the premises licence to permit the sale of alcohol to between 0900 hours and 2230 hours Monday to Saturday and 1000 hours to 2230 hours on Sundays.
- 2.6 In addition, the applicant has applied to remove two conditions from the premises licence that were initially applied by a licensing sub-committee when the licence was first granted last year specifically the requirement limiting the hours and also the requirement that a personal licence holder be present on the premises during licensed hours.
- 2.7 A copy of the application is attached as **Appendix 2**.

3. BACKGROUND

- 3.1 The application has been advertised in the prescribed manner and one relevant representation has been received from a member of public.
- 3.2 The representation received objects to the grant of the variation on the grounds of the protection of children from harm and public nuisance.
- 3.3 A copy of the representation is attached as **Appendix 3**.
- 3.4 The current premises licence was initially granted by a licensing subcommittee on 21st March 2013 where, following consideration of the representations made, the licensed hours were restricted to between 1000 to 1930 hours Monday to Sunday.
- 3.5 At the above hearing Members also determined to attach four conditions to the premises licence (see Annex 3 of Appendix 1).

4. ISSUES

- 4.1 As a relevant representation has 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 was first granted a premises licence to supply alcohol on the 21st March 2013.
- 4.3 The applicant has applied to extend the hours of the licence and remove two of the conditions imposed by the licensing sub-committee last year.
- 4.4 The representation that opposes the grant of the extension alleges that teenagers have been allowed to buy alcohol without any age verification checks taking place by staff and consequently anti social behaviour has taken place outside the shop. Also that the noise from the shop shutters closing at 22:30 will disturb sleep.
- 4.5 Prior to receipt of this representation, the premises had not been the subject of any previous complaints about underage sales and no underage sales test purchase operations have been attempted at these premises by Trading Standards officers since they opened last year.
- 4.6 Members of the sub-committee are reminded that paragraph 4.25 of Hartlepool Borough Council's current Statement of Licensing Policy states the following in relation to licensing hours: -

The licensing authority does not accept that longer opening hours have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and creates a nuisance for those residents who are affected by revellers returning home during the early hours.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused.

- 4.7 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
- 4.8 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
- 4.9 Members are reminded that they must only consider those aspects of the licence application that are relevant to the representation received.

5. RECOMMENDATIONS

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



THE LICENSING ACT 2003 PREMISES LICENCE (PART A)

Premises licence number	HART/PS/442
Part 1 - Premises details	
Postal address of premises or, if none, of description	ordnance survey map reference, or
description	
Vicky's Convenience Store	•
36 Mulgrave Road	
Post Town Hartlepool	Post Code TS26 8EB
Telephone number	
Where the licence is time limited the dat	es
N/A	
Licensable activities authorised by the I this licence is limited to indoors only, u	icence. Any entertainment authorised by
this licence is fiffilted to indoors only, di	ness stated other wise.
Supply of Alcohol	
This licence does not authorise the prov	vision of adult entertainment.
The time the licence authorises the carr	ying out of licensable activities.
Monday to Sunday - 1000 - 1	1930
The opening hours of the premises	
Monday to Sunday - 0600 - Sunday 0700 -	
Guilday 0700	2200
Where the licence authorises supplies of	of alcohol whether these are on and / or off
supplies	
Off Sales Only	

1

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

Mr Suvaissan Savarimuthu 1 Wilson Street Hartlepool TS26 8JX

Tel Number: 07411322924 e-mail: <u>suvaisz@live.com</u>

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorizes the supply of alcohol

Mr Suvaissan Savarimuthu

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

HART/PL/673 Hartlepool Borough Council

Date licence granted: 28th March 2013

ANNEX 1 – Mandatory Conditions

- 1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
 - Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 2. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

ANNEX 2 - Conditions consistent with the Operating Schedule

- 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 that can be played back on any desktop computer. The digital recorder must have the facility to be password protected to prevent authorised 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 24 hrs or immediately if urgently required for investigation of serious crime.
- 2. A "Challenge 25" policy shall be operated at the premises at all times. Customers attempting to purchase alcohol who appear to be less that 25 shall be challenged by staff to produce a passport, photo driving license or a PASS approved Proof-of-Age card. No other form of identification shall be accepted. 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 25 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. A Challenge 25 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.
- 3. At the sales counter there shall be a means of alerting or reminding staff to verify the age of a prospective purchaser whenever an agree restricted product is presented for purchase.
- 4. The business must maintain a refusals book to record all occasions where the supply of alcohol has been refused including dates/times, staff member and description of the incident. The Designated Premises Supervisor/ Store Manager/Business Owner is to check the book and sign/date it at least every 28 days.

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

- 1. The Sale of Alcohol shall be restricted to the hours of 10:00 am and 7:30pm each day.
- 2. The premises shall not be used exclusively or primarily for the sale or supply of alcohol.
- 3. The premises licence holder consents to under age sales test purchase operations being carried out by Trading Standards Officers and/or Cleveland Police without prior notification.
- 4. There shall at all times during licensed hours be a minimum of one personal licence holder present on the premises.

ANNEX 4 - Plans

YOU ARE REMINDED THAT IT IS YOUR LEGAL OBLIGATION TO ATTACH THE CURRENT 'PLAN' TO THIS PREMISES LICENCE AND KEEP THIS LICENCE (OR A CERTIFIED COPY) IN A SECURE PLACE AT THE LICENSED PREMISES.

IT IS AN OFFENCE NOT TO PRODUCE YOUR PREMISES LICENCE (INCLUDING THE PLAN) UPON REQUEST BY A POLICE OFFICER, LOCAL AUTHORITY OFFICER OR AUTHORISED PERSON.



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

I DEASE REA	DIHEFO	LLOWING INSTRU	CHONS FIRS	1
Before completing this form please this form by hand please write legi boxes and written in black ink. Us	bly in block	capitals. In all cases e	nsure that your a	
You may wish to keep a copy of th	e completed	form for your records		14 JAN 2014
I/We SUUAISS AN (Insert name(s) of applicant) being the premises licence holder Act 2003 for the premises described.	r, apply to v	ary a premises licenc	e under section	34 of the Licensing
Premises licence number HART [P8]	442			
Part 1 – Premises Details				
Postal address of premises or, if no VICKY CONVER 36, MULGRAVE HARTLE POOL.	NIENCE E RO	E STORE	e or description	
Post town +InnTu	6 POOL		Postcode	TS268EB
Telephone number at premises (if	any)	01429 2	35167	
Non-domestic rateable value of pro	emises	£ 2025		
Part 2 – Applicant details				
Daytime contact telephone number	Confidential			
E-mail address (optional)				
Current postal address if different from premises address				
Post town			Postcode	IF.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Pro	vision of regulated entertainment	Please tick all that apply
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)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
Pro	vision of late night refreshment (if ticking yes, fill in box I)	
Sale	e by retail of alcohol (if ticking yes, fill in box J)	

In all cases complete boxes K, L and M

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance r	note 3)	
Tue	************	***			
Wed			State any seasonal variations for performing plays (ple note 4)	ase read guidar	ice
Thur					
Fri	777777		Non standard timings. Where you intend to use the pr performance of plays at different times to those listed left, please list (please read guidance note 5)		n the
Sat					
Sun					

(please	d days and read guida		Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance n	note 3)	
Tue					
Wed			State any seasonal variations for the exhibition of films guidance note 4)	s (please read	
Thur					
Fri			Non standard timings. Where you intend to use the pre- exhibition of films at different times to those listed in to please list (please read guidance note 5)		e left,
Sat					
Sun					

Standa	sporting ed days an read guid		Please give further details (please read guidance note 3)	
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				
Sat				
Sun				

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance n	ote 3)	
Tue					
Wed			State any seasonal variations for boxing or wrestling er read guidance note 4)	ntertainment (p	lease
Thur					
Fri) 6-80-03-03-04-04-04-04-04-04-04-04-04-04-04-04-04-		Non standard timings. Where you intend to use the pre- wrestling entertainment at different times to those listed left, please list (please read guidance note 5)		
Sat					
Sun					

Live music Standard days and timings (please read guidance note			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance n	ote 3)	
Tue					
Wed			State any seasonal variations for the performance of liv	e music (pleas	e read
			guidance note 4)		
	1				
Thur					
			Non standard timings. Where you intend to use the pre- performance of live music at different times to those list the left, please list (please read guidance note 5)		mn on
Thur Fri Sat			performance of live music at different times to those lis		mn on

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	
	Finish		Outdoors	
Start	Finish		Both	
		Please give further details here (please read guidance no	ote 3)	
		State any seasonal variations for the playing of recorder guidance note 4)	d music (please	e read
		Non standard timings. Where you intend to use the pre- of recorded music at different times to those listed in the please list (please read guidance note 5)	mises for the p	olaying ne left,
	rd days and read guid	rd days and timings read guidance note	Start Finish Please give further details here (please read guidance note 4) State any seasonal variations for the playing of recorder guidance note 4) Non standard timings. Where you intend to use the preof recorded music at different times to those listed in the guidance in the preof recorded music at different times to those listed in the guidance in the preof recorded music at different times to those listed in the guidance in the guida	Start Finish Start Finish Please give further details here (please read guidance note 3) State any seasonal variations for the playing of recorded music (please guidance note 4) Non standard timings. Where you intend to use the premises for the pof recorded music at different times to those listed in the column on the position of the polyment of the polyment.

Performances of dance Standard days and timings (please read guidance note 6)		d timings	Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	e note 3)	
Tue					

Wed)		State any seasonal variations for the performance of guidance note 4)	of dance (please	e read
Thur		polytographic states and a state of the layer of the laye			
Fri			Non standard timings. Where you intend to use the performance of dance at different times to those list the left, please list (please read guidance note 5)		
Sat	*************				
Sun					

descrip within Standa	ing of a si ption to the (e), (f) or rd days an read guid	tat falling (g) d timings	Please give a description of the type of entertainment y	ou will be prov	viding
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon			outdoors or both – please tick (please read guidance note 2)	Outdoors	
	1.5 (SQL-16) IN THIRD OF AT THIRD OF			Both	
Wed Thur Fri			State any seasonal variations for entertainment of a to that falling within (e), (f) or (g) (please read guida		i <u>ption</u>
Sat			Non standard timings. Where you intend to use the entertainment of a similar description to that falling at different times to those listed in the column on the (please read guidance note 5)	within (e), (f)	or (g)

Late night refreshment Standard days and timings (please read guidance note		d timings	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6))			Outdoors	
Day	Start	Finish	Please vive further details have (please read suide	Both	
Mon			Please give further details here (please read guidance	e note 3)	
Tue					
Wed			State any seasonal variations for the provision of la (please read guidance note 4)	nte night refres	hment
Thur					
Fri			Non standard timings. Where you intend to use the provision of late night refreshment at different time the column on the left, please list (please read guida	es, to those list	
Sat					
Sun	Market I I I I Wall I I I I I I I I I I I I I I I I I I				

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

If not, from what date do you want the variation to take effect?

DD MM YYYY

DD MM YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

I there been capplying for Variation in theory.

From The existing has are 10.00 nm to 7.30 pm wanting to Chamgeto 9.00 nm to 10.30 pm (variation)

And also applying for removing Conclitions, attached on Annex 3

The Conditions (D) and (D) an Annex 3 Swomt to Pemoue those two Conclitions.

My proposed variation are the house and Conditions of the premises

I have attached the Annex 3 for your verification

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Supply of alcohol Standard days and timings (please read guidance note		ltimings	Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	
(please read guidance note 6)				Off the premises	
Day	Start	Finish		Both	
Mon	9.00	22:30	State any seasonal variations for the supply of alcoguidance note 4)	hol (please read	
Tue					
	9.00	22:30			
Wed					
	9.00	22:30			
Thur			Non-standard timings. Where you intend to use the		
	9.00	22:30	supply of alcohol at different times to those listed in left, please list (please read guidance note 5)	n the column of	n the
Fri					
	9.00	22.30			
Sat					
	9.00	2,2,50			
Sun	1.00				
	10.00	22.30			

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).

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				
Tue	10000000000000000000000000000000000000			
Wed				
			Non standard timings. Where you intend the premises to be open to	the
Thur			public at different times from those listed in the column on the left, please list (please read guidance note 5)	
Fri				
Sat	****			
Sun				

Please identify those conditions current consequence of the proposed variation	ly imposed on the licence which you believe could be removed as a you are seeking.	a

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

prevention of Coreme and disorder, problèc Sefets, prevention of exempand dessorber of Public neusence and Protecting the children from harm

b) The prevention of crime and disorder

closed arcuit television is m place in order to Prevent Chine and disorder.

c) Public safety

(CTV Comeras and Signs this played in the Shop to comploure Sefety of the planuses and the probabil.

d) The prevention of public nuisance

In order to prevent public nuisane. CeTi and clevelpping the Community le betienslys and seport the meidlent

e) The protection of children from harm

Age verification policy is in place in osder to

	Please tick as appropriate
I have enclosed the premises licence	\
I have enclosed the relevant part of the premises licence	
If you have not ticked one of these boxes, please fill in reasons for not including t below	the licence or part of it
Reasons why I have not enclosed the premises licence or relevant part of premise	s licence.

Checklist: Please tick to indicate agreement Δ I have made or enclosed payment of the fee. I have sent copies of this application and the plan to responsible authorities and others where X applicable. I understand that I must now advertise my application. K X I have enclosed the premises licence or relevant part of it or explanation. I understand that if I do not comply with the above requirements my application will be × rejected. IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 10) Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity. Confidential Signature Date Capacity Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity. Signature Date Capacity Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) Confidential

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

тетерионе пишьет (п апу)

Dear sir or madam,

I would like to object to the licensed opening hours being extended for Vicky Convenience Store in Mulgrave Road.

Over the late summer months we began to get more and more teen agers gathering outside of the shop, pooling money before sending one of the group in to buy alcohol.

They would then stay in Mulgrave Road while sharing around the bottle(s).

Often I have mentioned a gang hanging around outside of the shop to those people serving inside. Sometimes they have stepped outside in an effort to disperse them - but sometimes by this time the gang would have crossed the road and be sitting near the sub-station, away from their premises.

My main concern, however, is that I have personally questioned the person serving about the age of someone sold alcohol in front of me in the queue. I have been told by the young girls serving they always check ID. Yet never once have they done so when I've been there. There is also the noise aspect of the shutters being closed at night - bad enough at 10.30pm. Do we really have to be woken even later at night?

All three of us work shifts, meaning we rise from 4am to 6am. We are asleep by 10pm most nights.

I strongly oppose any changes to the present opening and licensing regulations relating to this shop in Mulgrave Road. The present licensing hours are already causing some issues for nearby residents, as we knew they would before the first application was ever granted.

Yours sincerely,

DELETED
Milton Road,
Hartlepool.