

LICENSING SUB-COMMITTEE

AGENDA



Tuesday 16th April 2019

at 10.00am

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

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Buchan, Hamilton and Young

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Application for the Review of a Premises Licence – The 9 Anchors, 2 The Front, Seaton Carew, Hartlepool – *Assistant Director (Environment and Neighbourhood Services)*



LICENSING ACT 2003

Procedure for Review 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. The Assistant Director (Environment & Neighbourhood Services) outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director (Environment & Neighbourhood Services).
4. Applicant for Review 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. Licence/Club Certificate holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Parties may question and clarify issues raised with the consent of the Chair.
10. If required, applicant/responsible bodies/interested parties to be given opportunity to sum up.
11. If required, the Licence /Club Certificate holder to be given opportunity to sum up.
12. 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.
13. Members to go into closed session to deliberate.
14. Chair informs parties of their decision, with reasons.

Report of: Assistant Director, Environment & Neighbourhood Services

Subject: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – THE 9 ANCHORS, 2 THE FRONT, SEATON CAREW, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence in respect of *The 9 Anchors* Public House, 2 The Front, Seaton Carew, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Party requesting review: Mr Michael Thompson
- 2.2 The current Premises Licence Holder is: Mr Peter Charlton
- 2.3 The current premises licence authorises the sale of alcohol between 10:00 and 22:40 hours seven days a week with an extension until midnight on Christmas Eve, Boxing Day and New Year's Eve.
- 2.4 A copy of the review application is attached as **Appendix 1**.
- 2.5 A copy of the premises licence is attached as **Appendix 2**.
- 2.6 Street View images of the premises are attached as **Appendix 3** and a map showing the premises location is attached as **Appendix 4**.
- 2.7 The application for review refers to the following licensing objectives:
- The Prevention of Nuisance
- 2.8 Following the statutory advertising of the application for review, additional representations have been received from Hartlepool Borough Council's Environmental Protection Team (**Appendices 5 and 6**) and two other interested parties (**Appendices 7 and 8**).

3. BACKGROUND

- 3.1 The premises licence for *The 9 Anchors* public house was first granted on 19th February 2017. When the licence application was originally submitted, the premises were described by the applicant as being a 'micro-pub'.

3.1

- 3.2 The initial application was for the sale of alcohol between 10:00 and 22:40 hours seven days a week with opening hours of between 10:00 and 23:00 hours seven days a week.
- 3.3 No application was made for the provision of live or recorded music as, since April 2015, all entertainment activities have been de-regulated if they take place between 08:00 and 23:00 hours.
- 3.4 As such, no licence is required for entertainment and therefore no conditions can be attached to the licence to control the provision of such entertainment.
- 3.5 As it was not possible to control any potential nuisance caused by the operation of a 'micro-pub', representations were made by the Environmental Health department during the planning process and this resulted in the addition of a number of planning conditions.
- 3.6 These conditions included a requirement that the premises be soundproofed to a standard approved by the planning authority; that the premises should only be open to the public between 10:00 and 23:00 hours seven days a week; and that *no live music, karaoke or other amplified speech shall be played/performed on the premises at any time, in the interests of the amenities of the occupants of neighbouring properties.*
- 3.7 Following the grant of planning permission and a premises licence, the premises opened around February 2017.
- 3.8 On 25th February 2019 an application for the review of *The 9 Anchors* premises licence was received from Mr Michael Thompson.
- 3.9 Mr Thompson lives in the flat above the neighbouring premises and his application states that amplified music has been regularly provided in *The 9 Anchors* causing him nuisance.
- 3.10 Following the statutory advertisement of the licence review, three more representations were received.
- 3.11 Appendix 5 details a representation from Hartlepool Borough Council's Environmental Protection Manager. This states that *The 9 Anchors* is not promoting the Licensing Act's objective of 'the prevention of public nuisance' due to the excessive loud music emanating from the premises. Appendix 6 is a statement from Zoe Craig, a member of the Council's Environmental Protection Team, who investigated Mr Thompson's complaint of noise nuisance. Appendix 6A is a statement from Nicola Purdy, a Hartlepool Borough Council Licensing Officer, who assisted Mrs Craig with some aspects of Mr Thompson's noise complaint.
- 3.12 Appendix 7 is a representation from Mr John Winter in which he details, amongst other things, the apparent non-compliance with a number of the planning conditions placed on the premises.

3.1

- 3.13 Appendix 8 is a representation from Mrs J. Rogers who operates a business from the neighbouring property and in which she details her experiences of nuisance emanating from *The 9 Anchors*.

4. ISSUES

- 4.1 An application for the review of a licence is made under Section 51 of the Licensing Act 2003. The application must be made by either a Responsible Authority or any other person as defined by the Act. In this case, the application has been made by Mr Michael Thompson who lives next to the licensed premises.
- 4.2 The application must also relate to at least one of the Act's 'licensing objectives' which 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
- 4.3 In 2012 the Live Music Act deregulated live music and in 2015 other forms of musical entertainment were also deregulated. This deregulation means that no licence is required for the provision of such entertainment when provided between 08:00 and 23:00 hours.
- 4.4 However, Section 177A(4) of the Licensing Act 2003 states that a licensing authority may, following an application for the review of a licence, effectively re-regulate musical entertainment if it considers it necessary to promote the Licensing Act's objectives.
- 4.5 As such, the licensing sub-committee may determine that musical entertainment should become a licensed activity for *The 9 Anchors* premises licence if it considers it necessary to do so.
- 4.6 If the licensing sub-committee determines that musical entertainment should be a licensable activity at the premises, the sub-committee can then determine whether, and under what conditions, such entertainment can be provided, if at all.
- 4.7 In addition to musical entertainment, the representation from Mrs J. Rogers states that her business is experiencing nuisance caused by general noise emanating from the premises (due to a lack of sound insulation); nuisance caused by *The 9 Anchors* customers congregating outside her property and, on occasion, *The 9 Anchors* customers using the outside of her premises as a toilet.
- 4.8 Several of the representations also refer to the premises staying open later than its planning permission and licence allow.

3.1

4.9 Whilst the *consumption* of alcohol is not a licensable activity, the *sale* of alcohol *is*, and the licensing sub-committee may feel that the current terminal hour of 22:40 hours for the sale of alcohol does not provide sufficient 'drinking up time' and encourages customers to stay at the premises beyond 23:00 hours. This could be addressed by a reduction in the permitted hours for the sale of alcohol if the sub-committee considered it appropriate.

4.10 The steps available to the licensing sub-committee are: -

- To take no action;
- To modify the conditions on the licence (this may include making musical entertainment a licensed activity);
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

5. RECOMMENDATIONS

5.1 That Members consider the representations made by the applicant, the Responsible Authority, the Interested Parties and the licence holder and determine what action, if any, should be taken.

Application for the review of a premises licence or club premises certificate 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 Michael Thompson
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>THE 9 ANCHORS, 2 THE FRONT, SEATON CAREW, HARTLEPOOL, TS25 1BS</u>	
Post town <u>HARTLEPOOL</u>	Post code (if known) <u>TS25 1BS</u>

Name of premises licence holder or club holding club premises certificate (if known)
--

Number of premises licence or club premises certificate (if known)
--

REGENERATION & NEIGHBOURHOODS DEPARTMENT 25 FEB 2019
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☒

2) a responsible authority (please complete (C) below)

☐

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

☒

Mrs

☐

Miss

☐

Ms

☐

Other title
(for example, Rev)

Surname

THOMPSON

First names

MICHAEL

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) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

THE 9 ANCHORS, IS PLAYING AMPLIFIED AUDIO/CD MUSIC THROUGH SPEAKERS.

THE PUB HAS A LIVE ACT EVENT, WHICH IS HELD ON A WEEKLY BASIS, THE NOISE IS SO LOUD, IT CAN BE HEARD IN ANY PART OF MY PREMISES.

IN SOME CASES, THE 9 ANCHORS HAS PLAYED CD BASED AUDIO DURING WEEKENDS AND WEEKEND.

SUNDAY 6th JANUARY 2019: 21:30 - MUSIC
BEING
PLAYED
THROUGH
SPEAKERS

21:40
MONDAY 7th JANUARY 2019: ~~20:20~~ - MUSIC
BEING
PLAYED
THROUGH
SPEAKERS

TUESDAY 8th JANUARY 2019: 20:20 - MUSIC
BEING PLAYED
THROUGH
SPEAKERS

WEDNESDAY 9th JANUARY 2019: 20:25 - MUSIC
BEING PLAYED
THROUGH SPEAKERS

1
THIS AUDIO DISTURBANCE OCCURS ON AN ALMOST
FREQUENT BASIS. FURTHER INFORMATION
REGARDING AMPLIFIED AUDIO BEING PRODUCED
FROM THE '9 ANCHORS' HAS BEEN DOCUMENTED
IN A DIARY AND A VIDEO LOG SUPPLIED
VIA A USB FLASH DRIVE.

THESE LOGS SHOW HOW LOUD THE AUDIO
IS, COMING FROM THE '9 ANCHORS'.

2019 YEAR PLANNER

[illegible]

DECEMBER | JANUARY

31 MONDAY

Week 01 2018/19

365 - 000

2019 Week 01

003 - 362

JANUAR

THURSDAY 3

1 TUESDAY

New Year's Day - Public Holiday

001 - 364

004 - 361

FRIDAY 4

2 WEDNESDAY

Public Holiday (NZ) | Day 2 Holiday (Australia)

002 - 363

005 - 360

SATURDAY

5

SUNDAY 6

MUSIC
BEING PLAYED
THROUGH
SPEAKERS

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

JANUARY 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

JANUARY

7 MONDAY

Week 02 2019

007-358

AMPLIFIED
MUSIC 21:40pm

8 TUESDAY

008-357

AMPLIFIED
MUSIC 20:20
AGAIN!

9 WEDNESDAY

009-356

LIVE MUSIC
BEING PLAYED THROUGH
2 SPEAKERS 20:25

	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

2019 Week 02

010-355

JANUARY
THURSDAY 10

011-354

FRIDAY 11

012-353

SATURDAY

12

013-352

SUNDAY 13

PLAYING
MUSIC/CD'S
(LADA GAGA)
22:55

FEBRUARY		F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	

14 MONDAY

014 - 351

017-348

JANUARY
THURSDAY 17

MUSIC
PLAYED IN
SPEAKERS

15 TUESDAY

015-350

018-347

FRIDAY 18

16 WEDNESDAY

016 - 349

019 - 346

SATURDAY

19

070 - 345

SUNDAY 20

	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

F 5 5 M T W T F S 5 M T W T F S 5 M T W T F S 5 M T W T
 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

JANUARY

Week 04 2019

21

MONDAY

Martin Luther King Jr. Day - Federal Holiday (USA)

021-344

22

TUESDAY

022-343

23

WEDNESDAY

023 - 342

MUSTU

LONG

	T	W	T	F	S	M		T	W	T	F	S	S	M	T		W	T	F	S	S	M	T		W	T	F	S	S	M	T	W	T
	1	2	3	4	5	6		8	9	10	11	12	13	14	15		16	17	18	19	20	21	22	23		24	25	26	27	28	29	30	

2019 Week 04

024-341

JANUARY

THURSDAY

24

FRIDAY

But: Is Niprot Sustainable?

25

025 - 340

026 - 3399

SATURDAY

Australia Day

26

027 - 338

SUNDAY

27

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

FEBRUARY

Week 06 2019

4 MONDAY

035-330

5 TUESDAY

036-329

6 WEDNESDAY

Waterbury Day - Public Holiday (FRL)

037-328

MAN-PLAYING
GUITAR + SINGING
THREW SPEAKERS

	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28

2019 Week 06

038-327

FEBRUARY

THURSDAY 7

FRIDAY 8

SATURDAY

9

041-324

SUNDAY 10

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S

Have you made an application for review relating to the premises before

Please tick ✓ yes

☐

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ☒ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

..... 25/02/19

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

--	--

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

The Licensing Team
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

REV01

THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/513

Part 1 - Premises details

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

2 The Front
Seaton Carew

Post Town Hartlepool

Post Code TS25 1BS

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence. Any entertainment authorised by this licence is limited to indoors only, unless stated otherwise.

Supply of Alcohol

This licence does not authorise the provision of adult entertainment.

The time the licence authorises the carrying out of licensable activities.

Monday to Sunday 10:00 – 22:40
On Christmas Eve, Boxing Day and New Years Eve licensable activity can finish at 24:00

The opening hours of the premises

Monday to Sunday 10:00 – 23:00
On Christmas Eve, Boxing Day and New Years Eve closing time can finish at 01:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On Sales Only

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

Peter Charlton

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

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

Peter Charlton

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

SBC 144075
Stockton Borough Council

Date licence granted: 19th February 2017

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. In relation to the exhibition of films, the admission of children must be restricted in accordance with the classification designated by the British Board of film Classification (BBFC) or other authority designated by the Video Recordings Act 1984 for the film, or films being exhibited.
3. Each individual employed or otherwise engaged at the premises to carry out a security activity must be licensed by the Security Industry Authority.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either-
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person shall ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises and
 - (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
8. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (a) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$
 - (b) where—
 - (I) P is the permitted price,
 - (II) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (III) V is the rate of value added tax chargeable in relation to the alcohol

as if the value added tax were charged on the date of the sale or supply of the alcohol;

“relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (c)
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

“relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

- (d) present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

“valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

- (e)

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price

- (3) given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different

- (4) from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – Conditions consistent with the Operating Schedule

1. The DPS or representative shall attend the Hartlepool Licensing Association/Pubwatch meetings held bi-monthly.
2. The Premises shall have CCTV system that complies to a minimum approved standard partnership with Cleveland Police. The system will also be maintained at regular service intervals and always record when the premises is open for business. Where more than one camera is in operation, at least one shall be permanently directed at the sales counter so as to record all sales taking place. Images recorded by the system shall be retained for a minimum of 28 days and shall be made available to police officers or other authorized officers on request within a reasonable time frame (usually within 24-72 hours) unless the circumstances are serious enough that the footage be required immediately.
3. When serving pints, half pints or spirits Polycarbonate/plastic or toughened glasses will be used for both inside and outside the licensed premises.
4. Alcohol shall not be removed from the designated licensed area in open containers.
5. Signs shall be displayed in prominent positions requesting customers to leave the premises in a quiet and orderly manner and to consider the neighboring residents.
6. A “Challenge 25” policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 25 years of age and who is attempting to buy alcohol. There shall be notices displayed at all points of sale and all entrances and exits to inform customers and remind staff that the premise is operating “Challenge 25” policy.
7. Only valid passports, UK “photo card style” driving licenses, PASS approved proof-of-age cards or Ministry of Defence “From 90” identification cards shall be accepted as proof of age.
8. All staff will be fully trained and the training must include the laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18’s (proxy sales), persons appearing under the influence of alcohol and also the operation of the associated ‘Challenge 25’ policy. Staff will receive refresher training at least every 6 months.
9. Training records, signed by both the staff member and the Designated Premise Supervisor/Store Manager/Business Owner will be retained for the future reference and shall be updated at least every 6 months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities upon request.
10. The business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive and aggressive or have committed criminal acts regardless of whether there has been a call for police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the police were called/attended. The designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and the incident book will be made

available to the Licensing Authority and/or Responsible Authorities upon request.

11. There will be a minimum of two notices displayed on the premise indicating that the sale of alcohol to those under the age of 18 is illegal and those adults who buy alcohol for immediate disposal to those under the age of 18 are committing an offence.

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

ANNEX 4 - Plans

Plan No: 2016.077.02.A.pdf

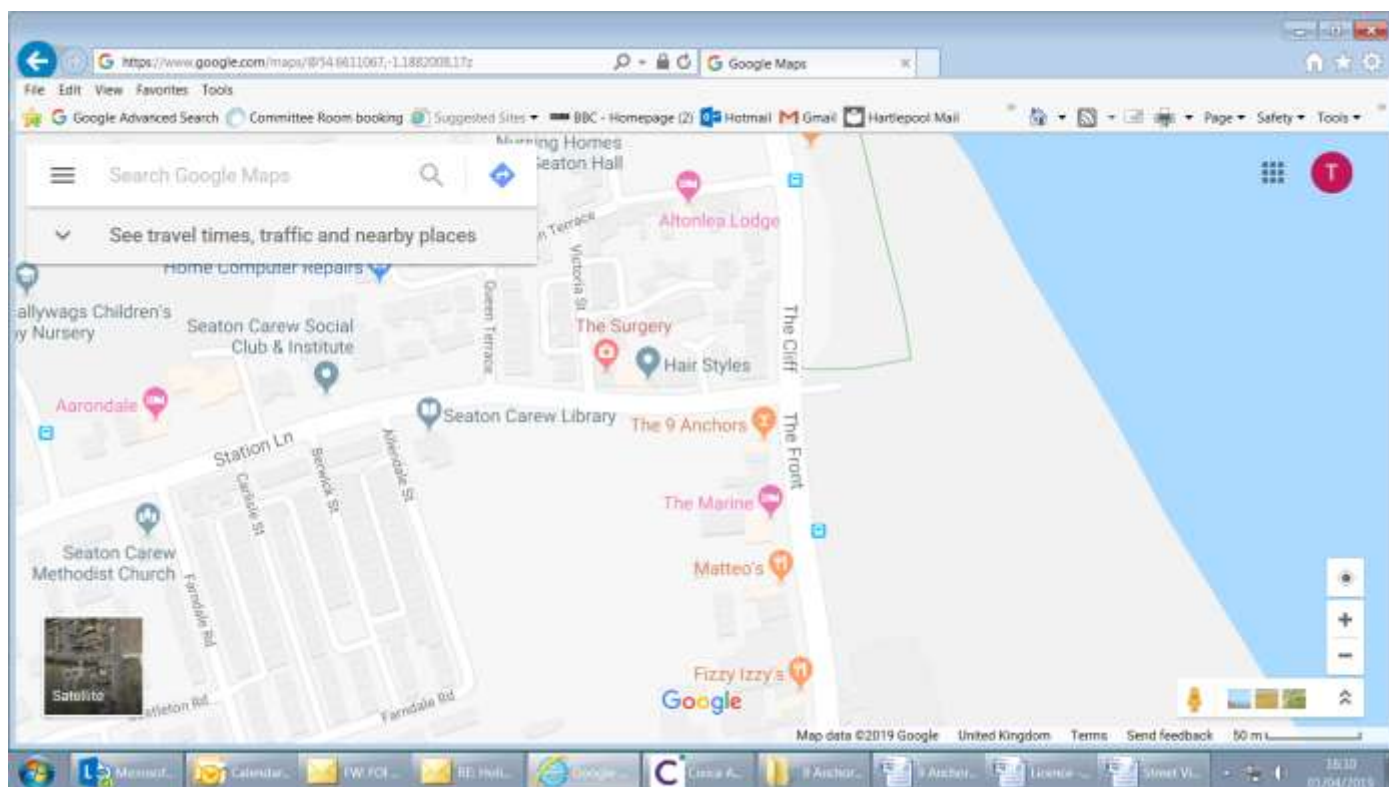
YOU ARE REMINDED THAT IT IS YOUR LEGAL OBLIGATION TO ATTACH THE CURRENT 'PLAN' TO THIS PREMISES LICENCE AND KEEP THIS LICENCE (OR A CERTIFIED COPY) IN A SECURE PLACE AT THE LICENSED PREMISES.

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.

Appendix 3



Appendix 4



From: Adrian Hurst
Sent: 25 March 2019 12:22
To: Licensing GCSX; Alison Hardy; Alison Macklam; CCTV; Fire Brigade; Graeme Joynt; Ian Harrison; Jane Kett; Neil Harrison [Trading Standards]; Patrick Crowe; Pat Riordan; Paul Higgins; Police general mail; HSCB; Sylvia Pinkney; Zoe Craig
Subject: RE: LA03 Review - 9 Anchors, 2 The Front, Seaton Carew, Hartlepool, TS25 1BS

I would like to support the licensing notice of review for the 9 Anchors, 2 The Front, Seaton Carew, Hartlepool submitted by Mr Thompson.

I wish to support the review on the grounds that the premises are not promoting the prevention of public nuisance objective of the Licensing Act due to the excessive loud music emanating from the premises affecting the amenity of the neighbouring resident and business .

Regards

Adrian Hurst | Environmental Health Manager (Environmental Protection)
Hartlepool Borough Council
Tel: (01429) 523323
Email: adrian.hurst@hartlepool.gov.uk
Secure email: adrian.hurst@hartlepool.gcsx.gov.uk

Web: hartlepool.gov.uk
Facebook: facebook.com/hartlepoolcouncil
Twitter: twitter.com/HpoolCouncil

From: Licensing GCSX
Sent: 28 February 2019 10:30
To: Adrian Hurst; Alison Hardy; Alison Macklam; CCTV GCSX; Fire Brigade; Graeme Joynt; Ian Harrison; Jane Kett; Neil Harrison [Trading Standards]; Patrick Crowe; Pat Riordan; Paul Higgins; Police general mail; HSCB; Sylvia Pinkney; Zoe Craig
Subject: LA03 Review - 9 Anchors, 2 The Front, Seaton Carew, Hartlepool, TS25 1BS

LICENSING ACT 2003 - NOTIFICATION OF RECEIPT OF APPLICATION

IF YOU HAVE NOT RECEIVED SUCH A COPY YOU SHOULD NOTIFY THIS OFFICE AS SOON AS POSSIBLE.

On **25TH February 2019**

Hartlepool Borough Council received a Notice of Review under the Licensing Act 2003 from: -

Applicant: **Mr Michael Thompson, 3a The Front, Seaton Carew, Hartlepool, TS25 1BS**

Premises Name: **9 Anchors – Premise Licence Number HART/PS/513**

Address: **2 The Front, Seaton Carew, Hartlepool, TS25 1BS**

Closing date for Consultees: **25th March 2019**

Your organisation has been designated or identified as a 'responsible authority' under the Licensing Act and as such the applicant must send you a complete copy of their application immediately.

You are advised that there is a statutory maximum of 28 consecutive days from the receipt of the application for your organisation to make any comments concerning it.

Statement Of: Zoe Craig

My name is Zoe Craig and I am a Senior Environmental Health Officer in the Public Protection Service at Hartlepool Borough Council. I have held this position for 6 years and I have a Bachelor of Science (Hons) in Environmental Health.

A complaint was received by the Environmental Protection Team on 29th November 2018 in relation to noise nuisance coming from amplified music and amplified speech from The 9 Anchors, 2 The Front, Hartlepool.

The Complaint was received from Ms Turnbull the landlady of 3a The Front, Hartlepool. She was making the complaint on her tenant's behalf Mr Mike Thompson. Ms Turnbull stated in the original complaint to our administration team that her tenant had made two complaints regarding loud music and singing coming from The 9 Anchors, and it's been going on until 00:30hrs on both occasions.

The complaint was passed onto myself to investigate; both myself and Ms Turnbull tried to contact each other on a number of occasions but kept missing each other.

On the 13th December 2018 I was able to talk with Ms Turnbull regarding the complaint she made. I talked through the department's procedure regarding statutory nuisance and I advised Ms Turnbull to speak with her tenant regarding the procedure and to ask him to contact us direct if he wishes to proceed as we would need to speak with him regarding specifics of the complaint and evidence gathering. Ms Turnbull said she would and also stated there is no soundproofing in the pub, just bare walls which she believes to be a contributing factor to the noise.

In the meantime I contacted the Premises Licence Holder, Mr Peter Charlton, on the 20th December 2018. I explained why I was calling and informed him we had received a complaint regarding amplified music on more than one occasion until the hours of 00:30hrs. Mr Charlton replied explaining the complaint was false and he has camera footage to prove it, I asked if his CCTV was working he said yes and we can review it at any time. I continued by discussing his planning conditions with him. I informed him he is not allowed live entertainment. His reply to me was acoustic music is not live. I explained acoustic music comes under live entertainment, he continued by saying it was not amplified. Mr Charlton informed me he was dyslexic and didn't fully understand the conditions, I suggested he speaks with the planning department regarding his conditions, he proceeded to inform me that he has checked noise levels outside his bar and it was below the required level of 50. I asked did he mean 50dB and asked where he got this specific level from, he did not reply. I informed that under our Statutory Powers under the Environmental Protection Act 1990 noise levels don't have an effect on the evidence gathering stage, if the noise stated is stopping the enjoyment of someone else's property we could take formal action. Mr Charlton said he welcomed our investigation, I explained we were right on the Christmas period now but we would proceed by visiting him in the New Year and the visit would include myself, Nicola Purdy Licensing Officer and Tony Dixon Planning Officer to discuss complaint further - he said that is fine he also wants to contest the condition of live music, I informed him to bring that up with Tony

Statement Of: Zoe Craig

Dixon on how to proceed with his request. I informed him based on the complaint and our discussion today he should be mindful over how he proceeded over the Christmas period regarding live entertainment.

On the 2nd January 2019 I spoke with Mike Thompson the tenant of 3a The Front, Hartlepool. He explained he would like to pursue his complaint.

On the 9th January 2019 a meeting was held within the Civic Centre including Myself representing Environmental Protection, Nicola Purdy on behalf of Licensing and Tony Dixon for Planning. Also in the meeting was Mr Charlton and his bar manager Lorna Thornhill. I began by introducing myself, Nicola Purdy and Tony Dixon. Within the meeting we discussed the complaint that had been made against The 9 Anchors. Mr Charlton and Ms Thornhill denied causing any nuisance. I explained that we are duty bound to investigate any complaint that comes into us and should we gather evidence to suggest that a statutory nuisance exists we will take action in the form of an abatement notice. Mr Charlton said his own tenant that lives directly above The 9 Anchors is the one that is causing the nuisance as he plays music. I confirmed the complainant is certain that the problem is coming from the 9 Anchors. I then asked Nicola Purdy to advise on the licensing implications. Nicola asked about their opening times, Mr Charlton explained she was welcome to review his CCTV to confirm his closing times. Nicola Purdy continued by explaining what would happen should a licence review be called. Following on from Nicola I asked Tony Dixon to talk through The 9 Anchors Planning conditions, Tony read the conditions regarding entertainment back to Mr Charlton. Mr Charlton finished by stating that he has only had one occasion where he allowed a performer to use a microphone and that was for a charity event other than that he only has acoustic performers. I informed Mr Charlton as previously discussed acoustic is live entertainment. He then asked how he could change the condition on his planning permission if that was the case. Tony explained he would need to fill a form out however that does not guarantee that the condition will be amended. I informed Mr Charlton that I would be happy to drop off the form when myself and Nicola came out to review the CCTV.

On the 11th January 2019 Nicola Purdy rang Lorna Thornhill with no answer so Nicola sent a text message via our messaging service asking for a suitable date to come and review the CCTV. We had no reply to this message and no contact from Mr Charlton following the meeting on the 9th January to check on the progress of the complaint.

On the 22nd January 2019, I received a phone call from Ms Turnbull informing me that the music coming from The 9 Anchors was still a problem for her tenant and requested an update on the situation. I informed Ms Turnbull we are looking to carry out some out of hours visits and install noise equipment into Mr Thompson's flat.

On the 1st February 2019, myself and Nicola Purdy carried out a pre-planned out of hours visit at 3a The Front and met with the tenant Mike Thompson, we arrived at the property at approximately 21:00hrs. Mr Thompson explained it had been quiet all

Statement Of: Zoe Craig

night and we could confirm that at the time of our visit we did not hear anything from The 9 Anchors. He stated the night before was quite loud.

On the 5th February 2019 we installed noise recording equipment.

On the 12th February 2019 we removed the noise recording equipment

The recordings proved that amplified music and speech could be heard within the complainant's property.

I reviewed The 9 Anchors Facebook page to check what music acts they were advertising. I also noticed a post highlighting the closing time of 11.15pm over the Christmas period (see attached document Noise/01).

On the 20th February 2019 myself and Nicola Purdy carried out a second pre-planned out of hours visit at 3a The Front and met with the tenant Mike Thompson. We arrived at 20:17hrs. We could see someone on the microphone through the window playing a guitar as we approached the property. As we entered the complainants house Myself and Nicola Purdy could clearly hear singing and music we proceeded to walk up the stairs to the top landing and into the living room. 20:18hrs we could hear the singer, singing a James Arthur song I stood in the doorway between the living room and top of stairway. I could feel the beat through my feet as I was standing there. I went into the living room and could hear a female shout out from the establishment next door. At 20:21hrs we could hear people chatting we could not work out words only muffled raised chat. The music starts and singer begins to sing sweet Caroline – we could hear the words clearly. Complainant claims at this point last week was worse and it depends on the artist and the type of music they sing. We hear clapping 20:25hrs end of song. Recorded music heard at 20:27hrs could not make out words of song. We left the property at this point to visit another complainant regarding a separate case. Informed Mr Thompson we would return in a little while. 21:19hrs returned to property heard the performer introduce song- flowers in the window; we went into Mr Thompson's living room shut the door and can still make out the song. At 21:23hrs the next song is Robbie Williams Angels. At 21:27hrs song what if god is one of us again could hear lyrics clearly in complainant's property. Myself and Nicola left after this song, as we left we looked in the window of The 9 Anchors and could see a gentleman on a microphone with guitar. Nicola noted Lorna the manager was in the pub at the time. Nicola drove past The 9 anchors at 22.24hrs and it appeared that the singer had finished.

On Monday 25th February 2019 Mr Thompson contacted Nicola Purdy to submit forms requesting a licence review on The 9 Anchors, 2 The Front, Hartlepool

Noise Abatement Notices under Section 80 of The Environmental Protection Act 1990 were served upon the DPS, the License Holder and 9 Anchors Limited on the 27th February 2019.

Z.Craig 02/04/19



The 9 Anchors
@the9anchors

- Home
- Posts**
- Reviews
- Videos
- Photos
- About
- Community
- Events
- Info and ads

Like Follow Share ...

View 15 more comments



The 9 Anchors
27 February · 🌐

4 Strings & the Menopausals return from their World Tour of Seaton to once again play their 'Home' venue the 9 Anchors!!
All the more special 'cos its Sarah 'The Fidges' Big Birthday!!
Come along to hear some great sounds - Wed 27th Feb @ 7.45ish!!



The 9 Anchors

Like Follow Share ...



The 9 Anchors
@the9anchors

- Home
- Posts**
- Reviews
- Videos
- Photos
- About
- Community
- Events
- Info and ads

Like Follow Share ...



The 9 Anchors
18 February · 🌐

Gary spalding is playing this week @ the 9 anchor this Wednesday from 7.45..... Gary performs a whole range of covers, in his own style #pureacoustic



Send Message



Darren Stuble
21 February at 14:38 · 🌐

<https://www.facebook.com/events/265491844385617/?ti=icl>

Like Comment



Maria Ward
13 February at 22:45 · 🌐

Great night listening to Lee Carroll 😊

2 Likes 2 Comments

Like Comment



Sue Langton
16 September 2018 at 21:46 · 🌐

Love the pretty in pink gin cocktail! 🍹 😊

Like Comment

English (UK) · English (US) · Polski · Español · Português (Brasil) +

Information about Page Insights data
 Privacy · Terms · Advertising · AdChoices · Cookies · More +
 Facebook © 2019

/the9anchors/photos/a.1066980080078384/1836958106413907/?type=3&eid=ARDIULrWWZCxdzq9zqCKDPuHVacnKE9...

The 9 Anchors

lan
Home
Find Friends

The 9 Anchors
@the9anchors

Home
Posts
Reviews
Videos
Photos
About
Community
Events
Info and ads

Like
Follow
Share

The 9 Anchors
13 February · 🌐

If work is getting in the way of you going out to celebrate valentines tomorrow... Then why don't you call into the 9anchors tonight we have Lee Carroll playing from 7.45 we might be a micro pub but we have everything you need under on roof 🍷🍷🍷🍷🍷

Send Message

Darren Stubley
21 February at 14:38 🌐

<https://www.facebook.com/events/265491844385617/?ti=icl>

Like
Comment

Maria Ward
13 February at 22:45 🌐

Great night listening to Lee Carroll 😊

2 Likes 2 Comments

Like
Comment

Sue Langton
16 September 2018 at 21:46 🌐

Love the pretty in pink gin cocktail! 🍷😊

Like
Comment

English (UK) · English (US) · Polski · Español · Português (Brasil)

Information about Page Insights data
Privacy · Terms · Advertising · AdChoices · Cookies · More ·
Facebook © 2019

The 9 Anchors

lan
Home
Find Friends

The 9 Anchors
@the9anchors

Home
Posts
Reviews
Videos
Photos
About

Like
Follow
Share

Shaunie B Claire Stewart
Like · Reply · 7w
1 reply
View 3 more comments

The 9 Anchors
6 February · 🌐

One of our very own customers is joining us tonight at the anchors for our acoustic night see you soon Jimmy 🍷 looking forward to it

11
3 shares

Like
Comment
Share

Write a comment...

Send Message

Search for posts on this Page

Visitor Posts

Darren Stubley
21 February at 14:38 🌐


<https://www.facebook.com/events/265491844385617/?ti=icl>

Like
Comment

Maria Ward
13 February at 22:45 🌐

Great night listening to Lee Carroll 😊

2 Likes 2 Comments




The 9 Anchors
@the9anchors

- Home
- Posts**
- Reviews
- Videos
- Photos
- About
- Community
- Events
- Info and ads

Like Follow Share ...

The 9 Anchors is with Mollie Jane Mckeown.
29 January · 🌐

Tomorrow we have the beautiful mollie returning to the 9 anchors from 7.45-9.45
#pureacoustic not to missed



Send Message

Darren Stuble
21 February at 14:38 · 🌐

<https://www.facebook.com/events/265491844385617/?ti=icl>

Like · Comment

Maria Ward
13 February at 22:45 · 🌐

Great night listening to Lee Carroll 😊

2 Likes · 2 Comments

Like · Comment

Sue Langton
16 September 2018 at 21:46 · 🌐

🍷 Love the pretty in pink gin cocktail! 🍷 😊

Like · Comment

English (UK) · English (US) · Polski · Español · Português (Brasil) +

Information about Page Insights data
Privacy · Terms · Advertising · AdChoices · Cookies · More · Facebook © 2019

The 9 Anchors

lan Home Find Friends



The 9 Anchors
@the9anchors

- Home
- Posts**
- Reviews
- Videos
- Photos
- About
- Community
- Events
- Info and ads

Like Follow Share ...

The 9 Anchors
23 January · 🌐

We have the fantastic Ian Smith joining us tonight from 7.45-9.30 welcome back Ian #pureacoustic 🍷



4 1 share

Send Message

Darren Stuble
21 February at 14:38 · 🌐

<https://www.facebook.com/events/265491844385617/?ti=icl>

Like · Comment

Maria Ward
13 February at 22:45 · 🌐

Great night listening to Lee Carroll 😊

2 Likes · 2 Comments

Like · Comment


Sue Langton
16 September 2018 at 21:46 · 🌐

🍷 Love the pretty in pink gin cocktail! 🍷 😊

Like · Comment

English (UK) · English (US) · Polski · Español · Português (Brasil) +

Information about Page Insights data
Privacy · Terms · Advertising · AdChoices · Cookies · More · Facebook © 2019



The 9 Anchors
@the9anchors

Home

Posts

Reviews

Videos

Photos

About

Community


Events

Info and ads

Like · Reply · 14w

The 9 Anchors
18 December 2018 · 🌐

Mollie is join us @ the 9 anchors this Wednesday for our last acoustic of the year Christmas spirit is arriving at the anchors 🎄



/1750663715043347?__xts__%5B0%5D=68_ARA2ef4OeiQxhymLLhgrNMATFDxwB5-Wdt2Jz7CMgyW_P...



The 9 Anchors
@the9anchors

Home

Posts

Reviews

Videos

Photos

About

Community

Events

Info and ads

Like · Follow · Share · ...

Fantastic band and there joining us tonight at the 9 anchors from 7.30... Not to be missed





The 9 Anchors

@the9anchors

Home

Posts

Reviews

Videos

Photos

About

Community

Events

Info and ads

Like Follow Share ...

Like · Reply · 14W

1 reply



The 9 Anchors

20 December 2018 · 🌐

Opening hours for over Christmas and new year 🍷🌲



Statement of Miss Nicola Purdy, Technical Officer (Licensing)

I, Miss Nicola Purdy am employed by Hartlepool Borough Council as a Technical Officer; my duties include the licensing and enforcement of licensed premises within the Borough of Hartlepool.

Following a noise complaint received by the Environmental Protection Team on 2nd January 2019, in relation to a licensed premises known as the '9 Anchors' at 2 The Front, Seaton Carew, I was invited to a meeting on 9th January 2019 to discuss the issues with the Premises Licence Holder. I attended this meeting with Zoe Craig, Senior Environmental Health Officer and Tony Dixon, Planning Enforcement Officer, along with the Premises Licence Holder, Peter Charlton and his Bar Manager, Lorna Thornhill.

Zoe informed Mr Charlton that she had received a noise complaint in relation to amplified music and amplified speech coming from the premises and advised him of the investigation process. Both Mr Charlton and Ms Thornhill denied causing any nuisance.

Mr Charlton advised us that his tenant, who lives directly above the premises, often plays his guitar through an amplifier in his flat and this was probably the music the complainant can hear. Zoe assured Mr Charlton that the complainant has evidence that the noise is coming from the premises.

The complainant had stated that on a number of occasions the music had continued until 00:30. Both Mr Charlton and Ms Thornhill denied operating after their licensing hours and they were happy for us to view the CCTV system at any time. Ms Thornhill gave me her mobile number to arrange an appointment.

We discussed the entertainment on the premises and Mr Charlton confirmed that every Wednesday evening between 19:45 – 22:00 they have live acoustic performers. Both Mr Charlton and Ms Thornhill confirmed that there has only been one occasion, a charity night in the summer, where the performer used a microphone.

I went on to advise them on the procedure in relation to a Licence Review and advised that the complainant may consider submitting an application if the situation didn't improve. Mr Charlton asked if the planning condition in relation to live music could be amended and Tony advised him of the procedure to do this but advised him his request is not guaranteed.

On 11th January 2019 I tried contacting Ms Thornhill to arrange an appointment to view the CCTV but didn't answer the phone, so I followed this up with a text message asking her to contact me but I got no response.

On 1st February 2019 myself and Zoe carried out a pre-planned out of hours visit to the complainant's property. At approximately 2100 hours we arrived at the property and the complainant, Mr Thompson, advised that it had been a quiet night. During our time at the property we did not hear anything from the premises, the 9 Anchors. Mr Thompson did advise that the night before had been quite loud.

On 20th February 2019 myself and Zoe carried out a second pre-planned out of hours visit to Mr Thompson's property. As we approached the property at approximately 20:17 hours, we observed a male inside the 9 Anchors stood next to the window playing a guitar with a microphone.

As we entered Mr Thompson's property we could clearly hear the singing and music through the adjoining wall. We stood at the top of the landing, between the stairway and the living room, and could clearly hear the performer singing a *James Arthur* song. When stood on the landing I could feel the beat of the music under my feet.

At 20:21 we could hear muffled chatter from customers within the premises and again could clearly hear the performer singing *Sweet Caroline*. At 20:25 hours we heard clapping when the song finished and I believe the performer then took a break as we then heard recorded music playing. We then left the property and advised Mr Thompson we would return later.

We returned to the property at 21:19 hours and the performer was just introducing his next song *flowers in the window by Travis*. We went into the living room and closed the door and could still clearly hear the song lyrics. This song was followed by *Angels by Robbie Williams* and *what if God was one of us by Joan Osborne*, again song lyrics could be clearly heard.

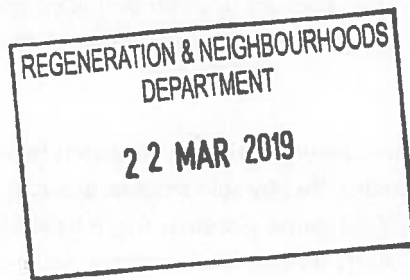
At approximately 21:30 hours we left the property. Upon leaving we looked through the window into the 9 Anchors and observed the male still performing with guitar and microphone and I also noticed Ms Thornhill behind the bar.

At approximately 22:24 hours I drove passed the 9 Anchors and it appeared that the performer had finished.

On 25th February 2019 Mr Thompson submitted a licence review application in relation to the 9 Anchors, 2 The Front, Seaton Carew.

On 26th February 2019 myself and Zoe visited the premises and I left a copy of the review application with a member of staff to pass onto Mr Charlton.

N Purdy 02/04/19



The Licensing Team
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Dear Sirs,

IN CONFIDENCE

Review of Licensing Premises: THE NINE ANCHORS, 2 THE FRONT, SEATON CAREW

I note your public invitation for submittals regarding the above review. Whilst the operation of this "micro-pub" does not impact me directly, I have a number of observations which you may wish to consider.

1. The premises do not, in my opinion, meet a number of the Planning Conditions applicable to the original approved application being granted (ref: Application No H/2016/0382). I would draw your attention to the following:
 - a. *Planning Condition 4. "Before the use of the premises commences the premises shall be soundproofed in accordance with a scheme, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties. "*

On 7th April 2017 I queried with the Planning Team whether an appropriate soundproofing system had been installed. The response from them was not satisfactory. I have an interest in the adjacent business which is owned by my daughter, and from the noise and clarity of conversation heard through the party wall, it clearly seems that such a system has not been installed. After having visited The Nine Anchors I can confirm that it appears the original stone wall between the adjacent properties has been exposed, but no soundproofing installed – and as a previous tenant of 2 The Front, and who has possession of a Chartered Surveyor's report on the structure of the building, I have some certainty in my opinion on this. It is likely therefore that the tenants in the flats above the premises will experience noise nuisance – particularly when music is played and when the micro-pub is full.

- b. *Planning Condition 5. "The premises shall only be open to the public between the hours of 10:00am and 11:00pm on any day including Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties."*

I regret to state that I have passed the establishment on many occasions over the past year, and there have been numerous times that the premises have been open after 11.00 p.m., the most recent being Wednesday 20th March 2019 when several customers were observed still consuming

drinks at approximately 11.15. Late opening has also been advertised on several occasions.

- c. *Planning Condition 6. "No live music, karaoke or other amplified speech shall be played/performed on the premises at any time. In the interests of the amenities of the occupants of neighbouring properties."*

I have seen – and heard - live music played on many occasions (almost weekly at the very least), particularly since mid-2018, including that by solo singers, acoustic guitarists, and others accompanied by electronic amplified sound systems. There have also been "open-mic" nights, most of which have been advertised locally outside the premises, and on Facebook.

- d. *Planning Condition 9. "Notwithstanding the submitted details and prior to the building being brought into use, a scheme to agree a designated smoking area shall be submitted to the Local Planning Authority for approval in writing. The scheme shall thereafter be implemented in accordance with the approved details and shall thereafter be retained at all times for the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties. "*

If such a system is in place (and I understand that the smoking designated smoking area is to the right of front window (where an external ash tray has been fixed) adjacent to Seaton Park entrance, it is not followed by customers or managed by the pub supervisor or bar staff. Again, on many occasions I have observed customers congregated around the door of the two flats above the premises (immediately to the right of the pub door) and a substantial amount of cigarette stubs left on the footpath immediately outside the flat doors.

Again, and declaring an interest in the adjacent shop premises, I have, when passing or in the shop, on several occasions have requested Nine Anchors customers not to sit on the shop window ledge whilst smoking, and on one occasion, a member of staff.

It is unfortunate that lack of policing results in customers congregating around adjacent premises and flat doorways, and an intimidating atmosphere can result. In addition to witnessing this on several occasions, another example is that in one instance when visiting the shop early one evening (December 2018) I observed a customer urinating in the alleyway between the shop and the property on the other side of the alleyway – accompanied by another customer in the alleyway – smoking, and presumably waiting for the other to finish his ablutions.

- e. *Planning Condition 10. "Drinks shall not be removed from the building in open containers. To ensure that any drinking activities take place within the building on the site and not within the rear yard or in public areas or other areas in the vicinity of the site. "*

Again, on several occasions, I have seen customers standing outside the premises (outside the door of the flat above) not only smoking, but drinking. This not a frequent occurrence in my view, but again shows lack of policing by management, and is an infringement of local by-laws prohibiting drinking in public.

2. On two separate occasions (around late September/early October 2018) when passing the premises with my wife, I witnessed brawls in the roadway outside. I have also been informed that several other incidents have resulted in the police being called to attend.

In the initial Planning Application, a qualification for its approval stated in Paragraph 5 that *"the bar will represent a marked difference to the many chain operated pubs in the town",* who have been *"largely criticised for showing little or no interest in the quality of the establishment itself..."*. This apparent

qualification appears to be neglected, to some extent, by the owner and the staff. The original Planning Application refers to safety and security required in the Local Plan, with specific reference to *"ensuring that residents and visitors feel safe, and that they are protected from undue health impact, noise, and disturbance"*. Incidents such as those noted above, negates the intent to manage effectively as indicated by the original planning submittal.

3. There are potential safety issues. Deliveries of beer casks have resulted, in at least three times, of damage to the footpath directly outside of the Nine Anchors and the adjacent shop, leading to an unsafe footpath and significant costs incurred by Hartlepool Council for repair. At times of delivery, drays have been double parked or parked in the central reservation of the main road both of which could lead to safety issues for all road users.

Whilst it may appear from the above that there are issues which could be considered to be contributing to a public nuisance, I have noted that since invitations for submittal to the review were published, general behaviour (with the exception of some late opening) has improved. This was evident of the way the pub was operated in its first year, but it appears that since mid-2018 there has been a drive to improve the quantity, not quality, of customers, which has perhaps contributed to some of the alleged nuisance necessitating your review.

If the owner and staff continue to comply fully with the planning conditions and manage them capably, then the premises could well revert back to what originally was an asset for Seaton Carew and its residents, who regretfully, have been increasingly reluctant to visit the premises. This has resulted it in the pub attracting other customers who, naturally, give little thought to the interests of the amenities of the occupants of neighbouring properties.

I am certainly not advocating closure, but compliance.

Yours Faithfully,

 John Winter

HARTLEPOOL Licensing Committee

Dear Sirs, I wish to comment on the Licence review for the 9 Anchors Seaton Carew.

In Dec 2016 the change of use, permission & premise licence was granted to the 9 Anchors subject to conditions, of which having raised concerns, I was grateful for. Amongst some, these included –

Adequate sound insulation

Hours to be restricted to a maximum time of 11pm

designated smoking area

for staff & patrons

No live music,
karaoke or amplified speech or music at any time on the
premise

Along with these conditions & it being stated both in license app & during the planning process that this was to be a micropub, a chatty quiet pub, no electronic entertainment with cask ales that would attract a quality customer, seeking a drink in nice surroundings with similar people, no trouble makers, something different for Seaton Carew. In short a typical micropub with similar policies to The rat Race in the town, or indeed any other micropub.

After opening it was busy as expected and in May/June the live acoustic nights started – even though clearly stated no music could be played & of course this attracted even more clientele, making it busier still & even noisier than the usual chatty bar. A letter was sent to the council (along with others I believe) regarding concerns for the now very busy micropub. A letter was sent out to 9 Anchors re this. Reminding them that the conditions should be adhered to, but they did not. noise, even though I could very clearly hear it in my shop was an issue when I & my customers could clearly hear conversations & often swearing, also the increasing amount of people crowding around my shop windows and the door of the flat above and using it as the smoking area, more so in the summer months when warmer, this happened on a Friday, Saturday & Sunday often all day from opening & night. Leading to me eventually having to replace windowsill as it was being used as a seat to smoke. However – I will point out that although a noisy pub when busy (even without music) the

REGENERATION & NEIGHBOURHOOD:
DEPARTMENT

22 MAR 2019

and it should be ran as a traditional micropub – as was originally intended & welcomed . I feel this is the only way going forward that this pub can hopefully regain the good quality customers it has lost & its reputation, whilst also keeping respect for the residents that do live within the building and immediate surrounding areas.

Kind regards

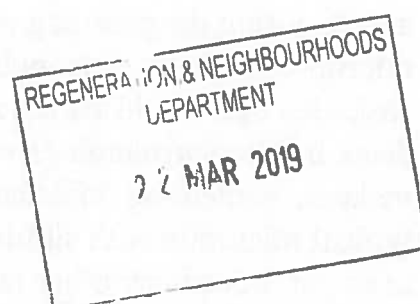
J Rogers

[REDACTED]

Seaton carew

[REDACTED]

attached is ret. copy of email in 2017.



address: 3 the front seaton carew ts251bs

tele_no: 01429 [REDACTED]

email: [REDACTED]@mail.com

complaint: although a licence is not needed for live music between certain hours in a pub - It was a condition that had to be met & kept in place to allow the initial planning application to be granted. live music /performances already taken place & which is due and advertised to place on a weekly basis from the 7th july, also posted extracts on social media, planning permission was granted 'subject to condition' from public protection as it is residential of a few things one of which - 6. No live music, karaoke or other amplified speech shall be played/performed on the premises at any time. In the interests of the amenities of the occupants of neighbouring properties.

location: 2 the front seaton carew
the 9 anchors whilst being initially successful, is an already busy , loud ,often full to capacity small micropub, I do have concerns about

REGENERATION & NEIGHBOURHOODS
DEPARTMENT

22 MAR 2019

affect:

the regular advertised live music night and exactly how busy it will be. Although this is on a night when it will be taking place- at the moment if this was to move to during the day (which undoubtedly it will) crowds of ppl stood outside smoking etc is very off putting to families and despite having a smoking area to the left of the pub most customers prefer to congregate on the path directly outside. No doubt this will get worse should the footfall change to a live music venue instead of a quiet - no music, micropub which was what was said to be intended.

Hartlepool Council

On the Web www.hartlepool.gov.uk

On Facebook www.facebook.com/hartlepoolcouncil

[hartlepoolcouncil](https://www.facebook.com/hartlepoolcouncil)

On Twitter www.twitter.com/HpoolCouncil

REGENERATION & NEIGHBOURHOODS
DEPARTMENT
22 MAR 2019

On 6 Jun 2017, at 10:10, Tony Dixon
<Tony.Dixon@hartlepool.gov.uk> wrote:

Ms [REDACTED]

Thank you for your email below. I already have a complaint recorded in relation to this matter and have recently written to the manager of the premises to remind them of the conditions of their approval and ask them to ensure that they comply with the conditions at all times.

I have not yet received their response, but will follow the matter up in the coming days.

Regards,

Tony Dixon | Enforcement Officer
Hartlepool Borough Council
Tel: (01429) 523277
Email: tony.dixon@hartlepool.gov.uk

Web: www.hartlepool.gov.uk
Facebook: [/hartlepoolcouncil](https://www.facebook.com/hartlepoolcouncil)
Twitter: [@HpoolCouncil](https://twitter.com/HpoolCouncil)

<image003.jpg>

REGENERATION & NEIGHBOURHOODS
DEPARTMENT

22 MAR 2019

