

# LICENSING ACT SUB-COMMITTEE AGENDA



**Monday 27<sup>th</sup> November 2006**

**at 10.00am**

**in Training Room 1, Owton Manor Community Centre**

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Brash, Morris and Richardson

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
  - 3.1 Application for the transfer of a Premises Licence and variation of Designated Premises Supervisor – 89-91 Chatham Road – *Head of Public Protection and Housing*

## **Licensing Act 2003**

### **Procedure for Hearings**

Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. Head of Public Protection and Housing outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Head of Public Protection and Housing.
4. Applicant presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Parties may question and clarify issues raised with the consent of the Chair.
9. If required, responsible bodies/interested parties be given opportunity to sum up.
10. If required, the applicant to be given opportunity to sum up.
11. 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.
12. Members to go into closed session to deliberate.
13. Chair informs parties of their decision, with reasons.

**Report of:** Head of Public Protection & Housing

**Subject:** APPLICATION FOR THE TRANSFER OF A PREMISES LICENCE AND VARIATION OF DESIGNATED PREMISES SUPERVISOR – 89-91 CHATHAM ROAD, HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 To consider an application for the transfer of a premises licence.
- 1.2 To consider an application to vary a premises licence to specify a new designated premises supervisor.

**2. SUMMARY OF THE APPLICATION**

2.1 Applicant's details: Mrs Shanthini Sugunavathany Vincent

Proposed new premises licence holder: Mrs Shanthini Sugunavathany Vincent

Proposed new designated premises supervisor: Mrs Shanthini Sugunavathany Vincent

Premises to which applications relate: Haliday Stores  
89-91 Chatham Road  
Hartlepool

2.2 The current licence holder and designated premises supervisor is Mr Joseph Vincent.

2.3 The current licence authorises the following activities: -

Supply of Alcohol (Off Licence)	Monday to Saturday	0800 – 2300
	Sunday	1000 – 2230
	Christmas Day	1200 – 1500
		1900 – 2230
	Good Friday	0800 – 2230

2.3 A copy of the Premises Licence is attached as **Appendix I**.

### 3. BACKGROUND

- 3.1 Mrs Vincent has applied to become the new premises licence holder and new designated premises supervisor for Hallidays Stores, 89-91 Chatham Road, Hartlepool.
- 3.2 Cleveland Police have objected to both the transfer of the premises licence to Mrs Vincent and the appointment of Mrs Vincent as the new designated premises supervisor. A copy of their objections are attached as **Appendices II and III**.

### 4. ISSUES

- 4.1 The premises licence for 89-91 Chatham Road was revoked by Members of the Licensing Sub-Committee at a review hearing on 10<sup>th</sup> July 2006.
- 4.2 The hearing was initiated by Trading Standards following a successful prosecution for the sale of alcohol from the premises to a 14 year old Trading Standards volunteer.
- 4.3 The revocation of the licence has been appealed by the current licence holder, Mr Joseph Vincent, and will be considered by Hartlepool Magistrates on 4<sup>th</sup> December 2006. As such, the premises licence remains in force until the appeal is heard.
- 4.4 By virtue of Section 37(5) and 42(6) of the Licensing Act 2003, the Chief Officer of Police may object to the proposed transfer of a premises licence and change of designated premises supervisor if 'he is satisfied that the exceptional circumstances of the case are such that granting an application would undermine the crime prevention (licensing) objective'.
- 4.5 The objections received from Cleveland Police, in respect of both applications, are: -
1. There is no appreciable change in the business ethos, i.e. Shanthini Vincent is too closely connected with the previous management to be considered as a totally new arrival with a 'new broom sweeps clean' outlook.
  2. Neither of the Vincents as far as I can tell speaks particularly good English. This raises a number of practical difficulties when it comes to ensuring the law is adhered to;  
How will an under age challenge be made?  
How will staff be trained (by the Vincents) and the management ethos be properly communicated to them?  
How will the refusals register (assuming they have one) be maintained?

I am concerned that the two issues independent of each other are significant but when allied to each other are substantial impediments to the successful running of the premises within the terms of the legislation.'

- 4.6 Members are advised that Mrs Shanthini Sugunavathany Vincent holds a current personal licence.
- 4.7 Following consideration of the objections received from Cleveland Police, and any representations made by the applicant, Members may either grant or reject the applications made.

## 5. RECOMMENDATIONS

- 5.1 That Members consider the representations made by Cleveland Police and the applicant and:
  - i. Determine whether the application to transfer the premises licence to Mrs Shanthini Sugunavathany Vincent should be granted; and
  - ii. Determine whether the application to vary the premises licence to specify Mrs Shanthini Sugunavathany Vincent as the new designated premises supervisor should be granted.

Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY



**THE LICENSING ACT 2003  
PREMISES LICENCE (PART A)**

Premises licence number HART/PS/212

**Part 1 - Premises details**

<b>Postal address of premises or, if none, ordnance survey map reference, or description</b>			
Halliday Stores 89 - 91 Chatham Road			
<b>Post Town</b>	Hartlepool	<b>Post code</b>	TS24 8QH
<b>Telephone number</b>	01429 273002		

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>
<u>Alcohol Sales</u> Off-Licence

<b>The time the licence authorises the carrying out of licensable activities</b>		
<u>Alcohol Sales</u>		
<b>Off-Licence</b>	Monday – Saturday	0800 – 2300
	Sunday	1000 – 2230
	Christmas Day	1200 – 1500
		1900 – 2230
	Good Friday	0800 – 2230

<b>The opening hours of the premises</b>
At the discretion of the licensee

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

Off sales

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

Mr Joseph Vincent  
89 – 91 Chatham Road  
Hartlepool  
TS24 8QH

01429 273002

**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 authorises the supply of alcohol**

Mr Joseph Vincent  
89 – 91 Chatham Road  
Hartlepool  
TS24 8QH

Tel No. 01429 273002

**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/204

**Date licence granted: 12<sup>th</sup> August 2005**

**ANNEX 1 – Mandatory Conditions**

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



**ANNEX 2 – Conditions consistent with the Operating Schedule**

1. Alcohol shall not be sold or supplied for Off Sales, except during permitted hours

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club; the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

2. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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

None

**ANNEX 4 - Plans**

See attached

Appendix II



"GREEN, Anthony (P0442)" <Anthony.Green@cleveland.pnn.police.uk>  
02/11/2006 13:19

To: <lan.Harrison@hartlepool.gov.uk>  
cc: "HALLIDAY, David (P0778)" <David.Halliday@cleveland.pnn.police.uk>  
bcc:  
Subject: FW: TRANSFER OF PREMISES LICENCE HOLDER - 89-91 Chatham Road

Ian

Cleveland Police object on the following grounds:

1. There is no appreciable change in the business ethos, i.e. Shanthini Vincent is too closely connected with the previous management to be considered as a totally new arrival with a "new broom sweeps clean" outlook.
2. Neither of the Vincents as far as I can tell speaks particularly good English. This raises a number of practical difficulties when it comes to ensuring the law is adhered to:  
How will a under age challenge be made?  
How will staff be trained [by the Vincents] and the management ethos be properly communicated to them?  
How will the refusals register [assuming they have one?] be maintained?

I am concerned that the two issues independent of each other are significant but when allied to each other are substantial impediments to the successful running of the premises within the terms of the legislation.  
Clearly, if they are in a position to rebut the above then that is fine and we will have no further grounds for concern, but the necessity for an interpreter at court today rather makes the point!

Tony

**From:** HALLIDAY, David (P0778)  
**Sent:** 02 November 2006 11:37  
**To:** GREEN, Anthony (P0442)  
**Subject:** FW: TRANSFER OF PREMISES LICENCE HOLDER - 89-91 Chatham Road

**From:** Nicola.Purdy@hartlepool.gov.uk on behalf of Licensing@hartlepool.gov.uk  
**Sent:** Mon 23/10/2006 17:01  
**To:** GREEN, Anthony (P0442); HALLIDAY, David (P0778)  
**Subject:** TRANSFER OF PREMISES LICENCE HOLDER - 89-91 Chatham Road  
\*\*\*\*\*

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Appendix III



"GREEN, Anthony (P0442)"  
<Anthony.Green@cleveland.pnn.police.uk>

02/11/2006 13:56

To <Ian.Harrison@hartlepool.gov.uk>

cc

bcc

Subject FW: TRANSFER OF PREMISES LICENCE HOLDER - 89-91 Chatham Road

Ian

Cleveland Police also object to the Transfer of the DPS for the same reasons as articulated below.

Tony

**From:** GREEN, Anthony (P0442)  
**Sent:** 02 November 2006 13:20  
**To:** 'Ian.Harrison@hartlepool.gov.uk'  
**Cc:** HALLIDAY, David (P0778)  
**Subject:** FW: TRANSFER OF PREMISES LICENCE HOLDER - 89-91 Chatham Road

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