

# LICENSING SUB-COMMITTEE

## AGENDA



**Tuesday 17<sup>th</sup> November 2020**

**at 10.00 am**

**in the Civic Centre, Hartlepool.**

**PLEASE NOTE: this will be a 'remote' online meeting, a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.**

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Brown, Hamilton, Stokell

- 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 – Jax Bar, Middleton Grange Shopping Centre, Hartlepool – *Assistant Director, Regulatory Services*

#### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

# 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 (Regulatory Services) or their representative outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director (Regulatory Services) or their representative.
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, Regulatory Services

**Subject:** APPLICATION FOR THE REVIEW OF A PREMISES  
LICENCE – JAX BAR, MIDDLETON GRANGE  
SHOPPING CENTRE, HARTLEPOOL

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## **1. PURPOSE OF REPORT**

- 1.1 To consider an application for the review of a premises licence in respect of Jax Bar, Middleton Grange Shopping Centre, Hartlepool.

## **2. SUMMARY OF APPLICATION**

- 2.1 Party requesting review: Hartlepool Borough Council  
Environmental Health  
department
- 2.2 The current premises licence holder is: Camerons Brewery.
- 2.3 The current premises licence authorises the supply of alcohol, regulated entertainment and the provision of late night refreshment until 4:00 a.m. seven days a week. A copy of the licence is attached as Appendix 1.
- 2.4 A copy of the review application is attached as Appendix 2.
- 2.5 The application for review refers to the following licensing objective:
- Public Safety
- 2.6 The application was advertised in the prescribed manner and one additional representation was received from Cleveland Police (Appendix 3).

## **3. BACKGROUND**

- 3.1 Cameron's Brewery are the owners of Jax Bar and also hold the premises licence but the site itself is currently leased to Jayden Leisure Ltd who operate it as a bar.
- 3.2 Jayden Leisure Ltd is owned by Mr John Burn and Mr Anthony Wilkinson – the latter also being named on the premises licence as the Designated Premises Supervisor

### 3.1

- 3.3 The application for review states that there have been public safety concerns regarding compliance with issues relating to COVID-19 at the premises and Cleveland Police's subsequent representation refers to issues of crime and disorder, public nuisance and public safety.

## 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 Cleveland Police which is a Responsible Authority.
- 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 The application for review relates to allegations that the premises had not been operating in a 'COVID secure way' and was therefore not promoting the public safety licensing objective.
- 4.4 Subsequent representations from Cleveland Police have highlighted issues of violence at, or associated with, the premises.
- 4.5 Having considered the evidence detailed in this report and any further information provided, or representations made at the licensing hearing, the steps available to the Licensing Sub-committee are: -
- To take no action;
  - To modify the conditions on the licence;
  - To remove or amend licensable activities currently authorised by the licence and/or the times that they may take place;
  - 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 (Hartlepool Borough Council's Environmental Health department), Cleveland Police and the licence holder and determine what action, if any, should be taken.

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

Premises licence number

HART/PS/188

**Part 1 - Premises details**

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

Jax Bar  
 Middleton Grange Shopping Centre

**Post Town** Hartlepool**Post Code** TS26 7RR**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.**

Alcohol Sales (On & Off-Licence)Entertainment

1. Live Music
2. Recorded Music
3. Performance of Dance
4. Anything similar to 1, 2 & 3 above
5. Provision of facilities for making Music
6. Provision of facilities for Dancing

Late Night Refreshment

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

Alcohol Sales (On & Off-Licence)

Monday to Sunday 1100 – 0400

Entertainment

1. Live Music
2. Recorded Music
3. Performance of Dance
4. Anything similar to 1, 2 & 3 above
5. Provision of facilities for making Music
6. Provision of facilities for Dancing

Monday to Sunday 1100 - 0400

Late Night Refreshment

Monday to Sunday 2300 - 0400

**The opening hours of the premises**

Monday to Sunday 1100 - 0430

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

On and Off Sales

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

Camerons Brewery Limited  
Maingate House  
Waldon Street  
Hartlepool  
TS24 7QS

Tel: 01429 266666

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

3571101

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

Anthony Lee Wilkinson

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

Durham County Council

**Date licence granted: 4<sup>th</sup> July 2019**

## **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(6);
  - (b) “permitted price” is the price found by applying the formula—
- $$P = D + (D \times V)$$
- 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;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (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;
- (d) “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 present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994<sup>(7)</sup>.
- (3) 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 given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (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 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 Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours includes:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31<sup>st</sup> December).

- 2 The maximum number of persons who shall be allowed to be present in the premises or in any specific part of the premises shall be as follows.

Ground Floor	110 (one hundred and ten)
First Floor	220 (two hundred and twenty)

- 3 The external doors and windows to the parts of the premises used for the purposes of entertainment are not to be left open whilst entertainment are being held in the premises.
- 4 There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials for use by patrons.
- 5 A drugs policy shall be prepared and implemented.
- 6 All parts of the licensed premises must be open to inspection by duly authorised officers of the Licensing, Fire and Police Authority during the time the premises are being used for the purpose for which this Licence is granted, or at any other time upon reasonable notice being given to the Licensee.
- 7 The Licensee, that is the person in whose name the licence is granted, shall be fully responsible for ensuring that each and every one of these terms and conditions are complied with and for the safety of persons and employees on the premises in the event of emergency.
- 8 The Licensee or such other nominated person must give to any authorised officer of the Police, Fire or Licensing Authority, on request, the number of persons in the premises. A suitable form of machinery, approved by the Licensing Authority, should be provided for the purpose of calculating this number.  
  
If the premises consists of two or more floors then there should be some form of machinery, approved by the Licensing Authority, in place to calculate and control how many persons are on each floor.
- 9 The Licensee or nominated person of the premises must ensure that any noise emanating from the licensed premises is such as not to cause annoyance to residents in the locality.

- 10 Except with the written approval of the Licensing Authority: -
- (a) All doors on exitways must open in line of egress from the premises.
  - (b) No chairs, seats, barriers or other obstruction, whether fixed or moveable, shall be placed or allowed in any gangway, passage or exit of the licensed premises, or in any part of the licensed premises, which may be used as an exit. No person, except an official or servant of the licensee, shall be permitted to stand, sit or remain in any vestibule, passage, staircase, lobby, corridor, gangway or space forming part of any exit way of the Licensed premises or any part thereof.
  - (c) No corridor or passage which is or may be an exit, or which leads to an exit, shall be used as a cloakroom, and no pegs for hanging hats or coats shall be allowed therein.
  - (d) No curtain or drape shall be hung over any exit door or across any gangway.
- 11 If the Licensing Authority have approved the use of chains, padlocks or other devices for securing exit doors when the public are not on the licensed premises, the Licensee must ensure the removal of such chains, padlocks and other devices before the admission of the public and must ensure they are hung on a board kept only for that purpose throughout the times the public are present in the licensed premises. Such board and its location must have been approved in writing by the Licensing Authority.
- 12
- (a) Where required in writing by the Licensing Authority, doors or openings not affording a safe egress from the licensed premises, must be clearly indicated by the words "NO THOROUGHFARE" or have notices fixed on or over them indicating the use of the portions of the premises to which they give access.
  - (b) Such directional notices and signs indicating the way out of the premises must be provided, as the Licensing Authority may consider necessary.
  - (c) All fire-resisting doors must be duly marked.
- 13 All the signs and notices referred to in these conditions must comply with the relevant British Standards for the time being in force or The Signs and Signals Regulations 1996.
- 14 Suitable and efficient fire fighting equipment must be provided in the premises and kept in such positions as approved by the Fire Authority. Such equipment must be maintained in proper working order and available for instant use and must be tested and examined by a competent person at periods not exceeding 12 months.
- 15
- (a) The Licensee, any other person in charge of the premises, all members of the staff and competent attendants must be properly instructed in the protection of the premises from fire, the use of fire fighting equipment, the action to be taken in the event of a fire and the method of summoning the Fire Brigade.

- (b) Written instructions to staff and competent attendants, in the form of a notice or notices, as to the action to be taken in the event of fire must be conspicuously displayed in the licensed premises.
- 16 Except with the written approval of the Licensing Authority: -
- (a) all fixed, permanent or temporary decorations must be of inherently incombustible materials or must be treated and so maintained so that they will not readily catch fire.
  - (b) Curtains or drapes in the premises must be flameproof in accordance with the relevant British Standard for the time being in force, of a type approved by the Licensing authority and maintained in that condition.
- 17 If it appears to the Licensing Authority that the use of a product, material, fabric or finish might assist the spread of fire in the premises then the Licensing Authority may require such product, material, fabric or finish to be replaced or to be treated in such a manner as to reduce this risk to the satisfaction of the Licensing Authority.
- 18 A means of giving warning in case of fire must be provided on the licensed premises, as approved by the Licensing Authority and must be tested prior to each public admittance and must be inspected annually by a qualified person. Details of every such inspection must be recorded in a logbook kept on the premises.
- 19 In the event of the fire alarm being activated a suitable relay must be provided so that the electrical power supply to all sound amplification system in the licensed premises must be immediately intercepted so that the alarm can be clearly heard in all parts of the licensed premises.
- 20 All parts of the premises to which the public have access and all external exit ways must be provided with emergency lighting to appropriate British Standard capable of providing sufficient illumination for the public to leave the premises safely. Although it is not required that emergency lighting should be provided in each W.C. compartment, it must be provided in toilet accommodation, which exceeds 8m<sup>2</sup> in gross area and in toilet accommodation having a gross area smaller than 8m<sup>2</sup> where no provision for borrowed light has been made. Such a system must be tested prior to each public admittance. If such system of emergency lighting is found to be faulty then the premises must not be used for the purposes for which this licence is granted until such time as the fault is rectified and the emergency lighting is fully operational.
- 21 A written record of all the periodic tests and examinations, and the results thereof, referred to in these conditions, relating to the provision of suitable and efficient fire fighting equipment and fire alarm system, must be kept by the Licensee on the licensed premises and be available for inspection by authorised officers of the Licensing, Fire and Police Authority.
- 22 The electrical installations in the licensed premises must comply with any Regulations and British Standard Codes of Practice affecting the use of electricity for the time being in force. All electrical installations including emergency services must be inspected and tested once a year (and all or any of such installations

shall be inspected at any other time at the request of the Licensing authority if it has any reasonable cause to doubt the safety of such installations) by one of the following:

- (a) a chartered electrical engineer or;
- (b) a member of the Electrical Contractors Association or;
- (c) a certificate holder of the National Inspection Council for Electrical Installation Contracting or;
- (d) the Local Electricity Supplier

appointed by or on behalf of the Licensee. A certificate stating the condition of the installations must be forwarded to the Licensing Authority, by or on behalf of the Licensee, on or before each anniversary of the date this licence was granted. In the case of the annual inspection and in the case of any request for an inspection by the Licensing Authority, a certificate must be received within 2 weeks of such request.

- 23 The licensee must ensure that the electrical socket outlets in the licensed premises, which are used for the purpose of providing licensed entertainment are protected by a residual current device being a 30 MA tripping circuit.
- 24 The Licensed premises must be kept properly and sufficiently ventilated and heated to the satisfaction of the Licensing Authority.
- 25 Any heating or ventilation appliance in the licensed premises must be constructed and installed in accordance with Building Regulations or Institute of Electrical Engineers Regulations and maintained in accordance with current good practices and must be located only in a position approved in writing by the Licensing Authority.
- 26 The edges of the treads of steps and stairways must be conspicuous. Mats, matting and other floor coverings must be secured and maintained, so that they will not ruck or be in any way a source of danger.
- 27 Handrails and balustrades where required, are to be fixed and constructed in accordance with current Building Regulations.
- 28 Reflective surfaces and glazed screens must only be provided in the licensed premises and sited in such positions therein, as approved by the Licensing Authority.
- 29 Alterations or additions, either permanent or temporary, to the structure, including wall and ceiling surfaces, lighting, heating or other installations or to the approved seating, gangways stairways, or any other arrangements in the premises must not be made except with the prior approval of the Licensing Authority.
- 30 Combustible materials can only be stored with the approval of the Licensing Authority. Storage of materials in the licensed premises shall be in such a position approved in writing by the Licensing Authority.
- 31 All parts of the premises, all fittings and apparatus therein, including the seating, door fastenings, notices, as well as the lighting, heating, electrical, and other installations, must be maintained at all times in good order and condition to the satisfaction of the Licensing Authority.

- 32 The lavatories, water closets and urinals in the licensed premises must at all times be kept in good order and repair, and be properly and effectively cleansed, ventilated, disinfected, and supplied with water. Adequate and separate sanitary convenience must be provided for persons of each sex. The doors leading thereto must be suitably marked.
- 33 There shall be no exhibition, recitation, acting, singing, dancing or other entertainment, which is of an obscene character or is in any way offensive to public decency or calculated to incite any breach of the peace or disorder.
- 34 No drunkenness or any violent, quarrelsome or riotous conduct shall be permitted in the licensed premises.
- 35 No unlawful gaming, lottery or betting shall be allowed on the licensed premises.
- 36 No exhibition, demonstration or performance of hypnotism or of roller skating shall take place at the premises, except with the written approval of the Licensing Authority and subject to any conditions attached to such approval. Application for consent must be made to the Licensing Authority not less than 28 days before the day on which it is to take place. A detailed description of the proposal event must accompany this application.
- 39 On those occasions when disabled persons are to be present on the premises, special arrangements as may be necessary in the circumstances must be made, so as to enable all persons to leave the premises safely in the event of fire or other emergency.
- 39 Except with the prior written approval of the Licensing Authority and subject to any conditions which may be attached to such approval: -
- (a) No special effects, naked flames, smoke production or any process creating a risk of fire, or the illusion of smoke or fire shall be used for the purpose of providing regulated entertainment on the premises.
  - (b) No explosives or highly flammable substances shall be brought into or used on the premises.
  - (c) No special effects shall be used or displays given on the premises, which consist of or include the use of lasers.

Applications for consent, giving detailed descriptions of the equipment to be used and details of the event, including dates and times must be made not less than 28 days before the date of the event.

- 40 Any person employed or engaged at the premises in the vetting of customers and/or the maintenance of public order either at any entrance to the premises or any part within must be approved or provisionally approved by the Security Industry Authority (SIA)
- 41 If an event is to include the use of moveable seating for a closely seated audience then a plan showing the location of this seating should be submitted to the Licensing Authority at least 28 days before the event is to be held.

- 42 This licence is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the Children and Young Persons Act 1933.
- 43 A CCTV system of a type and specification approved by Cleveland Police shall be operational during all trading hours and, 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 immediately available to police officers or other authorised officers on request.
- 44 There shall be in place a written policy to prevent the sale of supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 21 to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a photo driving licence, a passport or official HM Forces or EU ID card bearing photo and date of birth.
- 45 At least one notice shall be displayed at the entrance to the premises where it can be clearly seen and read and shall indicate that it is unlawful for persons under 18 years of age to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age
- 46 A written record shall be maintained detailing the training provided to each member of staff authorised to sell or supply alcohol. Such a record shall be signed by the member of staff to confirm the date that such training took place.
- 47 The licence holder shall implement a policy of regular monitoring and review of all staff authorised to sell or supply alcohol. Such a policy shall include periodic analysis of CCTV footage to ensure sales and refusals correspond with till records.



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

NONE

## **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 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** Mrs Jane Kett

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 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**

Jax Bar

Middleton Grange Shopping Centre

**Post town** Hartlepool

**Post code (if known)** TS26 7RR

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

Camerons Brewery Limited

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

HART/PS/188

### 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**

**First names**

**I am 18 years old or over**

Please tick ✓ yes  
☐

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Mrs Jane Kett Environmental Health Manager (Commercial Services) Public Protection Hartlepool Borough Council Civic Centre Hartlepool TS24 8AY

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

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

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

I am requesting the review as a representative of a responsible authority under the Licensing Act 2003. I believe the current arrangements at Jax bar are undermining the Licensing Objective of Public Safety.

We are currently in the midst of the Coronavirus (COVID-19) Global Pandemic. Local Authorities have been working extremely hard to ensure businesses that reopened following the lockdown are operating in a Covid Secure way. Hartlepool Borough Council's Public Protection team have been providing licensed premises with Covid-19 advice and guidance. Jax Bar have received advice and guidance on how to comply with the Government's Guidance for restaurants, pubs and bars. The Designated Premises Supervisor for Jax bar has received advisory telephone calls, emails and had spot checks for compliance performed.

It was during an evening spot check when it became apparent that Jax Bar were not operating in a Covid-19 secure way and they were jeopardising the safety of their staff and customers.

On the evening of Friday 11<sup>th</sup> September 2020 Acting Trading Standards and Licensing Manager, Rachael Readman, Senior Trading Standards Officer Daniel Briggs and Acting Sergeant Andy Thorpe Licensing Support for Cleveland Police, visited Jax Bar. They could hear loud music coming from the premises. Acting Sergeant Thorpe and Mrs Readman walked into Jax Bar without being requested to complete the Track and Trace booklet to the front of the premises. There was evidence that a party had taken place as there were birthday banners on display to the entrance of the bar.

Upon entering the bar Acting Sergeant Thorpe and Mrs Readman could see people dancing. The music was very loud, and people who were stood up were not social distancing. The officers requested to speak with a Manager, and Mr Anthony Wilkinson the Designated Premises Supervisor came from behind the DJ desk to speak with them. They went outside to discuss their concerns. Mrs Readman requested that Mr Wilkinson provide a copy of their Covid-19 Risk Assessment by Monday 14<sup>th</sup> September 2020.

The premises was subject to a further spot check later that night and it became apparent that Mr Wilkinson had not taken on board the officers recommendations to ensure the premises was Covid-19 secure compliant. There was loud music, vertical drinking, and a lack of social distancing.

Non-compliance with Covid-19 secure measures are a huge risk to public safety. At the time of writing this application Hartlepool is unfortunately on the Government's watch list as an area of concern and has a daily increase in the rate of Covid positive cases. Premises such as Jax Bar which flout Government Guidance which is directed at keeping people safe will be subject to Enforcement Action.

**Please provide as much information as possible to support the application** (please read guidance note 3)

The Government have introduced a range of measures to ensure that businesses are operating in a Covid-19 secure way. The two visits on the evening of Friday 11<sup>th</sup> September demonstrated that Jax Bar was not complying with these public safety measures. To support my application supporting evidence will be provided by Mrs Rachael Readman, Acting Trading Standards and Licensing Manager, Mr Daniel Briggs, Senior Trading Standards Officer and Acting Sergeant Andrew Thorpe, Licensing Support Sergeant for Cleveland Police.

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**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 **23/09/20**

.....

Capacity Environmental Health Manager (Commercial Services) – On Behalf of Responsible Authority for Public Safety - Hartlepool Borough Council

.....

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

Hartlepool Borough Council  
Public Protection  
Civic Centre  
Victoria Road

<b>Post town</b> Hartlepool	<b>Post Code</b> TS24 8AY
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**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**

REV01

TS24 8AY

**RESTRICTED (when complete)****CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

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Statement of **Andrew THORPE**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable 0894**

This statement (consisting of **7** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature **Andrew Thorpe**Date: **30/09/2020**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a serving police officer with Cleveland Police. I am currently stationed with the Licensing Support Unit at Middlesbrough Police HQ.

Part of my role as a licensing support officer is to monitor licensed premises within Hartlepool and Stockton districts ensuring that they are trading within the spirit of the four licensing objectives. We will ask that they will not have an adverse affect on the surrounding community or have a negative impact on Crime & Disorder, Public Safety or Public Nuisance objectives and will Prevent Harm to Children.

This statement is in relation to an application to review the licence of a licensed premise, Jax Bar, Middleton Grange Shopping Centre, Hartlepool. Cleveland Police request this review as we believe Jax has failed to uphold three of the licensing objectives, namely Preventing Crime and Disorder, Public Safety and Public Nuisance.

On 20<sup>th</sup> March 2020 the Prime Minister ordered all hospitality, including public houses and

Signature \_\_\_\_\_ Signature Witnessed by \_\_\_\_\_

**RESTRICTED (when complete)****CLEVELAND POLICE**Page No **2**Continuation of Statement of **Andrew THORPE**

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night clubs to close due to the increasing risk caused by Coronavirus (Covid19), prior to this Jax Bar had not been open for well over a year. On 4<sup>th</sup> July 2020 a premise licence was issued to Jax confirming that the Designated Premise Supervisor would be Anthony Lee WILKINSON, and the bar opened on the 4<sup>th</sup> July 2020 when the government relaxed the restrictions imposed due to the pandemic. This re-opening came with some comprehensive guidelines which premises were asked to comply with to prevent the further spread of Covid19 and to ensure their businesses were run safely for staff and customers alike. Since the 4<sup>th</sup> July 2020 Jax has suffered from a series of reported incidents with the first report coming on the first day of opening, reported by CCTV regarding a scuffle outside, which quickly dissipated and did not require police attendance. After that the incidents continued to be reported. I have detailed below those that were of a violent nature but there were other reports of nuisance and disorder which I have not included in my statement for brevity.

On 9<sup>th</sup> July 2020 at around 00:19 hours there was a report (Incident 1) that there had been a possible assault on a female customer at the premise, by a male who had taken his t-shirt off. The male was stopped by police, searched and his details taken, but unfortunately no parties wanted to make a complaint and the male was allowed to go on his way.

Again on 9<sup>th</sup> July 2020 at around 01:53 hours CCTV reported (Incident 2) a fight at the premise, where a male has pushed another male out of the premise and has then proceeded to punch the male in the head. The staff dealt with the male ejecting him

**RESTRICTED (when complete)****CLEVELAND POLICE**Page No **3**Continuation of Statement of **Andrew THORPE**

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before police arrival. The victim did not wish to pursue a complaint and the assailant was not identified.

On 23<sup>rd</sup> July 2020 at approximately 01:50 hours the premises called in a fight in the premises (Incident 3) and they reported a group of 8 males which they had to eject and 2 males fighting on the ground. The bar owner reported being assaulted himself. Thanks to CCTV a male was identified and arrested by police for common assault and drug offences and was later charged.

On 29<sup>th</sup> July 2020 at 02:14 hours, police received a report (Incident 4) from door staff at the premises, requesting assistance to deal with a male inside who had assaulted another person. One male was arrested on suspicion of common assault and a second male was arrested for being drunk and disorderly by police.

Next on 30<sup>th</sup> July 2020 at around 01:02 hours (Incident 5) CCTV contacted the police to report that the premise had asked them to contact police to remove a male from the premises who was causing problems inside. The police received a follow up call stating that the trouble had escalated and that there was fighting at the premises. The police attended, there were no complaints of assault but police dealt with the individuals there and after discussion with the police the premises who did not have door staff on that night voluntarily closed.

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The following month on 18<sup>th</sup> August 2020, the owner of the bar has contacted police at 01:30 hours (Incident 6), reporting that a customer has been assaulted. A male has thrown a full glass in the face of the victim, causing immediate swelling to the eye and bleeding from the nose. When police have attended the victim has refused to give any details, and the premise is refusing to let them back in to the premises due to their demeanour. The police have advised the victim to leave, and no arrests have been made.

On 29<sup>th</sup> August 2020 at around 01:43 hours, ambulance contacted the police (Incident 7), after they have attended the premises due to a male being hit in the head with a glass bottle. The call to ambulance has been made by staff, but no contact to police. The female victim is treated by ambulance but did not want to make a complaint to police and would not give any details to the police. No further action was taken.

The following week on 6<sup>th</sup> September 2020 at 01:25 hours (Incident 8), a male has contacted police stating that he has been assaulted by door staff at the venue. The male has been ejected by door staff but he feels they have been heavy handed with him, and that the door staff have grabbed him, choked him and have thrown him to the floor. The victim has not engaged with police when they have contacted him the following day but the investigation is still ongoing.

While police were passing the premises on 7<sup>th</sup> September 2020 at 00:26 hours they have come across a fight at Jax Bar (Incident 9) between a group of males all in dark clothing.

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Males have made off from the officers but they have detained one male for being drunk and disorderly, and he has later been charged with this offence.

A report to police has been made by council CCTV on 11<sup>th</sup> September 2020 at 03:06 hours (Incident 10) that there are two males fighting outside Jax Bar. The police have attended and taken details for an assault but the victim has not wished to pursue a complaint at this time.

Finally on 19<sup>th</sup> September 2020 at 21:52 hours a report (Incident 11) has come in to police that there is anti-social behaviour at the premise. Police have arrived and a male has been arrested for the offences of Affray and Criminal damage and detained by police. CCTV have continued to monitor the area, due to the premises still being very busy.

We have tried to work with the premises to minimise the issues they have experienced. When we were made aware of the issues at the premise on 16<sup>th</sup> July 2020 at around 12:00 hours I attended Jax Bar and spoke to John Burns the partner of the DPS Anthony Wilkinson. We spoke at length about the incidents that had been reported up to this point and the complaints about the lack of adherence to the Covid19 regulations. I also discussed with them some things other premises had put in to place to help, including weekly contact with police licensing, reducing hours people are allowed in the premise. I asked Mr Burns to speak to Mr Wilkinson and come up with an action plan to help with the issues. He agreed to do this and promised we would have contact from them within the next couple of weeks. To date I have not received any communication from them.

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On Friday 11<sup>th</sup> September 2020 I was carrying out joint partnership visits with Hartlepool Council Licensing and Trading Standards officers. We were visiting licensed premises to discuss and check Covid19 procedures. We attended Jax Bar twice that night. The first time, before we even reached the premises we could hear loud music emanating from within. When we opened the door we were hit by a wall of noise, the music was at such a level it was impossible to hear any speaking even with raised voices. The DPS Anthony Wilkinson was in the DJ booth controlling the music. We indicated to Mr Wilkinson to come outside where we spoke to him at length about the Covid19 regulations and that the music should not be that loud. It took a couple of attempts before the music was at an acceptable level. I also took this opportunity to discuss why we had not received an Action Plan or any communication from him. Mr Wilkinson said he had expected Mr Burns to have contacted us and sort out the action plan. I explained that he was the DPS and such matters should be overseen by him and it was down to him, as his name was on the licence to ensure matters such as this were dealt with. Mr Wilkinson promised he would get it sorted out. As stated before in this statement, to date I have not received any further communication from Jax Bar nor have I received anything regarding an Action Plan.

We have tried to work with the premises and while they have been receptive when spoken to they have not carried through with some of their basic promises. It has come to the point where we cannot allow this to escalate and unfortunately the only way we can now deal with this is through the review process. Cleveland Police believe that if we do not take



**RESTRICTED (when complete)**

**CLEVELAND POLICE**

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Continuation of Statement of **Andrew THORPE**

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more affirmative action issues will escalate and the Licensing Objectives will continue to be breached.