

LICENSING SUB-COMMITTEE

AGENDA



Friday 21st January 2022

at 10.00am

**in the Council Chamber,
Civic Centre, Hartlepool.**

A limited number of members of the public will be able to attend the meeting with spaces being available on a first come, first served basis. Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Thursday 20th January and name and address details will be taken for NHS Test and Trace purposes.

All attendees are required to bring proof of a negative lateral flow test to the meeting. This test must have been taken in the preceding 24 hours.

You should not attend the meeting if you are required to self-isolate or are displaying any COVID-19 symptoms such as (a high temperature, new and persistent cough, or a loss of/change in sense of taste or smell), even if these symptoms are mild. If you, or anyone you live with, have one or more of these symptoms you should follow the [NHS guidance on testing](#).

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Brown, Cassidy and Little

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. ITEMS FOR DECISION**
 - 3.1 Application for the variation of a new premises licence: 2 Sydenham Road, 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 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), or representative shall outline 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), or representative.
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 to 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: Assistant Director (Regulatory Services)

Subject: APPLICATION FOR THE VARIATION OF A NEW
PREMISES LICENCE:
2 SYDENHAM ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the variation of a premises licence in respect of 2 Sydenham Road, Hartlepool.

2. SUMMARY OF APPLICATION

- 2.1 Applicant: Janarthani Paramesvaran

Premises: Belle Vue Wines, 2 Sydenham Road, Hartlepool

- 2.2 The applicant has applied to vary their current licence so as to make off sales of alcohol between 0700 hours and 2300 hours seven days a week.

A copy of the application is attached as Appendix 1.

A copy of the current licence for the premises is attached as Appendix 2.

A map of the area is attached as Appendix 3 and street view images of the premises (seen as a shuttered end property) are attached as Appendix 4.

3. BACKGROUND

- 3.1 The application has been advertised in the prescribed manner and one representation has been received from Cleveland Police (Appendix 5).

4. ISSUES

- 4.1 As a relevant representation has been received, a hearing must be held for Members to consider the application (unless all parties agree a hearing is unnecessary).

- 4.2 Members attention is drawn to Hartlepool Borough Council's Licensing Policy which states the following in respect of licensed hours: -

'The licensing authority does not accept that longer opening hours have been a benefit to Hartlepool but rather that they place an undue and unnecessary

strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and creates a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.

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

4.3 Having regard to the representations received, Members may take any of the following steps for the promotion of the licensing objectives:

- i) To approve the application in its entirety
- ii) To approve the application in part - with or without the addition of further conditions
- iii) To reject the whole or part of the application

4.4 The licensing objectives are:

- i) The prevention of crime and disorder
- ii) Public safety
- iii) The prevention of public nuisance, and
- iv) The protection of children from harm

4.5 Members are reminded that they must only consider those aspects of the licence application that are relevant to the representations received.

5. RECOMMENDATIONS

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.



I/We JANARTHANI - PARAMESVARAN
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	<u>HART/PS 339</u>
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<u>2 SYDENHAM ROAD</u>			
Post town	<u>HARTLEPOOL</u>	Postcode	<u>TS25 1QB</u>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ <u>4300</u>

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]
Current postal address if different from premises address	[REDACTED]
Post town	<u>HARTLEPOOL</u>
Postcode	[REDACTED]



PREM03

Part 3 - Variation

Please tick as appropriate

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

☒ Yes

☐
No

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

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Extension of hours

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

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

* Amended by applicant

Mon - Sun 07:00 - 23:00

18/11/21

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	6-00 am	1-00 am	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	6-00 am	1-00 am			
Wed	6-00 am	1-00 am			
Thur	6-00 am	1-00 am	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	6-00 am	1-00 am			
Sat	6-00 am	1-00 am			
Sun	6-00 am	1-00 am			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	07-00	23-00	
	am	pm	
Tue	07-00	23-00	
	am	pm	
Wed	07-00	23-00	
	am	pm	
Thur	07-00	23-00	
	am	pm	
Fri	07-00	23-00	
	am	pm	
Sat	07-00	23-00	
	am	pm	
Sun	07-00	23-00	
	am	pm	
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)			

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

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Exemption of hours

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/339

Part 1 - Premises details

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

2 Sydenham Road

Post Town Hartlepool

Post Code TS25 1QB

Telephone number 01429 597997

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

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

Monday to Friday 09:00 – 22:00

Saturday and Sunday 10:00 – 22:00

The opening hours of the premises

Monday to Friday 09:00 – 22:00

Saturday and Sunday 10:00 – 22:00

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

Savior Selvarasa & Janarthani Paramesvaran

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 authorises the supply of alcohol

Janarthani Paramesvaran

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

Date licence granted: 13th October 2015

ANNEX 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy 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.

3.
 - (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) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994⁽⁷⁾.
- (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. 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 direct 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 authorized officers on request.

2. There shall be in place a written policy to prevent the sale or 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 recognized 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.
3. 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.
4. A written record shall be maintained detailing the training provided to each member of staff authorized 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.
5. The licence holder shall implement a policy of regular monitoring and review of all staff authorized to sell or supply alcohol. Such a policy shall include periodic analysis of CCTV footage to ensure sales and refusals correspond with till records.
6. There shall be a means of alerting staff to verify the age of a prospective purchase whenever an age restricted product is presented for purchase.
7. Hold a register which identifies clients who have asked for alcohol, have been refused and name asked. If the client will not give name then identity should be profiled e.g. short, brown hair, approximate age, clothing etc.
8. Training about how to deal with situations involving Children and Young People, not just about alcohol, but also “lost child”, “injured child”, “young person on premises consuming alcohol or has had excessive alcohol when entering premises.
9. Groups of people shall be discouraged from congregating in or around the premises and, if necessary, the Police shall be called.

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

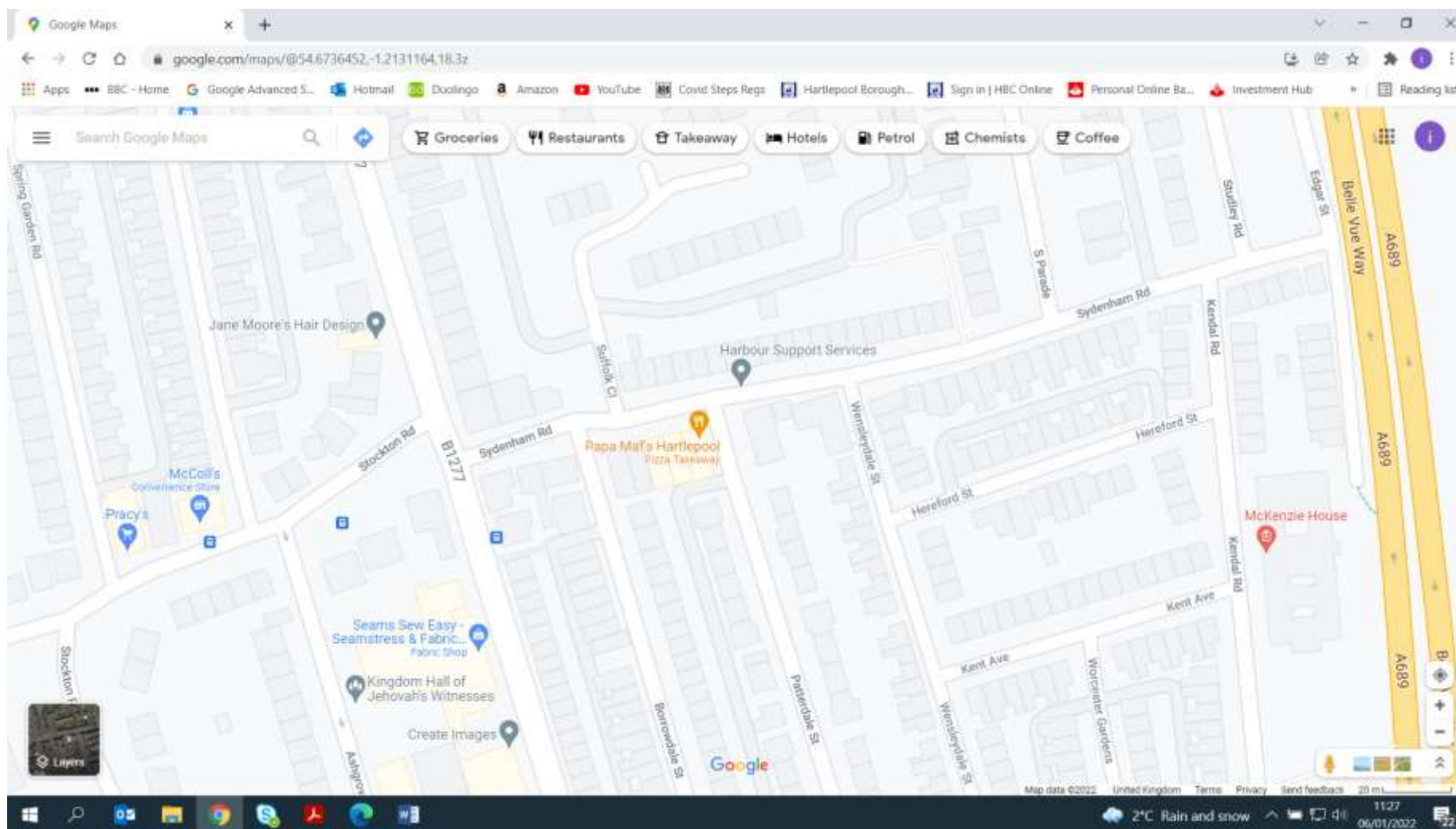
NONE

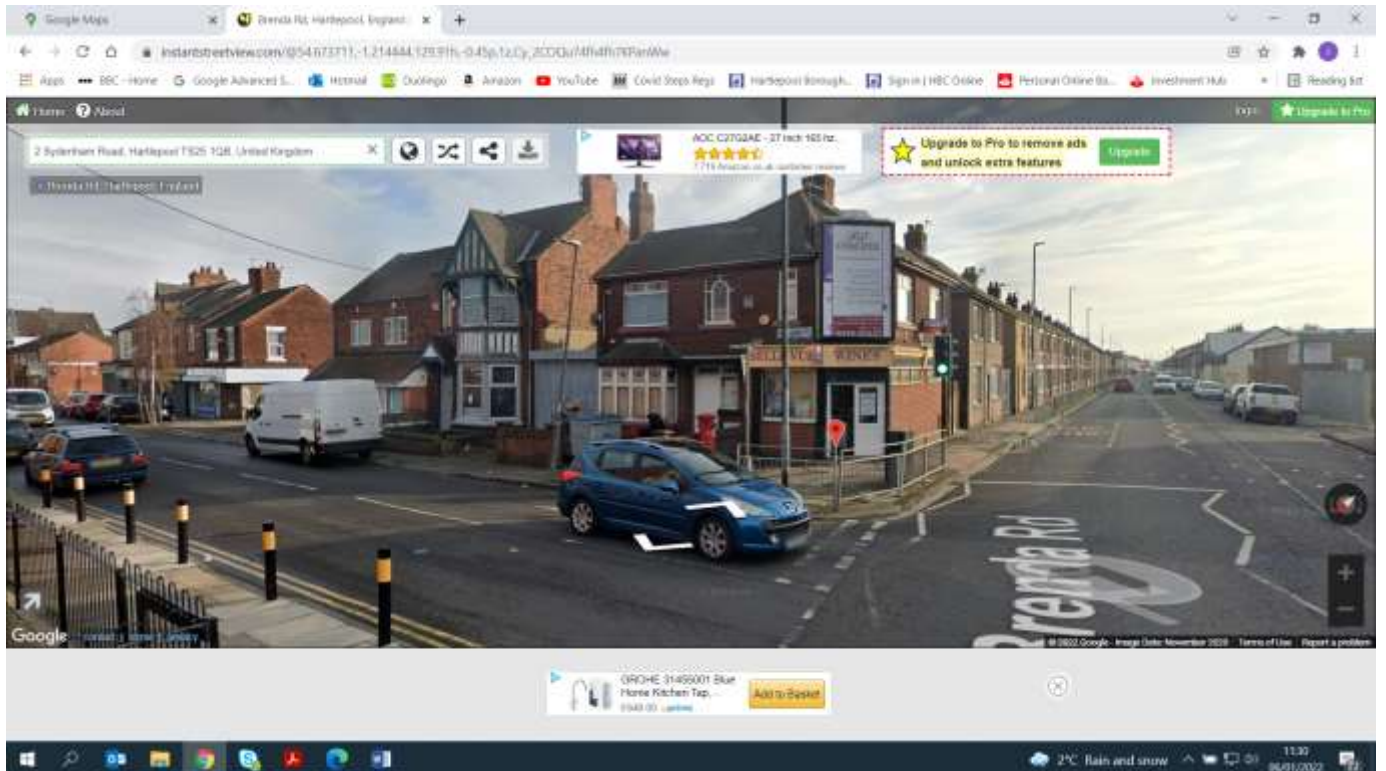
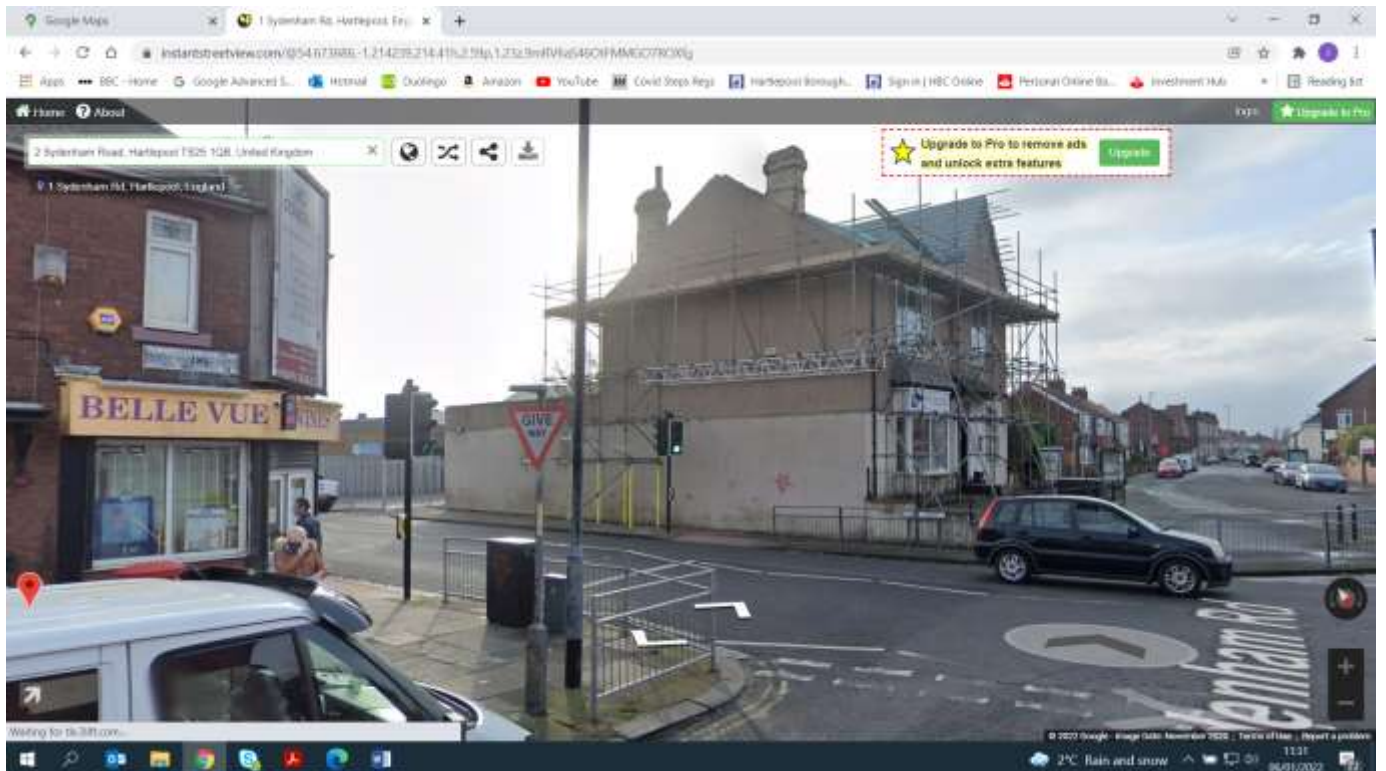
ANNEX 4 - Plans

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.

3.1 Appendix 3







Licensing Support Unit
Middlesbrough Police Station
Bridge Street West
Middlesbrough
Cleveland
TS2 1AB
Tel 01642303176

**Representations On A Current Application For A Grant/Variation of a Premises Licence Or Club
Premises Certificate Under The Licensing Act 2003**

I Pc 1620 Clare LAWTON

On behalf of

CHIEF CONSTABLE OF CLEVELAND POLICE
MIDDLESBROUGH DISTRICT H/Q
BRIDGE STREET WEST
MIDDLESBROUGH
TS2 1AB

As a responsible authority wish to make representation about the application for variation of a premises licence.

PREMISES OR CLUB PREMISES DETAILS

Belle View Wines
2 SYDENHAM ROAD
HARTLEPOOL
TS25 1QB

This representation relates to the following licensing objective(s)

- | | | |
|----|--------------------------------------|---|
| 1. | The prevention of crime and disorder | x |
| 2. | Public safety | x |
| 3. | The prevention of public nuisance | x |
| 4. | The protection of children from harm | x |

GROUND'S FOR REPRESENTATIONS

Cleveland Police have received an application made under the Licensing Act 2003 for a variation to a premises licence granted at 2 Sydenham Road Hartlepool TS25 1QB. The

applicant is requesting an extension of licenced hours to 0700hrs – 2300hrs 7 days a week from Monday to Friday 09:00 – 22:00 and Saturday and Sunday 10:00 – 22:00.

Cleveland Police submit representations to this application for the following reasons,

The area that this premise is situated in already suffers from high levels of crime and disorder and antisocial behaviour.

On WEDNESDAY 1st DECEMBER 2021 a visit to the premises was conducted to gain more information with regards to the application. At this time the only member of staff who was on duty was spoken to. It was quickly established that this male had a very limited knowledge of the conditions on the premises licence and the licensing act. During the visit it was discovered that the premise was not complying with the conditions imposed on its licence.

On Friday 3rd DECEMBER 2021 a revisited of the premise was conducted and the DPS was spoken to. During this conversation it was established that the DPS had a limited knowledge of the licensing act and wasn't fully aware of the conditions on the premises licence. Again checks were conducted and the premises were still not complying with the conditions on their licence.

The result of both these visits is deeply concerning to Cleveland Police, particularly given how challenging the area can be and the importance of abiding by conditions granted to support the licensing objectives.

If required, a statement can be provided with supporting evidence.

Pc 1620 Clare Lawton
Licensing Support Unit