

LICENSING ACT SUB-COMMITTEE AGENDA



Friday 5th January 2007

at 10.00am

in Conference Suites 2 & 3, Belle Vue Community Sports and Youth Centre,
Kendal Road

MEMBERS: LICENSING ACT SUB-COMMITTEE:

Councillors Hall, Kaiser and Tumilty

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 – 39-41 Chatham Road, Hartlepool – *Head of Public Protection and Housing*

Report of: Head of Public Protection & Housing

Subject: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – 39-41 CHATHAM ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a Premises Licence in respect of 39-41 Chatham Road, Hartlepool.

2. BACKGROUND

- 2.1 Party requesting review: Trading Standards
- Premises to which application for review relates: 39-41 Chatham Road
Hartlepool

- 2.2 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 – 2300

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

3. SUMMARY OF THE APPLICATION

- 3.1 Trading Standards has requested a review of the Premises Licence on the following grounds: -

‘On 31st March 2006 the licensed premises supplied alcohol to a child of fourteen years of age.

Supplying alcohol to children can have a serious impact on anti-social behaviour in an area and be a nuisance to residents.

Selling alcohol to children can also place that child at risk, both in terms of their health and personal safety.’

3.2 Trading Standards has also provided the following additional information: -

‘On 31st March 2006 the Trading Standards team conducted a covert test purchasing exercise using two fourteen year old volunteers.

The exercise involved supervision of the children as they attempted to purchase alcohol from off-licensed premises.

The children entered this premise during the evening of the 31st March 2006 and purchased alcoholic beverages.

I (Brian Dinning) witnessed the children purchase the alcohol. Proof of age was not requested by the assistant, Shaheed Nadeem.

On the 16th October 2006 Shaheed Nadeem was successfully prosecuted for the offence contrary to Section 146(1) of the Licensing Act 2003.

Shaheed Nadeem was fined £100 for the offence and ordered to pay £251.40 in costs.’

3.3 A copy of the Application for Review is attached as Appendix II.

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 Interested Party as defined by the Act. Trading Standards is a Responsible Authority.

4.2 The application must also relate to at least one of the Act’s ‘licensing objectives’. These are: -

- ? The prevention of crime and disorder;
- ? Public safety;
- ? The prevention of public nuisance; and
- ? The protection of children from harm

4.3 The application has been advertised in the prescribed manner and two representations have been received.

4.4 The Head of Hartlepool Borough Council’s Safeguarding and Review Unit, the competent body responsible for matters relating to the protection of children from harm, has made the following representation, which is also attached as Appendix III: -

‘In respect to the four licensing objectives, under the category of protecting children from harm, the implications of supplying alcohol to a minor places the

child at risk, both in terms of their health and personal safety; alcohol can have a serious impact on anti-social behaviour in an area and be a nuisance to residents.'

- 4.5 Cleveland Police have made the following representation, which is attached as Appendix IV: -

'From information available to me as the Licensing Sergeant for the District, I can confirm that the store situated at 39/41 Chatham Road, Hartlepool, continues to adversely impact on the surrounding locale due to U.18 alcohol sales. This has a deleterious impact on the local environment and promotes disorder in the immediate area. Additional police patrols have been mounted in order to deal with the issue, but with limited success.'

- 4.6 Following consideration of the application, relevant representations and any comments of the licence holder, Members may take such steps as they consider necessary for the promotion of the licensing objectives.

- 4.7 The steps are: -

- ? To take no action;
- ? To modify the conditions on the licence (this may include altering or omitting an existing condition or adding a new condition);
- ? 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, responsible authorities and licence holder and determine what action, if any, should be taken.

Appendix I

THE LICENSING ACT 2003
PREMISES LICENCE (PART A)

Premises licence number

HART/PS/103

Part 1 - Premises details

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

Chatham Stores
 39-41 Chatham Road

Post Town Hartlepool

Post Code TS24 8QH

Telephone number

01429 234004

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 (Off Sales)

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

Alcohol Sales (Off Sales)

Off-Licence	Monday – Saturday	0800 – 2300
	Sunday	1000 – 2230
	Christmas Day and Good Friday	1200 – 1500 1900 – 2230 0800 – 2230

The opening hours of the premises

At the discretion of the licence holder

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

Naeem Khan
39-41 Chatham Road
Hartlepool
TS24 8QH

Tel: 01429 234004

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

N/A

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

Naeem Khan
59 Brenda Road
Hartlepool
TS25 1QH

Tel No.

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/110
Hartlepool Borough Council

Date licence granted: 21 October 2005

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 made under the terms of this 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;
- (d) 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

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

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, Brian Dinning on behalf of Hartlepool Borough Council Trading Standards Team

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 39/41 Chatham Road	
Post town: Hartlepool	Post code (if known): TS24 8QG

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

Number of premises licence or club premises certificate (if known)
HART/PS/103

Part 2 - Applicant details

I am

	Please tick yes
1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>

REV01



HARTLEPOOL



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

Please tick
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 Trading Standards Team, Hartlepool Borough Council, Civic Centre, Hartlepool TS24 8AY
Telephone number (if any) 01429 523352
E-mail address (optional) Brian.dinning@hartlepool.gov.uk

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

Please tick one or more boxes

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

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

Please state the ground(s) for review (please read guidance note 1)

On 31st March 2006 the licensed premises supplied alcohol to a child of fourteen years of age.

Supplying alcohol to children can have a serious impact on anti-social behaviour in an area and be a nuisance to residents.

Selling alcohol to children can also place that child at risk, both in terms of their health and personal safety.

Please provide as much information as possible to support the application
(please read guidance note 2)

On 31st March 2006 the Trading Standards team conducted a covert test purchasing exercise using two fourteen year old volunteers.

The exercise involved supervision of the children as they attempted to purchase alcohol from off-licence premises.

The children entered this premise during the evening of the 31st March 2006 and purchased alcoholic beverages.

I witnessed the children purchase the alcohol. Proof of age was not requested by the assistant, Shaheed Nadeem.

On the 16th October 2006 Shaheed Nadeem was successfully prosecuted for an offence contrary to Section 146(1) of the Licensing Act 2003.

Shaheed Nadeem was given a £100 fine and ordered to pay £251.40 costs.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

None

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature B. Oving

Date 15th November 2006

Capacity Senior Technical Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Copies of this completed application form must be sent to:-

The Licensing Team (HBC),
 Principal Trading Standards Officer (HBC)
 Development Control Manager (HBC)
 Principal Environmental Health Officer (Commercial Services) (HBC)
 Principal Environmental Health Officer (Environmental Protection) (HBC)
 Head of Safeguarding and Review (Licensing) (HBC)
 Cleveland Police,
 Cleveland Fire Brigade

Addresses for the above organisations are attached.

The Licensing Section
 Public Protection and Housing
 Hartlepool Borough Council
 Civic Centre
 Victoria Road
 Hartlepool
 TS24 8AY



Lorraine
Hutchinson/HBCDomino
01/12/2006 11:42

To: Licensing/HBCDomino@HBCDOMINO
cc:
bcc:
Subject: Re: Review of Licence - 39/41 Chatham Road [1]

Hi

Review License - 39/41 Chatham Road

Ann McMorris, Head of the Safeguard and Review Unit wishes to take the view that as a responsible Authority that she would like to make a representation at the review.

In respect of the four licensing objectives, under the category of protecting children from harm, the implications of supplying alcohol to a minor places the child at risk, both in terms of their health and personal safety; alcohol can have a serious impact on anti social behaviour in an area and be a nuisance to residents

Lorraine Hutchinson
Team Clerk
Children Services Department
Safeguarding and Review Unit
Municipal Building
Suite 10

Tel: 01429 523844
Fax: 01429 533050
Licensing/HBCDomino

Licensing/HBCDomino
Sent by: Julie Humphreys
21/11/2006 11:48

To: anthony.green@cleveland.pnn.police.uk,
freengineering@clevelandpno.gov.uk, Jane
Kett/HBCDomino@HBCDOMINO, Adrian
Hunt/HBCDomino@HBCDOMINO, Lyndsey
Cook/HBCDomino@HBCDomino,
david.halliday@cleveland.pnn.police.uk,
lookedafterchildren/HBCDomino@HBCDomino, License
Application Editors
cc:
Subject: Review of Licence - 39/41 Chatham Road

LICENSING ACT 2003 - NOTIFICATION OF RECEIPT OF REVIEW

We have received a notice of review re the above property from Trading Standards. In conjunction with the above Act you should also have received a copy.

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 representations concerning it.

If you wish to make any representations regarding the above or have any queries please do not hesitate to contact this office.

Appendix IV

From information available to me as the Licensing Sergeant for the District, I can confirm that the store situated at 39/41 Chatham Road, Hartlepool, continues to adversely impact on the surrounding locale due to U.18 alcohol sales. This has a deleterious impact on the local environment and promotes disorder in the immediate area. Additional police patrols have been mounted in order to deal with the issue, but with limited success.

Anthony GREEN, Police Sergeant 442, Cleveland Police, Hartlepool District