

# **LICENSING ACT SUB-COMMITTEE AGENDA**



**Monday 12<sup>th</sup> March 2007**

**at 2.00 pm**

**in Conference Suite 1, Belle Vue Community Sports and Youth Centre,  
Kendal Road**

**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 Review of a Premises Licence – Bungalow Stores, 2 Stratford Road, Hartlepool – *Head of Public Protection*

**Report of:** Head of Public Protection

**Subject:** APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – BUNGALOW STORES, 2 STRATFORD ROAD, 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 the Bungalow Stores, 2 Stratford Road, Hartlepool.

## 2. BACKGROUND

- 2.1 Party requesting review: Trading Standards

Premises to which application for review relates: Bungalow Stores  
2 Stratford 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 – 2230

- 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 13<sup>th</sup> April 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 13<sup>th</sup> April 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 13<sup>th</sup> April 2006 and purchased alcoholic beverages.

I (Trading Standards Officer Tony Green) witnessed the children purchase the alcohol. Proof of age was not requested by the assistant, Mandy Hunter.

On the 18<sup>th</sup> December 2006 Mandy Hunter was successfully prosecuted for the offence contrary to Section 146(1) of the Licensing Act 2003.

She was fined £200 and ordered to pay £150 towards the 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 one representation has 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 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.

4.6 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

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

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



Premises licence number

HART/PS/078

**Part 1 - Premises details**

<b>Postal address of premises or, if none, ordnance survey map reference, or description</b>	
Bungalow Stores 2 Stratford Road	
<b>Post Town</b>	Hartlepool
<b>Post code</b>	TS25 5AR
<b>Telephone number</b>	01429 420010

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**Alcohol Sales

Off-Licence

**The time the licence authorises the carrying out of licensable activities**Alcohol Sales

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

**The opening hours of the premises**

At the discretion of the licensee

<p><b>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</b></p> <p>Off Sales</p>
<p><b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b></p> <p>Mr Malcolm Ross Jones 6 Jasper Grove Stillington Stockton – on Tees TS21 1NW</p> <p>Tel: 01740 631684</p>
<p><b>Registered number of holder, for example company number, charity number (where applicable)</b></p> <p>N/A</p>
<p><b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol</b></p> <p>Mr Malcolm Ross Jones 6 Jasper Grove Stillington Stockton – on Tees TS21 1NW</p>
<p><b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b></p>

**Date licence granted: 7<sup>th</sup> July 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;
  - (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.

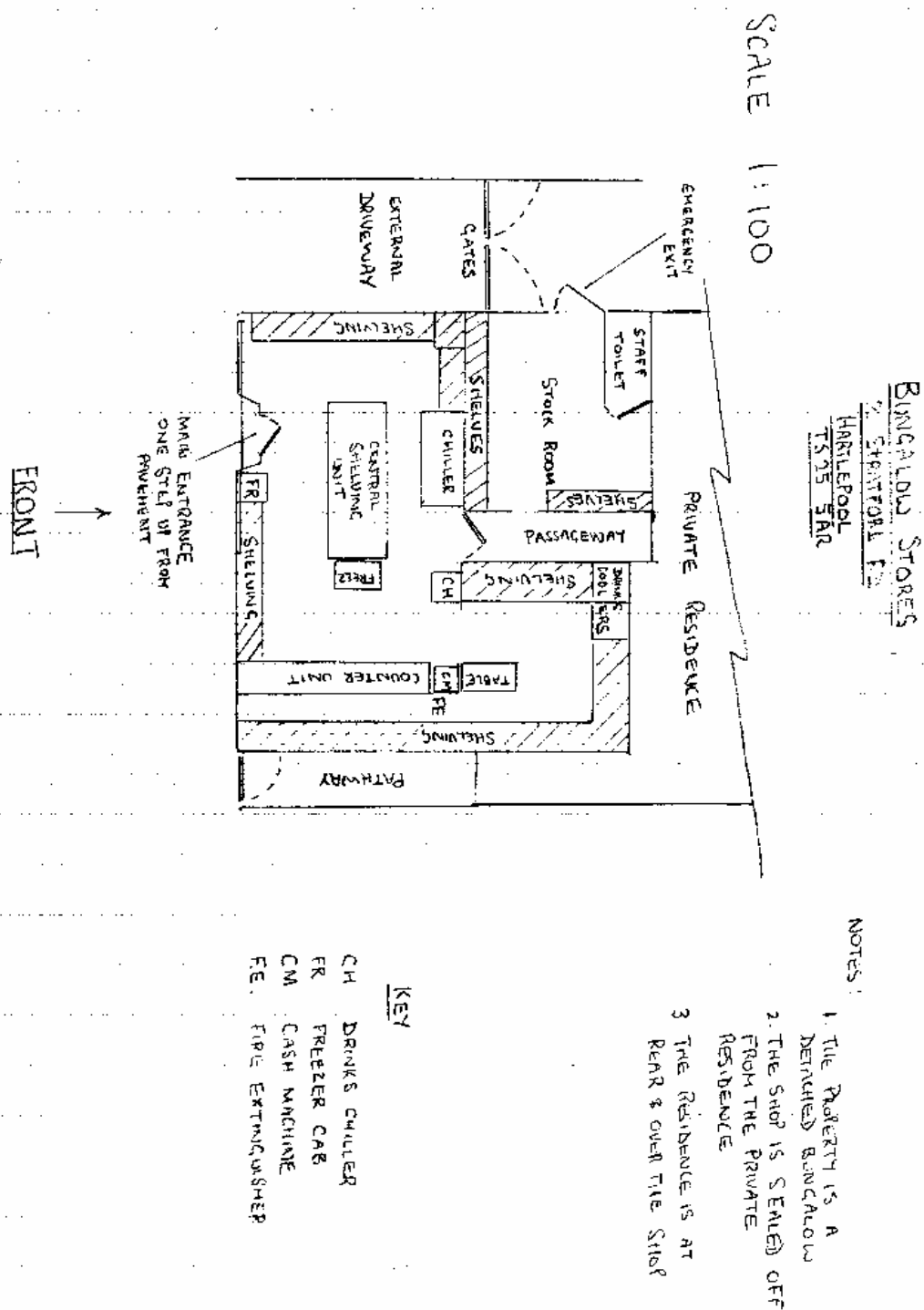


**ANNEX 3 – Conditions attached after a hearing by the Licensing Authority**

None

**ANNEX 4 - Plans**

See attached



## Appendix II

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 Tony Green on behalf of Hartlepool Borough Council Trading Standards Team

(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

#### Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 2 Stratford Road	
Post town Hartlepool	Post code (if known) TS25 5AR

Name of premises licence holder or club holding club premises certificate (if known) Malcolm Ross Jones
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Number of premises licence or club premises certificate (if known) HART/PS/078
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#### 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 ☐
  - b) a body representing persons living in the vicinity of the premises ☐
  - c) a person involved in business in the vicinity of the premises ☐
  - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

REV01

**(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 284077
E-mail address (optional) tony.green@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 checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

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

On 13<sup>th</sup> April 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 13<sup>th</sup> April 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 13<sup>th</sup> April 2006 and purchased alcoholic beverages.

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

On the 18<sup>th</sup> December 2006 Mandy Hunter was successfully prosecuted for an offence contrary to Section 146(1) of the Licensing Act 2003.

Mandy Hunter was fined £200 and ordered to pay £150 towards the 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 7. Gee

Date 19<sup>th</sup> January 2007

Capacity Trading Standards Officer



<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)</b>	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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**

Licensing Act 2003 Consultees



The Licensing Team  
Public Protection & Housing  
Level 3, Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Principal Trading Standards Officer  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Chief Fire Officer  
Community Services Group  
Fire Engineering Hartlepool  
Fire Brigade HQ  
Endeavour House  
Stockton Road  
Hartlepool  
TS25 5TB

The Licensing Officer  
Hartlepool Police Office  
Avenue Road  
Hartlepool  
TS24 8AB

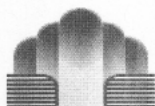
Development Control Manager  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Head of Safeguarding and Review (Licensing)  
Hartlepool Borough Council  
Municipal Buildings  
Hartlepool  
TS24 7EQ

Principal Environmental Health Officer  
(Commercial Services)  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Principal Environmental Health Officer  
(Environmental Protection)  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Appendix III



Lorraine  
Hutchinson/HBCDomino  
19/02/2007 10:49

To Licensing/HBCDomino@HBCDOMINO  
cc  
bcc  
Subject Re: Consultee Responses - Review - Bungalow Stores

Hi

I can confirm that the Safeguarding and review Unit has received a paper copy of the above application and that Ann McMorris, Head of this 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

thanks

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

Tel: 01429 523825  
Fax: 01429 523905  
Licensing/PublicProtection/Environment&Development/hartlepool

Licensing/PublicProtection/  
Environment&Development/  
hartlepool  
Sent by: Julie Humphreys

16/02/2007 08:47

To anthony.green@cleveland.pnn.police.uk,  
ajbell@clevelandfire.gov.uk,  
ssanderson@clevelandfire.gov.uk, Adrian  
Hurst/HBCDomino@HBCDOMINO, Lorraine  
Hutchinson/HBCDomino@HBCDOMINO  
cc  
Subject Consultee Responses - Review - Bungalow Stores

The closing date for Consultee Responses to the following applications is today. If you have made any representations/comments we have not received them.

**The Bungalow Stores, 2 Stratford Road**

**IF YOU HAVE NOT RECEIVED A COPY OF AN APPLICATION PLEASE CONTACT US IMMEDIATELY.**