

# LICENSING ACT SUB-COMMITTEE AGENDA



**Monday 2<sup>nd</sup> April 2007**

**at 10.00 am**

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

**MEMBERS: LICENSING ACT SUB-COMMITTEE:**

Councillors R Cook, Rayner and Rogan

- 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 – One Stop Stores Ltd,  
23 Wynyard Road, Hartlepool – *Head of Public Protection*
  
  - 3.2 Application for the Review of a Premises Licence – Bells Stores,  
43-45 Murray Street, Hartlepool – *Head of Public Protection*

# 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. Head of Public Protection and Housing outlines the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Head of Public Protection and Housing.
4. Applicant 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:** Head of Public Protection

**Subject:** APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – ONE STOP STORES LTD., 23 WYNYARD 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 One Stop Stores, 23 Wynyard Road, Hartlepool.

## 2. BACKGROUND

- 2.1 Party requesting review: Trading Standards

Premises to which application for review relates: One Stop Stores  
23 Wynyard 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 28<sup>th</sup> July 2006 the licensed premises supplied alcohol to a child of fifteen 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 28<sup>th</sup> July 2006 the Trading Standards team conducted a covert test purchasing exercise using two fifteen 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 28<sup>th</sup> July 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, Graham Jackson.

On the 5<sup>th</sup> February 2007 Graham Jackson was successfully prosecuted for the offence contrary to Section 146(1) of the Licensing Act 2003.

He was fined £70 and ordered to pay £130 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 from 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. This representation is attached as Appendix III.

- 4.4 A representation has also been received from the licence holder and this is attached as Appendix IV.
- 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/039

**Part 1 - Premises details**

<b>Postal address of premises or, if none, ordnance survey map reference, or description</b>			
One Stop Stores Ltd 23 Wynyard Road			
<b>Post Town</b>	Hartlepool	<b>Post code</b>	TS25 3LB
<b>Telephone number</b>			
01429 233514			

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

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

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

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

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

Off sales

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

One Stop Stores Ltd.  
Apex Road  
Brownhills  
Walsall  
West Midlands  
WS8 7TS

Tel: 01543 363030 e-mail: www.one-stop-stores.com

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

02462858

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

Dianne Williams  
65 Eskdale Road  
Hartlepool  
TS25 4BT

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

HART/PL/045

**Date licence granted:** 3<sup>rd</sup> November 2006

**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**


N/A

**ANNEX 4 - Plans**

See attached

Appendix II

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



**HARTLEPOOL**  
BOROUGH COUNCIL  
PLANNING, PUBLIC  
PROTECTION & HOUSING

**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.

07 FEB 2007

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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 23 Wynyard Road	
<b>Post town</b> Hartlepool	<b>Post code (if known)</b> TS25 3LB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> One Stop Stores Ltd
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<b>Number of premises licence or club premises certificate (if known)</b> HART/PS/039
--

**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

**(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**

<p>Name and address</p> <p>Trading Standards Team, Hartlepool Borough Council, Civic Centre, Hartlepool TS24 8AY</p>
<p>Telephone number (if any)</p> <p>01429 284077</p>
<p>E-mail address (optional)</p> <p>tony.green@hartlepool.gov.uk</p>

**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

**Please state the ground(s) for review** (please read guidance note 1)  
On 28<sup>th</sup> July 2006 the licensed premises supplied alcohol to a child of fifteen 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 28<sup>th</sup> July 2006 the Trading Standards team conducted a covert test purchasing exercise using two fifteen 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 28<sup>th</sup> July 2006 and purchased alcoholic beverages.

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

On the 5<sup>th</sup> February 2006 Graham Jackson was successfully prosecuted for an offence contrary to Section 146(1) of the Licensing Act 2003.

Graham Jackson was fined £70 and ordered to pay £130 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 *J. Grew* .....

Date 6<sup>th</sup> February 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

Lyndsey Cooke  
Monitoring Officer  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Appendix III



Lorraine  
Hutchinson/HBCDomino  
13/02/2007 14:03

To Licensing/HBCDomino@HBCDOMINO  
cc  
bcc  
Subject Re: Review of Licence - One Stop Stores Limited, 23  
Wynyard Road

hi

I can confirm that the Safeguarding and Review Unit has received a paper copy of the above.

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 523825  
Fax: 01429 523905  
Licensing/HBCDomino

Licensing/HBCDomino  
Sent by: Julie Humphreys  
08/02/2007 10:14

To fireengineering@clevelandfire.gov.uk,  
anthony.green@cleveland.pnn.police.uk, Jane  
Kett/HBCDomino@HBCDOMINO, Adrian  
Hurst/HBCDomino@HBCDOMINO, Peter  
Riddell/HBCDomino@HBCDOMINO, Lorraine  
Hutchinson/HBCDomino@HBCDOMINO,  
ssanderson@clevelandfire.ac.uk, ajbell@clevelandfire.ac.uk  
cc  
Subject Review of Licence - One Stop Stores Limited, 23 Wynyard  
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



Mike Powell  
 <Mike.Powell@onestop.co.uk>  
 07/03/2007 16:58

To "licensing@hartlepool.gov.uk"  
 <licensing@hartlepool.gov.uk>,  
 "ian.harrison@hartlepool.gov.uk"  
 cc "tony.green@hartlepool.gov.uk"  
 <tony.green@hartlepool.gov.uk>,  
 "ann.mcmorris@hartlepool.gov.uk"  
 bcc

Subject One Stop, Wynyard Road, Hartlepool - Application for a review of the Premise Licence by Hartlepool Trading Standards

Dear Ian,

I write further to your telephone conversation today with my Licensing Officer, Aaron Steadmans, reference the above.

Aaron has previously spoken with Tony Green of Hartlepool Trading Standards, who confirmed that it is the Borough Council's policy to automatically request a review hearing following an under age sale of alcohol. This policy was later confirmed in a telephone conversation I had with Neil Harrison of the same Department.

I understand that the review has been requested following an under age sale of alcohol in July '06. As a consequence of the sale, the seller was subsequently prosecuted and fined in February last. To date, no further action has been taken or intimated against either the store's DPS (who was also formally interviewed) or the company. More so, no verbal or written communication has been entered into with either the store management or the company prior to receipt of the request for a hearing by Hartlepool Trading Standards.

As discussed with Neil, I am particularly perturbed by this approach given a) the guidance issued by the DCMS at paragraph 5.103 (as to be revised, paragraph 11.9) and b) the Borough Council's Trading Standards Department's own Enforcement Policy, which states:

- "The purpose of the enforcement policy is to ensure that the law is enforced in a fair . . . . manner". And to . . . . "assist authorised officers to make informed decisions as to appropriate action at an early stage". Again, I would re-enforce that no oral or written correspondence has been entered into to lead the authority to believe that the company has been "negligent of their obligations or are intentionally infringing the law".
- "When deciding upon the best course of action, authorised officers will have regard to specific guidance on enforcement action contained in statutory codes of practice". Again, it is our view that the guidance issued under Section 182 of the Act hasn't been followed.
- "We believe that prevention is better than cure and that our role therefore involves actively working with business . . . . ". "Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference . . . .".

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Again, I would reiterate that no dialogue or opportunity has been forthcoming. Neither has an explanation as to why a review has been requested, other than the fact that an under age sale was made - Which I can only assume was a mistake on behalf of the seller, and which is in no way representative of the efforts taken by the company or its management to prevent such incidents. Indeed, no dialogue has been entered into with the company surrounding this incident to ascertain what actions the company takes to prevent such incidents.

- Prior to constructing this e-mail, I did attempt to ascertain if Tony had discussed this apparent departure from their enforcement policy with Sylvia Pinkney, his Consumer Services Manager. However, given the 28 day limit for representations, I felt it still necessary to correspond with yourself.

In the spirit of openness, we attempted to find out what concerns Hartlepool Trading Standards had, and what conditions they may be looking for, but were informed that this would be discussed at the review.

Whilst in no way wishing to trivialise the fact that an under age sale has been made, it is my view that the action taken is certainly not proportional to the risk, and this matter could be better dealt with by the request for a review hearing being withdrawn under Reg 10 of the Hearings Regulations '05 on the basis that the company enters into a dialogue with Tony and Ann to address any concerns they may still have.

We can then work in partnership as intended under the '03 Act, rather than act in a way which is likely to undermine the benefits of co-operation. It is our experience that joint working is the way forward, and one that achieves the best results.

Unfortunately, I shall be unable to pick up my e-mails for the next couple of days and would ask that you liaise with my Licensing Officer, Aaron Steadmans on 01543 363 030, or leave a message on my mobile 07739 288 215 and I will return your call as soon as possible.

Kind regards, and I look forward to hearing from you soon.  
Mike Powell  
Head of Trading Law & Technical.

\*\*\*\*\*  
--- Disclaimer ---

This is a confidential email. One Stop may monitor and record all emails. The views expressed in this email are those of the sender and not One Stop.

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One Stop Stores Limited

Company Number: 02462858

Registered in England

Registered Office: Apex House, Apex Road, Brownhills, Walsall, West Midlands WS8 7TS  
VAT Registration Number: GB 220 4302 31

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**Report of:** Head of Public Protection

**Subject:** APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – BELLS STORES, 43-45 MURRAY STREET, 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 Bells Stores, 43-45 Murray Street, Hartlepool.

## 2. BACKGROUND

- 2.1 Party requesting review: Trading Standards
- Premises to which application for review relates: Bells Stores  
43-45 Murray Street  
Hartlepool

## 3. ISSUES

- 3.1 The Licensing Act 2003 requires that hearings relating to the review of a premises licence must be commenced within 20 working days after the end of the 28 day statutory consultation period.
- 3.2 The representative of the premises licence holder has indicated that, due to other commitments, they would be unavailable to attend a review hearing during the period when such a hearing should be commenced.
- 3.3 As reasonable notice has been provided to the licensing authority, and to allow all relevant parties to address the Sub-committee, Members may consider it appropriate to adjourn the hearing to a date convenient to all parties.

## 4. RECOMMENDATIONS

- 4.1 That Members adjourn the review hearing for Bells Stores, 43-45 Murray Street, Hartlepool to Monday 14<sup>th</sup> May 2007 at 10:00 a.m.