

LICENSING ACT SUB-COMMITTEE AGENDA



Friday 20th April 2007

at 2.00 pm

**in Training Room 3
Municipal Buildings, Church Square**

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 – 129 Elwick Road,
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 – 129 ELWICK ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the review of a Premises Licence in respect of 129 Elwick Road, Hartlepool.

2. BACKGROUND

- 2.1 Party requesting review: Trading Standards

Premises to which application for review relates: 129 Elwick Road
Hartlepool

- 2.2 The current licence authorises the following activities: -

Supply of Alcohol (Off Licence)	Monday – Saturday	0800 – 2300
	Sunday	1000 – 2230
	Christmas Day	1200 – 1500
		and
		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 23rd June 2006 the premises supplied alcohol to a person 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 23rd June 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 23rd June 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, store deputy manager Julie Bolton.

On the 12th February 2007 Julie Bolton was successfully prosecuted for the offence contrary to Section 146(1) of the Licensing Act 2003.

She was fined £200 and ordered to pay £380 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 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.'

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)


HARTLEPOOL
BOROUGH COUNCIL

Premises licence number HART/PS/118

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
Victoria Wine 129 Elwick Road	
Post Town	Hartlepool
Post code	TS26 9BQ
Telephone number	
01429 860108	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Alcohol Sales
Off sales

The time the licence authorises the carrying out of licensable activities

Alcohol Sales

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

The opening hours of the premises

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
First Quench Retailing Ltd Enjoyment Hall Bessemer Road Welwyn Garden City Herts AL7 1BL
Registered number of holder, for example company number, charity number (where applicable)
00030129
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
Christine Sotheran 71 Wansbeck Gardens Hartlepool TS26 9JH
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/093 Hartlepool Borough Council

Date licence granted: 28th July August 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

5

PREM09

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
ensure that your answers are inside the boxes and written in black ink. Use additional
if necessary. You may wish to keep a copy of the completed form for your records.

**HEAD OF DISTRICT
PROTECTION & HOUSING
21 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

Postal address of premises or, if none, ordnance survey map reference or description The Local 129 Elwick Road	
Post town Hartlepool	Post code (if known) TS26 9BQ

Name of premises licence holder or club holding club premises certificate (if known) First Quench Retailing Ltd
--

Number of premises licence or club premises certificate (if known) HART/PS/118

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

☒ 1
☒ 2
☒ 3
☒ 4

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

On 23rd June 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 23rd June 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 23rd June 2006 and purchased an alcoholic beverage.

I witnessed the children purchase the alcohol. Proof of age was not requested by the assistant, store deputy manager Julie Bolton.

On the 12th February 2007 Julie Bolton was successfully prosecuted for an offence contrary to Section 146(1) of the Licensing Act 2003.

Julie Bolton was fined £200 and ordered to pay £380 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. Gen

Date

21st February 2007

Capacity Trading Standards 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

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
26/02/2007 10:51

To: Licensing@HBCDomino@HBCDOMINO
cc:
bcc:

Subject: Re: Review of Licence - 129 Elwick Road

Hi

Review License - 129 Elwick 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

Thanks

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
22/02/2007 11:17

To: anthony.green@cleveland.pnn.police.uk,
ajbell@clevelandfire.gov.uk,
ssanderson@clevelandfire.gov.uk, Adrian
Hunt@HBCDomino@HBCDOMINO, Jane
Ketch@HBCDomino@HBCDOMINO, Lorraine
Hutchinson@HBCDomino@HBCDOMINO, Peter
Riddell@HBCDomino@HBCDOMINO

cc:

Subject: Review of Licence - 129 Elwick 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.