

LICENSING ACT SUB-COMMITTEE AGENDA



Wednesday 23rd May 2007

at 2.00 pm

**in West View Community Centre
Miers Avenue, Hartlepool**

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 – Booze Buster, 129 Oxford 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 – BOOZE BUSTER, 129 OXFORD ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

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

2. BACKGROUND

- 2.1 Party requesting review: Trading Standards

Premises to which application for review relates: Booze Buster
129 Oxford 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 |
| | | 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 1st December 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 1st December 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 1st December 2006 and purchased alcoholic beverages.

The sale was witnessed by Beryl Young of the Trading Standards team. Proof of age was not requested by the assistant, Carly Robson. The store operates a 'Challenge 21' policy.

On the 26th March 2007 Carly Robson was successfully prosecuted for the offence contrary to Section 146(1) of the Licensing Act 2003.

She was fined £40 and ordered to pay £60 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)



Premises licence number

HART/PS/135

Part 1 - Premises details

| | | | |
|---|------------|--------------|----------|
| Postal address of premises or, if none, ordnance survey map reference, or description | | | |
| Booze Buster 129 Oxford Road | | | |
| Post Town | Hartlepool | Post code | TS25 5RP |
| Telephone number | | 01429 272041 | |

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licenceAlcohol Sales

Off sales

The time the licence authorises the carrying out of licensable activitiesAlcohol 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

Wine Cellar Ltd
Blocks D & G
The Health Business & Technical Park
PO Box 13, The Heath
RUNCORN
Cheshire
WA7 4QX

Tel: 0845 4586100

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

04598369

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

Ms Maria Louise Kipling
26 Ashgrove Avenue
Hartlepool
TS25 5BU

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/117
Hartlepool Borough Council

Date licence granted: 27th 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

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 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 Booze Buster 129 Oxford Road | |
| Post town Hartlepool | Post code (if known) TS25 5RP |

| | |
|--|--|
| Name of premises licence holder or club holding club premises certificate (if known) Wine Cellar Limited Blocks D & G The Heath Business & Technical Park PO Box 13 The Heath Runcorn Cheshire WA7 4QX | |
|--|--|

| |
|---|
| Number of premises licence or club premises certificate (if known) HART/PL/117 HART/PS/135 |
|---|

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"/> |

REV01

- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

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 Brian Dinning 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

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

On the 1st December 2006 the premises did supply 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.

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

On 1st December 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 the Booze Buster premises at 129 Oxford Road, Hartlepool during the evening of the 1st December 2006 and purchased alcoholic beverages.

The sale was witnessed by Beryl Young of the Trading Standards Team. Proof of age was not requested by the assistant Carly Robson. The store operates a "challenge 21" policy.

On the 26th March 2007 Carly Robson was successfully prosecuted for an offence contrary to Section 146(1) of the Licensing Act 2003.

Carly Robson was given a £40 fine and ordered to pay £60 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. Dineen

Date **29th March 2007**

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

Appendix III

Linda Anthony/HBCDomino To: Licensing/HBCDomino@HBCDOMINO
12/04/2007 10:20 cc
bcc
Subject: Fw: Review of Licence - Booze Buster, 129 Oxford Road

Hi

Ann McMorris, Head of the Safeguard and Review Unit, wishes to take the view that, as a responsible authority, 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.

Many thanks

Linda Anthony
Local Safeguarding Children's Board Clerk
Children's Services Department
Suite 10 Municipal Buildings
Church Square
Hartlepool
Tel: 01429 523825
Fax: 01429 523905

----- Forwarded by Linda Anthony/HBCDomino on 12/04/2007 10:13 -----



Lorraine Hutchinson/HBCDomino To: Linda Anthony/HBCDomino@HBCDOMINO
03/04/2007 14:37 cc
Subject: Fw: Review of Licence - Booze Buster, 129 Oxford Road

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

Tel: 01429 523825
Fax: 01429 523905

----- Forwarded by Lorraine Hutchinson/HBCDomino on 03/04/2007 14:37 -----

Licensing/HBCDomino To: ajbell@clevelandfire.gov.uk, Jane
Sent by: Nicola Purdy Kett/HBCDomino@HBCDOMINO, Adrian
30/03/2007 11:23 Hurst/HBCDomino@HBCDOMINO,
anthony.green@cleveland.pnn.police.uk, Lorraine
Hutchinson/HBCDomino@HBCDOMINO,
sanderson@clevelandfire.gov.uk, Peter
Riddell/HBCDomino@HBCDOMINO, Sylvia
Pinkney/HBCDomino@HBCDOMINO
cc
Subject: Review of Licence - Booze Buster, 129 Oxford Road