

**Date:** Tuesday 23 July 2024 at 10.00 am

**Venue:** Jim Cooke Conference Suite, Stockton Central Library, Municipal Buildings,  
Church Road, Stockton on Tees, TS18 1TU

Cllr Eileen Johnson  
Cllr Marilyn Surtees

Cllr Susan Scott

## **AGENDA**

- 1        **Evacuation Procedure** (Pages 7 - 8)
- 2        **Apologies for Absence**
- 3        **Declarations of Interest**
- 4        **Minutes of the meetings which were held on 8 August  
and 7 September 2023**  
  
For signature. (Pages 9 - 18)
- 5        **LICENSING ACT 2003 APPLICATION FOR A  
PREMISES LICENCE AKSHAYAN CONVENIENCE  
STORE - 13 ROCHESTER ROAD, STOCKTON-ON-  
TEES** (Pages 19 - 48)
- 6        **LICENSING ACT 2003 APPLICATION FOR VARIATION  
OF A PREMISES LICENCE THE KEYS – 65-67 HIGH  
STREET, YARM, STOCKTON-ON-TEES** (Pages 49 - 98)

**Members of the Public - Rights to Attend Meeting**

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: , Democratic Services Officer on email [sarah.whaley@stockton.gov.uk](mailto:sarah.whaley@stockton.gov.uk)

**KEY - Declarable interests are:-**

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

**Members – Declaration of Interest Guidance**



**Table 1 - Disclosable Pecuniary Interests**

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

This page is intentionally left blank

## **Jim Cooke Conference Suite, Stockton Central Library** **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

### **Microphones**

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

This page is intentionally left blank



## STATUTORY LICENSING SUB COMMITTEE

A meeting of Statutory Licensing Sub Committee was held on Tuesday 8 August 2023.

**Present:** Cllr Eileen Johnson (Chair), Cllr Andrew Sherris and Cllr Mick Moore.

**Officers:** Emma Brady, Mandy MacKinnon (AH&W), Natalie Hodgson, Rebecca Jackson, John Devine, Rachel Harrison (CS), Elliott Beevers, Ellie Green, Dawn Hand and Leanne Maloney-Kelly (A&H).

**Also in attendance:** Sergeant Glyn Bavin (Cleveland Police), Mr Shaun Shafiq and Mr Kosar Shafiq

**Apologies:** .

### **SLS/1/23 Evacuation Procedure**

The Evacuation Procedure was noted.

### **SLS/2/23 Declarations of Interest**

There were no declarations of interest.

### **SLS/3/23 Minutes from the Statutory Licensing Sub Committee which was held 7th November 2022**

RESOLVED that the Minutes of the Statutory Licensing Sub Committee held on 7 November 2022 be agreed and signed as a correct record.

### **SLS/4/23 Licensing act 2003 - Application for review of a premises licence - Premier mini market - 75-81 Oxbridge Lane, Stockton-on-Tees, TS18 4AR**

Members of the Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for a review of a premise licence for Premier mini market- 75-81 Oxbridge Lane, Stockton-on-Tees, 4AR.

Members noted that the review of the premises licence was made at the request of the Council's licensing department.

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

A copy of the report and supporting documents had been provided to all persons present and to Members of the Committee.

The applicant Mrs Maloney-Kelly Licensing Team Leader presented her application on behalf of the Licensing Authority, a responsible authority under the Licensing Act 2003.

The Sub-Committee heard that Mr Shaun Kayser Shafiq was both the premise licence holder and the designated premises supervisor for the premises and had been solely responsible for the management and day to day operations at the store since 1st September 2006.

The Sub-Committee were told that concerns related to poor management at the premises resulting in potential criminal offences of unlicensed activity, namely the supply of alcohol at a time when the premise licence did not permit.

The applicant explained to the Sub-Committee that on the 17 February 2023, Mr Shaun Shafiq supplied a bottle of vodka to a male at 6:06 am, who sadly collapsed and died in the street shortly after leaving the premises. The Sub-Committee heard that the supply of alcohol as a licensable activity was not permitted at the premises until 08:00 am.

The Sub-Committee noted that information in relation to this matter was received by the Licensing Authority as part of a review into the alcohol related sudden death. The Sub-Committee heard that the Licensing Authority were concerned that the licensing objectives, specifically the Prevention of Crime and Disorder & Public Safety had been undermined by Mr Shaun Shafiq's actions on 17 February 2023, and throughout the subsequent Licensing Authority investigation.

The Sub-Committee were told that when Mr Shaun Shafiq was interviewed by licensing officers regarding this matter, he denied the sale; his inability to recognise the seriousness of his actions raised concerns for the Licensing Authority due to his lack of understanding that the impact that alcohol had on vulnerable people.

The Sub-Committee heard that Mr Shaun Shafiq confirmed during his interview with licensing officers that he was aware that this male was an alcoholic.

The Licensing Team Leader explained to the Sub-Committee that Mr Shaun Shafiq had obstructed licensing officers in their investigation by not disclosing there were two CCTV systems at the premises and by not providing till receipts when requested.

The Sub-Committee heard that immediately after his interview, Mr Shaun Shafiq, displaying no concern or remorse for the situation, asked officers how he could increase the alcohol supply hours at the premises to 06:00, displaying a total disregard for the investigation and the seriousness of the matter.

The Sub-Committee heard that there were also concerns in relation to the premises' CCTV system, as the licence included a condition that the CCTV recordings should be kept for 14 days, however the system at the premises was only recording for 3 days.

The Sub-Committee heard representation from Cleveland Police and Public Health.

Sergeant Bavin of Cleveland Police's Licensing Unit addressed the committee, he read aloud the witness statements of Sergeant Parkinson, PC Godber and PC Thorpe, all which appeared within the Sub-Committee papers and showed the Committee the footage from Sergeant Parkinson's body worn video device of his interaction with Mr Shaun Shafiq on 17 February 2023.

Sergeant Bavin confirmed to the Committee that Cleveland Police supported the Licensing Authority's application for a review on the basis that the licensing objectives,

specifically the Prevention of Crime and Disorder & Public Safety had been undermined.

The Sub-Committee heard the Police's concerns that Mr Shaun Shafiq did not think that he had done anything wrong, which indicated that he was not familiar with the licensable hours, and as a Designated Premises Supervisor he should have been, or he flagrantly disregarded the terms of his licence.

The Strategic Health & Wellbeing Manager, Ms MacKinnon made a submission on behalf of Public Health and confirmed to the Sub-Committee her department's support for the review application. The Sub-Committee heard that Public Health felt that the sale of alcohol outside of licenced hours to someone who appeared to be intoxicated, plus the obstruction of licensing officers carrying out an investigation into this matter, lead to their conclusion that the licensing objectives, specifically the Prevention of Crime and Disorder & Public Safety had been significantly undermined.

The Strategic Health and Wellbeing Manager advised the Sub-Committee that the ward in which the premises was situated was the worst in the borough for hospital stays for alcohol-related harm, and crime under the influence of alcohol.

The Sub-Committee heard from, the premise licence holder, Mr Shaun Shafiq that he was covering the morning shift for his father who was on holiday; the store was usually open 7:00am to 7:00pm. Mr Shaun Shafiq told the Committee that on 17 February 2023, he opened early that day due to it being a windy day.

Mr Shaun Shafiq stated that he was completely unaware of his mistake, selling alcohol earlier than the premises was licenced to, as he did not know what time it was. Mr Shaun Shafiq assured the Sub-Committee that this was a one-off isolated incident and that he would be a responsible licence holder in future.

Mr Kosar Shafiq asked to make a statement in support of his son. The Sub-Committee allowed him to give his personal view as a character reference, however reminded him that he was away on holiday at the time of the incident and was not present when his son was interviewed by licensing officers.

All parties present, were given an opportunity to ask questions and were given an opportunity to sum up their case with the Applicant invited to speak last.

The Sub-Committee considered all of the papers before them and listened to what the officers, responsible authorities, Mr Shaun Shafiq and his father said to them. The Sub-Committee had lengthy discussions when determining their decision.

The Sub-Committee concluded that there were two distinct elements to the actions of Mr Shaun Shafiq: -

1. Mr Shaun Shafiq's actions in failing to comply with his licence conditions on 17 February 2023. In selling alcohol before 8:00am, Mr Shaun Shafiq gave no thought to his vulnerable customer, who he referred to as an "alcoholic" when speaking to Police. The Committee were concerned by Mr Shaun Shafiq's repeated assertion that he had done nothing wrong, despite disregarding the terms of his licence.
2. The second element of Mr Shaun Shafiq's behaviour was obstruction of the Licensing Authority throughout their investigation and his concerning attitude throughout the Committee hearing.

The Sub-Committee noted Mr Kosar Shafiq's support of his son, but again noted their concerns in relation to Mr Kosar Shafiq's aggressive emotional behaviour throughout the Sub-Committee hearing.

The Sub-Committee were not persuaded that Mr Shaun Shafiq had an awareness of the impact of his actions, nor that he would not make the same mistake and undermine the licensing objectives in future.

Furthermore, Mr Shaun Shafiq's aggressive attitude and obstructive manner towards the Licensing Authority and its officers throughout the Sub-Committee hearing demonstrated his unwillingness to cooperate with officers. This did not persuade the Sub-Committee that Mr Shaun Shafiq would act in a different way and cooperate with officers in the future. This deterred the Sub-Committee from reaching any alternative conclusion than the revocation of the premises licence.

The Sub-Committee took this matter extremely seriously and were satisfied that this was a case where revocation of the premise licence was a necessary and an appropriate sanction. After considering and weighing up all of the evidence and submissions made by the parties to the hearing, the Sub-Committee resolved to revoke the premises licence.

RESOLVED that the Premise Licence be revoked.

## STATUTORY LICENSING SUB COMMITTEE

A meeting of Statutory Licensing Sub Committee was held on Thursday 7 September 2023.

**Present:** Cllr Mick Moore (Chair), Cllr Clare Gamble and Cllr Elsi Hampton.

**Officers:** Polly Edwards, Leanne Maloney-Kelly, Kirsty Wannop (DoAH&W), John Devine and Rebecca Jackson (DoCS).

**Also in attendance:** Mr Edward Hayes (Leadwise Leisure Limited) and PC Andrew Thorpe (Cleveland Police)

**Apologies:** .

### **SLS/5/23 Evacuation Procedure**

The Evacuation Procedure was noted.

### **SLS/6/23 Declarations of Interest**

There were no declarations of interest.

### **SLS/7/23 Licensing Act 2003 Application For Review Of A Premises Licence The Dog House 3 Macmillan Chambers, Prince Regent Street, Stockton-On-Tees, TS18 1DB.**

Members of the Statutory Licensing Sub Committee of the Council's Statutory Licensing Committee were asked to consider an application for a review of a premise licence from Cleveland Police on the grounds of the prevention of crime and disorder and prevention of public nuisance for the premise, The Doghouse, 3 Macmillan Chambers, Prince Regent Street, Stockton on Tees, TS18 1DB.

The Chair introduced all persons who were present and explained the procedure to be followed during the hearing.

A copy of the report and supporting documents had been provided to all persons present and to members of the Committee.

Members noted that the review of the premises licence was made at the request of Cleveland Police.

PC Andrew Thorpe presented his application on behalf of Cleveland Police ("the Police"), a responsible authority under the Licensing Act 2003. The Committee heard that Mr Edward Hayes (Premise Licence Holder) was the sole director for Leadwise Leisure Limited and was the named designated premises supervisor and had been solely responsible for the management and day to day operations at the premises since 14th April 2023 .

The Committee were told that Police had made the application to review the premises licence on the grounds that it was undermining the licensing objectives of the Prevention of Crime and Disorder and Prevention of Public Nuisance.

PC Andrew Thorpe explained to the Committee that on the 17th of March 2023, the Police and a Local Authority, Licensing Officer, visited the premises as part of their joint licensing checks in the area. The premises was open and trading. PC Andrew Thorpe explained that he spoke with Mr Edward Hayes that evening. Mr Edward Hayes explained that he was the new Licensee, but the Local Authority had not received the paperwork regarding the transfer of the premises to Mr Edward Hayes. Mr Edwards Hayes explained that he had submitted the paperwork, however there was no record of it. Mr Edward Hayes advised to keep the premises closed until the paperwork had been submitted and approved by the Local Authority. Since that date, Mr Edward Hayes had submitted the paperwork and the record was now up to date.

During the visit, PC Andrew Thorpe noted that there was no security staff on the door of the premises. Mr Hayes explained that sometimes there were door staff, and sometimes they were not. There were other areas of non-compliance with the licensing conditions evident during that meeting including CCTV, as well as no evidence of an age verification policy (no Challenge 25 posters), not using polycarbonate glasses and no incident logs.

The Committee heard that the Police and the Local Authority arranged several meetings with Mr Edward Hayes to discuss the non-compliance issues. There were a number of meetings that Mr Edward Hayes did not attend however the Licensing Officer did discuss the non-compliance with Mr Edward Hayes on 18 April 2023.

During a meeting on 11 May 2023, the Licensing Officer identified some improvements but there were still areas of non-compliance with the licensing conditions.

The Committee heard that in May 2023 there was a report regarding the premises allegedly trading outside of its licensing hours. PC Andrew Thorpe received weekly CCTV reports from a roaming camera in Stockton. On 13 May 2023, the camera had identified activity in the premises in the early hours of the morning. The Committee noted from the Licensing Officers statement that there had been an assault on a male near the premises and the two attackers had run into the premises following the assault. A joint visit at the premises from the PC Andrew Thorpe and the Licensing Officer took place on 22 May 2023.

During that meeting, the Committee noted that Mr Edward Hayes was questioned regarding the activity at the premises on the night of 13 May 2023. The Committee heard that Mr Edward Hayes said people had gone to the premises to get taxis and one was looking for a lost laptop. The Committee noted that it was reported that Mr Edward Hayes remained non-compliant with licensing conditions at that visit.

During the investigation, PC Andrew Thorpe and the Local Authority requested the CCTV from the premises on several occasions, but Mr Edward Hayes had refused to disclose this. PC Andrew Thorpe requested the CCTV from the Local Authority's Security and Surveillance for the evening of 13 May 2023.

The Police received a further report relating to activity at the premises in the early hours of 21 June and 1 September 2023. PC Andrew Thorpe also requested that CCTV from Security and Surveillance.

The Committee viewed the CCTV from 13 May, 21 June, and 1 September 2023. Committee Members could see that there were people entering and leaving the premises between the hours of 3.55am – 4.06am on 13 May and 3.14am - 3.45am on 21 June. There was activity in and out of the premises on 1 September between 2.55am – 4. 59am. On 1 September, the CCTV showed several people dressed in smart casual clothing. The Committee heard from PC Andrew Thorpe that there was no discernible reason for this activity at the premises at that time and it gave the impression that the pub was open.

PC Andrew Thorpe explained to the Committee that Mr Edward Hayes had obstructed licensing officers in their investigation by not disclosing the CCTV for the nights in question, without a reasonable excuse.

The Committee heard that Mr Edward Hayes had advertised a drinks promotion on Instagram. The promotion was £1 for single spirit and a mixer. PC Thorpe put forward that this was an irresponsible drink promotion and would encourage customers to consume more alcohol. The Committee heard that this was in contravention of the licensing conditions.

Committee Members were told by PC Andrew Thorpe that a review of the license was always a last resort but there were three separate occasions of activity in the premises outside of licensable hours, and other areas of concern regarding non- compliance with the licensing conditions in particular the refusal to disclose the CCTV.

The Local Authorities Licensing Team Leader addressed the committee on behalf of the licensing authority. The Committee noted that the Premises Licence Holder (PLH) was a company called Leadwise Leisure Limited. Mr Edward Hayes was the sole director and secretary for Leadwise Leisure Limited. The company was named as to PLH and Mr Edward Hayes was also registered as the Designated Premises Supervisor (DPS). The registered address for Leadwise Leisure Limited was 3 MacMillan Chambers, Prince Regent Street, Stockton. This was the same address as the Dog House premises. The Licensing Team Leader confirmed to the Committee that the responsibility fell to Mr Edward Hayes.

The Local Authorities Licensing Team Leader explained that licensing officers had received extensive number of calls and emails with Mr Edward Hayes trying to investigate the concerns raised in the application, and Mr Edward Hayes' lack of engagement and cooperation had led to the investigation being hindered. The Local Authorities Licensing Team Leader reminded the Committee that the supply of alcohol outside of licensable hours was a criminal offence under the Licensing Act, and due to Mr Edward Hayes' refusal to disclose CCTV caused obstruction to the investigation, therefore the Licensing team had been unable to fully investigate the concerns fully.

The Local Authorities Licensing Team Leader highlighted to the Committee that CCTV must be installed and there should be a staff member on duty who is trained in the use of the equipment, and it should be disclosed upon request. The Local Authorities Licensing Team Leader pointed out that the CCTV would have confirmed the activity within the premises at the times and dates in question.

The Committee heard from Mr Edward Hayes, he explained that he took over the pub on 17 February 2023. At that time, the side and front windows had been smashed and

were boarded up. Mr Edward Hayes told the Committee that the pub was in a state of disrepair and refurbishment was ongoing.

Mr Edward Hayes explained that he had submitted the paperwork regarding the transfer of the pub, but he did receive a refund for the application fee. Since then, the paperwork had since been submitted and approved.

With regards to the CCTV shown by PC Andrew Thorpe during the Committee hearing, Mr Edward Hayes said that on 13 May 2023 he had submitted temporary events notice because he was hosting a Eurovision evening. One of the people in the CCTV was Mr Edward Hayes' son and the others were waiting for taxis. They were only in the premises for 5 minutes and then left. One of the people was a former employee and he was helped to get home.

With regards to 21 June 2023, Mr Edward Hayes said that he took his dog into work with him and only some taxi drivers will accommodate a large dog, so he was unable to get a taxi until early into the morning. Mr Edward Hayes also stated that the pub was getting refurbished, and he had volunteers to help. He said that it was easier to do this following closing time, than arriving during the day before the pub opens.

Mr Edward Hayes named some of the people on the CCTV. Two were regulars at the pub and one female in the video had been barred from the pub. Two others helped with moving furniture in the pub. Mr Edward Hayes went onto describe the works necessary to lift the carpet and flooring and that the lighting was on different circuits and required rewiring.

With regards to the drink's promotion, Mr Edward Hayes told the Committee that the £1 drinks were one per customer and was only on three spirits. He said that he had one bottle of each of the three spirits and once those bottles were empty, the promotion ended. Mr Edward Hayes said that he did not make a lot of money that night but had seen customers return following that promotion.

With regards to not disclosing the CCTV, Mr Edward Hayes said that under the General Data Protection Regulations 2016 and Data Protection Act 2018, he believed he could not disclose any CCTV to anyone without a DSAR. Mr Edward Hayes said he had worked in roles previously that involved working with CCTV and disclosure, and he always needed a DSAR. Mr Edward Hayes said he had spoken with the Information Commissioners Office (ICO), and they had advised the same. Mr Edward Hayes believed that if he did disclose the CCTV, he could be liable for thousands of pounds in fines.

Councillor Clare Gamble asked if Mr Edward Hayes whether he had sought legal advice regarding the disclosure of the CCTV and licensing conditions. Mr Edward Hayes said that he had not, relying on his previous experience and the ICO guidance.

The Local Authorities Lead Solicitor asked Mr Edward Hayes, as a point of clarity, what specific regulation or clause was he relying upon to not have to disclose the CCTV in line with his licensing conditions, to which Mr Edward Hayes confirmed that he was not aware of the specific provision in the law. The Lead Solicitor then asked Mr Edward Hayes to who did he believe he would be liable for fines. Mr Edward Hayes said anybody on the CCTV, the Police, or the Local Authority. The Lead Solicitor asked who he believed he was 'subject' of the data he was disclosing, to which Mr Edward Hayes said anybody.



Councillor Mick Moore asked Mr Edward Hayes to explain further why there was activity at the premises on the three separate occasions. Mr Edward Hayes said they were refurbishing the premises and most of the people in the videos were volunteers helping him. Mr Edward Hayes did say that he was not present on 1 September 2023, having been to a funeral that day, and he was not aware that there had been anyone at the pub, and that he would need to speak to his staff to discuss this. Mr Edward Hayes did say that the pub had been closed since 17 August 2023 and that there was no alcohol on the premises and therefore was no activity in contravention of the licensing conditions.

PC Andrew Thorpe explained that he had never dealt with a licensee before who refused to disclose CCTV footage. The request for a DSAR from Mr Edward Hayes was not referred to previously but PC Andrew Thorpe explained that this was not necessary when a licensee was disclosing CCTV to the Police.

PC Andrew Thorpe explained that Mr Edward Hayes had admitted to allowing people into the premises outside of the licensing hours and on 1 September 2023 this was without permission, which was a concern.

PC Andrew Thorpe referred to S136 Licensing Act 2003 that confirmed it was an offence to carry on a licensable activity otherwise than in line with the authorisation. The CCTV from the premises would confirm the activity in the premises but this had not been provided. Mr Edward Hayes' lack of engagement with meetings and lack of responses, without reasons, was a cause for concern in addition to the lack of CCTV disclosure.

Mr Edward Hayes said that he had evidence of the refurbishment on his Instagram account and maintained that there was no licensable activity going on during any of the three occasions identified by PC Thorpe.

The Committee considered all of the papers before them and verbal submissions from all parties. The Committee had lengthy discussions when determining their decision.

The Committee concluded that there were three distinct elements to the actions of Mr Edward Hayes:

1. Mr Hayes' refusal to disclose the CCTV. It was a condition of the license that the CCTV would be produced if requested. The Committee were not persuaded by Mr Edward Hayes' stance that he required a DSAR to disclose it. The CCTV would have provided clarity on the elements of the Applicant's concerns and there was no legal reason or reasonable excuse for not disclosing it. The Committee were concerned by Mr Edward Hayes' lack of compliance with this condition and the tenacity of his stance on this without legal advice.

2. The second element was the activity at the premises outside of licensable hours. Although the Committee did not dispute the premises required refurbishment, the Committee were not swayed by Mr Edward Hayes' position that these refurbishments were being completed between 3-4am on 13 May and 21 June. There was no evidence in front of the committee that the refurbishments detailed by Mr Edward Hayes were being carried out at the time; the CCTV did not indicate any building work. Although the CCTV did not show the sale of any alcohol, the activity at that time in the morning was suspicious to the Committee. The lack of disclosure of the premises' CCTV also led the Committee to infer that, on the balance of probabilities, a

licensable activity was being carried out in contravention of the license. The Committee were also concerned that Mr Edward Hayes was not aware of the activity at the premises on the night of 1 September 2023.

3.The third element was that Mr Edward Hayes behaviour and lack of engagement during the Licensing Authority's and the Police's investigation was obstructive. Mr Hayes' unwillingness to cooperate with officers during the investigation and lack of compliance with the licensing conditions was a concern to the Committee.

Mr Edward Hayes' position on the CCTV and activity at the premises outside of licensable hours did not persuade the Committee that Mr Edward Hayes would act in a different way and cooperate with officers in the future. This deterred the Committee from reaching any alternative conclusion than the revocation of the premises licence.

The Committee took this matter extremely seriously and were satisfied that this was a case where revocation of the premise licence was a necessary and an appropriate sanction. After considering and weighing up all the evidence and submissions made by the parties to the hearing, the Committee resolved to revoke the premises licence.

RESOLVED that the Premise Licence for The Doghouse, 3 Macmillan Chambers, Prince Regent Street, Stockton on Tees TS18 1DB be revoked for the reasons as detailed above.

**SLS/8/23**

**Licensing Act 2003 Application For Review Of A Premises Licence The Dog House 3 Macmillan Chambers, Prince Regent Street, Stockton-On-Tees, TS18 1DB - ADDITIONAL EVIDENCE**

Please see minutes above.

## DELEGATED

### REPORT TO THE STATUTORY LICENSING COMMITTEE

23 JULY 2024

### REPORT OF ASSISTANT DIRECTOR OF COMMUNITY SAFETY AND REGULATED SERVICES

## LICENSING ACT 2003 APPLICATION FOR A PREMISES LICENCE AKSHAYAN CONVENIENCE STORE - 13 ROCHESTER ROAD, STOCKTON-ON-TEES

### SUMMARY

The purpose of this report is for Members to determine an application for the grant of a premises licence under the Licensing Act 2003 to which there have been representations from local residents.

### RECOMMENDATION

That Members determine the application.

### THE APPLICATION

1. An application for a Premises Licence has been received from Elayarajah Rajaruban, 19 Cavendish Walk, Stockton-on-Tees, in relation to Akshayan Convenience Store, 13 Rochester Road, Stockton-On-Tees, TS19 0NX
2. The application is for the supply of alcohol, off sales:
  - 08:00 – 23:00 Monday to Saturday and 08:00 – 22:00 Sunday
  - opening times of 06:00 – 23:00 Monday to Saturday and 06:00 – 22:00 Sunday.
3. A copy of the full application and detail is attached at Appendix 1.
4. During the consultation the applicant has agreed to change the supply of alcohol hours to 09:00 – 22:00 Monday to Sunday which is in line with current Council Policy.

### RESPONSIBLE AUTHORITIES

5. Cleveland Police have agreed conditions with the applicant. A copy of these signed agreed conditions is attached as Appendix 2.

### INTERESTED PARTIES

6. A representation has been received from a local resident, representing himself and another 12 properties:
  - Prevention of crime and disorder
  - Prevention of public nuisance,
  - Protection of children from harm,
  - Public safety

A copy of the representation is attached as Appendix 3.

## ADDITIONAL INFORMATION

7. The business is situated as a standalone shop on a residential street. A Google street map and ariel view, showing the location of the premises, is attached at Appendix 4.
8. The resident making the representation has confirmed he is unable to attend the hearing date and we have confirmation from him and his daughter that she will be representing him at this hearing.
9. Regulation 15 of the Licensing Act 2003 (Hearings) Regulations 2005. 15. Subject to regulations 14(2) and 25 in relation to hearings taking place in public and the right for the Chairman to ask a person attending the hearing to leave the room, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified to do so.

## LEGISLATION AND POLICY CONSIDERATIONS

10. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and Section 182 Revised Guidance issued in December 2023 under the Licensing Act 2003 when determining this application. Copies of which can be found at: [www.stockton.gov.uk/media/1962147/licensing-act-policy-010221-accessible.pdf](http://www.stockton.gov.uk/media/1962147/licensing-act-policy-010221-accessible.pdf)  
[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)
11. Current Council Policy States:

*'The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern. An operating schedule should include information which is necessary to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.'* Pg 9.

*Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but new or variation applications requesting that the sale of alcohol starts before 9.00am or finishes after 10.00pm in residential areas will generally be refused. In addition, new or variation applications for the supply of alcohol for consumption on the premises before 9.00am or after 11.30pm (12 midnight on a Friday and Saturday night) in residential areas will normally be refused. Pg 22.*

## MEMBERS OPTIONS

12. Members must carry out their functions with a view to promoting the four licensing objectives:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

Members may consider the following options:

1. To refuse the application.
  2. To grant all or part of the application subject to the necessary conditions to promote the four licensing objectives.
13. Local residents have been invited to today's meeting should Members have further questions.

## ASSOCIATED PAPERS

The following appendices are attached for information:

Appendix 1 - Application Form

Appendix 2 - Police signed agreed conditions

Appendix 3 - Residents representations

Appendix 4 - Google Maps

**Assistant Director - Regulated Services** Marc Stephenson

**And Transformation**

**Contact Officer:**

Polly Edwards

**Telephone No.**

07584 342 513

**Email Address:**

[polly.edwards@stockton.gov.uk](mailto:polly.edwards@stockton.gov.uk)

**Financial Implications:**

None

**Environmental Implications:**

The Licensing Act 2003 requires the Licensing Authority to have regard to:

- Public Safety.
  - The Prevention Of Public Nuisance
- Any conditions imposed should reduce the potential for environmental harm.

**Community Safety Implications:**

The Licensing Act 2003 requires the Licensing Authority to have regard to:

- The Prevention Of Crime And Disorder
- Any conditions imposed should reduce the potential for crime and disorder.

**Legal Implications:**

Depending upon the determination of this application Schedule 5 of the Licensing Act 2003 provides the applicant, the holder of a licence and/or any person who made a relevant representation in relation to the application, with the right of appeal to the Magistrates' court.

**Human Rights Implications:**

Members should have regard to Human Rights Act when determining this application

**Background Papers:**

Stockton Borough Council Licensing Policy Statement and Licensing Act 2003 Section 182 Guidance

**Ward(s) and Ward Councillors:**

Councillor Jim Beall  
Councillor Barbara Inman

This page is intentionally left blank

## Application For A Premises Licence To Be Granted 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/We Elayarajah Rajaruban  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 13 Rochester Road			
<b>Post town</b>	Stockton-On-Tees	<b>Postcode</b>	<b>TS19 0NX</b>

Telephone number at premises (if any)	<b>N/A</b>
Non-domestic rateable value of premises	<b>£4300 (Band A)</b>

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate Please tick as

- |    |  |                                     |                             |
|----|--|-------------------------------------|-----------------------------|
| a) | an individual or individuals *                       | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual *                  |                                     |                             |
|    | i as a limited company/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
|    | Xii as a partnership (other than limited liability)  | <input type="checkbox"/>            | please complete section (B) |
|    | iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
|    | iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Rajaruban			<b>First names</b> Elayarajah		
<b>Date of birth</b> 29/03/1975		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
<b>Nationality</b> Sri Lankan					
Current residential address if different from premises address		19 Cavendish Walk			
Post town	Stockton on Tees			Postcode	TS19 8WG
<b>Daytime contact telephone number</b>			07958901393		
<b>E-mail address (optional)</b>		rajaruban75@hotmail.com			
<b>Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit "share code" provided to the applicant by that service (please see note 2 for information)</b>					



**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
<p><b>Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit "share code" provided to the applicant by that service (please see note 2 for information)</b></p>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
1	2	0 8 2 0 2 4

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)  
 Convenience Store in the middle of residents

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- |   |                                     |
|---|-------------------------------------|
| Provision of regulated entertainment (please read guidance note 2)  | Please tick all that apply          |
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>            |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>            |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |
| <b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)                           | <input type="checkbox"/>            |
| <b><u>Supply of alcohol</u></b> (if ticking yes, fill in box J)   | <input checked="" type="checkbox"/> |

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur								
Fri								
Sat						<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun								



**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> <b>- please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  <b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Mon	8.00	23.00			
Tue	8.00	23.00			
Wed	8.00	23.00			
Thur	8.00	23.00			
Fri	8.00	23.00			
Sat	8.00	23.00			
Sun	8.00	22.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Elayarajah Rajaruban	
Date of 29/03/1975	
Address 19 Cavendish Walk Stockton-On-Tees Cleveland	
Postcode	TS19 8WG
Personal licence number (if known) SBC156198	
Issuing licensing authority (if known) Stockton-On-Tees Borough Council	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).  
 N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	06:00	23:00	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	
Fri	06:00	23:00	
Sat	06:00	23:00	
Sun	06:00	22:00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

Modern CCTV system will be in operation 24/7 with 30 days recording availability

**b) The prevention of crime and disorder**

Appropriate staff training will be given and their records will be maintained.  
Age restricted sales training will be offered for all staff members  
Challenge 25 Posters will be displayed in the shop  
Exercise maximum vigilance in preventing proxy purchase

**c) Public safety**

Implement all the above points stated and engage with local authorities and any relevant teams associated with law and order to ensure that we meet with all Licensing conditions and compliances

**d) The prevention of public nuisance**

Ensure all doors and windows kept shut during trading hours to prevent any Public Nuisance  
Late evenings and busy hours will be covered by two members of staff to avoid any shop lifting and protect young children from being associated with any proxy purchase groups etc.

**e) The protection of children from harm**

Always implement strict practices to check IDs for all 25 years and under to make sure no children allowed to buy alcohol.  
Keep all bins and Trash area in a locked location to avoid accessed by young children

**Checklist: Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	<i>E. Pech</i>
Date	05/06/2024
Capacity	Proprietor

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

#### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience



of cameras installed, whilst complying with Data Protection legislation.

CCTV will be capable of providing pictures of **evidential quality** in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.

There will be a minimum of 28 days recording. The system will record for 24 hours a day.

The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer. The Digital Recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.

There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24 hours or less if urgently required for investigation of serious crime.

The Business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premise Supervisor/Store Manager/Business Owner will check and sign each page and the refusals book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

The Business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, and aggressive or have committed criminal acts or have had to call police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the police were called/attended. The Designated Premise Supervisor/store Manager/Business Owner will check and sign each page and the incident book will be made available to the Licensing Authority and/or Responsible Authorities upon request.

No beer, lager or cider of 6.5% ABD (alcohol by volume) or above shall be sold at any time.

The Premises will not sell any single cans of lager, beer or cider.

If you are willing for the above conditions to be attached to your licence I would ask that you sign below and return it to the address overleaf or via e-mail.

If you are unwilling to accept the attached conditions, it is likely that the matter will need to be resolved by the Council's Licensing Committee, by way of a hearing.

Yours faithfully,

**Andrew Thorpe**  
**Licensing unit**

Signature: 

Print Name: SHAN SANKARANARAYANAN

Position: FOR ALCI ON BEHALF OF AILSHAGAN CONVENIENCE STORE

Date: 17/06/2024

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

## Lodge a representation for or against a premises licence application

Date submitted	19/06/2024
<b>Licence application details</b>	
Premises name	Askhayan convenience store
Applicant name, if known	Elayarajah rajaruban
<b>What is the premises address?</b>	
Building name and number	13
Street	Rochester road
Town	Stockton on tees
Postcode	TS19 0NX

<b>Reason for representation</b>	
Why are you completing the representation?	Object

<b>Who is making the representation</b>	
In what capacity are you applying?	Representative of Residents Association Ward

<b>What are your contact details?</b>	
First name	G [REDACTED]
Last name	Davies
Telephone number	[REDACTED]
Email address	[REDACTED]

<b>What is your address?</b>	
Street	[REDACTED]
Town	STOCKTON-ON-TEES
Postcode	[REDACTED]

<b>Representing residents and/or businesses</b>	
Who are you representing?	<p>I represent the majority of my neighbours on the Rochester road, each of them have given me Permission to put there address details forward. House numbers in question are: [REDACTED]</p> <p>I have not gone to all on the road only the ones at my end which would be affected by the licence in question.</p>

<b>Representation grounds</b>	
Which of the licensing objectives does your representation refer to?	Prevention of crime and disorder,Prevention of public nuisance, Protection of children from harm,Public safety

Objections	
What do you object to?	The application being granted at all

Reasons for representation	
Provide the grounds for the representation	<p>The alcohol licence was revoked approx 5 years ago due to under age selling,  Sitting in the bus stop all hours.  Littering,  Violence in the street  The noise from cars pulling up and doors banging all hours  Protection of elderly neighbours and young families  This is a lovely quiet neighbourhood which we do not want to return the old way.  Sale of illegal drugs in the street</p>

Upload evidence	
Would you like to add an attachment?	No



google.com/maps/place/Rochester+Rd,+Stockton-on-Tees/@54.5828647,-1.328446,144m/data=!3m1!1e3!4m6!3m5!1s0x487e92617cd956f3:...



Street View



This page is intentionally left blank



## DELEGATED

### REPORT TO THE STATUTORY LICENSING COMMITTEE

23 JULY 2024

### REPORT OF ASSISTANT DIRECTOR OF COMMUNITY SAFETY AND REGULATED SERVICES

## LICENSING ACT 2003 APPLICATION FOR VARIATION OF A PREMISES LICENCE THE KEYS – 65-67 HIGH STREET, YARM, STOCKTON-ON-TEES

### SUMMARY

The purpose of this report is for Members to determine a variation application from an existing licensed premises, under the Licensing Act 2003, to which there have been representations from Responsible Authorities and Local Councillor, representing residents.

### RECOMMENDATION

That Members determine the application.

### THE APPLICATION

1. An application for a variation of a premises licence has been received from Victoria Powell, Mistell Ltd, in relation The Keys 65-67 High Street, Yarm.
2. A copy of the full application and detail is attached at Appendix 1 and is to:
  - vary the conditions relating to door staff,
  - to extend the finishing time by one hour for an additional 4 times per year, for 8 to 12 times and
  - to extend the operational time by one hour when British Summer Time starts.
3. The current licence showing the current times and conditions is attached as Appendix 2.

### RESPONSIBLE AUTHORITIES

4. A representation has been received from Environmental Health under the grounds of Prevention of Public Nuisance, stating there will be a greater likelihood of public nuisance associated with entertainment and from clients leaving the premises because of the proposed extended hours. A copy of the representation is attached as Appendix 3.
5. Environmental Health have provided further information to clarify to the original representation and this is attached as Appendix 3a.
6. A representation has been received from Councillor Andrew Sherris in his capacity as a Councillor representing residents, on the grounds of Prevention of Crime and Disorder and Prevention of Public Nuisance. Stating the existing hours are already very late and do cause issues for residents living nearby. A copy of the representation is attached as Appendix 4.

## ADDITIONAL INFORMATION

7. Councillor Sherris represents residents who live close to the premises. The Section 182 guidance which accompanies the Licensing Act 2003 states:

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious.

Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

While any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

8. The Licensing Authority are satisfied the representation is relevant to the licensing objectives and is not frivolous or vexatious.
9. James Taylor, Assistant General Manager at The Keys advised that they had invited local residents to an opening morning to discuss the variation application. A copy of the email sent by Mr Taylor is attached as Appendix 5
10. A Google street map and ariel view, showing the location of the premises, is attached at Appendix 6.

## LEGISLATION AND POLICY CONSIDERATIONS

11. Members are respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and Section 182 Revised Guidance issued in December 2023 under the Licensing Act 2003 when determining this application. Copies of which can be found at: [www.stockton.gov.uk/media/1962147/licensing-act-policy-010221-accessible.pdf](http://www.stockton.gov.uk/media/1962147/licensing-act-policy-010221-accessible.pdf)  
[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)
12. Members are also reminded of the provisions of the Live Music Act 2012 and amended in 2015, which reduces regulation surrounding live music in small venues. Businesses granted a premises licence for the sale or supply of alcohol for consumption on the premises have an automatic entitlement to live or recorded music under this legislation if:
- it takes place between 08:00 – 23:00 and
  - the audience is no more than 500 people.

More information on the above legislation can be found at:  
[Live Music Act 2012 - Explanatory Notes \(legislation.gov.uk\)](https://legislation.gov.uk)

[Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](#)

13. Current Council Policy States:

*'The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern. An operating schedule should include information which is necessary to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.'* Pg 9.

*Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but new or variation applications requesting that the sale of alcohol starts before 9.00am or finishes after 10.00pm in residential areas will generally be refused. In addition, new or variation applications for the supply of alcohol for consumption on the premises before 9.00am or after 11.30pm (12 midnight on a Friday and Saturday night) in residential areas will normally be refused. Pg 22.*

*In non-residential areas new or variation applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 3.00am will normally be refused, subject to relevant representations being received. Pg 22.*

## MEMBERS OPTIONS

14. Members must carry out their functions with a view to promoting the four licensing objectives:

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

Members may consider the following options:

1. To refuse the application.
2. To grant all or part of the application subject to the necessary conditions to promote the four licensing objectives.

15. Environmental Health and the local Councillor have been invited to today's meeting should Members have further questions.

## ASSOCIATED PAPERS

The following appendices are attached for information:

Appendix 1 - Application Form

Appendix 2 - Keys Licence

Appendix 3 - Environmental Health Representation

Appendix 3a - Environmental Health Representation additional clarity

Appendix 4 - Councillor Sherris Representation

Appendix 5 - Google Maps

**Assistant Director - Regulated Services And Transformation** Marc Stephenson

**Contact Officer:**

Polly Edwards

**Telephone No.**

07584 342 513

**Email Address:**

[polly.edwards@stockton.gov.uk](mailto:polly.edwards@stockton.gov.uk)

**Financial Implications:**

None

**Environmental Implications:**

The Licensing Act 2003 requires the Licensing Authority to have regard to:

- Public Safety.

- Community Safety Implications:**
  - The Prevention Of Public Nuisance  
Any conditions imposed should reduce the potential for environmental harm.  
The Licensing Act 2003 requires the Licensing Authority to have regard to:
  - The Prevention Of Crime And Disorder  
Any conditions imposed should reduce the potential for crime and disorder.
- Legal Implications:**

Depending upon the determination of this application Schedule 5 of the Licensing Act 2003 provides the applicant, the holder of a licence and/or any person who made a relevant representation in relation to the application, with the right of appeal to the Magistrates' court.
- Human Rights Implications:**

Members should have regard to Human Rights Act when determining this application
- Background Papers:**

Stockton Borough Council Licensing Policy Statement and Licensing Act 2003 Section 182 Guidance
- Ward(s) and Ward Councillors:**

Councillor John Coulson  
Councillor Dan Fagan  
Councillor Andrew Sherris

\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

- System reference  This is the unique reference for this application generated by the system.
- Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes  No

**Applicant Details**

- \* First name
- \* Family name
- \* E-mail
- Main telephone number  Include country code.
- Other telephone number
- Indicate here if you would prefer not to be contacted by telephone

- Are you:
- Applying as a business or organisation, including as a sole trader
- Applying as an individual
- A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

- Is your business registered in the UK with Companies House?  Yes  No
- Registration number
- Business name  If your business is registered, use its registered name.
- VAT number   Put "none" if you are not registered for VAT.
- Legal status
- Note: completing the Applicant Business section is optional in this form.

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

80,000

### Section 3 of 18

#### VARIATION

Do you want the proposed variation to have effect as soon as possible?  Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises is a restaurant, bar and nightclub with a beer garden.

We wish to remove the following two conditions:

Annex 2  
'When the premises is to be open for licensable activity after midnight on a Tuesday a minimum of 3 door supervisors will be provided between the hours of 22.00 until closing time.'

Annex 3  
SIA registered door staff will be used at the premise as follows:

Tuesday – minimum 3 door staff required at 22:00 hours only if nightclub is open and all working until closing time.  
Friday – minimum 6 door staff, 2 starting at 21:00 hours, 2 starting at 22:00 hours and 2 starting at 23:00 all working until closing time.

Saturday – minimum 6 door staff, 2 starting at 21:00 hours, 2 starting at 22:00 hours and 2 starting at 23:00 all working until closing time.

Sunday before Bank Holiday, Boxing Day and New Year's Eve – minimum 8 door staff, 2 starting at 21:00 hours, further 6 door staff starting at 21:00 hours, all working until closing time.

And replace with this condition:

Friday, Good Friday and Sunday before Bank Holiday, Good Friday, Boxing Day and New Year's Eve for up to 200 patrons in the

*Continued from previous page...*

venue, from 21:00 hours until closing time:

Minimum of 3 door staff when downstairs and cocktail lounge only open to public

Minimum of 4 Door staff If any of the others upstairs rooms open are opened in addition to above rooms. If over 200 patrons in the venue, 1 door staff for every additional 100 patrons.

Also, where the hours state 'Extend finishing time by one hour eight times a year on a Friday or Saturday (Sunday excluded). Fourteen days' notice will be given.'

We wish to replace with the below, to increase by 4 per year – this has been discussed and agreed with Police Licensing.

To Extend finishing time by one hour twelve times a year on a Friday or Saturday (Sunday excluded). Fourteen days' notice will be given

To extend operational time by one hour when British Summer time starts.

#### Section 4 of 18

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

#### Section 5 of 18

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

#### Section 6 of 18

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

#### Section 7 of 18

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

#### Section 8 of 18

##### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)



Continued from previous page...

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors                       Outdoors                       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

*Continued from previous page...*

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Extend finishing time by one hour 12 times a year on a Friday or Saturday (Sunday excluded), 14 days notice will be given.

Extend operational time by one hour on the night when British Summer Time starts.

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

Start

End

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

Start

End

End

WEDNESDAY

Start

Start

End

End

THURSDAY

Start

Start

End

End

FRIDAY

Start

Start

End

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Extend finishing time by one hour 12 times a year on a Friday or Saturday (Sunday excluded), 14 days notice will be given.

Extend operational time by one hour on the night when British Summer Time starts.

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

*Continued from previous page...*

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Extend finishing time by one hour 12 times a year on a Friday or Saturday (Sunday excluded), 14 days notice will be given.

Extend operational time by one hour on the night when British Summer Time starts.

### Section 11 of 18

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

### Section 12 of 18

#### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes  No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Extend finishing time by one hour 12 times a year on a Friday or Saturday (Sunday excluded), 14 days notice will be given.

Extend operational time by one hour on the night when British Summer Time starts.

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Extend finishing time by one hour 12 times a year on a Friday or Saturday (Sunday excluded), 14 days notice will be given.

Extend operational time by one hour on the night when British Summer Time starts.

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End



Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Extend finishing time by one hour 12 times a year on a Friday or Saturday (Sunday excluded), 14 days notice will be given.

Extend operational time by one hour on the night when British Summer Time starts.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 16 of 18**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

*Continued from previous page...*

b) The prevention of crime and disorder

SIA registered door staff will be used at the premise as follows:  
Friday, Saturday and Sunday before Bank Holiday, Good Friday, Boxing Day and New Year's Eve for up to 200 patrons in the venue, from 21:00 hours until closing time:  
Minimum of 3 door staff when downstairs and cocktail lounge only open to public  
Minimum of 4 Door staff If any of the others upstairs rooms open are opened in addition to above rooms  
If over 200 patrons in the venue, 1 door staff for every additional 100 patrons.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

315.00

### DECLARATION

I/We understand that it is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

Ticking this box indicates you have read and understood the above declaration

*Continued from previous page...*

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="Victoria Powell"/>
* Capacity	<input type="text" value="Director"/>
* Date	<input type="text" value="30"/> / <input type="text" value="05"/> / <input type="text" value="2024"/>
	dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/stockton-on-tees/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

This page is intentionally left blank

**LICENSING ACT 2003**

**PREMISES LICENCE (PART B)**

**PREMISES LICENCE NUMBER: 049461**

**PART 1**

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**The Keys**  
**65 High Street, Yarm, TS15 9BH**

**01642 782534**

WHERE THE LICENCE IS TIME LIMITED THE DATES

**N/A**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

**LIVE MUSIC**  
**RECORDED MUSIC**  
**PERFORMANCES OF DANCE**  
**LATE NIGHT REFRESHMENTS**  
**SUPPLY OF ALCOHOL**



.....  
Marc Stephenson  
Assistant Director  
Community Safety and Regulated Services

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

**LIVE MUSIC**

<b>MONDAY:</b>	<b>09.30 until 02.00</b>
<b>TUESDAY:</b>	<b>09.30 until 02.00</b>
<b>WEDNESDAY:</b>	<b>09.30 until 02.00</b>
<b>THURSDAY:</b>	<b>09.30 until 02.00</b>
<b>FRIDAY:</b>	<b>09.30 until 02.00</b>
<b>SATURDAY:</b>	<b>09.30 until 02.00</b>
<b>SUNDAY:</b>	<b>09.30 until 02.00</b>

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Extend finishing time by one hour eight times a year on a Friday or Saturday (Sunday excluded). Fourteen days' notice will be given.

**RECORDED MUSIC**

<b>MONDAY:</b>	<b>09.30 until 02.00</b>
<b>TUESDAY:</b>	<b>09.30 until 02.00</b>
<b>WEDNESDAY:</b>	<b>09.30 until 02.00</b>
<b>THURSDAY:</b>	<b>09.30 until 02.00</b>
<b>FRIDAY:</b>	<b>09.30 until 02.00</b>
<b>SATURDAY:</b>	<b>09.30 until 02.00</b>
<b>SUNDAY:</b>	<b>09.30 until 02.00</b>

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Extend finishing time by one hour eight times a year on a Friday or Saturday (Sunday excluded). Fourteen days' notice will be given.

**PERFORMANCES OF DANCE**

<b>MONDAY:</b>	<b>09.30 until 02.00</b>
<b>TUESDAY:</b>	<b>09.30 until 02.00</b>
<b>WEDNESDAY:</b>	<b>09.30 until 02.00</b>
<b>THURSDAY:</b>	<b>09.30 until 02.00</b>
<b>FRIDAY:</b>	<b>09.30 until 02.00</b>
<b>SATURDAY:</b>	<b>09.30 until 02.00</b>
<b>SUNDAY:</b>	<b>09.30 until 02.00</b>

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Extend finishing time by one hour eight times a year on a Friday or Saturday (Sunday excluded). Fourteen days' notice will be given.



## **LATE NIGHT REFRESHMENTS**

<b>MONDAY:</b>	<b>23.00 until 02.00</b>
<b>TUESDAY:</b>	<b>23.00 until 02.00</b>
<b>WEDNESDAY:</b>	<b>23.00 until 02.00</b>
<b>THURSDAY:</b>	<b>23.00 until 02.00</b>
<b>FRIDAY:</b>	<b>23.00 until 02.00</b>
<b>SATURDAY:</b>	<b>23.00 until 02.00</b>
<b>SUNDAY:</b>	<b>23.00 until 02.00</b>

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Extend finishing time by one hour eight times a year on a Friday or Saturday (Sunday excluded). Fourteen days' notice will be given.

## **SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES**

<b>MONDAY:</b>	<b>09.30 until 02.00</b>
<b>TUESDAY:</b>	<b>09.30 until 02.00</b>
<b>WEDNESDAY:</b>	<b>09.30 until 02.00</b>
<b>THURSDAY:</b>	<b>09.30 until 02.00</b>
<b>FRIDAY:</b>	<b>09.30 until 02.00</b>
<b>SATURDAY:</b>	<b>09.30 until 02.00</b>
<b>SUNDAY:</b>	<b>09.30 until 02.00</b>

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Extend finishing time by one hour eight times a year on a Friday or Saturday (Sunday excluded). Fourteen days' notice will be given.

## **SUPPLY OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES DURING RESTAURANT HOURS ONLY**

<b>MONDAY:</b>	<b>15.00 until 21.00</b>
<b>TUESDAY:</b>	<b>15.00 until 21.00</b>
<b>WEDNESDAY:</b>	<b>15.00 until 21.00</b>
<b>THURSDAY:</b>	<b>15.00 until 21.00</b>
<b>FRIDAY:</b>	<b>15.00 until 21.00</b>
<b>SATURDAY:</b>	<b>15.00 until 21.00</b>
<b>SUNDAY:</b>	<b>15.00 until 21.00</b>

## **THE OPENING HOURS OF THE PREMISES**

<b>MONDAY:</b>	<b>09.00 until 02.30</b>
<b>TUESDAY:</b>	<b>09.00 until 02.30</b>
<b>WEDNESDAY:</b>	<b>09.00 until 02.30</b>
<b>THURSDAY:</b>	<b>09.00 until 02.30</b>
<b>FRIDAY:</b>	<b>09.00 until 02.30</b>
<b>SATURDAY:</b>	<b>09.00 until 02.30</b>
<b>SUNDAY:</b>	<b>09.00 until 02.30</b>

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Extend finishing time by one hour eight times a year on a Friday or Saturday (Sunday excluded). Fourteen days' notice will be given.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

**Supply Of Alcohol ON The Premises**  
**Supply Of Alcohol OFF The Premises**

## **PART 2**

NAME AND (REGISTERED) ADDRESS, TELEPHONE NUMBER AND E-MAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

**Mistell Limited**  
**Riverside Park Road, Middlesbrough, TS2 1QW**

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

**05538826**

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

**Mr James Henry Taylor**

STATE WHETHER ACCESS TO PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

# ANNEX 1

## MANDATORY CONDITIONS AND EMBEDDED RESTRICTIONS

### MANDATORY CONDITIONS

- **No supply of alcohol may be made under the premises licence:**
  - (a) at any time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at any 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.**
- **This Licence/Club Registration Certificate is subject to such further conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:-**

**The Children and Young Person Act 1933  
The Cinematograph (Safety) Regulations 1955  
The Sporting Events (Control of Alcohol etc) Act 1985**

- **When door supervisors or other persons carrying out security activities at specified times are employed such individuals must be licensed by the Security Industry Authority.**

**For the purposes of this condition "security activity" means an activity to which paragraph 2 (1)(a) Schedule 2 to the Private Security Industry Act 2001 applies.**

- **(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

**(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-**

**(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -**

**(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**

**(ii) drink as much alcohol as possible (whether within a time limit or otherwise);**

**(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premise supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- The responsible person must ensure that -
  - (a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: 1/2 pint;
    - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

- **A. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price**
- B. For the purposes of the condition set out in paragraph A -**
  - (a) "duty" is to construed in accordance with the Alcoholic Liquor Duties Act 1979;**
  - (b) "permitted price" is the price found by applying the formula -**

$$P=D+(D \times V)$$

**Where-**

    - (i) P is the permitted price**
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if duty were charged on the date of the sale or supply of the alcohol, and**
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol**
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -**
    - (i) the holder of the premises licence,**
    - (ii) the designated premise supervisor (if any) in respect of such a licence, or**
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;**
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and**
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994**
- C. Where the permitted price given by Paragraph (b) of paragraph B would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny**
- D. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph B on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax**
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.**

## **EMBEDDED RESTRICTIONS**

- **On Licences  
Permitted Hours**

The restriction on the permitted hours for the supply of alcohol shall not prohibit:

(a) during the first twenty minutes after these hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after these hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after these hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or club for the purposes of the trade or club;

(g) 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 member of Her Majesty's Naval, Military or Air Forces;

(h) the taking of alcohol from the premises by a person residing there; or

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

- This licence is subject to such further conditions as are consistent with any restriction imposed on the existing licence of the premises:

For the showing of films under the provisions of the Cinemas Act 1985

and/or

The performance of plays under the Theatres Act 1968

and/or

The provision of public entertainment under the Local Government (Miscellaneous Provisions Act 1982) as below;

**1. Permitted hours of operation**

9.30am - 1.00am Monday - Saturday

12Noon - 12Midnight Sunday

**2. Maximum permitted occupancy level**

First floor nightclub 200

**3. Special Conditions**

**3.1 All doors and windows shall be kept closed whilst entertainment is in progress.**

- 3.2 During an event, the licensee (or a suitable representative) shall make subjective assessments, both internally and externally, of the likelihood of noise disturbance being caused by entertainment. The results of these assessments shall be recorded in a logbook including any action required as a result, which shall be retained for one year.**
- 3.3 All sound systems shall pass through the noise limiting device which at all times shall operate at the decibel level set by the Environmental Health Unit Manager and shall be maintained in good working order.**
- 3.4 The relay system to the fire door(s) shall be maintained in good working order.**
- 3.5 The licensee or nominated person shall take all reasonable steps to prevent disturbance or nuisance by persons leaving the premises and shall undertake such monitoring, if any, in this respect, as may be required by the Council.**
- 3.6 A sign shall be erected at all exits asking patrons to leave the premises in a quiet manner and to consider the occupiers of nearby dwellings.**

## **ANNEX 2**

### **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

#### **PREVENTION OF CRIME & DISORDER**

- **A digital Closed Circuit Television System (CCTV) must be installed and maintained. The system must incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with the Data Protection legislation.**

**A minimum of 14 days recording is required.**

**The system must have a minimum of a simplex multiplexing facility and be recording for 24 hours a day.**

**The system must incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.**

**The digital recorder must have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.**

**There must be at all times a member of staff on duty who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or less if urgently required for investigation of serious crime.**

- **Secure bottle bins shall be available at the premises.**
- **When the premises is to be open for licensable activity after midnight on a Tuesday a minimum of 3 door supervisors will be provided between the hours of 22.00 until closing time.**
- **Managers to oversee customers exiting the premises.**

## **PREVENTION OF PUBLIC NUISANCE**

- **Last entry to club will be 02:00.**
- **Two extra sound checks will be done during the extra hour.**
- **The use of the garden area by customers shall be limited to 10.00 to 21.00. There shall be no music played in any external area. The maximum occupancy for all of the external area shall be limited to 62.**



## **ANNEX 3**

### **CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

#### **PREVENTION OF CRIME & DISORDER**

- **CCTV to be installed inside and outside, and also to cover High Church Wynd.**
- **A drugs policy, drugs safe and drugs register to be completed and maintained.**
- **A "Challenge 21" policy will be implemented and all staff will insist on proof of age from any person appearing to be under 21 years of age and who is attempting to buy alcohol. There shall be sufficient public notices displayed at the premise to inform customers and remind staff that the premise is operating a "Challenge 21" policy.**
- **All staff will be trained with regard to the law concerning the sale of alcohol and also the operation of the associated "Challenge 21" policy. Staff will receive refresher training every 3 months.**
- **Training records, signed by both the staff member and the Designated Premise Supervisor/Store Manager/Business Owner will be retained for future reference and shall be updated at least every 3 months. All staff training records will be made available to the Licensing Authority and/or Responsible Authorities upon request.**
- **SIA registered door staff will be used at the premise as follows:**
  - Tuesday – minimum 3 door staff required at 22:00 hours only if nightclub is open and all working until closing time.**
  - Friday – minimum 6 door staff, 2 starting at 21:00 hours, 2 starting at 22:00 hours and 2 starting at 23:00 all working until closing time.**
  - Saturday – minimum 6 door staff, 2 starting at 21:00 hours, 2 starting at 22:00 hours and 2 starting at 23:00 all working until closing time.**
  - Sunday before Bank Holiday, Boxing Day and New Year's Eve – minimum 8 door staff, 2 starting at 21:00 hours, further 6 door staff starting at 21:00 hours, all working until closing time.**

#### **PREVENTION OF PUBLIC NUISANCE**

- **No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.**
- **Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.**
- **The relay system to the fire door(s) shall be maintained in good working order.**
- **All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency. Any music played within the premises shall not cause a disturbance at the nearest premises. Any music shall be played indoors only.**

- **The licence holder or his representative shall conduct periodic assessments of the noise coming from the premises when used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments and shall include, the time and date of the checks, the person making them and the results including any remedial action. All records shall be retained for one year.**
- **Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises. This should include placing at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles)**
- **Where there are any offensive smells on the premises, provision shall be made for such smells to be vented from the premises so that they do not cause a nuisance to nearby premises.**
- **There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.**
- **The use of the terrace by customers shall be limited to 09.00 to 22.00 Sunday to Thursday and 09.00 to 23.00 Friday and Saturday. There shall be no music played in the terrace or garden. The maximum occupancy for the terrace shall be limited to 62. The garden area shall not be used as a beer garden.**
- **Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using any external area of the premises. The management controls should be documented and agreed with Stockton Councils Environmental Health Unit.**
- **CCTV shall cover the terrace area which is used by customers at the rear of the premise and shall be maintained and operated in accordance with the conditions of the licence.**
- **When the external terrace area is been used by customers after 21.00 hours a door supervisor shall be positioned in the terrace to monitor customers. The door supervisor shall monitor the terrace until it is cleared of customers or at 23.00 hours whichever is earlier.**
- **During the hours of 09:30 to 02:00 all sound systems shall pass through the noise limiting device which at all times shall operate at the decibel level set by the Environmental Health and shall be maintained in good working order. Between the hours of 02:00 and 03:00 the noise limiter shall be set and operated at a maximum level 5dB (A) less than that set by Environmental Health for the period before 02:00.**
- **14 clear days notification of each event shall be given by the Premises Licence Holder and/or a representative of the Premises Licence Holder to the Council Licensing Section, Environmental Health Section and to Cleveland Police Licensing Section. Evidence of the notification of each event must be retained by the Premises Licence Holder and a log kept of the number of events held per annum.**

**ANNEX 4  
PLANS (NOT TO SCALE)**



This page is intentionally left blank

## Representations On An Application By A Responsible Authority (Form LA10RA)

www.stockton.gov.uk

Trading Standards & Licensing, PO Box 232, 16 Church Road, Stockton on Tees TS18 1XD  
Tel: (01642) 526558 • Fax: (01642) 526584

### Representations On A Current Application For A Grant/Variation Of A Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

#### Section 1 – Licence Application Details

Applicant Name (If Known)	Ms Victoria Powell
Premises Name and Address	The Keys 65 High Street Yarm Stockton-On-Tees TS15 9BH

#### Section 2 - Responsible Authority

- Trading Standards
- Cleveland Police
- Environmental Health
- Cleveland Fire Services
- Planning
- Protection of Children From Harm

#### Section 3 – Representation Grounds

<p><b>The representation is relevant to one or more of the following licensing objectives:</b></p> <p><b>Please tick relevant box(es)</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Prevention of Crime of Disorder</li> <li><input checked="" type="checkbox"/> Prevention of Public Nuisance</li> <li><input type="checkbox"/> Protection of Children from Harm</li> <li><input type="checkbox"/> Public Safety</li> </ul>
<p>Please Select:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> I object to the application being granted at all</li> <li><input type="checkbox"/> I object to the application being granted in its current form*</li> </ul> <p>*If you choose this option remember to tell us what changes you would prefer to see.</p>	

**The grounds of the representation is based on the following:**

**(Please continue on a separate sheet if necessary)**

The Environmental Health Unit are of the opinion that the steps outlined in the operating schedule are inadequate to prevent public nuisance.

There will be a greater likelihood of public nuisance associated with entertainment noise, and noise from clients leaving the premises as a result of the proposed extension to opening times.

The Environmental Health Unit does not feel that there are conditions that will prevent further public nuisance issues from this application.

For additional information, Environmental Health currently has a pending investigation into the current noise disturbances from this premises and it is not thought appropriate to extend the hours even by 4 nights as management cannot currently control the alleged disturbances.

Signed: Stephanie Landles	Position: Environmental Health Officer MCIEH	Dated: 12/06/2024
---------------------------	--	-------------------

When complete this form should be returned to the address above or e-mailed to [licensing.administration@stockton.gov.uk](mailto:licensing.administration@stockton.gov.uk)

For Office Use Only

Date Received		Checked By	
---------------	--	------------	--

## Representations On An Application By A Responsible Authority (Form LA10RA)

www.stockton.gov.uk

Trading Standards & Licensing, PO Box 232, 16 Church Road, Stockton on Tees TS18 1XD  
Tel: (01642) 526558 • Fax: (01642) 526584

### Representations On A Current Application For A Grant/Variation Of A Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

#### Section 1 – Licence Application Details

Applicant Name (If Known)	Ms Victoria Powell
Premises Name and Address	The Keys 65 High Street Yarm Stockton-On-Tees TS15 9BH

#### Section 2 - Responsible Authority

- Trading Standards
- Cleveland Police
- Environmental Health
- Cleveland Fire Services
- Planning
- Protection of Children From Harm

#### Section 3 – Representation Grounds

<p><b>The representation is relevant to one or more of the following licensing objectives:</b></p> <p><b>Please tick relevant box(es)</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Prevention of Crime of Disorder</li> <li><input checked="" type="checkbox"/> Prevention of Public Nuisance</li> <li><input type="checkbox"/> Protection of Children from Harm</li> <li><input type="checkbox"/> Public Safety</li> </ul>
<p>Please Select:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> I object to the application being granted at all</li> <li><input checked="" type="checkbox"/> I object to the application being granted in its current form*</li> </ul> <p>*If you choose this option remember to tell us what changes you would prefer to see.</p>	

**The grounds of the representation is based on the following:**

**(Please continue on a separate sheet if necessary)**

Environmental Health would like to offer clarification to our original objection. We do not have any objections to the application regarding the alterations to door staff or the British Summer Times alterations, we do however, strongly object to the additional hour's extensions.

The premises is broken down into several parts, with the ground floor being a restaurant and bar with outside seating and garden area and the 1<sup>st</sup> floor being run as a function room/ nightclub. The front of the premises is on Yarm High Street, but the rear of the premises is surrounded by a significant number of residential properties, many of which are owned and rented by the owners of The Keys.

Environmental Health have worked with the management of The Keys regarding noise complaints and allegations of noise (nearly every year since 2003) which the management have tried to control. However, the continual creep of their operational hours is hampering the control that they currently have and there have been several times when additional management requirements have not been completed (i.e. reduce volume by 5dB after 02:00) as the hours get later and hence the surrounding environment gets quieter. Apart from a couple of complainants who have made themselves known, many residents have reported issues but then not felt able to continue as they are either tenants of The Keys or live in the vicinity, some choosing to move rather than proceed. Our investigations are always carried out keeping the confidentiality of our clients, which is why I need to protect them through this process as well.

The premises does have alternatives should they feel they need the additional hours for their business model to work, such as Temporary Events Notices

In conclusion, although this part of the application is only for 4 additional hours per year, our records show, the main concern for complaint/allegation is the ongoing early morning loud music, which is not always being properly managed with the required reduction of volume and that is why Environmental Health are objecting to the creep of noise by these additional hours.

Signed: Stephanie Landles	Position: Environmental Health Officer MCIEH	Dated: 03/07/2024
---------------------------	--	-------------------

When complete this form should be returned to the address above or e-mailed to [licensing.administration@stockton.gov.uk](mailto:licensing.administration@stockton.gov.uk)

For Office Use Only

Date Received		Checked By	
---------------	--	------------	--



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

## Lodge a representation for or against a premises licence application

Date submitted	10/06/2024
<b>Licence application details</b>	
Premises name	The Keys
<b>What is the premises address?</b>	
Building name and number	65-67
Street	High St
Town	Yarm
Postcode	TS15 9BH

<b>Reason for representation</b>	
Why are you completing the representation?	Object

<b>Who is making the representation</b>	
In what capacity are you applying?	Councillor

<b>What are your contact details?</b>	
Organisation's name, if known	SBC
First name	andrew
Last name	sherris
Telephone number	07825352188
Email address	██████████

<b>What is your address?</b>	
Street	██████████
Town	YARM
Postcode	██████

<b>Representing residents and/or businesses</b>	
Who are you representing?	Local residents

<b>Representation grounds</b>	
Which of the licensing objectives does your representation refer to?	Prevention of crime and disorder, Prevention of public nuisance

<b>Objections</b>	
What do you object to?	The application being granted at all

<b>Provide the grounds for the representation</b>	<p>The existing hours are already very late and do cause issues for local residents living nearby on the High St, High Church Wynd and The Old Market.</p> <p>Noise from the building, movement of pedestrians particularly into HC Wynd.</p> <p>Increasing hours will only exacerbate the existing problems.</p> <p>There have been 'alleged' noise issues this past weekend.</p>
---	--

<b>Upload evidence</b>	
<b>Would you like to add an attachment?</b>	No

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Re: Variation - Keys

James Taylor <j.taylor@thekeys.co.uk>

Tue 2024 07 02 10:36

To: Vicky Powell <vpowell@mistell.co.uk>; Jake Taylor <JTaylor@thekeys.co.uk>; Polly Edwards <Polly.Edwards@stockton.gov.uk>

Hi Polly,

I hand delivered 30 letters to residents along The Wynd inviting them to an open morning at The Keys to discuss the variation to the premise licence.

I also posted an open invitation inviting people to do the same on the The Keys nightclub facebook page (15k followers)

The only residents who turned up were a lovely couple called [REDACTED], we had a good chat where I explained to them what we were wating to do in terms of the premise licence and they didn't have any problems with it at all.

Regards,

James

James Taylor

Assistant General Manager

[E.j.taylor@thekeys.co.uk](mailto:E.j.taylor@thekeys.co.uk)

65 High Street  
Yarm  
TS15 9BH



This is an email from **Mistell Limited** and is confidential. If you are not the intended recipient you must not disclose or use the information but please delete the email as soon as possible. If you have received this email in error please notify our mail manager at [administrator@mistell.co.uk](mailto:administrator@mistell.co.uk) Note that this is NOT the address of the person who sent this mail to you but a general administrative address. Any views in the email are those of the sender only and not those of Mistell Limited. This email is not intended to be contractually binding. As part of

This page is intentionally left blank





