

LICENSING COMMITTEE AGENDA



Wednesday 24th September 2008

at 10.00 am

in Committee Room B

MEMBERS: LICENSING COMMITTEE:

Councillors Aiken, Atkinson, Brash, R W Cook, Fleet, Fleming, Griffin, Hall, Jackson, G Lilley, London, McKenna, Morris, Rogan and Tumilty

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 7th August 2008

4. ITEMS REQUIRING DECISION

4.1 Town-wide Designated Public Places Order – *Head of Community Safety and Prevention and Chief Solicitor*

5. ITEMS FOR INFORMATION

6. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

7 August 2008

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Victor Tumilty (In the Chair)

Councillors: Reuben Atkinson, Jonathan Brash, Mary Fleet, Tim Fleming, Ged Hall, Peter Jackson, Geoff Lilley, Frances London, Chris McKenna and Trevor Rogan

Officers: Tony MacNab, Solicitor
Sylvia Pinkney, Consumer Services Manager
Sarah Bird, Democratic Services Officer

Also present Rob Pattison, Ray Tweddle and Ian Cawley

8. Apologies for Absence

Apologies for absence had been received from Councillors R W Cook, Griffin and Dr Morris.

9. Declarations of Interest by Members

Councillor Fleet declared an interest in item 11 as a member of her family was a taxi driver and left the meeting.

10. Confirmation of the Minutes of the Meeting held on 2 July 2008

The minutes of the meeting held on 2 July 2008 were confirmed as an accurate record.

11. Hackney Carriage Tariffs (*Consumer Services Manager*)

Purpose of report

The report was presented in order to consider an increase in Hackney Carriage tariffs.

Issue(s) for consideration by the Committee

Following the meeting held on 11 December 2002, it was agreed that there would be an annual review of Hackney Carriage tariffs taking into account any proposals made at the Vehicle Owners' Annual General Meeting (AGM). However at the AGM held in 2008 it was agreed that there would be no request for a general tariff increase in 2008. Subsequently a letter signed by 12 Hackney Carriage owners was presented requesting an increase of 30p on the 'flag fall' due to the rapid rise in fuel costs. The issue was considered at the May 2008 meeting of this committee but it was decided that a fairer way of implementing any increase would be one based on distance travelled. Licensing Officers have liaised with representatives of the Taxi Owners working group and a proposal was sent to all Hackney Carriage owners for consideration. The majority of vehicle owners expressed support for these proposals (outlined in Appendix II of the report). The proposal generates a potential fare increase of 10p for journeys of one mile, 30p for journeys of two miles and between 40p and 50 for journeys of three miles.

Members were reminded of the recent increase in fuel costs. If a tariff increase were approved then a Public Notice would be placed in the Hartlepool Mail to inform the general public. Should any objections be received within 14 days of the Notice being published then the matter would be referred back to the Licensing Committee before any increase was implemented. This would mean that even if there were no objections then the fares would not be increased for approximately 3 weeks.

By law Hackney Carriage drivers are prevented from charging more than the maximum approved tariff, therefore any increase in their operating costs must be absorbed by them until any tariff increase is approved by the Council. Currently Hartlepool taxi tariffs are the fourth cheapest in the country.

Members unanimously expressed support for the proposed fare increases which were felt to be justified considering the recent rise in fuel costs. Members were reminded that the next Vehicle Owners' AGM would be held in January 2009 and should there be any concerns raised, a further rise in prices could be proposed then.

Decision

Members agreed to adopt the fare increases proposed in the report.

Councillor Fleet returned to the meeting.

12. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS URGENT

Complaint from an Owner of an Eight Seater Mini-Bus.

A letter had been received from the owner of an eight seater mini-bus complaining that he was unable to levy the surcharge of £1.50 which is available to those vehicles which are purpose built wheelchair accessible. The Chief Solicitor had responded to this complaint stating that the Committee in the past had given consideration as to whether the extra charge should include minibuses which are not purpose built wheelchair accessible vehicles but had decided against this.

Members discussed whether this policy should be applied to the eight seater vehicle which despite having the room to carry wheelchairs and mobility scooters was not purpose built wheelchair accessible.

The Committee agreed to uphold the earlier decision not to apply the surcharge to such vehicles.

Drinks Promotion

The Chair informed the Committee that he had become aware of a drinks promotion at the re-opening of the Alma where at intervals during the evening, customers would be able to buy a shot of whiskey for 5 pence. The Consumer Services Manager stated that if the police objected then the licence could be reviewed but unless there was an objection the licence should remain as it was.

Church Street

The Chair stated that he had heard that taxi drivers were unwilling to enter this area between the hours of 2.00 and 4.00 am and asked the drivers present why this was so. The drivers responded saying that there was a lot of rowdy behaviour at this time and drivers were worried that their vehicles may suffer damage.

The meeting concluded at 10.35 am.

CHAIR

Report to: Licensing Committee

Report of: Head of Community Safety & Prevention and Chief Solicitor

Date: 24th September 2008

Subject: Town-wide Designated Public Places Order

1. PURPOSE OF REPORT

To consider the legal implications of introducing a town-wide Designated Public Places Order (DPPO).

2. BACKGROUND

2.1 Sections 12-16 of the Criminal Justice and Police Act 2001 allow local authorities to adopt powers contained in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 to designate areas, which have known anti-social drinking, and nuisance associated with them. In designated places the Police are provided with powers to enforce restrictions on public drinking.

2.2 The Regulations specify that making an order is a 'non Executive' function. At Council on 14th December 2006, it was agreed to delegate to Licensing Committee the power to discharge the Council's functions under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 (now 2007 Regulations), namely:

- consideration of any representations received
- add to, delete, extend, reduce or otherwise vary the proposed designated areas, and
- on the Council's behalf, to approve the order or orders and take any further action necessary in that regard and
- authorise the Chief Solicitor to publish all notices necessary to comply with regulations.

2.3 The process to be followed to designate areas is:

- Gather evidence of anti-social drinking in specific public places (e.g. parks, streets etc)
- Consult locally to gather views of residents, businesses, ward councillors and visitors to the areas on the possible designation of the areas
- Consult, as required by the Regulations, the Police district commander, Parish Councils and licensees of licensed premises in the proposed areas
- Where evidence exists, seek approval from Licensing Committee to publish in the Hartlepool Mail, the formal notification of the Council's intention to designate areas, and invite representations within a 28 day period

- Report the results of the publication and any representation, to Licensing Committee, and seek approval (as appropriate) to make a Designated Public Places Order (DPPO) for the areas.
- Prior to the DPPO coming into force, publish details in the Hartlepool Mail, with the commencement date.
- Erect signs in all areas to be subject to the DPPO provisions, prior to the commencement date.

3. IMPLEMENTATION TO DATE

3.1 Two phases have been considered by Members of Licensing Committee and designation approved:

- 1) areas covered by the previous alcohol byelaws (list attached at Appendix 1)
- 2) areas such as out of town shopping parades, play areas, cemeteries, parks and some residential streets (list attached at Appendix 2).

3.2 There are a number of additional areas which have been identified by Members and residents, which they consider should be included in a further designation order. These include:

- 1) King Oswy play area
- 2) Baden Street and Brinkburn Road

3.3 During discussions about both phases mentioned in paragraph 3.1 above, Members have asked about the possibility of a town-wide Designation Order being introduced, as it was felt that this might alleviate displacement problems. Police representatives present at the meetings advised that they were in favour of a town-wide order for enforcement purposes, but understood that due to the legal requirements, in the Regulations regarding evidence of anti-social drinking before an area can be designated, this would be a problem, as only some areas are affected by anti-social drinking in public places.

4. LEGAL REQUIREMENTS

4.1 Section 13 of the Criminal Justice & Police Act 2001 states that:

- 1) A place is a designated public place if it is:
 - a. a public place in the area of a local authority and
 - b. identified in an order made by that authority under subsection (2)
- 2) A local authority may for the purpose of subsection (1) by order identify any public place in their area if they are satisfied that:
 - a. nuisance or annoyance to members of the public or a section of the public; or
 - b. disorder;

has been associated with the consumption of intoxicating liquor in that place.

4.2 The procedure to be followed in connection with the making of orders under Section 13 (2) of Criminal Justice and Police Act 2001, has been prescribed in the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

4.3 It is known that a few Local Authority areas have designated their whole Borough. It may be that they have evidence which shows that all public areas have anti-social drinking. However if that is not the case, the implications of designating areas without evidence are:

- 1) The Order would be unenforceable.
- 2) The Authority would run the risk of the decision being Judicially Reviewed and therefore expose the Authority to an Order for Costs which could be substantial.

5. RECOMMENDATIONS

That Members comply with the legal requirements prescribed by Section 13 (2) of Criminal Justice and Police Act 2001 and only designate areas where the Police have provided evidence of anti-social drinking.

Contact officer: Alison Mawson & Tony MacNab

Background papers

- Criminal Justice & Police Act 2001
- Local Authorities (Alcohol consumption in Designated Public Places) Regulations 2007
- Reports to Licensing Committee on 27th June 2007 and 12th March 2008

Appendix 1

**CRIMINAL JUSTICE AND POLICE ACT 2001
Alcohol Consumption in Designated Public Places Order 2007**

The Hartlepool Borough Council (in this Order called “the council”) hereby make the following Order under Section 13(2) of the said Act:

1. The land described in the Schedule below and shown on the map attached to this Order, being land in the area of the Council which is land to which the Criminal Justice and Police Act 2001 applies, is hereby designated for the purposes of that Act.
2. This Order may be cited as the Alcohol Consumption in Designated Public Places for the area of Hartlepool Borough Order 2007 and shall come into force on xx xxxxxx 2007.

SCHEDULE

Part 1 - Hartlepool

Highways

Avenue Road

From its junction with Victoria Road southerly to the Middleton Grange Shopping Centre.

Back Victoria Homes

Adjacent to Burn Valley Gardens

Baden Street

That part which passes through Burn Valley Gardens

Brinkburn Road

That part which passes through Burn Valley Gardens

Colwyn Road

Park Road

From its junction with Osborne Road to its junction with Stockton Street

Roker Street

South Road

From its junction with Avenue Road to its junction with Back York Road

Stockton Street

From its junction with Hucklehoven Way/Park Road to its junction with Upper Church Street

Swainson Street

Unnamed Road

Adjacent to the north western edge of Burn Valley Gardens

Victoria Road

From its junction with Upper Church Street to its junction with York Road

Villiers Street

York Road and Back York Road East

From its junction with Victoria Road to its junction with Park Road

Car Parks

Multi –story car park
Junction of Park Road and Stockton Street
Surface level car park
West of Stockton Street
Surface level car park
East of Back York Road, including car park beneath the Market Hall
Surface level car park
North of Park Road
Central Library car park and its precincts

Parks, Gardens and other Public Leisure Facilities

Burn Valley Gardens
Lying south of Colwyn Road and extending west as far as the unnamed
Footpath which runs north west to the junction of Queensberry Avenue and Elwick Road
Rossmere Park (south of Rossmere Way)
Serpentine Gardens, (at the junction of Serpentine Road/Hart Lane)
Victory Square (including the War Memorial)
Ward Jackson Park, (between Park Avenue and Elwick Road)

Open Amenity Areas

Open space
To the east of Burn Valley Gardens.
Open space
On south side of Colwyn Road adjacent to Burn Valley Gardens
Open space
Area bounded by Victoria Road/Raby Road and A179 adjacent Wesley Chapel

Part 2 – Headland

Highways

Albion Terrace
Bath Terrace
Cliff Terrace
The southern footpath only from its junction with Radcliffe Terrace to its junction with
Batch Terrace
Croft Terrace
High Street
The southern footpath only from its junction with Sandwell Chare to its junction with Croft
Terrace Path
Radcliffe Terrace
Sandwell Chare
South Crescent
The Headland Promenade
The Promenade
Between Headland Promenade and York Place.

Town Wall

From the western boundary of number 30 Town Wall to its junction with Croft Terrace

Unnamed Path

From Moor Terrace to the site of the former gun placement

Unnamed Path

Between High Street and Croft Terrace

York Place

Parks, Gardens and other Public Leisure Facilities

Croft Garden, (east of Sandwell Chare)

Band Stand, the Promenade

Redheugh Close Gardens, including the War Memorial (between Radcliffe Terrace and Cliff Terrace)

Open Amenity Areas

Open Space

Between Harbour Public House and Croft Gardens

Fronts and the Foreshore

Front at Headland

i) All that area of the front and foreshore including the paddling pool and all steps, ramps, paths, platforms and bankside from time to time situated between the low water mark of medium tides and Town Wall and the Promenade and between:

a) an imaginary line running south from a point on the western boundary of number 30 Town Wall; and

b) an imaginary line running from number 14 south Crescent along the south western elevation of the Heugh Breakwater.

ii) Pilot Pier, also known as the Old Pier, is excluded from this area.

Other Areas

Area around the Heugh Lighthouse between Bath Terrace and the Promenade Car Park which forms the eastern extension of Moor Terrace

Heugh Battery

Old Gun Placement

Part 3 – Seaton Carew

Highways

Ashburn Street

Charles Street

Church Street

From its junction with The Front to the holy Trinity church

Coronation Drive

From the Swimming Baths Car Park to its junction with The Cliff
Green Terrace
Major Cooper Court, (Charles Street)
The Cliff
The Espanlade
The Green
The Front
Unnamed Road
Leading from The Front to and alongside the Amusement Park
Unnamed Road
From The Front adjacent to Café royal to The Espanlade
West View Terrace

Car Parks and Bus Terminus

Bus Terminus
East of The Front, including the verges, benches and shelters
Rocket House Car Park
South of Longscar Hall, The Front
Seaton Carew Car Park
Within Seaton Carew Park
Wainwright Walk Car Park
East of Coronation Drive

Parks, Gardens and Other Public Leisure Facilities

Crazy Golf Course
East of The Front
Lawns and Gardens and Paved Areas
East of The Front, The Green and The Cliff
North Shelter and Public Toilets
East of The Front
Paddling Pool
East of The Front
Putting Green
East of The Front
Seaton Carew Park

South of Station Lane
South Shelter, Clock and Public Toilets
East of the Bus Terminus

Open Amenity Areas

Open Space
East of The Front and The Cliff
Open Space
On south side of Station Lane at its junction with The Front
Open Space
East of Ashburn Street

Open Space
West of Ashburn Street
Open Space
East of Wainwright Walk
Open Space
The Green (including the War Memorial)

Fronts and the Foreshore

Front at Seaton Carew

All that area of the front and foreshore, including all steps, ramps, paths, platforms and banksides from time to time situated between the low water mark of medium tides and the Espanlade and between:

- a) an imaginary straight line running in a generally easterly direction from a point on the Espanlade at its junction with the unnamed slipway road which runs between the Putting Green and the Amusement Park: and
- b) an imaginary straight line running in a generally easterly direction from a point on Coronation Drive at its junction with the Northern boundary of number 20 Wainwright Walk.

Dated xx xxxxxxxx 2007

The Common Seal of the Hartlepool Borough Council
was hereunto affixed in the presence of

Solicitor

CRIMINAL JUSTICE AND POLICE ACT 2001

Alcohol Consumption in Designated Public Places Order 2008

The Hartlepool Borough Council (in this Order called “the Council”) hereby make the following Order under Section 13(2) of the said Act.

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SCHEDULE

Highways

Abigail Walk
Addison Road
Albany Court
Alderson Street
Alma Street
Ashley Gardens
Barbara Mann Court
Belk Street
Bentick Street
Brafferton Street
Breward Walk
Brougham Terrace
From its junction with Raby Road
to its junction with Turnbull street

Cameron Road
Charterhouse Street
Chatham Road
Cornwall Street
Cundall Road
Dent Street
Derby Street
Derwent Street
Devon Street
Dorset Street
Duke Street

Elcho Street
Elliott Street
Eton Street
Furness Street
Glamis Walk
Gloucester Street
Gordon Street
Grainger Street
Grange Road
From its junction with Murray Street
To its junction with Mulgrave Road

Gray Street
Grosvenor Gardens
Harcourt Street
Harrow Street
Hartley Close
Headland Front
numbers 2-29

Herbert Walk
Helmsley Street
Hurworth Street
Jackson Street
Jacques Court
Johnson Street
Lowthian Road
Mapleton Road
Marlborough Street
Marton Street
Mary Street
Mason Walk
Mayfair Street
Milton Road
Mitchell Street
Morton Street
Mulgrave Road
Murray Street
Oakley Gardens
Perth Street
Potter Walk
Raby Road
Richmond Street
Rossall Street
Roseberry Mews
Rugby Street
Sheriff Street
Shrewsbury Street
Stephen Street

St. Oswald's Street
St. Paul's Road
Stoffold Street
Straker Street
Suggitt Street
Thorneville Road
Thornton Street
Topcliffe Street
Turnbull Street
Tuson Walk
Tweed Walk
Uppingham Street
Wynnstay Gardens
York Road From its junction with Park Road to Colwyn Road
Young Street

Shopping areas

Caledonian Road
Front of shop at 2 Caledonian Road

Catcote Road
Front, rear and access areas of shops
from numbers 240 to 250

Catcote Road (Fens Shops)
Front, rear and side of shops including car park .

Catcote Road Shops (at junction
with Oxford Road)
Front, side and rear of shops of shops, including garaged area at rear

Chatham Road:
Front of shops from junction with
Acclom Street to Oakley Gardens

Clavering Road:
Front, rear and grassed areas at sides
of shops.

Davison Drive:
Front and rear of shops including service and access areas

Elwick Road:
Front of shops from junction with York Road to Burn Valley Road

King Oswy Drive:

Front, side and rear of shops
Including all service roads and
thoroughfares

Miers Avenue:

Front, side and rear of shops including
all service and access areas.

Middleton Grange:

Middleton Grange Shopping Centre:
including Queens Parade, all malls,
squares, arcades, ramps, subways, approach
roads, service roads and all other
service areas, amenities and
adjacent landscaped areas

Northgate (North):

Front, side and rear of shops
including service and access areas

Northgate (South):

Front, side and rear of shops
including service and access areas

Oxford Road:

Front and rear of shops on
Oxford Road from its junction
with Shakespeare Avenue to
Caledonian Road.

Oxford Road:

Front of shop at number
1 Oxford Road

Owton Manor Lane (Rossmere):

Front of shops including both side
access roads and garaged area
at rear of shops. Also including
footpath leading from rear of
shops to Campbell Road.

Owton Manor Lane (St Patrick's Shops):

Front, side and rear of shops.

Salter Walk:

Front of shops at number 2-4

Stockton Road (St. Aidans Shops):
Front of shops (number 117 to 145)
Stockton Road:
Front, side and rear service
area of shops
(numbers 13 to 33)

Warren Road:
Front, side and rear of shops,
Including service access areas
and adjacent walkways

Wiltshire Way:
Front, side and rear of shops,
including car park.

Wynyard Road Shops:
***Front, side and rear of shops
including service area***

Parks, Cemeteries, Gardens and other Public Leisure Facilities

King George V Playing Field
Lynfield School
Mill House Skateboard Park
North Cemetery
Old Cemetery (Spion Kop)
Play area, Clavering Road/Rafton Drive
Play area, Grayfields
Play area, Greatham
Play area, Jutland Road
Play area, Oxford Road
Rift House Recreational Ground
Stranton Cemetery
Stranton Garth
West View Cemetery
Summerhill

All Tennis Courts, Bowling Green
and play areas including pavilion and
shelters adjacent to Jacques Court, Headland

Open Amenity Areas

Headland Town Square

Dated xx xxxxx 2008

The Common Seal of the Hartlepool Borough Council
was hereunto affixed in the presence of

Solicitor