

LICENSING ACT COMMITTEE AGENDA



Wednesday 12th October 2005

at 10.00 am

in Committee Room B

MEMBERS: LICENSING ACT COMMITTEE:

Councillors John Cambridge, Rob Cook, Bob Flintoff, Sheila Griffin, Gerard Hall, Peter Jackson, Stan Kaiser, Geoff Lilley, Dr George Morris, Pat Rayner, Carl Richardson, Trevor Rogan, Vic Tumilty, Steve Wallace and Gladys Worthy

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 27th July 2005 (attached)

4. ITEMS FOR DISCUSSION

4.1 Review of Implementation of Licensing Act 2003 (*Head of Public Protection and Housing*)

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

LICENSING ACT COMMITTEE**MINUTES AND DECISION RECORD**27th July 2005**Present:**

Councillor Stan Kaiser (In the Chair)

Councillors: Robin Cook, Bob Flintoff, Sheila Griffin, Gerard Hall, Peter Jackson, George Morris, Carl Richardson, Victor Tumilty, Stephen Wallace

Officers: Ralph Harrison, Head of Public Protection and Housing
Ian Harrison, Principal Licensing Officer
Tony Macnab, Solicitor
Angela Hunter, Principal Democratic Services Officer

24. Apologies for Absence

Apologies for absence were received from Councillors John Cambridge and Geoff Lilley.

25. Declarations of interest by Members

None.

26. Minutes of meeting held on 19th May 2005.

Confirmed.

27. Update of Licensing Applications Submitted *(Head of Public Protection and Housing)***Purpose of report**

To inform Members of the number of Licensing Act 2003 applications that had been submitted to the Council's Licensing Team.

Issue(s) for consideration by the Committee

Applications from existing licence holders must be submitted to Hartlepool Borough Council by 6th August 2005. Failure to meet this deadline would result in the existing privileges being lost and licensees having to submit a brand new application.

Officers from the Licensing Team had written to all known licensees on at least three occasions advising them of the importance of submitting a new application and the potential consequences should an application not be made. It was reported that at the time of writing this report, 250 applications had been received, however this had now risen to 339. It was expected that up to 650 applications should be received in total.

A Member had asked if an application was refused and then submitted for appeal, could an amended application or additional information be used. The Principal Licensing Officer indicated that all decisions should only be based on evidence and that there should not be much difference in the information submitted to the Magistrates on appeal. He added that the appeal would be heard as a new hearing, it was not to look at how the Sub-Committee had made their decision to refuse the application. The Magistrates' Court had to refer their decision to the promotion of the four licensing objectives as the Licensing Act Sub-Committees do.

Decision

Members noted the contents of this report.

28. Police Attendance at Licensing Hearings and Provision of Crime & Disorder Statistics *(Head of Public Protection and Housing)*

Purpose of report

To inform Members of the receipt of a letter from Cleveland Police regarding their attendance at Licensing Hearings and the provision of Crime & Disorder statistics.

Issue(s) for consideration by the Committee

A letter had been received from Cleveland Police that indicated they would not be able to attend Licensing Hearings unless they had made a relevant representation relating to the application being heard. In addition to this, they would not be able to provide the Local Authority with Crime & Disorder statistics to assist Members to determine applications where there were

public objections relating to Crime & Disorder.

The Chairman requested feedback from Members on the Licensing Act Sub-Committees that had already taken place. Members felt that the Sub-Committees had been ran well and that objectors had generally been very respectful in conveying their objections.

However, concern was expressed that at a recent meeting of one of the Sub-Committees, the Police withdrew their objections after negotiations with the applicant only minutes before one Sub-Committee was due to commence. The withdrawal of their representations was due to an agreement being reached for the closing time of the establishment to be reduced by only 30 minutes. It was noted that in this case the usual clientele for the premises may not be the cause of any problems, it may be that the extra clientele visiting the premises for the late opening hours cause some of the problems.

It was emphasised that the Sub-Committees would be tested when complaints were received about premises as they had the power to suspend or withdraw licences.

The Magistrates' operate by applying natural justice and unless there was any evidence of misdemeanour this could not be used as a reason for refusal. It was noted that applications had been refused previously where the Licensing Committee, along with the Police, considered there to be the likelihood of problems in the future. However, the Magistrate's operate on evidence only and had on occasions upheld appeals on this basis.

Concern was expressed regarding applicants applying for costs to be paid by the Council when applications were granted on appeal. The Solicitor confirmed that an application could be made for costs from an applicant, however the quality of the evidence submitted would have a bearing on this as there would be an opportunity for cross-examination of the objectors and their evidence would be severely tested.

It was noted that the Police would not provide crime and disorder statistics if they had no representations to make and if members of the public wished to object and refer to these statistics, the onus was upon them to provide the statistics themselves as well as any evidence to back-up their objections. There was some concern that reports to the Police from concerned residents were not always logged as complaints and therefore not recorded as problems. Members of the public who had objected to an application that had been refused, were informed of the date and time if this application went to appeal and Members of the Committee fully endorsed this procedure.

Members felt it would be useful for the Principal Licensing Officer to attend some of the appeals submitted over the first 3 months to the Magistrate's Court and feedback comments to the Committee.

Although it was acknowledged that it would not always be necessary for the Police to attend the Sub-Committees, it was important that the Sub-Committees had the same information as the Magistrates. It was agreed that this was a learning curve for everyone including the Police and that the situation would improve over the next few months once a few meetings had been held.

The time-limiting of the history associated with any particular premises was raised as an issue. It was suggested that this maybe 3 years. The Sub-Committee agreed to leave this issue with the officers to determine.

Members passed on their thanks to officers for the advice and guidance given to them during the whole process.

Decision

The contents of the report were noted.

29. Licensing Act Sub-Committee Membership *(Democratic Services Team Manager)*

Purpose of report

To consider a number of amendments to the membership of the new Licensing Act Sub-Committee.

Issue(s) for consideration by the Committee

At the meeting of the Licensing Act Committee on 7th January, five sub-committees were established. However, there had since been three changes to the Membership of the Committee at Annual Council. Councillors Hall, Richardson and Wallace were appointed to the Committee in place of Councillors Fenwick, Payne and Wistow.

The current membership of the Sub-Committees were detailed in the report with the three new members having been slotted in to enable meetings to be arranged and appropriate training for the new members had been arranged. Councillors Wallace and Richardson indicated that they wished to change their Sub-Committee membership to Sub-Committee 5 and 1 respectively.

It had been noted that Councillor Stephen Belcher had been unable to attend any of the training sessions arranged. It therefore was indicated that it would be ascertained whether he was still available to be a member of this Committee or if he would prefer another Member to be nominated.

Members were asked to ensure that they were available at least 15 minutes

before each Licensing Act Sub-Committee for a short briefing to take place. Members were also informed that a letter would be circulated in order that they could nominate their chosen substitutes from within the membership of the Licensing Act Committee to cover when they were unavailable to attend their allocated Sub-Committee meetings. If the nominated substitutes were not available, Members were referred to minute 3 of the Licensing Act Committee that took place 7th January 2005 in which Councillors Kaiser and Morris had agreed to ensure their availability for all Sub-Committees.

Decision

- i) The following membership on the five Licensing Act Sub-Committees was agreed as follows:

Sub Committee 1 – Councillors Lilley (Chair), Belcher and Richardson

Sub Committee 2 – Councillors Cook (Chair), Cambridge and Rayner.

Sub Committee 3 – Councillors Griffin (Chair), Flintoff and Jackson.

Sub Committee 4 – Councillors Tumilty (Chair), Kaiser and Hall.

Sub Committee 5 – Councillors Rogan (Chair) Dr Morris and Wallace.

- ii) That confirmation of Councillor Stephen Belcher's membership on the Licensing Act Committee would be sought and if necessary, a replacement Member nominated.

STAN KAISER

CHAIRMAN

Report of: Head of Public Protection and Housing

Subject: REVIEW OF IMPLEMENTATION OF LICENSING ACT 2003

1. PURPOSE OF REPORT

- 1.1 To review the implementation of the Licensing Act 2003.

2. BACKGROUND

- 2.1 As Members are aware, the transitional period during which applications for licences under the Licensing Act 2003 could be made, began on 7th February 2005. The closing date for applications for licence conversions was 6th August 2005.
- 2.2 During this six month period a total of 602 licence applications were received by Hartlepool Borough Council. 266 of these were for personal licences and 336 were for premises licences and private clubs certificates.
- 2.3 42 premises and club applications required a Sub-Committee hearing before the licence could be determined.
- 2.4 **Appendix I** provides details of these hearings, including a summary of the nature of the application, Members present and the licence decision.

3. ISSUES

- 3.1 This report is intended to provide Members with an opportunity to review the transitional period, which is now at an end, and consider whether the processes and procedures adopted provided an effective and efficient means of resolving licensing matters.
- 3.2 Members may wish to consider issues such as the adopted committee procedures, format and content of committee reports, decision making process, decision consistency and future arrangements for hearings recognising that the number of new licence applications received will be greatly reduced.
- 3.3 Members may also wish to note that whilst most licence applications have now been determined, new licences must now be prepared and issued to all successful applicants. These licences must comply with a range of statutory requirements and include details of all licensed activities, authorised dates

and times for such activities, relevant mandatory conditions, operating schedule conditions, Member imposed conditions, embedded restrictions brought forward from previous statutes, conditions contained in previous licences and details of the designated Premises Supervisor.

- 3.4 A number of these licences have already been issued, but arrangements are being made for staff to work additional days to ensure all licences are issued prior to the Act's full implementation on 24th November 2005.

4. RECOMMENDATIONS

- 4.1 Members are invited to review the implementation of the Licensing Act 2003.

4.1 Appendix 1

Licensing Act Sub-Committee

Licence Decisions

| Premises | Date | Application Type | Application | Members | Objectors Present | Decision | Latest Hour |
|---|-------------|-------------------------|----------------------------------|--------------------------------|---|--------------------|--------------------|
| 24 Hour Store Raby Road | 16/9/05 | Variation | Hours extension | Lilley Worthy Richardson | 2 interested parties 1 Residents' Assn | Refused | 2300 |
| 42 nd Street Lucan Street | 12/9/05 | Variation | Hours extension | Cook Cambridge Tumilty | Residents' Assn | Granted | 0400 |
| Aarondale Hotel Station Lane | 21/9/05 | Variation | Hours extension Entertainment | Wallace Morris Griffin | None | Granted | 0200 |
| Bar Paris Victoria Road | 13/9/05 | Variation | Hours extension | Tumilty Hall Morris | Planning Noise | Granted | 0400 |
| Bull & Dog Greatham | 2/9/05 | Variation | Hours extension Entertainment | Cook Cambridge Rayner | 9 interested parties | Granted in part | 2300 |
| Coasters Seaton Carew | 21/9/05 | Variation | Hours extension Entertainment | Lilley Richardson Worthy | Planning | Granted | 0400 |
| Club Attitude Park Road | 26/9/05 | Variation | Hours extension | Cook Cambridge Tumilty | Planning | Granted | 0400 |
| Cosmopolitan Middlegate | 20/9/05 | Variation | Hours extension Entertainment | Tumilty Hall Kaiser | Planning | Granted | 0100 |

4.1 Appendix 1

Licensing Act Sub-Committee

Licence Decisions

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|---|---------|--------------------|----------------------------------|--------------------------------|---|--------------------|----------|
| Emporium Victoria Road | 19/9/05 | Variation | Hours extension Entertainment | Lilley Richardson Worthy | Residents' Assn | Granted | 0200 |
| Fens Hotel Catcote Road | 23/8/05 | Variation | Hours extension Entertainment | Tumilty Hall Kaiser | Planning 2 interested parties | Granted in part | Midnight |
| The Globe Northgate | 15/8/05 | Variation | Hours extension Entertainment | Tumilty Hall Kaiser | Noise Health and Safety Planning | Granted in part | Midnight |
| Golden Lion Dunston Road | 16/9/05 | New Application | Sale of Alcohol | Cook Flintoff Griffin | 1 interested party | Granted | 2330 |
| Greensides Stockton Road | 1/8/05 | Variation | Hours extension Entertainment | Morris Rogan Wallace | Noise Health and Safety | Granted in part | 0100 |
| Hartlepool Smallcrafts Assn Commercial Street | 13/9/05 | Variation | Hours extension Entertainment | Griffin Cook Cambridge | Planning | Granted | 0130 |
| Harbour of Refuge Croft Terrace | 13/9/05 | Variation | Hours extension Entertainment | Morris Richardson Rogan | Noise Planning 1 interested party | Granted | 0200 |
| Hillcarter Church Street | 31/8/05 | Variation | Hours extension | Griffin Kaiser Rogan | Police 2 interested parties | Refused | 0200 |

4.1 Appendix 1

Licensing Act Sub-Committee

Licence Decisions

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|---|---------|--------------------|----------------------------------|--------------------------------|---|--------------------|----------|
| Hope and Anchor Greatham | 4/8/05 | Variation | Hours extension Entertainment | Cook Flintoff Griffin | Noise Health and Safety 10 interested parties | Refused | Midnight |
| The Jacksons Tower Street | 25/8/05 | Variation | Hours extension Entertainment | Cambridge Cook Rayner | Health and Safety Noise | Granted | 0200 |
| King John's Tavern South Road | 16/8/05 | Variation | Hours extension | Cook Cambridge Tumilty | Fire Planning 1 Residents Assn | Granted in part | Midnight |
| Loons Victoria Road | 14/9/05 | Variation | Hours extension | Cambridge Cook Rayner | Planning 2 interested parties | Granted | 0400 |
| NALGO Social Club Westbourne Road | 29/7/05 | Variation | Hours extension Entertainment | Hall Kaiser Tumilty | None | Granted | Midnight |
| Olivito's York Road | 16/9/05 | New Application | Late night refreshment | Hall Morris Tumilty | Planning Noise | Granted | 0400 |
| Owton Lodge Stockton Road | 19/8/05 | Variation | Hours extension Entertainment | Griffin Lilley Morris | Planning 2 interested parties | Granted | 0100 |
| Riley's Villiers Street | 22/9/05 | Variation | Hours extension Entertainment | Flintoff Griffin Jackson | Planning | Granted | 0200 |

4.1 Appendix 1

Licensing Act Sub-Committee

Licence Decisions

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|--|---------|--------------------|----------------------------------|---------------------------------|--|--------------------|----------|
| Royal Naval Club Milton Road | 18/8/05 | Variation | Hours extension Entertainment | Hall Kaiser Tumilty | 3 interested parties | Granted | Midnight |
| The Royal Church Street | 3/8/05 | Variation | Hours extension | Morris Rogan Wallace | None | Granted | 0100 |
| Sam's Snooker and Pool Park Road | 12/9/05 | Variation | Hours extension Entertainment | Flintoff Griffin Morris | Planning | Not heard | 2300 |
| Shakespeare Catcote Road | 30/8/05 | Variation | Hours extension Entertainment | Cook Griffin Lilley | 1 interested party | Granted in part | Midnight |
| Siciliano's York Road | 20/9/05 | New Application | Late night refreshment | Cook Cambridge Rayner | Planning Noise | Granted | 0300 |
| Silk's Church Square | 19/9/05 | Variation | Hours extension Entertainment | Cambridge Tumilty Wallace | Noise 2 interested parties | Granted in part | 0400 |
| Smith's Arms Greatham | 26/9/05 | Variation | Hours extension Entertainment | Hall Kaiser Tumilty | Planning Noise 10 interested parties | Mostly refused | 0100 |
| South Durham Social Club Westbourne Road | 4/8/05 | Variation | Hours extension Entertainment | Flintoff Griffin Jackson | None | Granted | Midnight |

4.1 Appendix 1

Licensing Act Sub-Committee

Licence Decisions

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|--|---------|--------------------|----------------------------------|--------------------------------|--|-------------------|----------|
| Stranton Social Club Walden Street | 30/8/05 | Variation | Hours extension Entertainment | Cook Griffin Lilley | None | Granted | Midnight |
| Tasty Bites York Road | 16/9/05 | New Application | Late night refreshment | Griffin Lilley Worthy | Planning Noise | Granted | 0300 |
| Time and Tide Avenue Road | 23/9/05 | Variation | Hours extension | Cook Morris Rayner | Planning Noise 2 interested parties | Mostly refused | 0200 |
| Touchdown West View Road | 26/7/05 | Variation | Hours extension Entertainment | Hall Kaiser Tumilty | None | Granted | 0200 |
| Traveller's Rest Stockton Road | 19/9/05 | Variation | Hours extension Entertainment | Flintoff Griffin Jackson | 2 interested parties | Granted | 0130 |
| Warrior Arms Mowbray Road | 1/8/05 | Variation | Hours extension Entertainment | Cook Kaiser Tumilty | Health and Safety 2 interested parties | Granted | Midnight |
| West End Social Club Murray Street | 26/9/05 | Variation | Hours extension Entertainment | Morris Rogan Wallace | 2 interested parties 2 Residents' Assns | Granted | Midnight |
| White Hart Inn Hart Village | 15/9/05 | Variation | Hours extension Entertainment | Hall Morris Tumilty | 4 interested parties | Granted | Midnight |

4.1 Appendix 1

Licensing Act Sub-Committee

Licence Decisions

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|-------------------------------|---------|-----------|-----------------|-------------------------------|---|---------|----------|
| White House Wooler Road | 25/7/05 | Variation | Hours extension | Cook Kaiser Tumilty | Police Fire Brigade Planning Health and Safety 6 interested parties | Refused | Midnight |
| Woodcutter Kingsley Avenue | 14/7/05 | Variation | Hours extension | Flintoff Griffin Kaiser | 6 interested parties | Refused | Midnight |