

LICENSING SUB-COMMITTEE AGENDA



Wednesday 8th January 2014

at 10.00am

**in Committee Room A,
Civic Centre, Hartlepool**

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Ainslie, Gibbon, Morris and Tempest

- 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 2nd December 2013
- 4. ITEMS FOR INFORMATION**

No items
- 5. ANY OTHER ITEMS THE CHAIR CONSIDERS ARE URGENT**
- 6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**



EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

7. ITEMS FOR DECISION

7.1 Hackney Carriage Drivers Licence SG (para 1) – *Director of Public Health*

8. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIR CONSIDERS ARE URGENT





LICENSING COMMITTEE

Procedure for Contentious Matters Relating To Hackney Carriage/Private Hire Licence Sub Committee

The hearing will be in private and not open to the press or members of the public. The applicant/ appellant will be entitled to be represented by a solicitor or other person.

In advance of the commencement of the meeting (or consideration of an individual case) the Democratic Services Officer shall establish the identity of those present, who they represent and who intends, or wishes, to speak. The officer should also if possible, outline the procedure to the representatives before the meeting commences.

1. Chairman's opening comments.
2. The Democratic Services Officer representative will indicate which parties are present at the meeting and will briefly outline the procedure (if not already done).
3. The Director of Public Health (or representative) will outline the facts, adding any additional information as is necessary.
4. Members of the Committee will have an opportunity to ask any questions of the officer.
5. The Director of Public Health (or representative) will call any further witnesses or persons (including a Police Officer) to comment. Members will again have the opportunity to ask questions.
6. The applicant/appellant (or representative) will then put his/her case.
7. Members of the Committee will have an opportunity to ask any questions of the applicant/ appellant.
8. The applicant/appellant (or nominated representative) may call further witnesses or persons to comment. Members will again have the opportunity to ask questions.
9. All persons other than Committee members will then withdraw whilst the matter is considered and a decision reached.
10. Should members require further information at stage, all parties are to be invited to return.
11. All parties will be recalled to hear the decision of the members.

P.T.O.

12. Should the decision go against the applicant/appellant, he/she will be informed verbally of the right of appeal to the Magistrates Court.
13. The decision will then be communicated to the applicant/appellant in writing as soon as practicable together with details of the right of appeal to the Magistrates Court within 21 days.

NOTES

Members of the Committee should ask only specific relevant questions and avoid debating the issue until all parties have withdrawn.

Only members present during the whole of the hearing should be involved in the decision making process.

An application for adjournment should be granted by the Chairperson at any time during the proceedings, if it is felt that the applicant/appellant is not receiving a fair hearing.

NO CROSS EXAMINATION IS TO TAKE PLACE AT THE MEETING.

Each party is to be allowed to make representation to the Members without interruption.

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

2 DECEMBER 2013

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor Ray Martin-Wells (In the Chair)

Councillor Peter Jackson.

Also Present: Councillor Steve Gibbon as substitute for Councillor Paul Beck
in accordance with Council Procedure Rule 5.2

Officers: Ian Harrison, Principal Trading Standards and Licensing Officer
Tony MacNab, Solicitor
David Cosgrove, Democratic Services Team

28. Apologies for Absence

Councillor Beck.

29. Declarations of interest by Members

None.

30. Confirmation of the minutes of the meeting held on 30 July 2013

Confirmed.

31. Confirmation of the minutes of the meeting held on 27 September 2013

Confirmed.

32. Confirmation of the minutes of the meeting held on 10 October 2013

Confirmed.

33. Confirmation of the minutes of the meeting held on 11 October 2013

Confirmed.

34. Confirmation of the minutes of the meeting held on 17 October 2013

Confirmed.

35 . Application for a New Premises Licence – Melbourne Hotel, 16 Stockton Road, Hartlepool *(Director of Public Health)*

The Principal Trading Standards and Licensing Officer outlined an application received in relation to The Melbourne Hotel on Stockton Road. The applicant, Johnorr Developments Limited, had applied for a licence to allow the following activities: -

Supply of Alcohol	Monday – Sunday	11:00 to midnight
Films	Monday – Sunday	11:00 to midnight
Performance of Dance	Monday – Sunday	11:00 to midnight
Late Night Refreshments	Monday – Sunday	23:00 to midnight

In addition to the above times authorisation was also sought to supply alcohol to Hotel residents between midnight and 11:00 a.m.

The Officer reported that representations to the application had been received from the Ward Councillor, Councillor Hall, and ten local residents. Councillor Hall and three residents were in attendance at the meeting.

The applicant, Mr Morton and his representative, Mr Welling, addressed the Committee setting out their application. The Hotel had been closed for some time and had recently been refurbished by New Deal for Communities (NDC) with the intention that it provide a training base for young people in the hotel and associated trades. Mr Morton indicated that the lease he held for the premises stipulated that such training was a condition of the lease. Mr Morton indicated that the premises would be used as an extension of his premises in Seaton Carew, The Staincliffe Hotel. It was intended that the Melbourne Hotel would be operated as a higher end guest house and small restaurant. The training of young people in the various aspects of the hotel trade would be a key element of the hotel's operation.

Members questioned the applicant in relation to the issues highlighted in the report as concerns expressed by local residents. Mr Morton indicated that it was not anticipated that the operation of the Melbourne Hotel would cause any issues for local residents as there would be no live bands and a

zero tolerance to drugs. Parking for hotel residents would be provided at the rear of the premises as would facilities for smokers.

Local residents' representative Mrs Evelyn Leck who lived in the adjoining property to the Melbourne Hotel, indicated that she had suffered significant disturbance from the previous operations of the hotel through noise and anti-social behaviour. Residents believed that they were in a residential area not a business zone and were concerned at the potential disturbance to families with young children in the immediate area. Mrs Leck referred to past noise issues that had been reported to Environmental Health. Concerns with parking outside the premises were also highlighted, particularly with taxis pulling up onto the pavement when waiting for clients from the hotel.

Councillor Hall also commented on the application in support of the residents. Councillor Hall highlighted the significant differences between the Melbourne Hotel and the Staincliffe Hotel in terms of nearby residences and parking facilities.

Members questioned the objectors to the application seeking clarification as past problems with the hotel. The Chair noted the issues in relation to taxis pulling up on the footpath outside the hotel and asked that a letter be sent to the taxi operators seeking the cessation of such practices.

The Chair then allowed both parties the opportunity to sum up before the Committee retired to consider its decision.

Decision

That after careful consideration of the application and the objections received, the Committee could not find any evidence to assume that the application would not promote the licensing objectives and therefore approved the application in full.

The meeting concluded at 11.20 am

CHAIR