

LICENSING SUB-COMMITTEE AGENDA



Wednesday 12th March 2014

at 2.00pm

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

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Ainslie, 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 14th February 2014 at 2pm
- 3.2 To confirm the minutes of the meeting held on 14th February 2014 at 2.30pm

4. ITEMS FOR INFORMATION

- 4.1 Application to appoint an individual as a designated premises supervisor – the Bull and Dog, Greatham, Hartlepool – *Director of Public Health*

5. ANY OTHER ITEMS THE CHAIR CONSIDERS ARE URGENT



LICENSING ACT 2003

Procedure for Hearings (Licence Reviews)



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. The Director of Public Health shall outline the application, any relevant representations and relevancy to licensing policy and statutory guidance.
3. Members ask any questions of the Director of Public Health.
4. Applicant presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by other responsible authorities/interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible authorities/interested parties and/or their witnesses.
8. Licence holder presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
9. Questions by Members to licence holder and/or applicant's witnesses.
10. Parties may question and clarify issues raised with the consent of the Chair.
11. If required, responsible bodies/interested parties to be given opportunity to sum up.
12. If required, the applicant to be given opportunity to sum up.
13. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
14. Members to go into closed session to deliberate.
15. Chair informs parties of their decision, with reasons.

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

14th February 2014

The meeting commenced at 2.00pm in the Civic Centre, Hartlepool

Present:

Councillor: Ged Hall (In the Chair)

Councillors: Keith Dawkins and Mary Fleet

Also Present:

Councillor Sheila Griffin

Officers: Ian Harrison, Principal Trading Standards and Licensing Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

45. Apologies for Absence

None

46. Declarations of interest by Members

None

47. Confirmation of the minutes of the meeting held on 8th January 2014

Approved

48. Application for a Gaming Machine Permit – The Hungry Horse Public House and Restaurant, Brenda Road, Hartlepool *(Director of Public Health)*

In 2007 members of the Licensing Committee determined that applications for 4 or more gaming machines must be referred to a sub-committee for consideration. An application had been submitted on behalf of Hungry Horse to allow them to provide 4 gaming machines, 3 category C and 1 category D. The Gambling Act 2005 requires that when considering permit applications licensing authorities give consideration to the licensing objectives as follows:

- a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- b. Ensuring that gambling is conducted in a fair and open way
- c. Protecting children and other vulnerable persons from being harmed or exploited by gambling

Permit holders must also comply with the Gambling Commission's Code of Practice in relation to the location and operation of machines. A copy of the Code of Practice was appended to the report

Members were advised that the applicant was unable to attend but had submitted a letter requesting that if members were minded not to approve the application that they adjourn their decision until such time as the applicant was available to put their case in person. The Principal Trading Standards and Licensing Officer noted that the premises had already been granted a licence to sell alcohol and that the gaming machine which had resulted in this application being brought forward to the Sub-Committee was for a crane machine which dispensed stuffed toys as a prize, the lowest scale of gaming machine. Members asked a number of questions relating to the proposed layout of the premises, placement of the gaming machine and whether there had been any complaints from similar venues with gaming machines. The Principal Trading Standards and Licensing Officer confirmed that there had not.

Decision

That the application be granted

The meeting concluded at 2.30pm

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

14th February 2014

The meeting commenced at 2.30pm in the Civic Centre, Hartlepool

Present:

Councillor: Ged Hall (In the Chair)

Councillors: Keith Dawkins, Mary Fleet and Sheila Griffin

Officers: Ian Harrison, Principal Trading Standards and Licensing Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

49. Apologies for Absence

None

50. Declarations of interest by Members

None

51. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved 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) (Variation) Order 2006.

Minute 52 – (Private Hire Drivers Licence PA) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) information relating to the financial or business affairs of a particular person (including the authority holding that information).

52. Private Hire Drivers Licence PA *(Director of Public Health)*

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) information relating to

the financial or business affairs of a particular person (including the authority holding that information).

Members were asked to consider what action, if any, should be taken against a licensed private hire driver. The driver was in attendance and addressed the meeting. Details are provided in the exempt section of the minutes

Decision

Detailed in the exempt section of the minutes

The meeting concluded at 4.15pm.

CHAIR

Report of: Director of Public Health

Subject: APPLICATION TO APPOINT AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR – THE BULL AND DOG, GREATHAM, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an application for the appointment of a new Designated Premises Supervisor for The Bull and Dog Public House, High Street, Greatham, Hartlepool.

2. SUMMARY OF APPLICATIONS

- 2.1 Applicant: Trust Inns Limited

Proposed new Designated Premises Supervisor – Miss Andrea Dent

- 2.2 Trust Inns Limited are the premises licence holder for the Bull and Dog and they have applied to appoint Miss Andrea Dent as the new Designated Premises Supervisor (DPS) for the property.
- 2.3 It is a mandatory condition on all premises licences that alcohol may only be supplied where someone has been appointed as the DPS. The DPS would normally be the person given day to day responsibility for the running of premises by the premises licence holder.

3. BACKGROUND

- 3.1 As required by the Licensing Act 2003, a copy of the application to appoint Miss Dent as the new DPS was served on Cleveland Police. The Licensing Act states that where the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application(s) would undermine the crime prevention licensing objective he must give the Licensing Authority a Notice.
- 3.2 In this case Cleveland Police have given such Notice and therefore the Licensing Authority must hold a hearing to consider the objection and determine whether the application should be granted or rejected. A copy of the Police's objection Notice is attached as **Appendix 1**.

4. ISSUES

- 4.1 An application has been received to appoint Miss Andrea Dent as the Designated Premises Supervisor for the Bull and Dog and Cleveland Police has submitted a formal objection Notice.
- 4.2 The Police Notice states that Miss Dent has previously served as the DPS at two other public houses that have subsequently been the subject of licence reviews 'as a result of Miss Dent's failure to uphold the Licensing Act's licensing objectives'.
- 4.3 A hearing must therefore be held for Members to consider the Notice unless the licensing authority, the applicant and Cleveland Police who gave the Notice, agree that a hearing is unnecessary. At the time of writing this report no such agreement had been reached.
- 4.4 Members must consider the facts detailed in this report and any other evidence presented and take one of the following steps for the promotion of the crime and disorder licensing objective:
 - i) Grant the application
 - ii) Refuse the application
- 4.5 The initial application was received on 30th January 2014 and Miss Dent has been able to act as the DPS for the Bull and Dog since that date. Should the sub-committee reject the application, the role of DPS shall revert back to the previous incumbent.

5. RECOMMENDATIONS

- 5.1 That Members consider the objection submitted by Cleveland Police and any other evidence presented and determine whether to grant or reject the application.

When telephoning please use
(01642) 302160 to contact
Yasmeen Hussain
Yasmeen.hussain@cleveland.pnn.police.uk

7th February 2014

Dear Sirs,

Re:- Application to Vary the DPS from Dale Spooner to Andrea Dent
Bull & Dog, High Street, Greatham, Hartlepool

I write to inform you that Cleveland Police give notice of objection against the variation of the DPS from Dale Spooner to Andrea Dent on the grounds that the exceptional circumstances of the case are such that granting the application would undermine the Crime Prevention Objective. The reasons for the notice are as follows:

(Andrea Dent, previously known as Andrea Watson):

Andrea Dent has been a DPS at The Queen Vic and The Roseworth public house in Stockton-on-Tees. On both occasions Ms Dent has failed uphold the licensing objectives, which resulted in reviews being sought for both premises. Indeed this resulted in both premises being closed.

After leaving the Queen Victoria public house, Ms Dent then went to The Roseberry public house in Stokesley North Yorkshire, as DPS. North Yorkshire police were advised of her previous tenure at The Queen Victoria by Cleveland Police. Representations were made by North Yorkshire Police regarding Ms Dent becoming the DPS, at The Roseberry with supporting evidence from Cleveland Police.

It is of concern to Cleveland Police that given Ms Dent's previous history of running licensed premises has resulted in reviews at the premises. For the above reasons Cleveland Police are satisfied that the Crime Prevention Objective will be undermined.

Ms Dent has signed her consent form, where her home address is The Roseworth Hotel. This is confusing as Cleveland Police understand that The Roseworth Hotel has been demolished for some years.

In the event that this application is not withdrawn, further evidence will be provided by Cleveland Police.

Yours faithfully

Yasmeen Hussain