

Licensing Sub- Committee Hearing

4th April 2014

Members of the Panel:	Councillors Hall (Chair), Dawkins and Fleet
Application Premises:	Inspirations Coffee House, Tanfield Road
Officers present:	Ian Harrison, Principal Trading Standards & Licensing Officer Tony Macnab, Solicitor Jo Stubbs, Democratic Services Officer
Applicant:	Hartlepool Borough Council represented by Karen Oliver with Carole Thelwell
Objectors:	Vera Bradshaw, Caroline Boobyer and Joanne Shaw.
Decision:	
<p>The Licensing Sub-Committee considered an application from Hartlepool Borough Council, represented by Karen Oliver, Facilities Management Manager, for the variation of the premises licence to authorise the sale of alcohol until 9:00 pm 7 days a week instead of 6:30 pm. The application also included the variation of the provision of Recorded music and Live music until 9:00 pm. The initial application was to vary the hours until 11:00 pm on Thursdays, Fridays, Saturdays and Bank Holidays but the hours requested had been reduced at the request of the applicant.</p> <p>The Licensing Authority had received 13 individual objections to the initial application. The representations collectively referred to the potential for all of the licensing objectives to be undermined should the application be granted. Many objectors stated that a licensed premises, offering music and the sale of alcohol would be a nuisance to those visiting cemetery to pay their respect to loved ones. In addition to the individual representations, two petitions objecting to the application had also been submitted with a total of 100 signatories.</p> <p>Ian Harrison, the Principal Trading Standards and Licensing Officer further highlighted that the Planning Committee had approved an application to extend planning permission on 19th December 2013. A number of conditions had been attached to the approval, some of which were relevant to this application for a variation and the objections to it. Mr Harrison advised that these conditions did not allow for music to be played or outside entertainment or functions to take place outside the building after 8.00pm and required that all external doors and windows be kept closed after 8.00pm whilst amplified speech or music was taking place inside the premises.</p> <p>Ms Oliver outlined the application. She said she hoped to allay some of public's fears and anxieties. Since the original licence was granted in June 2013 there had been no complaints from the public. There were no plans to hold external events or have music playing outside, neither was it the intention that the premises should be open until 9pm every night. However they did</p>	

want the flexibility to serve alcohol to patrons during special events and clubs. The premises had previously been an empty shell prone to vandalism but in the last 12 months had transformed into a more attractive venue which had been complimented by many visitors. Ms Oliver acknowledged the moral issues raised by the location of the premises so she would ensure it was not turned into a pub or wine bar so long as she was in charge. There were also strong links with Tanfield Residents Association and a review process in place should the licensing objectives not be met.

Ms Oliver confirmed that the main entrance was at the rear of the premises with the rear entry leading directly into the cemetery. This door was left open during the day so that visitors to the cemetery could gain access but this door was closed at 5pm. There was also a 3ft high hedge to screen the lodge and cemetery offices. The main entrance to Inspirations was located at the rear of the premises where there was fencing and a car park. In terms of fire safety she confirmed that there was a door at the side of the premises and so long as the door could be opened from the inside in an emergency it did not need to remain accessible from the outside.

A Councillor highlighted that access to the cemetery was possible after the gates were closed by jumping over the fence. Ms Oliver disputed whether any Inspirations' clientele would be likely to take such action. Furthermore after 5pm the door leading into the cemetery would be locked so anybody taking such action would not gain entry.

The Chair asked whether there had been any incidents involving the police since the opening of the premises. Ms Oliver advised that there had initially been problems with theft, both at Inspirations and the garden centre, and some damage within the cemetery however a close eye was kept on all the premises by the neighbourhood police and NES who were contracted to secure the town's cemeteries after dark. In addition there was CCTV at the rear of the premises, lighting in the car park and the rear fencing had been renewed.

Vera Bradshaw who had submitted one of the petitions spoke against the application saying it was a public nuisance and disrespectful to the people who were laid to rest there and their families. The increase in traffic would lead to more crime and disorder including car break-ins and the availability of alcohol would result in drunks gaining access to the cemetery and urinating on graves. There would also be an increase in taxis to the area resulting in noise and disruption. She also felt children could be adversely affected by people being drunk and disorderly at a cemetery. Mrs Bradshaw queried security at the cemetery saying she would spend 3 hours there every Saturday and hardly ever saw any security presence. On one occasion security had failed to check round the cemetery before closing up and she had been locked in. Ms Oliver requested that Mrs Bradshaw contact her should this happen again as she had been unaware that this was a problem.

Ms Oliver summed up by repeating her previous assurances that this was not intended to be a pub or a wine bar rather a place people could visit and enjoy. It was intended to cater for families and mature clientele. She would also be happy to close the door leading directly to the cemetery at all times if that would provide some reassurance. Mrs Bradshaw commented that a cemetery was somewhere to pay your respects not enjoy yourself.

The Licensing Sub-Committee considered the application and representations put forward by the Applicant and the oral objection put forward by Mrs Bradshaw and the written representations received by way of objection.

The Licensing Sub-Committee noted that there were no objections from the Police or any other responsible authorities and considered paragraphs 9.11, 9.12, 9.14 and 9.15 of the Licensing Act Guidance.

The Licensing Sub-Committee considered that the licensing objectives would not be undermined by varying the licensed hours as requested.

The Licensing Sub-Committee therefore granted the application for variation.

CHAIR