

LICENSING SUB-COMMITTEE AGENDA



Thursday 29th May 2014

at 9.00am

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

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Beck, Cook, Jackson and Martin-Wells

- 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 4th April 2014
- 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 / Private Hire Drivers Licence DGB (para 1) – *Director of Public Health*
- 7.2 Private Hire Drivers Licence PJR (para 1) – *Director of Public Health*
- 7.3 Hackney Carriage / Private Hire PMB (para 1) – *Director of Public Health*
- 7.4 Hackney Carriage Drivers Licence QR (para 1) – *Director of Public Health*

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



LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

4th April 2014

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

Present:

Councillor: Ged Hall (In the Chair)

Councillors: Keith Dawkins and Mary Fleet

Also present: Councillor Steve Gibbon

Officers: Karen Oliver, Facilities Management Manager
Ian Harrison, Principal Trading Standards and Licensing Officer
Carole Thelwell, Facilities Management Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

Apologies for Absence

None

Declarations of interest by Members

None

Application for variation of a premises licence relating to Inspirations Coffee House, Tanfield Road, Hartlepool *(Director of Public Health)*

An application had been submitted by Hartlepool Borough Council to extend the licensed hours for the sale of alcohol and the playing of recorded and/or live music to 9.00pm. The current licence allowed for these activities between 8.30am and 6.30pm. A copy of the application was appended to the report. The Principal Trading Standards and Licensing Officer highlighted that the original application for a variation had included an extension to 11.00pm on Thursdays, Fridays, Saturday and Bank Holidays for all licensed activities but this had been reduced at the request of the applicant. 13 individual objections and 2 petitions of objection with a total of 100 signatures had been received. There had been no submissions from the police.

The Principal Trading Standards and Licensing Officer further highlighted that Planning Committee had approved an application to extend planning permission on 19th December 2013. A copy of the planning permission was appended to the report. 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. The Chair requested clarification of this. The Principal Trading Standards and Licensing Officer 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.

The Facilities Management Manager spoke on behalf of the variation 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 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 complemented by many visitors. The Facilities Management Manager acknowledged the moral issues raised by the location of the premises but her parents and relatives were also buried in the cemetery 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.

A Councillor queried the current access arrangements for the premises. The Facilities Management Manager 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. A member of the public commented that it was a legal requirement to keep a fire door open however the Facilities Management Manager indicated that 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. The Facilities Management Manager 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 police

since the opening of the premises. The Facilities Management Manager 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 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. Ms Bradshaw queried security at the cemetery saying she would spent 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. The Facilities Management Manager requested that Ms Bradshaw contact her should this happen again as she had been unaware that this was a problem.

The Facilities Management Manager 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. Ms Bradshaw commented that a cemetery was somewhere to pay your respects not enjoy yourself.

Members discussed the application at length in closed session.

Decision

That the application be granted as detailed within the report.

The meeting concluded at 12.40pm

CHAIR

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.

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.