

# LICENSING COMMITTEE AGENDA



**Wednesday 29<sup>th</sup> March 2017**

**at 10.00am**

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

**MEMBERS: LICENSING COMMITTEE:**

Councillors Barclay, Beck, Buchan, Cook, Hall, Hunter, Lawton, Loynes, Morris, Robinson, Sirs and Springer.

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To approve the minutes of the Licensing Committee meeting held on 28<sup>th</sup> September 2016
- 3.2 To approve the minutes of the Licensing Sub-Committee meeting held on 28<sup>th</sup> September 2016
- 3.3 To approve the minutes of the Licensing Sub-Committee meeting held on 18<sup>th</sup> October 2016 at 1.15pm
- 3.4 To approve the minutes of the Licensing Sub-Committee meeting held on 18<sup>th</sup> October 2016 at 2.00pm.
- 3.5 To approve the minutes of the Licensing Sub-Committee meeting held on 21<sup>st</sup> October 2016
- 3.6 To approve the minutes of the Licensing Sub-Committee meeting held on 28<sup>th</sup> October 2016 at 10.00am



- 3.7 To approve the minutes of the Licensing Sub-Committee meeting held on 28<sup>th</sup> October 2016 at 1.00pm

**4. ITEMS REQUIRING DECISION**

- 4.1 Licensing Policy and Early Morning Alcohol Restriction Orders (EMRO's) –  
*Interim Director of Public Health*

**5. ITEMS FOR INFORMATION**

No items

**6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**7. FOR INFORMATION**

Date and time of next meeting to be confirmed



# **LICENSING COMMITTEE**

## **MINUTES AND DECISION RECORD**

28 September 2016

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

**Present:**

Councillor: Brenda Loynes (In the Chair)

Councillors: Allan Barclay, Paul Beck, Bob Buchan, Rob Cook, Gerard Hall,  
Trisha Lawton, George Morris, Jean Robinson and  
George Springer

Officers: Sylvia Pinkney, Head of Public Protection  
Ian Harrison, Trading Standards and Licensing Manager  
Paul Murphy, Road Safety Officer  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

### **11. Apologies for Absence**

Apologies were submitted by Councillor Kaylee Sirs.

### **12. Declarations of interest by Members**

None

### **13. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 23<sup>rd</sup> May 2016**

Minutes approved

### **14. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 28<sup>th</sup> June 2016**

Minutes approved

**15. Confirmation of the minutes of the Licensing Committee meeting held on 13<sup>th</sup> July 2016**

Minutes approved

**16. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 14<sup>th</sup> July 2016**

Minutes approved

**17. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 3<sup>rd</sup> August 2016**

Minutes approved

**18. Taxi Licensing Policy** *(Director of Public Health)*

Hartlepool's Taxi Licensing Policy currently requires drivers to undertake the Driving Standards Agency (DSA) Taxi Test at a cost of £80 to the driver. In August the DSA had informed all licensing authorities that they would be stopping delivery of the test from 31<sup>st</sup> December 2016. Members were advised that the introduction of the Taxi Test in 2011 had coincided with a significant drop in the number of new taxi driver applications. Despite concerns being raised by the Taxi Trade about the impact the test was having members had decided on 2 separate occasions that the test should remain. It was proposed that should a driver testing regime remain a new requirement be added to the policy as follows:

'New drivers must provide evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council, within 12 months of their first licence being granted. Failure to do so would result in a suspension of the licence until the assessment has been successfully completed'

Members queried why new drivers had been reluctant to undertake the DSA test. The Trading Standards and Licensing Manager advised that cost was a factor but of equal importance was a feeling that they should not be required to undertake a test of this nature. Members acknowledged this but felt that it was important for licensed drivers to undertake some form of advanced driving test. The Trading Standards and Licensing Manager indicated that a proposal had been received from Hartlepool's Road Safety Team to offer an alternative test at a provisional cost of £65. This would ensure that the Council's duty of care in relation to road safety was met and that all licensed drivers were safe, competent and understood the rules of the road.

Two drivers were in attendance. Members sought clarification as to why new drivers were reluctant to take the DSA test. The drivers indicated that while cost was an issue the main reason was it took 4-6 months for the test to be administered, during which time they were unable to drive. The Trading Standards and Licensing Manager advised that the proposed Council test would be administered within 2-3 weeks. The proposed requirement that the test be undertaken within 12 months of receipt of a licence would also help.

Members were happy to approve the recommendation to change the wording in the policy but noted that the final decision on the format of the test itself would not come before Committee for final approval until 2017. They expressed concern that new drivers would not be licensed over the Christmas period. The Trading Standards and Licensing Manager confirmed that negotiations as to the format of the proposed Council-run test were still ongoing. However by using the proposed non-specific wording as to the nature of the test and allowing drivers 12 months to complete it new drivers could become licensed immediately. This would give the Road Safety and Licensing teams time to complete negotiations as to the format of the new test. This would be covered by the new wording with no further changes required.

### **Decision**

That the Taxi Licensing Policy be amended as follows:

- In Para 2.2 reference to the DVSA 'Taxi Test' be deleted and replaced with 'Evidence of satisfactory completion of a driving assessment, approved by Hartlepool Borough Council, within 12 months of their first licence being granted. Failure to do so would result in a suspension of the licence until the assessment had been successfully completed'.
- Para 2.26 to be replaced with 'In addition, applicants are required to have passed a driving assessment, approved by Hartlepool Borough Council, and produce the original pass certificate'.

The meeting concluded at 10:40am

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

28<sup>th</sup> September 2016

The meeting commenced at 11.00am in the Civic Centre, Hartlepool

#### **Present:**

Councillor: Brenda Loynes (In the Chair)

Councillor: Rob Cook

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

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

#### **11. Apologies for Absence**

Apologies were submitted by Councillor Kaylee Sirs.

#### **12. Declarations of interest by Members**

None

#### **13. 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 14 – Private Hire Drivers Licence DPC – 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, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

**14. Private Hire Drivers Licence DPC** *(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. Further details are contained in the exempt minutes.

**Decision**

Contained in the exempt minutes

The meeting concluded at 12:35pm

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

18<sup>th</sup> October 2016

The meeting commenced at 1.15pm in the Civic Centre, Hartlepool

#### **Present:**

Councillor: George Morris (In the Chair)

Councillors: Paul Beck and George Springer

Also Present: Councillor Rob Cook as substitute for Councillor Allan Barclay in accordance with Council Procedure Rule 5.2

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

#### **15. Apologies for Absence**

Apologies were submitted by Councillor Allan Barclay

#### **16. Declarations of interest by Members**

None

#### **17. 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 18 – Private Hire Drivers Licence BW – 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, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).



**18. Private Hire Drivers Licence DPC** *(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 an application for a private hire drivers licence. They were informed that the driver in question was unable to attend and asked if they would be happy to defer consideration of the application to a future meeting. Members were happy to approve this.

**Decision**

That consideration of this application be deferred to 28<sup>th</sup> October 2016.

The meeting concluded at 1:20pm.

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

18<sup>th</sup> October 2016

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

**Present:**

Councillor: George Morris (In the Chair)

Councillor: Paul Beck

Also Present: Councillor George Springer as substitute for Councillor Allan Barclay in accordance with Council Procedure Rule 5.2

Officers: Sylvia Pinkney, Head of Public Protection  
Ian Harrison, Trading Standards and Licensing Manager  
Dave Barnfather, Senior Licensing Enforcement Officer  
Josh Maitland, Trading Standards Technical Officer  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **18. Apologies for Absence**

Apologies were submitted by Councillor Allan Barclay

#### **19. Declarations of interest by Members**

None

#### **20. 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 21 – Application for the review of premises licence, 141 Oxford Road, Hartlepool – 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, information relating

to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

**21. Application for the review of premises licence, 141**

**Oxford Road, Hartlepool** (*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 an application for a review of a premises licence in respect of 141 Oxford Road. Further information is provided in the restricted minutes.

**Decision**

Detailed in the restricted minutes.

The meeting concluded at 3:40pm.

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

21<sup>st</sup> October 2016

The meeting commenced at 9.30am in the Civic Centre, Hartlepool

**Present:**

Councillor: Brenda Loynes (In the Chair)

Councillors: Paul Beck, Rob Cook and Dave Hunter

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

#### **22. Apologies for Absence**

None

#### **23. Declarations of interest by Members**

None

#### **24. 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 25 – Hackney Carriage / Private Hire Drivers Licence DH – 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, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

## **25. Hackney Carriage / Private Hire Drivers Licence DH**

*(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 hackney carriage and private hire driver. Further information is provided in the restricted minutes.

### **Decision**

Detailed in the restricted minutes.

The meeting concluded at 12:20pm

CHAIR

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

28<sup>th</sup> October 2016

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

**Present:**

Councillor: Trisha Lawton (In the Chair)

Councillors: Bob Buchan and Jean Robinson

Officers: Sylvia Pinkney, Head of Public Protection  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **26. Apologies for Absence**

None

#### **27. Declarations of interest by Members**

None

#### **28. Application for Variation of Premises Licence – West Hartlepool Rugby Football Club, Catcote Road, Hartlepool** *(Director of Public Health)*

Members were informed that West Hartlepool Rugby Football Club had applied to extend the hours for the provision of alcohol and regulated entertainment to run midday to 11pm Sunday-Thursday and midday to 1am Friday to Saturday. Currently alcohol could not be served until 6pm and there was no regulated entertainment allowed before 7pm. The only exceptions to this were one outdoor event per year on the first Saturday in July and any functions authorised through the Temporary Event Notice (TEN) process. However only 15 TENs could be submitted each year and so far 14 had been submitted for 2016 with the final one set aside for an annual event on Boxing Day.

Dave Picken attended on behalf of the club and explained that the variation had been requested to allow the club to be hired out for private afternoon function such as weddings, funerals and memorial events at which alcohol could be served. The request for a later closing time was to allow regular patrons to stay later and not feel obliged to go on to other venues. He also

felt it looked less than professional to have early last orders when holding regional and national events. There was no intention to open late on a regular basis only for private events.

Two objections to the application had been received. The first from the Council's Planning Department had referred to the lack of planning permission for the new licensing hours. A planning application had since been submitted and was currently in the process of being considered. The second objection had been submitted by Mr and Mrs Lax and related solely to the extension of hours beyond midnight. They felt that it would result in an increase in noise and disturbance later in the evening with drunk patrons passing their property, something they had experienced in the past. Members asked Mr Picken what steps the club would take to mitigate against this. He advised that there were notices on all the exits asking patrons to leave quietly. He also felt that the majority of patrons tended to leave by taxi rather than on foot.

Members considered the application and objections received to it. Further information regarding licensed hours at similar premises was also provided showing a range of hours from 11pm to 2am. The Chair read the following statement:

"The Licensing Sub Committee considered the application and representations put forward by Mr Picken on behalf of the applicant and the written representations received from the local planning authority and 2 residents, Mr and Mrs Lax.

In respect of the representation from the local planning authority Mr Picken confirmed that a planning application had been submitted to extend the hours that the premises are permitted to be open to the public.

In respect of the objections received from Mr and Mrs Lax, the Licensing Sub Committee did not consider that permitting the premises to vary the premises licence to 1am on Friday and Saturday evenings would cause a disturbance to Mr and Mrs Lax.

The Licensing Sub-Committee determined that the licensing objective relating to the prevention of public nuisance would not be undermined by granting the application.

The Licensing Sub-Committee therefore grants the application to vary the premises licence"

### **Decision**

That the application to vary the premises licence be granted.

The meeting concluded at 10.55am.

**CHAIR**

## **LICENSING SUB COMMITTEE**

### **MINUTES AND DECISION RECORD**

28<sup>th</sup> October 2016

The meeting commenced at 1.00pm in the Civic Centre, Hartlepool

#### **Present:**

Councillor: George Morris (In the Chair)

Councillor: Allan Barclay

In accordance with Council Procedure Rule 4.2 Councillor Rob Cook was in attendance as substitute for Councillor George Springer and Councillor Dave Hunter was in attendance as substitute for Councillor Paul Beck.

Officers: Sylvia Pinkney, Head of Public Protection  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

#### **29. Apologies for Absence**

Apologies were submitted by Councillors Paul Beck and George Springer.

#### **30. Declarations of interest by Members**

None

#### **31. 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 32 – Hackney Carriage/Private Hire Drivers Licence TNL – 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, information relating to the financial or business affairs of a particular person (including the authority holding that



information) (para. 1).

Minute 33 – Private Hire Drivers Licence BW – 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, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

### **32. Hackney Carriage/Private Hire Drivers Licence TNL**

*(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 an application for a hackney carriage/private hire drivers licence. Further details are provided in the exempt minutes.

#### **Decision**

Detailed in the exempt minutes.

### **33. Private Hire Drivers Licence BW** *(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 an application for a private hire drivers licence. Further details are provided in the exempt minutes.

#### **Decision**

Detailed in the exempt minutes.

The meeting concluded at 1.55pm.

CHAIR

**LICENSING COMMITTEE**

**29<sup>th</sup> March 2017**



**Report of:** Interim Director of Public Health

**Subject:** LICENSING POLICY AND EARLY MORNING  
ALCOHOL RESTRICTION ORDERS (EMRO's)

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**1. PURPOSE OF REPORT**

- 1.1 To re-consider the feasibility of introducing an Early Morning Alcohol Restriction Order (EMRO).

**2. BACKGROUND**

- 2.1 At a meeting of full Council on 23<sup>rd</sup> February 2017 a motion was presented concerning the potential introduction of an Early Morning Alcohol Restriction Order (EMRO) in Hartlepool.
- 2.2 Council agreed to refer the matter to the Licensing Committee for consideration.
- 2.3 An EMRO requires all alcohol licensed premises, within a designated area, to stop selling alcohol within specified times – for example, an EMRO could be introduced that would prevent premises from selling alcohol in the town centre area between 2:00 a.m. and 6:00 a.m.
- 2.4 The introduction of an EMRO must follow strict procedures, must be evidence based and any final decision to adopt must be made by full Council.
- 2.5 In 2013 Hartlepool became the first Council in the country to formally consider the introduction of an EMRO and evidence was presented from Cleveland Police and the Director of Public Health. A large number of objections were received from local licensees and other interested parties from around the country.
- 2.6 After hearing the evidence, the Licensing Committee determined that it was not appropriate, at that time, to recommend the adoption of an EMRO to full Council on the basis that, whilst it may have a positive impact on the prevention of crime and disorder it would also have a detrimental impact on the economic viability of local businesses. A copy of the Licensing Committee's decision is attached as **Appendix 1**.

- 2.7 Since Hartlepool's decision in 2013, no other licensing authority in the country has adopted an EMRO and, at the time of writing this report, it is believed that there are no EMRO's being actively considered anywhere in the country.
- 2.8 On 6<sup>th</sup> November 2014 the Licensing Committee once again considered the option of an EMRO but determined that no further action should be taken.
- 2.9 In February 2016, following a request by the Safer Hartlepool Partnership (SHP), EMRO's were again considered by the Licensing Committee. As the implementation of an EMRO must be based on evidence, the Committee asked the SHP for evidence of crime and disorder so that the matter could be considered more fully. To date, no such evidence has been presented.

### **3. ISSUES FOR CONSIDERATION**

- 3.1 For a licensing authority to consider the adoption of an EMRO it must first be satisfied that: -
- there are recurring alcohol-related problems in a specific area between midnight and 6:00 a.m.;
  - that an EMRO is the best option to address these problems; and
  - that there is sufficient evidence to demonstrate that an EMRO is appropriate to promote the licensing objectives.
- 3.2 Since the Licensing Act was implemented in 2005 approximately 40% of the late licensed premises in the town centre have closed and violent crime in the area has fallen significantly.
- 3.3 There are currently 14 premises in the town centre area licensed to sell alcohol later than 2:00 a.m. but not everyone makes full use of their permitted hours.
- 3.4 Members will be aware that the current late night culture appears to be one of 'pre-loading' whereby people drink cheap alcohol at home and then travel into the town centre sometime after 11 p.m. – often after midnight.
- 3.5 Anecdotal feedback from the licensed trade and taxi drivers is that business is considerably worse than it was several years ago and that only Saturday night could be classed as a 'busy night'.
- 3.6 No authority in the country has introduced an EMRO and at the time of writing this report there are no EMRO's pending anywhere in the UK.
- 3.7 If Committee was minded to re-consider the introduction of an EMRO it would be necessary to demonstrate that it was appropriate to do so taking into account: -
- the trends in crime and disorder;
  - the evidenced benefit that an EMRO would produce; and
  - the potential negative impact on the local economy (as previously stated by the licensed trade).

3.8 The statutory guidance that accompanies the Licensing Act states that licensing authorities should look to gather evidence from various sources including: -

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots, statistics on local anti-social behaviour offences,
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- capacities of different premises at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

3.9 In addition, the guidance also states that licensing authorities should consider whether any/all of the following steps could be introduced instead of an EMRO: -

- working in partnership with licensed premises on voluntary measures and encouraging the creation of business-led best practice schemes in the area;
- reviewing licences of specific problem premises;
- introducing a Cumulative Impact Policy;
- use of the new closure power in the Anti-social Behaviour, Crime and Policing Act 2014
- use of other mechanisms such as, but not limited to, planning controls, improvement and development of the area, full use of other powers already available and provision of community CCTV.

3.10 Recognising that there are strict procedural rules that must be followed before an EMRO can be introduced, and taking into account the statutory guidance detailed above, it has not been possible to adequately address all of these issues, and to work with partners, since the matter was referred from Council on 23<sup>rd</sup> February. As such, it is therefore proposed that a detailed report be presented to the Licensing Committee when it next meets in June/July 2017.

3.11 As the primary purpose of an EMRO is to reduce crime and disorder it is essential that Cleveland Police fully support the approach and Senior Police officers will be invited to this meeting to answer Member's questions.

#### **4. RISK IMPLICATIONS**

- 4.1 There are no risk implications at this stage

#### **5. FINANCIAL CONSIDERATIONS**

- 5.1 No Implications

#### **6. LEGAL CONSIDERATIONS**

- 6.1 The consideration, adoption and implementation of an EMRO must follow the legal processes detailed in the Licensing Act 2003 and its associated statutory guidance.

#### **7. RECOMMENDATIONS**

- 7.1 That Members note the contents of this report.

#### **8. BACKGROUND PAPERS**

- 8.1 Licensing Committee report and minutes – 7<sup>th</sup> May 2013  
Licensing Committee report and minutes – 6<sup>th</sup> November 2014  
Licensing Committee report and minutes – 24<sup>th</sup> February 2016

#### **9. CONTACT OFFICER**

Dr Paul Edmondson-Jones  
Interim Director of Public Health  
Hartlepool Borough Council  
Tel: 01429 284030  
Paul.Edmondson-Jones@hartlepool.gov.uk

## 4.1 Appendix 1

### Licensing Act Committee Hearing

Tuesday 7<sup>th</sup> May 2013

Members:	Ray Wells (Chair) Paul Beck, Rob Cook, Keith Dawkins, Mary Fleet, Steve Gibbon, Gerard Hall, George Morris and Sylvia Tempest
Purpose of the Hearing:	To consider representations about the likely effect of the making of the proposed Early Morning Alcohol Restriction Order on the promotion of the licensing objectives
Officers present:	Louise Wallace, Director of Public Health Chris Hart, Drug and Alcohol Manager Sylvia Pinkney, Public Protection Manager Ian Harrison, Principal Trading Standards and Licensing Officer Lisa Oldroyd, Community Safety Research and Development Officer Rachel Parker, Community Safety Research Officer Tony MacNab, Solicitor Jo Stubbs, Democratic Services Officer
Others present	<u>Cleveland Police Representatives</u>  Temporary Chief Inspector Lee Rukin Sergeant Jonathan Wrigley PC Andrew Thorpe  <u>National Licensees Representatives</u>  Jim Cathcart, British Beer and Pub Association John Coen, Ford and Warren Nigel Connor and Mark Frankland, J D Wetherspoons John Gaunt and Tim Shield, John Gaunt and Partners Jonathan Smith, Poppleston Allen

## 4.1 Appendix 1

	<p>Rob Summers, Punch Taverns</p> <p><u>Local Publicans</u></p> <p>S Allan, Anthony Andrews, Linda Baker, Richard Coates, Kevin Reid, Darab Rezai, J Smith, Kevin Walker, Michael Walker, Trevor and Debra Wilding</p> <p>Leanne Davis, Durham County Council Pam Rose, Darlington Borough Council</p> <p>T Gilbert and Mark Scott</p>
Decision:	
<p>The Public Protection Manager gave details of the results of the recent public consultation into the making of an Early Morning Alcohol Restriction Order (EMRO) for the town centre area between 2am and 6am. On 17<sup>th</sup> December 2012, following a request from Cleveland Police and the Director of Public Health the Licensing Committee had approved the commencement of a formal 6-week consultation process into an EMRO in the town centre area, defined in the Council's licensing policy as the Cumulative Impact Area (CIA). 13 premises serving alcohol would be affected by this EMRO. 35 representations were received, all of which were appended to the report. Details were given of the statutory guidance surrounding EMROs and various issues for consideration by members. Members were informed of the options available to them following consideration of the evidence.</p> <p>At the commencement of the meeting the Chair read a brief statement as follows:</p> <p>"The purpose of today's meeting is to hear representations concerning the likely effect of making an Early Morning Alcohol Restriction Order on the promotion of the licensing objectives.</p> <p>I would remind everyone that these are: -</p> <p>Prevention of crime and disorder Prevention of public nuisance Public safety Protection of children from harm</p> <p>I am informed that those who submitted representations concerning the process surrounding the initial proposal of the Order were written to and advised that any further submissions concerning the process should be made in writing as they would not be permitted at today's hearing.</p>	

That is not to say that such submissions will not be considered but rather they will be considered under legal advice at a later stage in this process.

In order to ensure that all parties have an opportunity to speak I will be very firm on this point.

Today's hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).

I understand that some parties have indicated that they intend to introduce witnesses to explain certain points so I would ask that you introduce yourself, and your witness, when you are asked to present your representation.

I am mindful that the regulations state that this should take the form of a discussion, led by the authority, and that cross-examination shall not be permitted unless the authority considers that it is required.

If anyone wishes to clarify any points raised by a person who has made representations I ask that they raise their hand and address issues directly to myself as Chair. This may or may not lead to cross examination"

### Cleveland Police

Temporary Chief Inspector Lee Rukin presented the Police case in support of an EMRO which would in his opinion help to combat crime and disorder and promote policing objectives namely to keep people safe, reduce crime and anti-social behaviour and secure financial stability and value for money. Statistical information on crimes in the CIA was given by the Community Safety Research Officer showing that although crime as a whole had fallen since 2005/6 there had been a 12% increase in violent crimes in the CIA between 3am and 6am since 2005, the year in which the Licensing Act and late-night opening came into force. Over a third of crime taking place across Hartlepool between 3am and 6am was happening in the CIA.

Sergeant Wrigley and PC Thorpe went on to give their personal experiences of policing the night-time economy. A number of initiatives had been tried to combat crime and anti-social behaviour in the CIA. These included Direction to Leave notices, drink banning orders, Barred from one, Barred from all, the closure of parts of Church Street to traffic, taxi marshalling and Hartlepool Town Pastors. Temporary Chief Inspector Rukin advised that some of these initiatives had been funded by external sources such as the Safer Hartlepool Partnership and were quite resource intensive in terms of police time and money. Relations between Cleveland Police and the Hartlepool Licensees Association (HLA) were good but not all premises were part of the HLA. In order for police initiatives to work everybody needed to be involved and pushing in the right direction. Temporary Chief Inspector Rukin also explained that the night-time economy was a huge draw on police resources. Although he accepted that this was not part of the licensing objectives it did affect them as without adequate resources on the ground police were unable to promote the licensing objectives as effectively as they might otherwise do. There could also be a knock-on effect on other areas of the town if resources were concentrated on the CIA to the detriment of outlying areas.



The following issues were raised by members:

- Best Bar None – this was a voluntary quality improvement scheme used successfully in Durham. However despite attempts by Licensing officers to introduce the scheme to Hartlepool there had been virtually no interest from licensees in Hartlepool. Temporary Chief Inspector Rukin explained that while the police would support such an initiative Durham already had 2am closing so the areas were not comparable in terms of night-time economy. He also highlighted that Best Bar None was run by the industry rather than the police and had considerable administrative costs attached to it.
- What evidence was there that crime and anti-social behaviour would have occurred had Direction to Leave notices not been issued? Temporary Chief Inspector Rukin indicated that Direction to Leave notices were issued as the result of an incident inside a licensed premises at which the police were not present. Door staff would hand the individual involved over to the police who would secure them and issue a Direction to Leave notice to cover the rest of that weekend. If the individual's behaviour was more extreme they would be arrested but this was seen as a more severe course of action to take.
- How often did police meet with licensees and were there regular meetings? How were the licensing objectives promoted in conjunction with licensees? Sergeant Wrigley reported that officers would visit licensed premises on Friday and Saturday nights. They would then contact individual premises during the first half of the following week to ascertain any problems or concerns. If incidents were found to be ongoing police would arrange a meeting with representatives of the premises in question and an action plan formulated. Only if this had not worked would a review of the conditions on the licence be sought via Licensing Sub-Committee. Temporary Chief Inspector Rukin was of the opinion that granting the EMRO would not damage the licensing industry in Hartlepool. He felt that the drinking culture had changed in recent years with people tending to come out after midnight. Early closing might encourage people to come out earlier and finish at a more sensible time thereby easing the burden on police resources in the early hours.
- If an EMRO was introduced would the number of officers on duty reduce? Temporary Chief Inspector Rukin advised that the same number of officers would be on duty across the town but could be better utilised if they did not have to concentrate on the night-time economy.
- Do the police close establishments following a major incident? A forced closure was only undertaken in extreme circumstances due to the impact on business and the livelihood of the owner and workers. However voluntary closures had happened in the past. Temporary Chief Inspector Rukin was nevertheless satisfied with the powers available to police to close premises should that be deemed necessary.
- Would there be enough officers available to deal with a mass of drinkers

in the Church Street area at 2am? Temporary Chief Inspector Rukin indicated that the police could cope but he was unable to speak for the taxi trade.

- If people were coming out earlier but drinking for the same amount of time would there really be a reduction in anti-social behaviour? Would the problems between 3am and 6am not just be moved to earlier in the night? Temporary Chief Inspector Rukin felt that an EMRO would not fix the problem but was an additional tool. Early closing would encourage people to start drinking in town rather than preloading on cheap alcohol at home and arrive in town already under the influence. Also the police would be better able to protect the public and promote the licensing objectives before 2am
- Was this a problem with police resources rather than promotion of the licensing objectives? Temporary Chief Inspector Rukin reported that police had the maximum amount of resources available to them til 3am. After this they moved onto the nightshift and concentration on the night-time economy meant they could not engage in proactive work elsewhere. He felt this was no longer sustainable

### Director of Public Health

The Director of Public Health reported an increase in alcohol-related injuries and illnesses over the last 10 years. She acknowledged that health was not a licensing objective but felt that the introduction of an EMRO would help alleviate these problems. Later opening hours meant a longer time period to consume alcohol which could lead to a reduction in public safety and a possible increase in harm to the public. Information supplied by the minor injuries unit showed incidents of assault tended to coincide with the night-time economy and a quarter of these incidents could be linked to licensed premises in Hartlepool.

### Local Licensees

Mr Walker, proprietor of the Little Black Book, confirmed that he was against the introduction of an EMRO due to the effect it might have on his business and others. The Police had acknowledged that crime had reduced significantly so this was not an issue in terms of the licensing objectives. He also noted that there had been no study on any specific premises. He asked whether a reduction in hours might not lead to incidents in crime and anti-social behaviour increasing to what they had been 10 years ago before the Licensing Act 2003 had come into force. Temporary Chief Inspector Rukin acknowledged that crime had dropped in the last 10 years but a third of all crime between 3am and 6am was taking place in the CIA. Mr Walker commented that although this was still a smaller number of crimes overall when compared to 10 years ago but Temporary Chief Inspector Rukin commented that one crime was still too many.

Linda Baker, local proprietor of a licensed premises, felt that reducing hours for the sale of alcohol could lead to threats and abuse to bar staff if premises were open but unable to sell alcohol. This could lead to an increase in police call-outs between 2am and 4am. It could also unfairly affect many of her customers

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who would come for a drink at the end of a nightshift. She advised that there had been no incidents in her establishment over the previous 18 months. Temporary Chief Inspector Rukin felt that it would not make economic sense for licensed establishments to open until 4am if their licence to sell alcohol had run out at 2am, although this would be a decision for the proprietors to make. Ms Baker commented that the introduction of an EMRO would probably lead to the closure of her premises altogether as approximately 80% of her trade would be lost.

Darab Rezai, Chair of the Hartlepool Licensees Association (HLA), spoke against the introduction of an EMRO. He noted that the average age of drinkers in Hartlepool was 18-25 so they did not know any different than late night closing. Members of the HLA worked hard to follow the law and support legislation. By reducing licensing hours to 2am people would be tempted to hold parties at private premises such as garages or warehouses using alcohol cheaply bought at supermarkets. Such gatherings would not be controlled in terms of fire safety, noise pollution and CCTV. Mr Rezai also felt that an increase in parties in houses could lead to health and safety problems and that by drinking in front of young children a generation of binge drinkers could be encouraged. He also referred to the comments by Ms Baker regarding staying open past 2am saying that this could lead to drinkers moving from alcohol to legal highs thereby shifting the problem onto another cause. The HLA were fully supportive of the police's efforts to combat crime and anti-social behaviour in the CIA but felt that an EMRO in that area would just push the problems associated with alcohol away from the centre. He would be minded to support a restriction to 3am but felt 2am was a step too far. The HLA would also be happy to implement Best Bar None.

The following issues were raised by members:

- Would earlier opening hours not lead to people coming out earlier thereby spending more money in licensed premises? Mr Rezai advised that people would be more inclined to go to places with later opening hours such as Sunderland. The HLA's attempts to make drinking a more social activity were being stymied by the availability of cheap supermarket alcohol. This combined with a change in hours could encourage the better element to go elsewhere leaving the troublemakers in Hartlepool
- Concerns had been raised about people turning to drugs and children drinking after seeing their parents do so. Both of these were unfair inaccurate statements. Licensees tended to overcharge for soft drinks thereby encouraging people to drink alcohol. Mr Rezai indicated that soft drinks were charged at the same level as alcohol. He also noted that he had been referring to excessive drinking in front of children and commented that the culture of going for a meal with the family no longer existed.
- Were there any particular issues at Mr Rezai's premises? They operated a rigorous dress code and would bar people where necessary.
- What evidence was there that people would go home at 2am and have parties and that this would be detrimental? If such parties were already

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being held what harm would an EMRO do? Mr Rezai indicated it would lead to an increase in private parties and the associated problems

- What help would the HLA need to introduce Best Bar None? Mr Rezai would take this proposal to his members in order to ascertain whether they would support it.
- Could Mr Rezai suggest any other initiatives the police and licensing department could use? Premises tended to use their own individual initiatives such as barring, dress codes and being anti-drugs and anti-binge drinking.
- If an EMRO was introduced to Hartlepool where would drinkers go as an alternative? Middlesbrough, Newcastle and Sunderland were all open late. An EMRO would encourage more people to travel further afield and adversely affecting Hartlepool's night-time economy. A taxi for a large number of people to go out of town did not cost a lot
- What assurances did members have that the HLA would work to reduce crime and disorder? Mr Rezai had been Chair of the organisation for 2 months and had met with Police and Licensing Department Officers. He assured members he was serious about controlling crime and operating venues properly.
- 40% of licensed premises had closed since the introduction of late opening. Why was this? Mr Rezai believed this was a consequence of supermarkets selling alcohol at prices with which licensees could not compete. Members commented that an EMRO would not affect the price of supermarket alcohol but Mr Rezai indicated that it would put more strain on licensed premises as people would not come out any earlier than they do now.
- Was Hartlepool's reputation in terms of alcohol-related crime and anti-social behaviour justified? Mr Rezai recalled how bad things had been when he had first come to Hartlepool in 1986. Since then there had been improvements but the HLA were keen to make the situation even better. He also noted that when crime and anti-social behaviour had been worse there had been no late opening.
- Was every licensee in Hartlepool opposed to an EMRO? Only 2 of the 50 licensees present at a recent HLA meeting had supported an EMRO and Mr Rezai believed that they were now against it.

Members briefly adjourned the meeting. Upon returning the Chair informed those present that based on the evidence provided thus far they were minded not to approve the introduction of an EMRO

### National Licensees

Jonathan Smith from Poppleston Allen spoke on behalf of the Association of Licensed Multiple Retailers and Stonegate. He reminded members that just as when considering whether to grant individual premises a licence there needed

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to be compelling evidence that an EMRO was appropriate. He referred to the statistical information provided by the police which he felt was incomplete in terms of information on times and days of incidents. However these figures did show a 45% reduction in crime in the CIA between 9pm and 6am since 2004/5. This compared to a 43% fall in crime in areas outside the CIA at those times. Therefore there had been more incidents of crime and anti-social behaviour before the introduction of the Licensing Act suggesting that crime had reduced with the longer opening hours. The Police had asserted that this was not a resources issue but he felt that it was. They had also been unable to confirm whether taxis would be able to cope with a mass exodus at 2am. Mr Smith advised on behalf of his clients that they would be happy to work with the police and council on initiatives such as Best Bar None but felt that an EMRO would be unnecessary and inappropriate based on the statistics provided by the police.

Tim Shield from John Gaunt and Partners spoke on behalf of Marstons. Although his company's premises in Hartlepool would not be directly (remove) be affected by an EMRO they felt it would bring no benefit to Hartlepool. In difficult economic times it would have a detrimental impact on licensed premises, taxis and takeaways. Crime in Hartlepool's CIA had dropped by 55% compared to a 28% reduction nationally. He acknowledged resourcing difficulties being experienced by the police but this was not something members could take into consideration when making their decision. It was the police's job to protect law abiding citizens. Mr Shield's clients would be happy to support any proposed initiatives including Best Bar None.

Nigel Conner spoke on behalf of the J D Wetherspoons legal department. He felt that there was a significant economic risk to Hartlepool's licensed premises should an EMRO be adopted. Police had previously said they were reluctant to close premises for one evening but were asking for permission to close all licensed premises every evening after 2am. This would displace any current problems outside the CIA and lead to a concentrated closing time. Without a gradual dispersion a flashpoint could be created which might lead to problems. The Chair of the HLA was committed and Mr Conner's clients would be happy to support him. An EMRO was a powerful tool which should only be used as a last resort.

Rob Summers spoke on behalf of Punch Taverns. Their only affected premises was the Jacksons Arms which had never been the subject of a review and never had any issues with the police, residents or responsible authorities. An EMRO was a blunt instrument which would affect good and bad premises alike. Five premises had been reviewed over the last 20 months and no reductions in hours had been made but now members were suggesting reducing trading hours for all premises. This was disproportionate and inappropriate. The Jacksons Arms was a well run establishment and it would be unfair to reduce their hours. The police would need to juggle their resources better in the future.

Members retired to deliberate their decision. Upon returning the Chair read the following statement:

"Hartlepool Borough Council does not believe that any level of violence or anti social behaviour should be regarded as an acceptable or inevitable

consequence of a vibrant night time economy.

The Licensing Committee recognises the significant improvements that have been made to the town centre in terms of reducing violence but will consider the use of every tool made available to it to make Hartlepool's town centre a safer place to live, work and visit.

The Licensing Committee has considered the representations made by all parties and is satisfied that an Early Morning Alcohol Restriction Order could play a role in reducing violence still further but is mindful of the concerns raised by local licensees that a reduction in opening hours, in the current economic climate, could have serious consequences for the viability of their businesses.

The Licensing Committee has determined NOT to recommend the introduction of an Early Morning Alcohol Restriction Order at the current time but intends to revisit the issue next year to establish whether local licensees, and in particular the Hartlepool Licensees Association, have taken responsibility for continuing the previous improvements including an in-depth look at the Best Bar None scheme.

CHAIR