

LICENSING COMMITTEE AGENDA



Wednesday 26 June 2019

at 2.00pm

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

MEMBERS: LICENSING COMMITTEE:

Councillors Buchan, Cassidy, Fleming, Hall, Hamilton, Hunter, Loynes, Mincher, Prince, Smith, T Richardson and Young.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To approve the minutes of the Licensing Sub-Committee meeting held on 17th January 2019
- 3.2 To approve the minutes of the Licensing Sub-Committee meeting held on 20th February 2019
- 3.3 To approve the minutes of the Licensing Committee meeting held on 20th March 2019
- 3.4 To approve the minutes of the Licensing Sub-Committee meeting held on 9th April 2019
- 3.5 To approve the minutes of the Licensing Sub-Committee meeting held on 16th April 2019
- 3.6 To approve the minutes of the Licensing Sub-Committee meeting held on 9th May 2019
- 3.7 To approve the minutes of the Licensing Sub-Committee meeting held on 20th May 2019



4. ITEMS REQUIRING DECISION

- 4.1 Licensing Sub Committee and Regulatory Sub-Committee Memberships –
Chief Solicitor
- 4.2 House to House Collections – *Assistant Director (Environment and
Neighbourhood Services)*

5. ITEMS FOR INFORMATION

- 5.1 No items

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Date of next meeting – Wednesday 11 September at 10.00am in Committee Room B



LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

17 January 2019

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

Present:

Councillor: Bob Buchan (In the Chair)

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

12. Apologies for Absence

Councillors Lesley Hamilton and Mike Young

13. Declarations of interest by Members

None

14. Application for a new premises licence – Popworld, Victoria Road, Hartlepool *(Assistant Director (Environment and Neighbourhood Services))*

The Trading Standards and Licensing Manager advised those present that the applicant had made a request that the meeting be adjourned to enable them to engage in dialogue with the Police. The Police were fully supportive of this.

Decision

That the meeting be adjourned to a future date.

The meeting concluded at 10:05am

The meeting reconvened at 10.20am on Wednesday 20th March in the Civic Centre, Hartlepool

Present:

Councillor: Mike Young (In the Chair)

Councillors Bob Buchan and Lesley Hamilton

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

23. Apologies for Absence

None

24. Declarations of interest by Members

None

25. Application for a new premises licence – Popworld, Victoria Road, Hartlepool *(Assistant Director (Environment and Neighbourhood Services))*

This meeting had previously been called to consider an application for a new premises licence for Popworld on Victoria Road. Included within it was permission for the premises to be open 7 days a week between 11am and 3am. Cleveland Police had submitted an objection on the grounds of Crime and Disorder and Public Safety and that granting the licence would not be conducive to promoting the 4 main licensing objectives. However before members were due to consider the application an adjournment had been granted to allow the applicant and police to engage in discussions. The Trading Standards and Licensing Manager advised Members that following these discussions Cleveland Police had withdrawn their objections on the basis that a 1 year trial of the proposed opening hours be applied. At the end of said trial the applicant would need to resubmit their application in the normal manner.

A Member queried why a licence past 2am was being allowed when it was Council policy not to grant new licences after that time. The Trading Standards and Licensing Manager confirmed that this was Council policy but could only be implemented if objections to an application had been received. If there were no objections then the application was deemed acceptable and automatically allowed. By withdrawing their objection the police had left the local authority with no choice other than to approve the application albeit on a temporary basis.

The Chair expressed his surprise that the police had withdrawn their objections given the evidence which had been submitted by them. However he was pleased that approval would be subject to a 1-year trial period.

Decision

That consideration of the application for a new premises licence in respect of Popworld be withdrawn in the absence of any objections.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

20th February 2019

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

Present:

Councillor: Dave Hunter (In the Chair)

Councillors: Ged Hall and Tony Richardson

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

20. Apologies for Absence

None.

21. Declarations of interest by Members

None

22. Application for a new premises licence: Hadj's Mini Market, 134 York Road, Hartlepool *(Assistant Director (Environment and Neighbourhood Services))*

The Head of Public Protection informed members that the applicant had been advised of this meeting date and time and had previously indicated uncertainty as to whether they would be able to attend. No further contact had been made by the applicant and they had provided no additional information in support of their application.

Members confirmed that they wished to consider the application in the absence of the applicant.

The application was for a licence to sell alcohol 24 hours a day, 7 days a week. Sales between 11pm and 7am would be through a hatch. Six representations had been received referring to the potential detrimental impact the 24 hour sale of alcohol would have on the Licensing Act's licensing objectives. One of these came from Cleveland Police who had submitted additional evidence to members to support their objection,

including detailed incident reports.

Trevor Bennison, a resident who had submitted an objection, addressed the Committee. He described incidents when he had been walking his dogs early in the morning near the premises and seen drunken people on the streets and he was concerned that the granting of this application would only increase the likelihood of this happening. The part of York Road that the premises were situated on was a residential area with existing problems of anti-social behaviour and granting the licence would only exacerbate those problems.

The Trading Standards and Licensing Manager referred to the Council's licensing policy which stated that licenses before 9am or after 10pm should generally be refused in residential areas. In the absence of any representation from the applicant explaining why members should deviate from this policy he urged them to apply it strictly.

Members considered the application and agreed the following unanimously:

'We have considered the application and representations put forward by Mr Bennison, a local resident, together with representations put forward by Ian Harrison, Trading Standards and Licensing Manager. We have also considered the written representations from 2 other members of the public together with a representation made by a local business. We have also considered at great length the written representations made by Cleveland Police.

We are satisfied that the location of the premises is in a residential area and therefore paragraph 5.14 of the Council's current licensing policy is relevant to the application.

The evidence from the Police demonstrates that the location of the premises is very close to where there have been a number of violent incidents over a 6 month period from 29th July 2018, with all but 1 of the incidents being after 11pm.

The granting of the application for the hours requested would not promote the licensing objectives relating to the prevention of crime and disorder, public safety and the prevention of public nuisance. Mr Bennison's written and oral representations demonstrated that he had witnessed anti-social behaviour before 9am in an area not too far from the premises from persons who he stated were clearly under the influence of alcohol.

In the circumstances we do not consider that the application to supply alcohol 24 hours a day would promote any of the licensing objectives. The applicant had not put forward any representations as to why we should depart from paragraph 5.14 of the licensing policy relating to the licensing of premises in residential areas to provide sales of alcohol for consumption off the premises.

We are however prepared to grant a premises licence for reduced hours which will be from 9am until 10pm every day in accordance with the policy. We consider that this decision is appropriate and proportionate.'

Decision

That the application for a licence for the off sales of alcohol 24 hours a day 7 days a week be refused and that the applicant be given permission to sell alcohol from the premises between 9am and 10pm 7 days a week.

The meeting concluded at 11:20am

CHAIR

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

20th March 2019

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

Present:

Councillor: Mike Young (In the Chair)

Councillors: Councillors Bob Buchan, Tom Cassidy, Rob Cook, Tim Fleming, Ged Hall, Lesley Hamilton and Tony Richardson

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

17. Apologies for Absence

Apologies were submitted by Councillors Paddy Brown and George Morris

18. Declarations of interest by Members

None

19. Confirmation of the minutes of the Licensing sub-Committee meeting held on 4th October 2018

The minutes were approved.

20. Confirmation of the minutes of the Licensing Committee meeting held on 10th October 2018

The minutes were approved.

21. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 12th October 2018

The minutes were approved.

22. Confirmation of the minutes of the meeting held on 22nd October 2019

The minutes were approved.

23. Licensing Sub Committee Memberships *(Chief Solicitor)*

On 31st August 2018 Councillor Paul Beck had resigned from the Council leaving vacancies on Hackney sub-committee 3 and Premises sub-committee 1 (the latter as Chair). Members agreed not to re-appoint to these sub-committees until Council had re-appointed to the main committee. On 25th October 2018 Councillor Tom Cassidy was appointed to Licensing Committee by Council. Following discussions with the Chair and Vice-Chair of Licensing Committee it was agreed that Councillor Cassidy be appointed to the vacant positions. Members were therefore asked to appoint a Chair for Premises Licence sub-committee no 1 from the existing membership of Councillors Barclay, Cassidy and Fleming.

Decision

That Councillor Cassidy's election to Premises Licensing Sub-Committee no 1 and Hackney Carriage Licensing Sub-Committee no 3 be noted.

That Councillor Tim Fleming be appointed as Chair for Premises Licensing Sub-Committee no 1.

24. Taxi Tariffs *(Assistant Director (Environment and Neighbourhood Services))*

Members were advised that at the Annual General Meeting for licensed Hackney carriage owners in February 2019, a proposal was put forward to change the current tariffs. This would include an increase of 30p on all Hackney carriage journeys irrespective of the distance travelled or the time taken and a 50p increase in the surcharge for larger vehicles carrying 5 or more passengers. The proposed new tariff rates were appended to the report. These changes would move Hartlepool from being the fifth cheapest Hackney carriage tariffs in the country to the joint eighth cheapest out of 359 licensing authorities. Drivers were not obliged to charge the new increased rates but could not exceed them. If the new charges were approved a Public Notice would be placed in a local newspaper informing the public. Any objections would be referred back to the Committee before the increases were implemented.

Members noted that these increases only applied to Hackney carriage drivers and questioned whether there were avenues whereby they could also be applied to private hire drivers. The Trading Standards and Licensing Manager advised that licensing authorities had the same level of

control over hackney carriage and private hire drivers other than the pricing structure which was controlled by legislation in the case of private hire drivers. A recent Law Commission investigation had recommended that this continue to be the case, based on the idea that private hire cars must be pre-booked therefore a price can be agreed before the journey begins.

Members were happy to support their request.

Decision

That the adoption of new hackney carriage tariffs as detailed in Appendix 1 be approved.

The meeting concluded at 10:20am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

9 April 2019

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Bob Buchan

In accordance with Council Procedure Rule 4.2 Councillor Mike Young was in attendance as substitute for Councillor George Morris

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

23. Apologies for Absence

Apologies were submitted by Councillors Paddy Brown and George Morris.

24. Declarations of interest by Members

None

25. 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 26 – Private Hire Driver AW – 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 27 – Private Hire Driver BRW – 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 28 – Private Hire Driver PW – 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).

- 26. Private Hire Driver AW** (*Assistant Director (Environment and Neighbourhood Services)*) 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 driver's licence. Further detail is provided within the exempt minutes.

Decision

Detailed within the exempt minutes.

- 27. Private Hire Driver BRW** (*Assistant Director (Environment and Neighbourhood Services)*) 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 driver's licence. Further detail is provided within the exempt minutes.

Decision

Detailed within the exempt minutes

- 28. Private Hire Driver PW** (*Assistant Director (Environment and Neighbourhood Services)*) 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 driver's licence. Further detail is provided within the exempt minutes

Decision

Detailed within the exempt minutes

The meeting concluded at 12:25pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

16th April 2019

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

Present:

Councillor: Mike Young (In the Chair)

Councillors: Bob Buchan and Lesley Hamilton

Officers: Jim Ferguson, Planning and Development Manager
Ian Harrison, Trading Standards and Licensing Manager
Adrian Hurst, Environmental Health Manager
Zoe Craig, Environmental Health Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

29. Apologies for Absence

None

30. Declarations of interest by Members

None

31. Application for the review of a premises licence – The 9 Anchors, 2 The Front, Seaton Carew, Hartlepool (*Assistant Director (Environment and Neighbourhood Services)*)

Members were informed that an application had been made for a review of the premises licence for the 9 Anchors micro-pub in Seaton Carew. The review had been requested by the tenant of the neighbouring property due to problems with noise and anti-social behaviour. The premises licence had originally been granted in February 2017 authorising the sale of alcohol between 10am and 10.40pm 7 days a week with a midnight extension on specific public holidays. It was also noted that on the related planning permission planning conditions included a ban on live music, karaoke or other amplified speech, closing hours of 11pm and soundproofing to a standard approved by the planning authority. In February 2019 Michael Thompson had submitted an application for a review of the licence. Three more representations had subsequently been received from the Council

Environmental Protection Manager and 2 members of the public.

The Planning and Development Manager confirmed that the planning department had received 2 complaints in relation to the premises. The first had been in 2017 relating to live music being played. It had been investigated and advice been given on the restrictions apply. A further complaint regarding live music had been received in early 2019 which had ultimately led to this review application. A number of further allegations of non-compliance with planning conditions had also been received in the submissions to the licence review in late March including failure to adhere to the condition relating to sound proofing. Planning officers were due to visit the premises to clarify if this was the case with the potential of an enforcement report being brought to Planning Committee in the future should this be required. The 9 Anchors Operations Manager, Paul Maull, advised that he had been informed by the Premises Licence Holder that the necessary soundproofing had been installed however he did not have access to any documentation confirming this.

Michael Thompson addressed the sub-committee. He had moved into the first floor flat next door to the premises in November 2018 and had initially experienced no problems. However since then he had noticed the volume of live bands had increased to a point where he could not only hear them but feel the vibrations through his floor. There were also patrons from the premises regularly congregating outside his front door smoking despite their being a designated smoking area on the other side of the premises. Not only was this incredibly intimidating but it had also resulted in bad smells caused by vomiting and tobacco smoke. Mr Thompson had provided video evidence showing large numbers of people outside his flat, smoking and fighting. Mr Thompson referred to an incident when he had been assaulted outside his flat however the Solicitor advised that this was an ongoing legal investigation and as such could not be discussed.

Mr Thompson had submitted a diary showing dates and times live and recorded music had been played loudly through his flat and also detailing when the premises had been open past 11pm. He also submitted video evidence of deliveries being made to the premises whereby barrels were thrown off the lorries and rolled across the pavement and alleyway, damaging the pavements and creating excessive noise. At no time had sandbags or other transportation equipment been used. The lorries were often parked in such a way as to impede the progress of other residents in and out of their properties. He also noted that on one occasion a delivery had been made after 8pm despite the conditions stating deliveries could only take place between 9am and 7pm and provided video evidence of this.

Mr Thompson advised his landlord, Louise Turnbull, had contacted the Premises Licence Holder, Peter Charlton, on Mr Thompson's behalf regarding these problems. Mr Charlton had assured her it would be dealt with but so far nothing had changed.

Mr Thompson was also experiencing criticism and threats as a result of

requesting this review. Details had appeared in the local press and subsequently his name and details had been disseminated on social media alongside false allegations that he wanted to close down the premises and was the sole reason that live acts had stopped playing, despite the fact that live acts should not have been playing in any case had the conditions been followed. The people posting these slanderous allegations on social media had connections to the people running 9 Anchors and had previously contacted Radio Hartlepool, where Mr Thompson works on a voluntary basis, regarding Mr Thompson's application. There had also been an occasion when his mum had been prevented from entering his property by a group of men on Mother's Day. Mr Thompson felt these were bullying tactics designed to evict him from his flat, something which he said would not happen.

Members referred to the Operations Manager's previous assertion that soundproofing had been installed as per the planning conditions. The Operations Manager confirmed the work had been completed and signed off by the planning department. The Planning and Development Manager clarified that they had agreed a scheme but had not signed off that the work had been completed however they would inspect the work to ensure this was the case. The Environmental Health Manager gave detailed information as to the level of soundproofing that had been conditioned in this case. Based on the video footage provided and evidence from the owner of the neighbouring property and the Bar Manager he thought it probable that the required soundproofing had not been installed.

Members asked Mr Thompson what impact this was having on him in terms of his sleep patterns. He advised that his sleep was disturbed on average 5 nights per week. They queried what the response had been when he had approached the premises regarding these issues. He indicated that he had not approached them directly, always through his landlord. However there had been an occasion when he had been approached by the Premises Licence Holder and the Bar Manager, Ms Thornhill, who had asked him to contact her with any issues. He had done so and received assurances that these issues would be resolved but they had not been. His landlord, Ms Turnbull, indicated that she had also been given such assurances but nothing had changed.

The Council's Environmental Health Manager reported that as part of the planning application he had requested a number of conditions including the provision of soundproofing and a designated smoking area and a ban on live music and karaoke.

The Environmental Health Officer read a statement giving details of meetings that had taken place between Council officers and 9 Anchors personnel and a number of visits to Mr Thompson's flat when loud music could be heard clearly. She had also witnessed live performers in the premises, in the presence of the Bar Manager, Ms Turnbull.

Mrs Rogers, the proprietor of the shop next door to the 9 Anchors, spoke in

support of Mr Thompson's application. She confirmed that the walls were paper thin meaning even conversations could be heard clearly. When the premises had first opened problems around patrons congregating outside her property had been minimal however since Summer 2018 this had changed, due in part to the decision to show live football on the premises. There had been an increase in people loitering outside her shop resulting in her having to replace the windowsill due to smokers using it as a seat. This replacement had been funded by the landlord of the shop not the owners of 9 Anchors.

Mr Winter, a relative of Mrs Rogers', noted that the problems now being experienced by Mr Thompson had been evident when the 9 Anchors first started trading. The thin wall had necessitated the use of recorded music within the shop to mask the sound of conversations coming from next door. He noted that the planning conditions required the soundproofing and installation of a designated smoking area to be approved in writing. When he asked if this had been done he had been told he would be charged a fee for this information. He had subsequently contacted his Ward Councillor who had indicated he would request the information and inform Mr Winter of the response. So far Mr Winter had received no further information. He felt that if the conditions as laid down in the planning application had been adhered to this review would not have been necessary and queried whether there needed to be better communication between Council departments.

The 9 Anchors Operations Manager, Paul Maull, was in attendance with the Bar Manager, Lorna Thornhill. Mr Maull started by apologising to Mr Thompson and anyone else that had been affected by the issues referred to during this meeting. He advised that following his employment by the Premises Licence Holder 3 weeks ago he had made a number of changes as follows:

- the cancellation of all live and acoustic acts previously booked at the premises;
- the removal of any advertising or promotions relating to live acts from the 9 Anchors Facebook page;
- a ban on advertising late opening;
- a ban on televised sport being shown on the premises
- additional signage regarding the designated smoking area inside and outside of the premises;
- hourly risk assessments to be carried out by staff inside and outside of the premises;
- patrons congregating outside Mr Thompson's flat to be moved on;
- delivery company to be asked to look at their practices and ensure deliveries are carried out at the designated time using crash mats and trolley

Mr Maull referred to a fight outside the premises before Christmas which had been recorded by Mr Thompson. He advised that this had been due to a large group being refused entry to the premises, which he felt showed due diligence by staff. Members suggested that steps needed to be taken

to prevent large numbers of people being outside the premises at any one time. Mr Maull acknowledged this and suggested that a 'token' system he had used at a previous premises could work here. In terms of the social media backlash against Mr Thompson Mr Maull would be happy to post a statement in support of Mr Thompson on their Facebook page. He would also give Mr Thompson his personal number for use at any time. Mr Maull commented that Mr Charlton had invested significant sums in this premises and Seaton as a whole and hoped to return the 9 Anchors to the 'hidden nugget' it had been previously.

The Bar Manager, Lorna Thornhill, confirmed plans to employ an additional staff member on busy nights. She acknowledged she had booked live acts but said she had been unaware that acoustic acts constituted live music. However the Environmental Health Officer referred to a previous conversation between herself and Ms Thornhill when it had been made clear that live acts included acoustic.

Members expressed their regret that this application had needed to be made at all. They noted the Premises Licence Holder's failure to attend, feeling it was 'cowardly' of him to leave his representatives to answer questions.

Members considered the review application in private. Upon returning the Chair read the following statement:

'We have considered all the evidence both oral and written presented to us today and it appears to us that the failure of the premises licence holder to comply with the planning conditions has contributed to the bringing of this licence review.

The main problems that have been caused by the premises and which have detrimentally affected the applicant are caused by the playing of live and recorded music. The lack of implementation of a suitable noise insulation scheme has exacerbated this problem.

In addition the congregation of patrons standing outside of the applicant's front door causing nuisance and disturbance by smoking, shouting, urinating and vomiting has also detrimentally affected the applicant's quality of life. Evidence of this has also been brought by Mrs Rogers.

The noise complained of by the beer deliveries taking place after 8pm was also a factor affecting the applicant's sleep and quality of life.

We consider that the licensing objectives relating to the prevention of public nuisance would be promoted by imposing conditions on the premises licence.

Under section 177A (4) of the Licensing Act 2003 Hartlepool Borough Council chooses to apply conditions to the provision of music as if such music were regulated entertainment and that the premises licence licenses

such music.

First condition relating to the provision of music is that there shall be no live music played or performed on the premises.

The second condition is that there should be no recorded music allowed to be played on the premises until a sound insulation scheme has been installed to the satisfaction of the Council's Environmental Protection Service.

Section 177A (2) of the Licensing Act does not apply to the above 2 conditions thereby permitting conditions to be imposed in respect of live and recorded music.

We also consider that the following condition will also promote the licensing objective. The licence holder must proactively take steps to ensure that patrons do not congregate outside of the neighbours' property. This must include signage requesting patrons to use the designated smoking area and regular monitoring to ensure that the patrons are complying with the notice.

We consider that the above conditions are appropriate and proportionate for the promotion of the licensing objectives.

This review is not Mr Thompson's fault. It is due to the 9 Anchors failing to comply with the planning conditions that were imposed before the premises opened. The Sub-Committee is satisfied that if the 9 Anchors had complied with their planning obligations we would not be here today. The Sub-Committee expects the 9 Anchors to take every step to ensure that they do not contribute to Mr Thompson being blamed in any way. The 9 Anchors owes Mr Thompson an obligation to ensure he is not vilified in any way in relation to this and we consider this to be an ongoing obligation.'

Decision

That the following conditions be added to the licence:

- i. There shall be no live music played or performed on the premises;
- ii. There shall be no recorded music allowed to be played on the premises until a sound insulation scheme has been installed to the satisfaction of the Council's Environmental Protection Service;
- iii. That the licence holder must proactively take steps to ensure that patrons do not congregate outside of the neighbours property, including signage requesting patrons to use the designated smoking area and regular monitoring to ensure that the patrons are complying with the notice.

The meeting concluded at 1:25pm

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

9th May 2019

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

Present:

Councillor: Ged Hall (In the Chair)

Councillors: Dave Hunter, Lesley Hamilton and Tony Richardson

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

32. Apologies for Absence

None

33. Declarations of interest by Members

None

34. 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 35 – Private Hire Driver 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).

Minute 36 – Private Hire Drivers Licence DS – 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 37 – Private Hire Driver TAW – 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).

- 35. Private Hire Driver DPC** (*Assistant Director (Environment and Neighbourhood Services)*) 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 driver's licence. Further details are provided in the closed minutes.

Decision

Provided in the closed minutes.

- 36. Private Hire Driver DS** (*Assistant Director (Environment and Neighbourhood Services)*) 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 driver's licence. Further details are provided in the closed minutes.

Decision

Provided in the closed minutes.

- 37. Private Hire Driver TAW** (*Assistant Director (Environment and Neighbourhood Services)*) 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 driver's licence. Further details are provided in the closed minutes.

Decision

Provided in the closed minutes.

The meeting concluded at 11.55am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

20 May 2019

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

Present:

Councillor: Mike Young (In the Chair)

Also Present:

In accordance with Council Procedure Rule 5.2 Councillor Dave Hunter was in attendance as substitute for Councillor Lesley Hamilton and Councillor Tim Fleming was in attendance as substitute for Councillor Bob Buchan.

Officers: Ian Harrison, Trading Standards and Licensing Manager
Tony Macnab, Solicitor
Denise Wimpenny, Principal Democratic Services Officer

38. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Buchan and Hamilton.

39. Declarations of interest by Members

None

40. Application for a new premises licence: Rummage and Rootle, *(Assistant Director (Environment and Neighbourhood Services))*

The Trading Standards and Licensing Manager presented the report which sought Members' consideration of an application for a new premises licence in respect of Rummage and Rootle, 67 Brierton Lane, Hartlepool.

The applicant had applied for a licence for the on and off sales of alcohol between 10:00 a.m. and 10:00 p.m. seven days a week. The applicant had stated that the premises to be licensed was her residential home and that she intended to 'compound spirits' for sale to the public.

In addition to other conditions detailed below, Ms Connor has agreed to the following condition being attached to her licence, should it be granted: -

‘There shall be no sales on the premises other than internet sales except at pre booked tasting events of which there shall be no more than two per month of no longer than three hours duration held between the hours of 10:00 a.m. and 10:00 p.m.’

The application had been advertised in the prescribed manner and five representations had been received from residents, four of which were signatories to a letter attached as Appendix 4. One of these signatories submitted an additional representation, attached at Appendix 5 and the final representation was attached as Appendix 6. The representations referred to the potential for anti-social behaviour and nuisance should a premises licence be granted. In addition to the condition agreed by the applicant, the applicant has also agreed a number of additional conditions suggested by Cleveland Police which included the installation of internal CCTV and a Challenge 25 age verification policy. Full details of these additional conditions were attached as Appendix 7.

The Trading Standards and Licensing Manager provided clarification in response to queries raised by Members arising from the report.

The applicant addressed the Committee and provided further detailed information in relation to the proposals. The applicant referred to a number of witnesses, who were in attendance at the hearing, and were introduced to Members. Members were advised that the witnesses in attendance had expressed support of the application, one of whom was a neighbour. The applicant and Trading and Standards Manager responded to questions raised by the Committee.

Mr Hall, a resident who had submitted an objection, addressed the Committee. Concerns were raised around the links between alcohol related crime and anti-social behaviour, that from research undertaken it appeared that other council's were reluctant to approve applications of this type and such activities would normally be carried out from commercial premises as opposed to residential. The objector referred to the potential implications of approving licences of this type which included the potential risks of encouraging other applicants to apply to convert their homes into off sales outlets. Issues in relation to exacerbating parking problems in Tanfield Drive and the cemetery area were highlighted. The applicant provided assurances that the time frame for holding taster sessions would be outside of those times and would not impact on funeral parking arrangements.

All parties left the meeting with the exception of the Council's Solicitor, Principal Democratic Services Officer and Elected Members to allow Members to deliberate. Members considered the application in closed session and unanimously agreed the following which was subsequently announced:-

“We have considered the application in great detail and listened to the representations put forward by Mr Hall and written representations

received.

We consider that the licensing objectives relating to the prevention of crime and disorder and public nuisance would not be promoted by licensing the proposed taster sessions. We do not consider that these are appropriate in a residential property.

We grant the application in all other respects restricted to off sales only.

The conditions relating to the proposed taster sessions shall not apply.”

Decision

That the application for a premises licence for off sales only be approved.

The meeting concluded at 12.10 pm.

CHAIR

LICENSING COMMITTEE

26 June 2019



Report of: Chief Solicitor

Subject: LICENSING SUB-COMMITTEE AND REGULATORY SUB-COMMITTEE MEMBERSHIPS

1. PURPOSE OF REPORT

- 1.1 To re-appoint and fill vacancies on the Licensing Sub-Committees and Regulatory Sub-Committees

2. BACKGROUND

- 2.1 There are four licensing sub committees of three members dedicated to considering licences for premises and three regulatory sub committees of four members dedicated to considering licences for hackney carriage and private hire drivers.
- 2.2 The following proposed sub committee memberships are set out for Members consideration / discussion.

Licensing Sub Committees for premises licences: -

1. Dave Hunter (Chair), David Mincher, Tony Richardson
2. Brenda Loynes (Chair), Tim Fleming, Amy Prince
3. Mike Young (Chair), Tom Cassidy, Lesley Hamilton
4. Bob Buchan (Chair), Ged Hall, Leisa Smith

Regulatory Sub Committees (formerly Licensing Sub Committees for hackney carriage and private hire licences): -

1. Tony Richardson (Chair), Dave Hunter, Leisa Smith, Mike Young
2. Tim Fleming (Chair), Tom Cassidy, Brenda Loynes, Amy Prince
3. Ged Hall (Chair), Bob Buchan, Lesley Hamilton, David Mincher

While it is accepted that political balance is difficult to maintain on sub committees of three, there should at least be two groups represented on each sub committee. The proposals set out meet that requirement as far as practicable.

3. LEGAL CONSIDERATIONS

- 3.1 The Local Government and Housing Act, 1989, requires 'as far as practicable' that a local authority allocates seats on Committees and Sub Committees in the same proportion to reflect the number of Members in each political group to the overall membership of the authority. It is therefore open to the Licensing Committee to agree the composition (in this case) of its Sub Committees which departs from the above principle, where it is appropriate and practicable to do so. This would apply where the nominations received required the various Sub Committees to have a 'disproportionate' number of Members from the same political group, in order to allow its business to be transacted.

4. RECOMMENDATION

The Committee is requested to consider and agree the Sub Committee memberships set out above.

5. REASONS FOR RECOMMENDATIONS

Without the vacancies being filled the Sub Committees cannot operate properly as a minimum of three members need to be present as a statutory requirement.

6. BACKGROUND PAPERS

Licensing Act Committee Minutes 7 January 2005
Licensing Committee Minutes 15 March 2006
Extraordinary Council Minutes 6 March 2013

7. CONTACT OFFICER

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LICENSING COMMITTEE

26th June 2019



Report of: Assistant Director (Environment & Neighbourhood Services)

Subject: HOUSE TO HOUSE COLLECTIONS

1. PURPOSE OF REPORT

1.1 To consider an application for a House to House Collection licence for Deivydas Kristopaitis.

2. BACKGROUND

2.1 By virtue of the House to House Collections Act 1939 and the House to House Regulations 1947 anyone wishing to carry out a house to house collection for charitable purposes must first obtain a licence from the local authority.

2.2 House to house collections regularly take place in Hartlepool and typically involve the unsolicited delivery of plastic bags to local residents asking for donations of clothing and other items such as books, shoes or anything of value in order to benefit a good cause or charity.

2.3 Residents are asked to leave bags of donations on the street or doorstep which are then collected and transported to regional centres where they are sorted and sold for a profit.

2.4 If the charity has engaged a commercial collection company the costs of the collection will be recovered from the proceeds and the remainder will be regarded as 'profit'. If collection costs are high, the amount of profit will be low. The profit, or sometimes a proportion of the profit, is then donated to the good cause.

- 2.5 A House to House Collection licence must be granted by a licensing authority unless it believes there are grounds to refuse it. The grounds for refusal are as follows: -
- i. That the total amount likely to be applied to the charitable purpose as a result of the collection is inadequate in proportion to the value of proceeds likely to be received
 - ii. That remuneration that will be retained or received is excessive
 - iii. That granting the licence would facilitate the commission of an offence under the Vagrancy Act
 - iv. That the applicant is unfit due to previous criminal convictions
 - v. That the applicant has failed to ensure that the persons conducting the collection are fit and proper
 - vi. That the applicant has failed to supply the local authority with relevant information
- 2.6 In April 2011, following a significant increase in the number of collections being requested and, in some instances, the very low amount of benefit that was being received by the good causes, the issue of house to house collections was considered by the Licensing Committee.
- 2.7 The Committee determined to introduce a policy that states that for an application to be approved, the applicant must be able to demonstrate that either: -
- i. A minimum of 75% of the proceeds (not the profits) of the collection are donated to the good cause, or
 - ii. That, where the percentage is less than 75%, the collection bag or collection leaflet clearly and prominently states the percentage that will be donated (in order for the consumer to make an informed choice about whether to donate).
- 2.8 The Committee also stated an applicant who was unable to comply with the above policy could request an exemption from it by attending a Committee meeting and explaining why such an exemption was appropriate for them.
- 2.9 An application for a House to House Collection licence has been made by Deivydas Kristopaitis who is acting as a collector on behalf of The Coastguard Association.
- 2.10 The applicant has stated that they cannot comply with Hartlepool's requirements as detailed above as they make a flat £100 donation to the Coastguard Association for every tonne of goods collected, regardless of the realisable value of the goods donated.
- 2.11 As the applicant cannot comply with the Council's policy, they have asked to attend the Licensing Committee to explain why an exemption is appropriate to them.

3. PROPOSALS

- 3.1 Hartlepool's current House to House collection policy states that an applicant for a licence must be able to demonstrate that either: -
- i. A minimum of 75% of the proceeds (not the profits) of the collection are donated to the good cause, or
 - ii. That, where the percentage is less than 75%, the collection bag or collection leaflet clearly and prominently states the percentage that will be donated.
- 3.2 Following consideration of any comments the applicant makes, it is for the Licensing Committee to determine whether the Council's policy, as detailed above, should be deviated from and a House to House Collection licence granted.

4. RECOMMENDATIONS

- 4.1 That Members refuse the application for a House to House Collections licence unless they are satisfied that it would be appropriate, in the circumstances, to deviate from the current House to House Collections policy.

5. REASONS FOR RECOMMENDATIONS

- 5.1 Hartlepool Borough Council's Licensing Committee approved a policy for the licensing of House to House collections in 2011 and it is for the Licensing Committee to determine whether the current policy should be deviated from.

6. BACKGROUND PAPERS

- 6.1 Licensing Committee report and minutes – 13th April 2011

7. CONTACT OFFICER

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