

LICENSING COMMITTEE

AGENDA



Thursday 1 October 2020

at 10.00 am

in the Civic Centre, Hartlepool.

PLEASE NOTE: this will be a 'remote online meeting', a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.

MEMBERS OF LICENSING COMMITTEE:

Councillors Brown, Buchan, Cassidy, Fleming, Hall, Hamilton, Hunter, Loynes, Prince, C Richardson, Smith and Stokell

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To Confirm the Minutes of the Licensing Committee Meeting held on 4th December 2019

3.2 To confirm the Minutes of the Regulatory Sub-Committee held on 14th January 2020

3.3 To confirm the Minutes of the Licensing Sub-Committee held on 13th February 2020

3.4 To confirm the Minutes of the Licensing Sub-Committee held on 3rd July 2020

4. ITEMS REQUIRING DECISION

4.1 Licensing Sub-Committee and Regulatory Sub-Committee Memberships – *Chief Solicitor*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

- 4.2 Licensing Act – Statement of Licensing Principles – *Assistant Director
(Regulatory Services)*

5. ITEMS FOR INFORMATION

No items

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



LICENSING COMMITTEE

MINUTES AND DECISION RECORD

4 DECEMBER 2019

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

Present:

Councillor Tony Richardson (In the Chair)

Councillors: Tom Cassidy, Tim Fleming, Brenda Loynes, David Mincher,
Amy Prince, Ged Hall and Leisa Smith.

Also Present: Taxi Driver/Owners – David Wilson, Michael Amerigo,
Neil Handisides and Trevor Harker.

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

11. Apologies for Absence

Councillor Bob Buchan.

12. Declarations of interest by Members

Councillor Leisa Smith declared a personal interest as the holder of a private hire driver's licence.

13. Confirmation of the minutes of the meeting held on 11 September 2019

Confirmed.

14. Minutes of the meeting of the Regulatory Sub Committee held on 9 October 2019

Approved.

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

The Principal Democratic Services Officer reported that Councillor Mike Young has relinquished his seat on the Licensing Committee and Councillor Johnson was appointed by Council to Licensing Committee on 12th September 2019. This required some changes to two of the Committees sub committees.

It was proposed that Councillor Johnson replace Councillor Young on Licensing Committee No. 3 and Regulatory Sub Committee No.1. There would also need to be a new Chair appointed to Licensing Committee No. 3 from the revised membership of Councillors Tom Cassidy, Lesley Hamilton and Ann Johnson. A Member did refer to the lack of attendance of some of the Members of the Committee.

Decision

1. That Councillor Johnson be appointed to Licensing Sub-Committee No. 3 and Regulatory Sub Committee No. 1.
2. That Councillor Cassidy be appointed as Chair of Licensing Sub-Committee No. 3.

16. Taxi Licensing Policy *(Assistant Director, Environment and Neighbourhood Services)*

The Trading Standards and Licensing Manager presented the report outlining the proposed amendments to the Council's Taxi Licensing Policy to Members. There were three significant amendments to the policy proposed at the previous meeting of the Committee (Minute no. 9 refers). The report set out the results of the consultation on the overall policy document and specifically the three main changes.

The three significant amendments were: -

1. A change to the mandatory colour scheme for hackney carriages – from yellow to white.
2. A change to the vehicle age policy used to determine what vehicles could, and could not, be licensed.
3. A requirement for all taxi drivers to undertake an annual criminal records check.

The Trading Standards and Licensing Manager dealt with the three main proposed amendments to the policy in turn.

1. Mandatory Colour Scheme

It had been proposed that the colour of all newly registered hackney carriages be changed from AA yellow to white. There had been a petition

received from a number of hackney carriage owners proposing a change from yellow, though the consultation results now showed that a large proportion of those that originally had called for the change had changed their mind. The consultation now showed that 49% of vehicle owners wanted to stay yellow. The public response to the consultation on the mandatory colour was very clear in support of retaining yellow (71.46% of the 827 people who responded).

Members noted in particular the change in views of the owners on the issue of the colour of vehicles. The cost of respraying vehicles had been an issue discussed previously but in the intervening time between the September meeting and this meeting a Member indicated that taxi drivers had confirmed that a vehicle could be re-sprayed for around £300, much cheaper than the £1500 quoted at the September meeting.

A representative from Blueline Taxis, Mr David Wilson, addressed the Committee in support of the change of the mandatory colour to white. Mr Wilson considered the mandatory colour an unnecessary cost and in relation to the costs quoted in the meeting stated that owners spending more on new vehicles were likely to spend more on a quality respray. Mr Wilson went on to argue that many licensed vehicles already did not meet the current policy in that internal door posts were not yellow.

Mr Wilson indicated that other licensing authorities in the north east had a range of different requirements with Sunderland opting for white and Northumberland setting no colour requirement at all. Mr Wilson considered there was no statutory requirement for a designated colour, it provided no higher safeguard and could be seen as an unnecessary regulatory burden on Hartlepool taxi owners.

Members commented that even change to white may require some vehicles to be resprayed and there would be a consequential discussion on what 'white' was appropriate. There was discussion around the use of vehicle signage to designate hackney carriages and also the concerns expressed by some operators that some contract clients preferred not to use yellow cabs.

A Member commented that for lone women and the vulnerable, the yellow colour of hackney carriages was readily identifiable and provided an element of safety, particularly when travelling late at night. Changing the colour could lead to people with learning disabilities, for example, trying to flag down any car they saw or simply not going out.

Other driver/owners present at the meeting raised concerns around the type of white that may be designated and questioned if it would be any manufacturers white. One driver commented that most drivers simply followed the rules set for them despite, at times, the costs associated with them. Most drivers had indicated that they were happy with yellow despite the need for the respray as it allowed them to simply buy the cheapest vehicle.

The issue of corporate accounts was also discussed further with Blueline having submitted a letter to the Committee stating that they had corporate accounts had stated that the company was not to use yellow cabs on their journeys. Other drivers at the meeting stated that this had not been an issue for them but did comment that the majority of corporate accounts were held by private hire operators/drivers.

2. Vehicle age policy

The Trading Standards and Licensing Manager reported that there were discussions both nationally and regionally on a number of taxi licensing issues and one that seemed to be gaining serious traction was the introduction of national minimum standards for vehicles. Since deregulation allowed drivers to operate anywhere in the country (with certain restrictions) there were incidents of some operators 'shopping around' for the cheapest fees or lowest standards then applying for licences. The introduction of national minimum standards for vehicles would address this issue to some measure.

Local authorities were also having to deal with issues around air quality and pollution so addressing licensed vehicles to ensure they were as 'clean' as possible was inevitable. There had been broad agreement across the region for each authority to introduce similar standards and one such standard was the Euro 6 vehicle emissions standard. It was proposed that Euro 6 standard be introduced across the north east region as a minimum standard for all licensed vehicles by April 2023.

At present 23% of the current licensed fleet were Euro 5 standard or lower. The policy, therefore, proposed a strict eight year age policy to ensure that all vehicles met or exceeded Euro 6 standard or better. The consultation responses did not, however, support such a move with owners and drivers preferring the current policy of six years and indefinitely thereafter if the vehicle has been exceptionally well maintained throughout its lifetime. There were also some calls for increasing the age of vehicles that could be licensed.

There was lengthy debate around this issue with views both for and against the new policy. The Trading Standards and Licensing Manager indicated that one of the reasons for including the new standard and age policy now was to give owners a three year lead-in to the new standard's introduction. There were suggestions that the introduction of the proposal should be delayed until all north east councils had agreed a standard. Members did acknowledge that the issue of emissions and pollution was not going to go away and did need to be tackled.

3. Annual criminal records check

The Trading Standards and Licensing Manager outlined the proposal to change the frequency of taxi driver criminal record checks following some

changes to the regulations and Police practices. The new policy would require drivers to provide an Enhanced DBS certificate to the licensing authority every 12 months. As the cost of each such certificate is £44, it was recognised that this would create a significant additional financial burden for drivers and, as such, it was proposed that drivers be encouraged to enrol on the DBS 'Update Service'. The Update Service allows for drivers to pay an annual fee of £13 and for which, in return, their DBS history can be viewed at any time, on line, for no additional cost. Provided that the annual fee continues to be paid, a driver's criminal record can be checked by a licensing authority without the need for further DBS certificates. The feedback from the consultation was that there were no objections to this proposal with the majority of drivers agreeing with the change.

The Committee moved on to discuss the recommendation in the report to approve the revised policy document. The Trading Standards and Licensing Manager indicated that Members could adopt the policy in its entirety or if they had concerns about any of the suggested changes, the principle issue of debate being the mandatory colour of hackney carriage vehicles, they could instruct officers to seek legal opinion on whether the policy was sound and did not contain any 'unnecessary burdens' as had been suggested in the meeting. A Member proposed, and it was seconded and subsequently agreed by the Committee, that it should move into 'closed session' to discuss the issue of legal advice.

Decision

That the meeting consider further the potential need for legal advice.

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 – Taxi Licensing Policy – 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 11) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

18. Taxi Licensing Policy (*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 11)

Members considered the issues raised in debate above at further length together with issues around legal advice before reaching a conclusion on the recommendation.

The meeting returned to open session.

Decision

In considering all the issues raised in the revised Taxi Licensing Policy and specifically the change of the mandatory colour, the Licensing Committee believes that retaining the current Yellow is not an unnecessary burden on business but instead was a balanced approach to promote the protection of the public.

The Committee, therefore, approved unanimously the revised Taxi Licensing Policy as submitted.

17. Any Other Items which the Chairman Considers are Urgent

None.

The Committee noted that the next meeting would be held on Wednesday 4 March 2020 commencing at 10.00 am in the Civic Centre, Hartlepool.

The meeting concluded at 12.20 pm.

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

14th January 2020

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

Present:

Councillor: Tony Richardson (In the Chair)

Councillors: Ann Johnson and Leisa Smith

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

18. Apologies for Absence

Apologies were submitted by Councillor Dave Hunter.

19. Declarations of interest by Members

Councillor Leisa Smith advised that she holds a private hire licence.

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 – Hackney Carriage Drivers Licence MY – 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).

Hackney Carriage Drivers Licence MY (*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 new hackney carriage driver's licence. Further details are provided in the closed minutes.

Decision

Details provided in the closed minutes.

The meeting concluded at 11.15am.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

13th February 2020

The meeting commenced at 11.30am in the Civic Centre, Hartlepool

Present:

Councillor: Tom Cassidy (In the Chair)

Councillors: Lesley Hamilton and Ann Johnson

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

5. Apologies for Absence

None

6. Declarations of interest by Members

None

7. Application for a new premises licence: 141 Oxford Road *(Assistant Director (Environment and Neighbourhood Services))*

Members were asked to consider a new premises licence in respect of 141 Oxford Road. The premises had previously been licensed to sell alcohol but in 2016 that licence had been revoked by a Licensing Committee following numerous sales and seizures of counterfeit tobacco. The identity of the owner of the business at that time had never been established while the owner of the property was the applicant's brother. The applicant, Sultan Goher, was now requesting authorisation to sell alcohol 7 days a week between 9am and 10pm. 2 objections to this request had been submitted by local residents, referring to the potential impact of granting the licence on the licensing objectives of prevention of crime and disorder, prevention of public nuisance and protection of children from harm. The applicant had offered to install a comprehensive CCTV system at the premises and instigate a 'Challenge 25' age verification policy. It was also noted that there were 3 other premises in the vicinity licensed to sell alcohol until 11pm.

Mr Goher was present and addressed the Committee. He was accompanied by Mr Badar, a friend. Mr Goher advised that he had run the premises very successfully for a number of years and the problems with counterfeit tobacco had only occurred when he had rented it out to other tenants due to ill health. The revocation of the licence in 2016 had left the business financially unviable and by reapplying for a licence he hoped to bring the shop back in use, potentially through partnership with a franchise.

Members noted the objections made reference to problems with anti-social behaviour in the vicinity and the cuts in police services, asking Mr Goher how he intended to challenge this. Mr Goher advised that he knew most young people in the area personally and could use these relationships to persuade against anti-social behaviour. He also highlighted that other premises in the area were able to sell alcohol later than he was requesting. The Trading Standards and Licensing Manager reminded Mr Goher that the conditions attached to the licence required him to discourage groups loitering around the premises.

Members referred to previous problems with sale of counterfeit tobacco and asked what assurances Mr Goher could give that he would run the business legitimately. He indicated that during his previous tenure of the business trading standards had visited on a number of occasions and found no problems. Members asked how Mr Goher hoped to enhance the reputation of the premises given the previous issues. Mr Goher referred to his closeness to the community which he hoped would help dispel any concerns. He confirmed that he intended to run the premises himself ultimately in partnership with a franchise.

Mr Goher, Mr Badar and the Trading Standards and Licensing Manager left the meeting. Members considered the application. They noted the objections regarding the undermining of the licensing objectives but also noted that the police had not objected to the granting of the licence and had supplied no evidence of anti-social behaviour in the vicinity. They acknowledged the previous problems but accepted that these had not occurred during Mr Goher's tenure. Members referred to the placement of the CCTV cameras inside and outside the premises, specifically the lack of focus on the section storing the alcohol.

Mr Goher, Mr Badar and the Trading Standards and Licensing Manager returned to the meeting. Mr Goher advised that the cameras could be refocused to specific areas at any time while the Trading Standards and Licensing Manager confirmed that licensing officers would visit the premises within the first month to ensure all conditions were being adhered to.

Mr Goher, Mr Badar and the Trading Standards and Licensing Manager left the meeting. The Solicitor confirmed that the number and placement of CCTV cameras had been agreed between the applicant, Police and Trading Standards.

Mr Goher, Mr Badar and the Trading Standards and Licensing Manager returned to the meeting. The Chair read out the following statement:

‘We considered the application and representations put forward by the applicant and the written representations received from 2 residents by way of objection.

We consider that the applicant was able to allay the objectors concerns and that the licensing objectives would not be undermined by the granting of the licence.

We therefore grant the application in its entirety.’

Decision

That the application be approved in its entirety.

The meeting concluded at 12:45pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

3 July 2020

The meeting commenced at 10.00 am and was an online remote meeting in compliance with the Council Procedure Rules Relating to the holding of Remote Meetings and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present:

Councillor: Tim Fleming

In accordance with Council Procedure Rule 4.2 Councillor Bob Buchan was in attendance as substitute for Councillor Brenda Loynes and Councillor Paddy Brown was in attendance as substitute for Councillor Amy Prince

Also present: Councillor Tony Richardson
Amanda Fletcher, Applicant
Andrew Teate, Solicitor for the Applicant
Tom Crowley and Judith Godfrey, Residents

Officers: Sylvia Pinkney, Interim Assistant Director (Regulatory Services)
Ian Harrison, Acting Community Safety Operations Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Jane Kett, Environmental Health Manager (Commercial)
Rachael Readman, Trading Standards and Licensing Manager
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

1. Appointment of Chair

Councillor Tim Fleming was appointed as Chair for this meeting.

2. Apologies

Apologies were submitted by Councillors Brenda Loynes and Amy Prince.

3. Declarations of interest by Members

None

4. Application for a new premises licence: The Staincliffe Hotel, The Cliff, Seaton Carew *(Interim Assistant Director (Regulatory Services))*

An application had been submitted for a new premises licence in respect of The Staincliffe Hotel in Seaton Carew. The applicant had previously been granted a 12 month licence in June 2019 following a licensing hearing and a new licence was therefore required to allow licensable activities to continue. Following the advertising of this application 5 representations had been received from responsible bodies along with a letter of objection signed by 11 residents of Cliffe Court. These representations referred to the applicant's failure to comply with certain conditions applied to the previous licence including fire safety requirements and the facilitation of regular meetings between the applicant, responsible authorities and local residents. Neither of these conditions had been met satisfactorily. There were also concerns regarding the applicant's failure to manage waste (rubbish) correctly which had resulted in 2 abatement notices under the Environmental Protection Act 1990. Details were given of conditions which had already been agreed between the applicant and Cleveland Police for addition to the licence should it be granted. Those responsible authorities which had submitted objections to the application had also put forward conditions to be added to the licence in the event that the licence was granted.

Andrew Teate, the Solicitor for the Applicant, spoke in favour of the application, saying the future of the hotel depended on it. He advised that the applicant, Ms Fletcher, would withdraw her interest in the hotel if a licence to sell alcohol was not granted which would result in unintended consequences including staff redundancies and the premises being boarded up with the potential for subsequent anti-social behaviour including looting and squatting. He referred to the previous hearing in June 2019, noting that some of the objections made at the time by Cleveland Fire had not been repeated which was testament to Ms Fletcher's hard work and that of her staff. In terms of the licensing objectives no concerns had been raised about crime and disorder or risks to children. Cleveland Police had raised no objections to the application.

Regarding the failure to meet the conditions as set out in the report Mr Teate confirmed that all the fire safety requirements had been complied with apart from the replacement of 2 fire escapes. It had been agreed that this condition could be removed so long as none of the upper floor hotel rooms were being used. Ms Fletcher was reluctant to action these replacements until a full licence was in place as she felt that the cost would be prohibitive otherwise. Mr Teate acknowledged that the requirement to hold regular meetings between the applicant, responsible authorities and residents had not been complied with however this was due to a misunderstanding on the necessary timing of these meetings. When this issue had been brought to her attention Ms Fletcher had acted quickly to arrange a meeting which

only 1 resident had attended. Ms Fletcher had subsequently spoken to other residents who had all indicated they would prefer to contact her directly rather than attend future meetings. She had therefore not felt it necessary to arrange another meeting until scheduling a further meeting in March 2020. This meeting had subsequently been cancelled due to coronavirus. Mr Teate noted that the police, fire brigade and residents and not contacted Ms Fletcher regarding the failure to hold these meetings and questioned their importance. He suggested that should this condition be reimposed the dates and times be formally set and the names of residents involved specified.

Mr Teate acknowledged that 2 abatement notices under the Environmental Protection Act had been served but both had been complied with swiftly and were due to storms and a lack of skip availability. The applicant did not anticipate any issues with waste disposal in the future.

Mr Teate commented on objections based on noise and disturbance to residents. He acknowledged that patrons had previously opened doors and windows and strayed into outside areas when they shouldn't have but felt that staff had controlled these transgressions adequately. He referred to a complaint made on 20th July about excessive noise. As a result of this Ms Fletcher had taken appropriate action and invited the complainants to contact her again should a similar situation reoccur. Mr Teate felt this demonstrated a clear upholding of the licensing objectives. He dismissed residents' concerns around boxing and live entertainment saying that there were no plans to show boxing other than at a junior level and certainly not major boxing matches. Live music would be played only until last orders after which background music would be used.

Finally Mr Teate noted that there had been no major issues in the previous 12 months in terms of the licensing objectives. If there were any problems Ms Fletcher and her team were contactable. No requests had been made for the licence to be reviewed, suspended or removed. He acknowledged that a further temporary licence could be granted but felt that this would be inappropriate given the major investment that would be required to comply with the fire safety conditions. A temporary licence would not safeguard the hotel's future whereas a permanent licence would give added security. If there were issues in the future action could be taken whether the licence were temporary or permanent.

Members queried why Ms Fletcher had not complied with the condition relating to holding regular meetings with residents and interested parties. Ms Fletcher noted that the first meeting had not been well attended and residents had confirmed they would be happy to contact her directly with any problems. She felt that attendance may have been better if the meeting dates had been set and advertised in advance. Mr Teate noted that there had been no reminders that these meetings should be held and others could have brought this to Ms Fletcher's attention sooner. Judith Godfrey, a resident, indicated that she had not been invited to any meetings nor asked her opinion on this despite her proximity to the hotel and the

complaints that she had made prior to the approval of the temporary licence in June 2019. She questioned whether it was her role to push for these meetings and agreed that to have dates specified in the conditions would be helpful. Members expressed their disappointment that these meetings had not been held despite this being a clear requirement on the conditions of licence and questioned Mr Teate's assertion that there was responsibility for this failure on both parts.

The Environmental Health Manager (Commercial) referred to her written objection to the granting of this application on the grounds of her lack of confidence in the management and their ability to promote the Licensing Act objectives. As well as not being invited to any meetings by Ms Fletcher she also noted several complaints around failure to manage commercial waste thereby failing to promote the prevention of public nuisance objective. She gave detailed information on the circumstances surrounding the 2 abatement notices which had been served on the premises and disputed the applicant's assertion that this was a short term issue with building waste, indicating it was food waste. She commented that she had never previously found it necessary to serve 2 abatement notices against a premises and as such had little confidence in Ms Fletcher. She highlighted that it was a legal requirement to have adequate trade waste arrangements and that the use of an open skip to store food waste was unacceptable.

The Environmental Health Manager (Environmental Protection) referred to his written objection against the granting of the licence due to the large number of objections received by the Environmental Protection Team around the breaching of conditions relating to the closure of doors and windows and the restriction of access to outside seating areas in the months leading up to the national lockdown in March. He confirmed that he also had not been invited to any meetings as specified in the conditions of June 2019.

The Acting Community Safety Operations Manager referred to his objection due to the appellant's failure to hold regular meetings as specified in the June 2019 conditions as this demonstrated that Ms Fletcher could no longer be relied upon to promote the Licensing Objectives. He felt it was the responsibility of the appellant to arrange these meetings as per the conditions and was not the responsibility of any responsible authority to remind her of her legal obligation in this matter. In terms of the decision she had taken to hold no further meetings this was inappropriate as the majority of the complaints against the premises had come from the Council yet the views of the Council had not been considered.

Judith Godfrey spoke on behalf of the residents. She expressed her disappointment at having to object again, following lengthy discussions in June 2019 around this application. She felt there had been a failure on the part of the hotel to reduce noise levels and keep doors and windows closed. She confirmed that she had not been invited to any meetings nor canvassed about their future. She also felt that the addition of boxing to the application was unacceptable. Tom Crowley also questioned whether the

houses which Ms Fletcher had canvassed in terms of future meetings were appropriate given that those adjacent to the property had not been contacted.

The Acting Community Safety Operations Manager summed up by saying that a 1-year licence had previously been granted to allow Ms Fletcher to demonstrate she could comply with the licence and conditions. Part of this was to ensure a regular dialogue with residents and responsible authorities in order to address issues quickly and make the licence permanent in 2020. Ms Fletcher had not used the year she was given well and he felt that granting a permanent licence would not be a promotion of the licensing objectives.

A member expressed his disappointment at the perceived failings of the appellant including the failure to hold meetings, the lack of waste control and leaving open of doors and window. Mr Teate acknowledged these comments but expressed the hope that this iconic business might continue in accordance with the requirements of the licensing act. He confirmed that Ms Fletcher would be happy to accede to any conditions felt necessary including the inclusion of specific dates and times for future meetings involving the appellant, residents and responsible authorities. He urged members to approve a permanent licence, adding any conditions they felt necessary.

Members considered the application in closed session and voted to approve a permanent licence by a majority of 2/1. In order that the licensing objectives be promoted members imposed the agreed conditions with Cleveland Police and the Applicant as detailed in Appendix 11 to The Report to The Licensing Act Sub-Committee. In addition Members imposed the Conditions detailed in the Environmental Health Manager (Commercial's) written representations in order that the Licensing Objective for Public Safety be promoted.

Members also imposed the following condition in order that the Licensing Objective relating to the Prevention of Public Nuisance be promoted:-

A meeting will be convened by Amanda Fletcher (or the licence holder) on a bi-monthly basis at the Staincliffe Hotel for the attendance of local residents, Fire, Police and Local Authority bodies. Meetings will be held on the 15th day of the relevant month (unless the 15th falls on a weekend in which case the meeting will be held on the Friday prior to the 15th thus the 13th or 14th) and commence at 5pm. Meetings will commence 15th August 2020 and be held in August, October, December, February, April and June each year.

Members considered that this particular condition together with the conditions put forward by Adrian Hurst (incorporated in the Police Conditions) would allay the concerns put forward by the residents and all responsible authorities.

Members considered that this was appropriate and proportionate.

Councillor Paddy Brown requested that his vote against a permanent licence be recorded, commenting that he would have preferred to grant a temporary licence for a short period to allow the appellant the opportunity to demonstrate a significant change in attitude.

Decision

That a permanent licence be granted subject to the conditions detailed in Appendix 11, with the addition of those conditions requested by the Environmental Health Manager (Commercial Services) in Appendix 5 and the following condition:

A meeting will be convened by Amanda Fletcher (or the licence holder) on a bi-monthly basis at the Staincliffe Hotel for the attendance of local residents, Fire, Police and Local Authority bodies. Meetings will be held on the 15th day of the relevant month (unless the 15th falls on a weekend in which case the meeting will be held on the Friday prior to the 15th thus the 13th or 14th) and commence at 5pm. Meetings will commence 15th August 2020 and be held in August, October, December, February, April and June each year.

The meeting concluded at 12.30pm

CHAIR

LICENSING COMMITTEE

1st October 2020



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 primarily 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: -

1. Paddy Brown (Chair), Lesley Hamilton, Cameron Stokell
2. Ged Hall (Chair), Dave Hunter, Brenda Loynes
3. Leisa Smith (Chair), Bob Buchan, Carl Richardson
4. Tom Cassidy (Chair), Tim Fleming, Amy Prince

Regulatory Sub Committees: -

1. Bob Buchan (Chair), Paddy Brown, Leisa Smith, Cameron Stokell
2. Brenda Loynes (Chair), Ged Hall, Dave Hunter, Carl Richardson
3. Tim Fleming (Chair), Tom Cassidy, Lesley Hamilton, Amy Prince

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

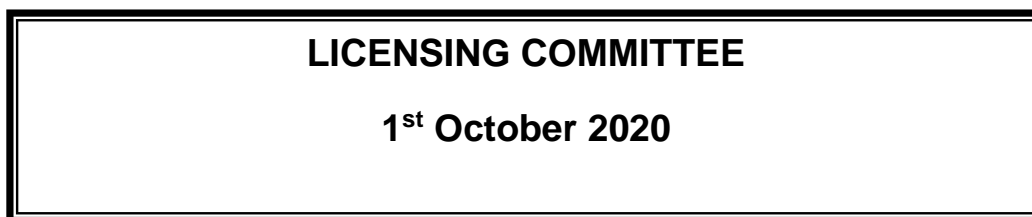
Without the vacancies being filled the Sub Committees cannot operate properly as a minimum of three members need to be present as a statutory requirement.

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

Jo Stubbs, Democratic Services Officer
01429 523568
Jo.stubbs@hartlepool.gov.uk



Report of: Assistant Director (Regulatory Services)

Subject: LICENSING ACT – STATEMENT OF LICENSING PRINCIPLES

1. PURPOSE OF REPORT

- 1.1 To provide Members with an opportunity to consider the adoption of a revised Licensing Policy as required by the Licensing Act 2003.

2. BACKGROUND

- 2.1 Section 5 of the Licensing Act 2003 states that each licensing authority must determine and publish a licensing policy every five years.
- 2.2 The current licensing policy became effective as of 1st January 2016 and, as such, a new or revised policy must be published no later than 1st January 2021.
- 2.3 A licensing policy details how the licensing authority intends to discharge its licensing functions and also details how it expects licence holders to contribute towards the promotion of the Act's four licensing objectives which are: -
- Prevention of public nuisance
 - Public safety
 - Prevention of crime and disorder
 - Protection of children from harm
- 2.4 A licensing policy does not create new obligations for existing licence holders but can be referred to when considering new applications or variations to existing licences.
- 2.5 A draft new policy was provided to the Licensing Committee earlier this year and approval was given for a consultation exercise to be undertaken. A copy of this draft policy is attached as **Appendix 1**.

- 2.6 A consultation document was widely circulated between July and September 2020 and no responses were received.

3. PROPOSALS

- 3.1 The proposed policy does not differ significantly from the policy that has been in place since 2016 except for the proposed removal of the designation of a Cumulative Impact Area (CIA).
- 3.2 Hartlepool has designated the town centre area as a CIA since the Licensing Act first came into effect in 2005.
- 3.3 A CIA places the burden to prove that a new licence application will not undermine the Act's licensing objectives on the applicant – rather than objectors. A CIA does not however allow a licensing authority to make pre-determined decisions about an application and, in accordance with the law, all applications are still required to be considered on their own merits.
- 3.4 In 2019 the Government changed the legal basis for CIA's and now requires licensing authorities to undertake a formal Cumulative Impact Assessment before adopting, or retaining, a CIA.
- 3.5 The new requirements, along with the significant reduction in activity in Hartlepool's Night Time Economy in recent years, means that there is insufficient evidence to meet the new statutory requirements to retain a CIA.
- 3.6 The removal of a CIA from Hartlepool's licensing policy does not undermine its ability to amend or refuse an application for a new licence in the town centre area if appropriate representations are received.
- 3.7 Formal adoption of the licensing policy is a non-executive function and approval by full Council is required.

4. RECOMMENDATIONS

- 4.1 That the Licensing Committee accept the proposed draft Licensing Act Policy as detailed in Appendix 1 and recommend it to full Council for approval and adoption with effect from 1st January 2021.

5. BACKGROUND PAPERS

- 5.1 Licensing Committee report – July 2020

6. CONTACT OFFICER

Sylvia Pinkney
Assistant Director (Regulatory Services)
Hartlepool Borough Council

Tel: 01429 523315
Sylvia.pinkney@hartlepool.gov.uk

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HARTLEPOOL BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

2021

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APPENDIX ONE

1. INTRODUCTION

- 1.1 This policy statement is based on the provisions of the Licensing Act 2003 and has taken full account of the guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State for the Department of Culture, Media and Sport (DCMS).
- 1.2 This policy will apply for a period of five years from 1st January 2021. It will be kept under review and revised/amended if considered appropriate to support the licensing objectives. Any policy changes or revisions will be subject to consultation.

The Borough of Hartlepool

- 1.3 Hartlepool Borough Council, acting as the licensing authority for the Licensing Act, recognises the benefits to Hartlepool of a thriving service economy and wishes to promote, wherever possible, a town that meets and exceeds the requirements of its residents and visitors. However, the licensing authority recognises that certain types of licensed premises, particularly those offering alcohol and/or music, may have a detrimental impact on those who live nearby through the escape of noise or the actions of patrons both on and off the premises.
- 1.4 The licensing authority intends to seek a balance between the needs of residents and local businesses by using this Licensing Policy, and other strategies, to promote and encourage well-managed, neighbour friendly licensed premises that represent a positive addition to life in Hartlepool.

Legal Background to this Policy Statement

- 1.5 Hartlepool Borough Council, acting as the licensing authority, is able to grant or reject applications for the sale of alcohol, the provision of regulated entertainment or late night refreshment. Conditions designed to ensure safety, protect children from harm, prevent crime, disorder and public nuisance will be attached to licences where appropriate. However, the ability of licensing authorities to grant licences and attach conditions is limited by provisions in the Act, Regulations made under the Act and by guidance from the Secretary of State. The licensing authority must have regard to the guidance and will deviate only where there are justifiable reasons for doing so.
- 1.6 In formulating this policy document the licensing authority has had regard to the provisions of the European Convention on Human Rights, recognising that everyone has the right to respect for his/her home and private life and that every person is entitled to the peaceful enjoyment of his/her possessions.

- 1.7 The Human Rights Act 1998 makes it unlawful for a public authority to act in a way which will be incompatible with a convention right. The licensing authority will endeavour to ensure that any licensing decision does not cause a breach of a convention right.
- 1.8 The licensing authority in taking into account the provisions of the Crime & Disorder Act 1998 will also have regard to the likely effect of the exercise of their functions on crime and disorder in their area.

2. PURPOSE AND SCOPE OF THE LICENSING POLICY

Purpose

- 2.1 The licensing policy has four main purposes:
- To reinforce to elected Members on the Licensing Committee, the boundaries and powers of the local authority, and to provide them with parameters under which to make their decisions.
 - To inform the licence applicants of the parameters under which the authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within the area. (Note however that each case will be examined on an individual basis.)
 - To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs and concerns will be addressed.
 - To support decisions made by the licensing authority when these decisions are challenged in a court of law.

Scope

- 2.2 The Act is concerned about the supply and sale of alcohol, the provision of certain entertainment and late night refreshment.
- 2.3 Activities that require a licence under the Licensing Act 2003 and covered by this policy include:
- Retail sale of alcohol
 - Supply of hot food or drink from a premises from 23.00 to 05.00 hours
 - Supply of alcohol or provision of regulated entertainment to club members or guests
 - Provision of regulated entertainment listed below to the public or section of the public, or club members or with a view to profit:

- Performances of a play
- Exhibition of a film
- Indoor sporting events
- A boxing or wrestling entertainment
- Live music performances
- Playing of recorded music
- Dance performances

- 2.4 The scope of the policy covers new applications, renewals, transfers, variations and reviews of both premises licences, personal licences and club premises certificates. The policy also applies to temporary events notices (TEN's).

3. TYPES OF LICENCES

Personal Licences

- 3.1 A personal licence will be granted where an applicant:
- a) is aged 18 or over
 - b) possesses an accredited licensing qualification
 - c) has not forfeited a personal licence in the last 5 years
 - d) has not been convicted of a relevant offence
- 3.2 The licensing authority will, however, reject any application where the applicant fails to meet a), b) or c) above.
- 3.3 Where an applicant has an “unspent” relevant conviction, the police may oppose the application. If such an objection is lodged a licensing hearing will be held. Where no such objection is received from the police, the licensing authority will grant the licence.
- 3.4 At a hearing the licensing authority will consider carefully whether the granting of a licence will be in keeping with the promotion of the crime and disorder objective. Considerations will include the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The licensing authority will only grant the application if it is satisfied that doing so will promote this objective.
- 3.5 Reason(s): Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. The holder of a personal licence should be a person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a known criminal will, in many cases, undermine rather than promote the crime and disorder objective.

Premises Licences and Club Premises Certificates

- 3.6 An application for a premises licence or club premises certificate must consist of: -
- an application form, in the prescribed format, detailing the licensable activities and proposed operating hours
 - an operating schedule
 - a plan of the premises to which the application relates
 - the appropriate fee
- 3.7 If the licensable activities include the sale of alcohol, a consent form from the individual agreeing to be the designated premises supervisor (DPS) will also be required (not required for club premises certificates).
- 3.8 The application must be advertised in the prescribed manner.

4. LICENSING PRINCIPLES

General

- 4.1 In carrying out its licensing functions the authority will promote the licensing objectives set out in the Act. These are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm
- 4.2 To achieve these objectives the authority will use its full range of powers and consider all relevant responsibilities including its planning controls, transport controls and crime and disorder policies. The authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.
- 4.3 In determining a licence application the overriding principle adopted by the licensing authority will be that each application will be determined on its individual merits.
- 4.4 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment and late night refreshment (premises licences), the supply of alcohol and/or the provision of regulated entertainment and late night refreshment from certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).

- 4.5 In general a reference in this policy to a licence will include a club premises certificate.

Duplication

- 4.6 So far as is possible, this Policy is not intended to duplicate existing legislation and regulatory regimes that are already placed on employers and operators, e.g. Health and Safety at Work etc. Act 1974. Conditions in respect of public safety will be attached to licences only if they are considered necessary for the promotion of the licensing objectives.
- 4.7 It is accepted that licensing and planning regimes are separate and distinct and it is therefore possible that duplicate, or similar, conditions may be applied to a premises under both regimes. It is also possible that contrary decisions about the granting or refusal of a licence/planning permission may occur as such decisions must take into account differing legislative matters.

Licence Conditions

- 4.8 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others granted relevant authorisations.
- 4.9 Conditions will be specifically tailored to the premises and activities to be undertaken, with a view to ensuring the licensing objectives are achieved.
- 4.10 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 4.11 The licensing authority will not impose blanket standard conditions. Where there are outstanding representations regarding a licence application, licence conditions will be tailored to the individual application to help promote the licensing objectives. They will not be imposed where it is considered that other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 4.12 In the spirit of openness, transparency and reasonableness, the licensing authority encourages all parties to a licence application to discuss concerns during the statutory consultation period so that any necessary conditions can be agreed without the need for the intervention of the licensing authority.
- 4.13 To assist applicants, the licensing authority has published a range of model conditions that applicants are encouraged to consider as part of their risk assessment process. These model conditions can be found at www.hartlepool.gov.uk/licensing.

Alcohol Harm Reduction

- 4.14 The licensing authority recognises that for most people alcohol represents an enjoyable addition to well-balanced social activities. However, there is increasing concern that, for some people, alcohol misuse is leading to self harm and social nuisance.
- 4.15 In determining licence applications, the licensing authority will have regard to any relevant Government guidance relating to alcohol consumption, alcohol misuse and alcohol harm.

Protection of Children

- 4.16 Whilst the protection of children from harm is a licensing objective, the licensing authority will not normally impose conditions restricting or prohibiting the admission of children to licensed premises. However, conditions designed to protect children will be imposed where necessary if relevant representations have been received.
- 4.17 The licensing authority will not impose any licence conditions requiring the admission of children to licensed premises.
- 4.18 Examples of premises where the introduction of additional controls are likely to be necessary are:
- Where entertainment or services of an adult or sexual nature are provided.
 - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
 - Where there is a known association with drug taking or dealing.
 - Where there is a strong element of gambling on the premises.
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
 - Where entertaining or providing facilities for the entertainment of children is a significant part of the premises' operation.
- 4.19 In such circumstances, additional conditions may be expected where considered necessary for the prevention of harm to children. These may include: -
- Limitations on the hours when children may be present
 - Age limitations
 - Limitations on the parts of premises to which children will be given access
 - Requirements for accompanying adults
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place

- 4.20 Where the exhibition of films is permitted, the licensing authority will impose a condition requiring the exhibition of films to be limited to only those age groups recommended by either the British Board of Film Classification or the licensing authority. For such films, licensees must indicate in their operating schedules how such action will be assured. Only in exceptional cases will variations of this general rule be granted by the licensing authority and then only with appropriate safeguards.
- 4.21 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the licensing authority will, provided adequate notice has been given, classify the films concerned. Information regarding such classifications will be available for inspection at the Civic Centre, Victoria Road, Hartlepool. To achieve consistency and the protection of children the licensing authority will use the guidelines published by the BBFC.
- 4.22 In connection with the protection of children from harm, the licensing authority will provide details of which body is responsible for such matters. Details of licence applications, where relevant, should be forwarded to this nominated body for examination.
- 4.23 Where there is provision of entertainment specifically for children (e.g. a children's disco) the licensing authority will expect the presence of sufficient appropriate adults to control the entertainment and the access and egress of the children to ensure their safety.
- 4.24 Where it is the intention of the licensee to offer responsibility for the supervision of children as part of a licensable activity, the licensing authority will expect licensees to take appropriate measures to ensure the suitability of employees for such purposes – this may involve employees providing a Criminal Records Bureau Disclosure.

Designated Premises Supervisors

- 4.25 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment.
- 4.26 Because of this the licensing authority expects that the designated premises supervisor (DPS) for a licensed premises will be able to demonstrate that they are in day to day control of the premises, playing an active role in its operation through a regular personal presence.

Licensing Hours

- 4.27 The licensing authority does not accept that longer opening hours for licensed premises have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and can create a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.

In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.

- 4.28 Whilst zoning will not be adopted, the licensing authority will impose stricter conditions with regard to noise control in areas which have denser residential accommodation.

Live Music, Dancing & Theatre

- 4.29 The licensing authority recognises that traditional cultural activities such as music and dancing should be encouraged as part of a wider cultural strategy. Account should be taken of the need to encourage and promote entertainment such as live music, dancing and theatre for the wider cultural benefits of communities generally.
- 4.30 Only conditions considered necessary, proportionate and reasonable for the promotion of the licensing objectives will be attached to licences for activities of this nature. The authority will avoid measures that may deter live music, dancing and theatre by imposing unjustified indirect substantial costs. The licensing authority will closely monitor the impact of licensing on such activities and, where a negative impact can be identified, will re-visit the Licensing Policy with a view to investigating how the situation might be reversed.

Enforcement

- 4.31 Where necessary, enforcement action will be taken in accordance with the principles of the Regulators Code and the Council's Enforcement Policy.
- 4.32 In particular, regard will be had to the following principles:

- Targeting - i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
 - Consistency - i.e. similar approaches in similar circumstances to achieve similar ends.
 - Transparency - i.e. helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance.
 - Proportionality - i.e. action taken should be proportional to the risk presented.
- 4.33 The authority will establish protocols with the local police and the fire brigade on enforcement issues to avoid duplication and to provide for the most efficient deployment of council, police and fire officers in respect of inspection of licensed premises and the enforcement of licensing law.
- 4.34 Furthermore the policy of the Council will be a light touch inspection regime for well managed and maintained premises with a targeted and increased inspection and enforcement regime for “high-risk” premises and those suspected of not being operated within the terms and conditions of the licence.

Integration of Strategies and Other Policies

- 4.35 Hartlepool Borough Council fully recognises and endorses the value of good relations between persons of different racial groups. The licensing authority recognises the obligations placed upon it by the Equality Act 2010 and will ensure that this Policy promotes race equality and the elimination of unlawful discrimination.
- 4.36 The Council will integrate its various strategies to achieve consistency and transparency in the achievement of the licensing objectives.
- 4.37 Arrangements for reporting to local authority transport committees will be made to ensure transport strategies take account of the need to quickly disperse people from busy town centre areas to reduce the potential for nuisance and disturbance.
- 4.38 Arrangements will be made for the reporting of Hartlepool’s employment situation and the needs of the local tourist economy to the licensing committee to ensure that these issues are taken into account when licensing matters are being considered.

5. CONSIDERATIONS

General Requirements

- 5.1 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, (as required under the Act). The operating schedule will have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, the times during which it is proposed that relevant licensable activities are to take place and details of other times during which it is proposed that the premises are to be open to the public.
- 5.2 In many cases it may be helpful to all concerned for council officers to discuss with applicants and/or their advisers a draft operating schedule before it is formally submitted. This will help ensure it properly addresses all the issues of concern to the council. Where licensable activities include the supply of alcohol, specified information on the individual identified as premises supervisor shall be supplied as well as whether the supply of alcohol is proposed for consumption on and/or off the premises and operational procedures.

Nuisance

- 5.3 The licensing authority will expect the operating schedule to clearly demonstrate actions intended to ensure the operation will be “neighbour friendly”. In particular, the applicant shall propose adequate practical steps to prevent disturbance to local residents.
- 5.4 The licensing authority does not accept that longer opening hours for licensed premises have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and can create a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.
- 5.5 Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.
- 5.6 In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.
- 5.7 In relation to noise from within the building the licensing authority will expect the applicant to have carried out acoustic tests to ascertain whether there is sound leakage. This noise could relate not only to entertainment but also from

air handling equipment or patrons. The licensing authority will expect potential noise breakout to have been addressed in practical ways such as:

- Keeping doors and windows closed and providing suitable mechanical ventilation
- Installing soundproofing measures to control noise breakout and vibration to an acceptable level.

5.8 The licensing authority will expect venues that attract queues to formulate a scheme to avoid disturbance to nearby residents. In some cases this may be achieved by simply ensuring that the direction of the queue is away from residential accommodation.

5.9 However, possible excessive noise generated by customers and/or disorder requires more rigorous action. It is important that queues formed later in the evening or in early morning are adequately supervised to keep noise/disorder to a minimum. Such action can also help stop drug dealing during the queuing process but the prime purpose will be to prevent noise and disturbance. Door supervisors will generally be expected to carry out this role, but they must be adequately trained and given clear instructions as to their duties and responsibilities – where necessary they should be adequately supervised by a suitably nominated person or persons.

5.10 In terms of patrons leaving the premises, particularly late at night or early in the morning, the licensing authority will expect the applicant to indicate in their operating schedule that consideration has been given to, and included where appropriate, such practical steps as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, etc
- At appropriate times making announcements to the same effect.
- Instructing door staff to ask customers leaving the premises to leave the area quietly
- Reducing the volume of music towards closing time and where appropriate playing quieter, more soothing music.
- The availability of licensed taxis or private hire vehicles to take patrons from the premises
- In appropriate cases door supervisors or a premises manager patrolling nearby streets periodically to assess for themselves whether there is a noise or disorder problem and how best to deal with it
- Banning from the premises people who regularly leave in a noisy fashion.
- Increasing outside lighting levels
- Where there is a private forecourt, yard, etc, preventing patrons from using it for eating and drinking etc after a certain time. Planning conditions are usually imposed to restrict use after 8.00 pm or at sunset where adjacent to residential properties.

5.11 There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being

disturbed particularly if the venue is open late at night. People leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.

- 5.12 A responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance by introducing practical measures such as those referred to above to prevent such nuisance.

Prevention of Crime and Disorder

- 5.13 The licensing authority does not accept that longer opening hours have been a benefit to Hartlepool but rather that they place an undue and unnecessary strain on the local transport infrastructure, Accident & Emergency services and law enforcement agencies and create a nuisance for those residents who are affected by the general operation of a premises or from revellers returning home during the early hours.

Shops, stores and supermarkets will in general be licensed to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping but licences for before 9:00 a.m. or after 10:00 p.m. in residential areas will generally be refused. In addition, licence applications for the supply of alcohol for consumption on the premises for before 9:00 a.m. or after 11:30 p.m. in residential areas will generally be refused.

In non residential areas applications for licences to allow the sale of alcohol or the supply of late night refreshment beyond 2:00 a.m. will normally be refused subject to relevant representations being received.

- 5.14 The licensing authority will expect an applicant to indicate in their operating schedule the steps proposed to prevent crime and disorder such as:
- Use of CCTV both within and outside the premises
 - Procedures to prevent the supply of alcohol to those already drunk
 - Metal detection and search facilities
 - Procedures for risk assessing promotions and events such as “happy hours” for the potential to cause crime and disorder, and plans for minimising such risks
 - Measures to prevent the use or supply of illegal drugs
 - Employment of licensed door supervisors and other appropriately trained staff
 - Participation in an appropriate scheme designed to ensure effective liaison with the local community
- 5.15 Reason(s): Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime and Disorder Act 1998. It is important, therefore, that the applicant is able to demonstrate to the licensing authority the practical steps that will be taken to further this objective.

- 5.16 Premises that are supplying alcohol for consumption on the premises after midnight and whose operation, at that time, is primarily or significantly of the 'vertical drinking' format, will be expected to provide all drinks in plastic glasses.
- 5.17 Reason: Standard drinking glasses are made of annealed glass that, when broken, can create long shards which can be used as a stabbing weapon. Toughened glass will shatter completely when broken but, due to its manufacturing process, is extremely hard and may cause blunt force injuries if thrown or used as a weapon.
- 5.18 Rigid or flexible plastic glasses will not shatter when broken and will not cause blunt force injuries. As such, the licensing authority believes such a condition is a reasonable and proportionate requirement that will prevent those serious injuries that occur when drinking glasses are used as weapons.

Construction/Maintenance and Safety

- 5.19 The licensing authority will expect licensed premises to meet all legal safety requirements, but in addition wishes to promote the highest possible standards of safety for patrons and others who may be affected by a licensed premises. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, other technical standards that may be appropriate for the premises concerned.
- 5.20 The licensing authority will also expect the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times.
- 5.21 The licensing authority expects licensed premises to be a safe environment and applicants will be expected to consider how customers can be kept safe from foreseeable risks.

Pricing of Alcohol

- 5.22 The Licensing Authority encourages all licensed premises to apply a minimum price of 50p per unit of alcohol to all products sold under their premises licence. (The unit pricing will be reviewed in line with national Guidance.)
- 5.23 Where licensed premises are found to be selling alcohol below this price, and problems associated with that premises are in breach of the licensing objectives, a responsible authority or interested party may bring a licence review. Following the review, the Licensing Committee may impose a condition in relation to the pricing of alcohol, in order to uphold the licensing objectives.

- 5.24 The Licensing Authority will expect applicants to demonstrate in their operating schedule how the pricing of alcohol products on sale in their premises will not negatively impact on the licensing objectives.
- 5.25 **Reason:** The licensing authority believes the price of a product influences its demand and, where alcohol is sold cheaply, consumers may be encouraged to buy, and consume, more of it.
- 5.26 The expectation that licensees will not sell alcohol below the stated minimum unit price does not create a legally binding obligation but it does place a duty on licensees to take into account the price of the alcohol they sell and the effect that price may have on levels of alcohol consumption.
- 5.27 If a licence is reviewed and the Licensing Authority believes that one or more of the licensing objectives has been undermined because of the price that alcohol has been sold at, it may impose a condition on the licence to prevent irresponsible pricing in future.

Access for Persons with Disabilities

- 5.28 All premises are expected to provide adequate facilities and access for people with disabilities. The needs of disabled people must therefore be addressed in the operating schedule.
- 5.29 Reason(s): Wherever practicable, persons with disabilities should not be treated in a less advantageous way. In addition, responsibilities under the Disability Discrimination Act 1995 will need to be considered and adequate facilities provided in premises where necessary.

Publicity

- 5.30 All those affected by an application should be made aware of its existence and of the opportunity to make representations. In an attempt to ensure this is achieved, applications for a premises licence must be advertised in accordance with statutory requirements.
- 5.31 Reason(s): The grant of a licence can have a significant impact on the lives or businesses of those living or working in the vicinity of premises for which a licence is sought. Therefore, all those likely to be affected by an application have the right to be made aware of it and of the opportunity to make representations.

Other Policies, Objectives and Guidance

- 5.32 Applicants for licences will be expected to have taken into account relevant strategies and policies such as the local crime prevention strategies, planning

and transportation policies, tourism and cultural strategies in determining their operating schedules.

- 5.33 In addition to the above, applicants will also be expected to address the impact of their premises on the local community and demonstrate that matters such as the prevention and clearance of litter and other waste materials arising from the use of their premises have been considered.

Planning

- 5.34 Premises for which a licence is required must have a suitable, appropriate authorised use under planning legislation.
- 5.35 The licensing authority will not normally entertain an application for a licence unless the applicant can demonstrate that the premises has either an appropriate (in terms of the activity and hours sought) planning consent, or an appropriate certificate of lawful use or development. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should not be refused and the planning status of the premises has not yet been finalised.
- 5.36 Reason(s): Licensing applications should not be a re-run of a planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that Committee. Proper integration will be assured by the Licensing Committee, where appropriate, by providing regular reports to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

Drug Awareness

- 5.37 The licensing authority recognises that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed on certain venues where drug use is, or has been, taking place in order to reduce the sale and consumption of drugs and to create a safer environment for all.
- 5.38 The licensing authority will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into their premises; to take appropriate steps to prevent drugs changing hands within the premises; and to otherwise adopt precautionary measures to address the consequences of drug misuse.

Door Supervisors

- 5.39 Whenever any persons are employed at licensed premises to carry out any regulated security activity, all such persons must be licensed with the Security Industry Authority.
- 5.40 The licensing authority may consider that certain premises require stricter supervision for the purpose of promoting the reduction of crime and disorder or other licensing objectives. In such cases, the licensing authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.
- 5.41 Reason: Door supervisors, and others placed in a similar position, are often those first called upon to respond to issues of safety and disorder on licensed premises. The licensing authority intends to ensure that such people are equipped with the skills necessary for the discharge of this important role.

6. CUMULATIVE IMPACT

- 6.1 The licensing authority has carefully considered the issues of alcohol related crime, disorder and nuisance in Hartlepool and has determined not to publish any Cumulative Impact Assessments.

7. ADMINISTRATION, EXERCISE & DELEGATION OF FUNCTIONS

- 7.1 The licensing authority has delegated its decision-making functions to the Licensing Committee, Sub-Committees and officers in accordance with the guidance issued by the Secretary of State.
- 7.2 Many decisions and functions are purely administrative in nature and these will be delegated to officers in the interests of speed, efficiency and cost-effectiveness.
- 7.3 Detailed information regarding the delegation of functions can be found in Appendix One.

8. CONTACT DETAILS

- 8.1 Further details regarding the licensing application process, including application forms can be obtained from:

The Licensing Team
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel No: 01429 523354
Fax No: 01429 523308
Email: licensing@hartlepool.gov.uk

APPENDIX ONE

Delegation of Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If an objection made	If no objection made
Application for premises licence/club certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decisions regarding personal licence holder following conviction of offences		All cases	
Decision on whether a complaint is relevant frivolous vexatious etc.			All cases
Decision to make representations on behalf of the licensing authority acting as a Responsible Authority			All cases
Determination of a police objection to a temporary event notice		All cases	