

LICENSING COMMITTEE

AGENDA



Friday 27 May 2022

at 10.00 am

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

Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Thursday 26 May and name and address details will be taken.

You should not attend the meeting if you are displaying any COVID-19 symptoms (such as a high temperature, new and persistent cough, or a loss of/change in sense of taste or smell), even if these symptoms are mild. If you, or anyone you live with, have one or more of these symptoms you should follow the [NHS guidance on testing](#).

TO ALL MEMBERS OF LICENSING COMMITTEE:

Councillors Cassidy, Clayton, Cook, Cowie, Feeney, Fleming, Hall, Jackson, Little, Martin-Wells, D Nicholson, Prince.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To approve the minutes of the Licensing Committee meeting held on 7 January 2022.
- 3.2 To confirm the minutes of the Licensing Sub-Committee meetings held on 21 January 2022, 26 January 2022 and 8 February 2022.
- 3.3 To confirm the minutes of the Regulatory Sub-Committee meetings held on 1 February 2022.

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.

5. ITEMS FOR INFORMATION

No items.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



LICENSING COMMITTEE

MINUTES AND DECISION RECORD

7 January 2022

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

Present:

Councillor: Tom Cassidy (In the Chair)

Councillors: Rob Cook, Jennifer Elliott, Tim Fleming, Peter Jackson,
Sue Little, Stephen Picton, Amy Prince and Carl Richardson

In accordance with Council Procedure Rule 4.2

Councillor Ben Clayton was in attendance as substitute for Councillor
Tom Feeney

Councillor Brian Cowie was in attendance as substitute for
Councillor Brenda Loynes

Councillor Shane Moore was in attendance as substitute for
Councillor Paddy Brown

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, Tom Feeney and
Brenda Loynes.

18. Declarations of interest by Members

None.

19. Confirmation of the minutes of the Licensing Committee meeting held on 1st October 2021

Minutes approved.

20. Confirmation of the minutes of the Regulatory Sub-Committee meeting held on 8th October 2021

Minutes approved.

21. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 22nd October 2021

Minutes approved.

22. Confirmation of the minutes of the Licensing Sub-Committee meeting held on 16th November 2021

Minutes approved.

23. Hackney Carriage Tariffs *(Assistant Director (Regulatory Services))*

The Trading Standards and Licensing Manager informed members that members of the hackney carriage trade had submitted a request for an increase in hackney carriage tariffs in order to reflect an increase in their running costs and enable them to make a reasonable living. This proposed increase had been approved by the Taxi Owners Working Group and subsequent consultation among the 86 hackney carriage owners in the borough had shown 9 in favour, 27 against with a majority making no comment on the proposal. This meant that only 30% of owners had actively objected to the proposal. Members were reminded that the proposed tariffs would be the most that could legally be charged however owners could charge less if they so wished.

Members raised some concerns at the lack of response to the consultation. The Trading Standards and Licensing Manager acknowledged this but noted that a low response of this kind was not unusual in the hackney carriage trade. In terms of why some drivers may be against the proposal he suggested this may be due to concerns at the impact this may have on potential passengers and the competitive nature of the business. However he felt that allowing this tariff increase would help to make driving taxis a more attractive professions in terms of livelihood.

A member suggested that the increase should be more than was suggested in order to enable drivers to be earning the minimum wage as set out in law. The Trading Standards and Licensing Manager acknowledged this but advised that the amount of the increase had been set by the Taxi Owners Working Group in order to balance their competitiveness against private

hire vehicles. However the member noted that as had been previously stated drivers were not obliged to charge the maximum amount in any case.

A member queried why the Taxis Owners Working Group had recommended this increase when so many owners had voted against it. The Trading Standards and Licensing Manager noted that the Working Group was elected by members of the hackney trade and they were responsible for making recommendation such as this one. Otherwise members would be asked to consider multiple requests from multiple drivers which would not be efficient governance.

Members acknowledged the proposed rise would impact on the cost of living for residents using hackney carriages. However the drivers were also residents and their income could be severely impacted if this rise was not approved. Concerns around the minimum wage were also acknowledged but it was noted that the nature of the business was such that the quiet times would be offset by the busy times so the amounts made should even themselves out. The impact covid continued to have on the night time economy was also noted.

The proposed increase was approved unanimously.

Decision

That the proposed increase in hackney carriage tariffs as set out in Appendix 1 of the report be approved.

24. Taxi Licensing Policy *(Assistant Director (Regulatory Services))*

Members were asked to consider a change to the Taxi Licensing Policy. Specifically this would increase the minimum age at which a car could be licensed for taxi use from 4 to 5 years with the age at which a car must be removed from service increased from 6 to 7 years. Both of these dates could be extended further providing it could be demonstrated that the car had been exceptionally well maintained. These changes would not impact on public safety as all licensed vehicles were required to pass regular mechanical examinations as part of licensing requirements.

A member noted that car finance agreements usually lasted 3 years meaning that a car bought at 5 years old and removed at 7 years would still need to be paid for despite not being used. They moved that an amendment be made extending the upper age limit to 8 years. The Trading Standards and Licensing Manager noted that the vast majority of licensed vehicles were extended due to their condition and therefore he did not think this extension would be necessary. However it was felt that this would give drivers a financial cushion.

A member queried the current requirement that all hackney carriage vehicles be sprayed yellow. The Trading Standards and Licensing Manager referred to a previous consultation exercise around this issue when 97% of respondents had been in favour of licensed hackney carriage vehicles retaining their yellow colour scheme. Members were supportive of this as it made it easy to identify hackney carriage vehicles. Concerns were also expressed around a perceived increase in so-called 'Facebook taxis@' whereby unlicensed drivers would post on social media offering people lifts. Not only was this taking money off licensed drivers but it was a danger to the public as these drivers had not been assessed fit and proper people to carry out such a service. Members asked that the Council campaign aggressively against this practice – highlighting the dangers to the public and the possible consequences.

The amendment that the upper age limit recommendation be amended to 8 years was approved by the Committee.

The proposed age limit extensions were approved unanimously.

Decision

That the lower age limit for hackney carriages and private hire vehicles be extended to five years and the upper age limit extended to 8 years.

The meeting concluded at 2:25 pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

21 JANUARY 2022

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

Present:

Councillor Little (In the Chair)

Councillors Brown and Cassidy

Officers: Ian Harrison, Trading Standards and Licensing Manager
Tony Macnab, Solicitor
Amanda Whitaker, Democratic Services Team

Also present: Janarthani Paramesvaran, - Applicant
Mathew Foster – Applicant's Solicitor
Tim Robson -Applicant's Licensing Consultant
PC Clare Lawton - Cleveland Police
Acting Sergeant Andy Thorpe – Cleveland Police
Paul Clarke – Legal Advisor, Cleveland Police

8. Apologies for Absence

None.

9. Declarations of interest by Members

None.

10. Application for the Variation of a New Premises Licence: 2 Sydenham Road, Hartlepool *(Assistant Director, Regulatory Services)*

The applicant had applied to vary their current licence so as to make off sales of alcohol between 0700 hours and 2300 hours seven days a week. Appended to the report was a copy of the application, a copy of the current licence for the premises, a map of the area of the premises and street view images of the premises. The application had been advertised in the prescribed manner and one representation had been received from Cleveland Police which was appended to the report.

The Sub-Committee considered the application and representations put forward by the applicant through her solicitor and heard evidence from the applicant and her licensing consultant. Elected Members considered also the representations received from the Police opposing the granting of the application.

The applicant stated that other premises in the area were licensed later than the applicant's premises and that this was unfair which meant that it couldn't compete with those premises. The applicant stated that all members of staff were now fully trained and were experienced. In addition, the applicant stated it did not have a problem with youths congregating outside the premises and committing anti-social behaviour. In addition, the premises had not had any problems with under age purchasers.

The Police were represented by their legal adviser and PC Lawton gave evidence in accordance with her statement. The Police were very concerned that the premises had not been complying with their current licence conditions when visited and that the staff had not received any training since 2015.

The premises are located in an area which suffers from high levels of crime and disorder and anti-social behaviour. There is a school nearby as well as a children's play centre and a Harbour domestic abuse support services Hub. The Police's position was that allowing a premises to open for the sale of alcohol from 7:00 am would not be appropriate where children and victims of domestic abuse, often alcohol related, would be exposed to this. In addition the anti-social behaviour in the vicinity would last longer on an evening if the premises were licensed beyond 10:00pm and that noise transmission later on would lead to public nuisance. For the above reasons the Police considered that the application would not promote any of the licensing objectives.

The Trading Standards and Licensing manager clarified that the premises which had later licences were either situated in non- residential areas or were granted their licences before the Licensing Policy relating to hours of licences in residential or non-residential areas was implemented.

11. 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 12 – Application for the variation of a new premises licence: 2 Sydenham Road – 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 (paragraph 1 – information relating to any individual and paragraph 2 – information which is likely to reveal the identity of an individual).

12. Application for the Variation of a new Premises

licence: 2 Sydenham Road (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 (paragraph 1 – information relating to any individual and paragraph 2 – information which is likely to reveal the identity of an individual)

Members considered the application in accordance with the promotion of the licensing objectives and having regard to the Guidance and the Licensing Authority's Statement of Licensing Policy. They considered the application and representations made by the applicant and the representations from the police.

The Sub-Committee returned to open session when the following decision was conveyed to all parties concerned.

Decision

The Sub-Committee considered the application and representations made by the applicant and the representations from the police and had concerns that when the police visited the premises the conditions on the existing licence were not being adhered to. The Sub-Committee found as a matter of fact that the premises are located in a residential area and therefore paragraph 4.27 of the councils licensing policy applies. The Sub-Committee do not consider that granting the application in its entirety would promote all 4 of the licensing objectives. However the Sub-Committee was prepared to grant the application in part on a Saturday and Sunday to enable the premises to open at 9am in accordance with the Council's licensing policy. The application is granted in part subject to the conditions proposed by the applicant being added to the existing licence and amended where appropriate.

The meeting concluded at 12.40 p.m.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

26 JANUARY 2022

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

Present:

Councillor Cook (In the Chair)

Councillor Feeney

In accordance with Council Procedure Rule 4 (ii) Councillor Sue Little was in attendance as substitute for Councillor Brenda Loynes

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

Also present: Savior Paramesvaran - Applicant
Janarthani Paramesvaran
PC Clare Lawton - Cleveland Police
PC Amy Roberts – Cleveland Police
Paul Clarke – Legal Advisor, Cleveland Police
Hadi Azagh – Objector
Matthew Thornton – Objector
Natasha Maklari - Objector

13. Apologies for Absence

Apologies were submitted by Councillor Brenda Loynes.

14. Declarations of interest by Members

None.

15. Application for a New Premises Licence: 16 Sydenham Road, Hartlepool *(Assistant Director, Regulatory Services)*

The applicant had applied for a new premises licences to make off sales of alcohol between 0600 hours and 2300 hours seven days a week. Appended to the report was a copy of the application, a map of the area of the premises and street view images of the premises. Six representations

had been received, 1 from Cleveland Police and 5 from local residents. All were appended to the report.

Mrs Paramesvaran spoke on behalf of the applicant. She explained that their current licensed premises at 2 Sydenham Road was too small to sell the wide range of products they wished to and this application would allow them to sell a wider variety of items. They were happy to accept any hours members wished to allow them and also indicated they would be prepared to withdraw their application should they be given an assurance that no further similar applications would be considered for this area. However they were advised that such an assurance could not be given.

Members queried whether they intended to keep 2 Sydenham Road open should this application be successful, noting that by having 2 licensed premises on the same road they could be taking business away from one. Mrs Paramesvaran confirmed they intended to retain both premises but hoped to stock a wider range of items at no 16.

Mr Clarke spoke on behalf of Cleveland Police. He raised concerns at the potential issues which could be caused by having 3 licensed premises in such a small area along with the potential for an alcohol price war. Police were concerned at the apparent lack of knowledge the applicant appeared to have of the licensing objectives which were designed to help prevent potential problems around the sale of alcohol. A recent request by the couple to extend the licensable hours at no 2 had been rejected by a sub-committee due to concerns over a lack of training and knowledge around the licensing objectives and Mr Clarke felt that similar concerns could be applied to this application. He noted that 75% of all crime in the Foggy Furze Ward occurred within this area and felt that it was completely unnecessary to have 3 licensed premises in the area. If the couple wished to sell alcohol they could already do so at no 2 and leave no 16 for the sale of non-licensable goods. He also noted the adjacency of a primary school and children's play centre, suggesting an additional licence could result in more drinking outside which would normalise such behaviour for children.

PC Lawton echoed Mr Clarke's comments around crime and anti-social behaviour in the area. She urged members to reject the application saying that while another non-licensed store would be beneficial and another premises selling alcohol would only exacerbate existing problems. The pandemic had changed drinking habits meaning that people tended to drink at home more which was more likely to lead to violent disorder than drinking in licensed premises. She also reiterated the comments around an apparent lack of knowledge on the part of the applicant, highlighting that Mr Paramesvaran had been unable to supply a refusals register and had not been trained in licensing law since 2015. She felt that granting the licence would undermine the licensing conditions and exacerbate issues in the local area.

Members noted that training was included as a condition should the licence be granted. PC Roberts advised that this was the responsibility of the

Designated Premises Supervisor, in this case Mrs Paramesvaran, and would be monitored. Training was carried out by external providers and was not offered through the Council

Mr Thornton had submitted a representation against the application. He commented that it would be more beneficial to have another type of premises such as a butchers or green grocers.

Ms Maklari had submitted a representation against the application. She reiterated Mr Thornton's comments about opening another type of premises, commenting that a third licence in the area would lead to increased anti-social behaviour and underage drinking.

Mr Azagh had submitted a representation against the application. As the owner of 10 Sydenham Road which was also licensed he questioned the need for a third such premises in the area. He suggested that the couple should sell difference items at no 16 rather than the same things as at no 2. He acknowledged the need for a different type of premises rather than a third licensed general dealer but denied that his objection was borne from a fear of competition. The Trading Standards and Licensing Manager reminded members that neither need nor competition was one of the 4 licensing objectives.

16. 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 17 – Application for the variation of a new premises licence: 2 Sydenham Road – 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 (paragraph 1 – information relating to any individual and paragraph 2 – information which is likely to reveal the identity of an individual).

17. Application for a new Premises licence: 16

Sydenham Road (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 (paragraph 1 – information relating to any individual and paragraph 2 – information which is likely to reveal the identity of an individual)

Members considered the application in accordance with the promotion of the licensing objectives and having regard to the Guidance and the

Licensing Authority's Statement of Licensing Policy. They considered the application and representations made by the applicant and the representations from the police and local residents.

Decision

The Sub-Committee considered the application and representations made by the applicant and the representations from the police and local residents.

Members had concerns that the applicant had not received training and was largely unaware of his obligations under the Licensing Act and his duty to promote the Licensing Objectives. They did not consider that any of the Licensing Objectives would be promoted if they were to grant the application and therefore rejected the whole of the application. They did not consider that the imposition of any conditions would enable the Licensing Objectives to be promoted.

The meeting concluded at 11.55pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

8 FEBRUARY 2022

The meeting commenced at 2.20 pm in the Civic Centre, Hartlepool.

Present:

Councillor: Amy Prince (In the Chair)

Councillors: Jennifer Elliott and Tim Fleming.

Officers: Ian Harrison, Trading Standards and Licensing Manager
Rachael Readman, Senior Trading Standards Officer
Daniel Briggs, Senior Trading Standards Officer
Tony Macnab, Solicitor
David Cosgrove, Democratic Services Team

Also Present: PC Clare Lawton - Cleveland Police
Mr Abdul Rizwan, Premises Licence Holder
Mr Usman Ajaib, Premises Supervisor

18. The Mayor, Councillor Brenda Loynes

The Chair stated that just prior to the meeting she had been informed of the sad death of Councillor Brenda Loynes, the current Mayor. Members and all present observed a period of silence as a mark of respect.

19. Apologies for Absence

None.

20. Declarations of interest by Members

None.

21. Application for the review of a premises licence – Charlies, 44A Duke Street, Hartlepool *(Assistant Director, Regulatory Services)*

The Trading Standards and Licensing Manager reported on a request from Trading Standards for the review of a premises licence in respect of Charlies, 44a Duke Street, Hartlepool. The Trading Standards department

stated in the report that on 2nd November 2021, an undercover modern apprentice, aged 18 years old, and employed by Hartlepool Borough Council, was asked to visit Charlies to see if she could purchase a 'Geek Bar' or a 'Geek Bar Pro'. 'Geek Bars' are disposable electronic cigarettes and are age restricted products – meaning they cannot be sold to anyone under the age of 18 years. 'Geek Bar Pros' are illegal in the UK due to the amount of nicotine they contain. The volunteer apprentice visited Charlies and purchased a Geek Bar Pro without being asked to confirm her age in any way.

Immediately following the sale, two Senior Trading Standards Officers entered the premises and seized a quantity of Geek Bar Pros. While they were there, it is alleged that a number of young children entered the shop attempting to purchase geek bars (an age restricted product).

By selling a Geek Bar Pro to an 18 year old, Charlies did not commit an offence under the Licensing Act as nicotine delivery devices (such as geek bars, vapes and even cigarettes) are not 'licensable products' and are not regulated by the Act. However, it was the contention of Trading Standards that the shop's failure to verify the age of the 18 year old apprentice, when she was attempting to purchase an age restricted product (a geek bar), combined with the number of children who attended the premises when Trading Standards were there, and other evidence available, causes a concern that alcohol (a licensable product) may be sold to underage people without age verification checks being carried out.

Following consideration of all of the evidence presented, the steps available to the licensing sub-committee were: -

- To take no action;
- To modify the conditions on the licence;
- To remove the Designated Premises Supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

The two Trading Standards Officers who were present on 2nd November 2021 had both submitted written statements which were read out to the sub committee. A supporting statement from a police constable from Cleveland Constabulary was also read to the Sub Committee. Two other supporting statements were also submitted from Members of the public.

Members questioned the Trading Standards Officers in relation to the goods seized. It was indicated that those products that were not compliant with UK legislation were seized together with a quantity of cigarettes. The cigarettes were later returned to the store after testing. Members questioned the provision of cctv evidence and officers indicated that the licence for the premises did not require cctv monitoring. There was equipment installed but neither the staff or the owner could download evidence from the recording equipment.

Members questioned the Police statement and asked if there were any statistics for anti-social behaviour in the vicinity of the premises. The Officer was unable to provide any details beyond those set out in the statement.

Mr Abdul Rizwan, Premises Licence Holder and Mr Usman Ajaib, Premises Supervisor were both present at the meeting.

Mr Rizwan gave his statement to the Sub Committee stating that he was as concerned with the sale of the non-complaint goods as the officers of the Council and Members. He believed the goods had been supplied to his premises by a sales representative who also supplied the compliant disposable electronic cigarettes. Neither he nor his staff were aware that the Geek Bar Pros were not compliant with UK legislation. Mr Rizwan stated that around two dozen of the Geek bar Pros had been left with the shop in September/October of last year.

Mr Rizwan stated that it was normal for the shop to have children and young people congregating around it on an evening. It was a large convenience store that was 'famous' locally. He and his staff always operated Challenge 25, though there would often be young people trying to claim they had been sold products before by other staff. Mr Rizwan also stated that he could not be certain older clients had not purchased goods for the young people outside the shop. Staff would refuse such sales if they were suspicious this was the case.

In relation to the CCTV, Mr Rizwan stated he did not know how to fully operate the system or how it had been set up, it had been in place when he took over the business. Mr Rizwan did state that he had been considering replacing the system. Mr Rizwan also referred to the Police Statement and the record of incidents around the area of the shop and hoped that in future officers could visit the shop to alert staff

Mr Ajaib stated that since he had started as Supervisor there were greater controls on the serving of young people. The shop did suffer from some shop lifting. He stated that he found it difficult to believe that children as young as 12 and 13 were able to buy electronic cigarettes at the store.

Mr Ajaib commented that he also ran a store in Acklam, Middlesbrough where he was used to receiving visits from the local licensing Police Officers.

Members questioned Mr Rizwan and Mr Ajaib. Members questioned how often the owner and supervisor were at the store. Mr Rizwan stated that he was generally in attendance when there were deliveries or sales reps due to visit and Mr Ajaib stated that he attended the store twice a day at opening and closing times. Members questioned if it was usual for sales reps to leave stock 'on trial' with the shop and Mr Rizwan indicated that they often did if they were trying to introduce new products or ones not sold in the store. Members questioned the training provided to staff and Mr Rizwan

indicated that they were trained in Challenge 25, use of identification, keeping records of sales refusals etc, how to deal with abuse customers and how to spot excessive sales.

Members also questioned if any new procedures had been put in place following the visit by Trading Standards Officers and how staff were ensuring that adults were not buying for children and young people outside the store. Mr Rizwan indicated that he had asked all staff to be more careful when selling to young people. The majority of customers were well known to staff. If they suspected people were buying things for young people outside the store, they would challenge them.

The Chair asked Mr Rizwan if his staff were confident in the use of Challenge 25 and did use a book to log incidents in the store. Had Mr Rizwan plans to improve the cctv system, possibly with an outside camera and to be become fully conversant with its operation. Mr Rizwan said he was confident of his staff. Mr Rizwan did not know when he would be improving the cctv system but would be looking to installing an external camera and the ability to remotely access the system.

Mr Rizwan believed his business was already suffering from these incidents through news being spread by social media.

The Chair allowed both parties to sum up prior to the Sub Committee retiring to consider its decision.

Decision

The decision of the Committee is set out below.

22. 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 23 – Application for the review of a premises licence – Charlies, 44A Duke Street, Hartlepool – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paragraph 1 – information relating to any individual and paragraph 2 – information which is likely to reveal the identity of an individual).

23. Application for the review of a premises licence – Charlies, 44A Duke Street, Hartlepool (This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paragraph 1 – information relating to any individual and paragraph 2 – information which is likely to reveal the identity of an individual)

The Members of the Sub Committee deliberated on the evidence provided to them in the written reports and statements and also by those in attendance at the meeting. During these discussions advice was sought from the Legal department's representative.

Decision

The Licensing Sub-Committee determined that the licensing objectives relating to the prevention of crime and disorder and the protection of children from harm would be promoted by the imposition of conditions and therefore modified the conditions of the licence under Section 52(4) (a) Licensing Act 2003 as per the conditions set out below.

The Licensing Sub-Committee considered that the imposition of the conditions referred to is appropriate and proportionate for the promotion of the licensing objectives.

- 1 A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
 - (a) The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
 - (b) CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
 - (c) Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
 - (d) The system will record and retain CCTV footage for a minimum of 28 days
 - (e) The system will record at all times when the premises are open for the purposes of licensable activities.
 - (f) The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
 - (g) The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
 - (h) CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises

- 2 An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
 - Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
 - The incident log will be made available to police, licensing officers and other responsible authorities on reasonable request
- 3 Training from an external training provider covering Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale, supply or delivery of alcohol and at least every six months thereafter.
- 4 Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor/ Premises Licence Holder or external training providers.
- 5 Documented training records must be kept at the Premises and made available to the Police, Licensing Officers and all other Responsible Authorities on request or during an inspection
- 6 Staff must require ID in the form of a current ten year passport, photo card driving licence or PASS Hologram identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made
- 7 There shall be notices at all points of sale and at all entrances and exits informing customers and reminding staff that the premises is operating a proof of age scheme which includes a "Challenge 25 policy.
- 8 A refusals log will be kept and maintained at all times up to date recording the date, time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name of the member of staff refusing the sale. The refusals log will be made available to police, licensing officers and other responsible authorities on reasonable request. The Premises Licence Holder/Designated Premises Supervisor must monitor the refusals log on a monthly basis.
- 9 The Premises Licence Holder/ Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.

The meeting concluded at 4.20 pm

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

1st February 2022

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

Present:

Councillor: Tim Fleming (In the Chair)

Councillors: Jennifer Elliott and Amy Prince

Also Present: In accordance with Council Procedure Rule 4.2. Councillor Paddy Brown was in attendance as a substitute for Councillor Peter Jackson

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

8. Apologies for Absence

Apologies were submitted by Councillor Peter Jackson.

9. Declarations of interest by Members

None

10. 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 11 – Private Hire Drivers Licence MF – 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).

- 11. Private Hire Drivers Licence MF** *(Assistant Director (Regulatory 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 drivers licence. Further details are contained in the exempt minutes.

Decision

Further details contained in the exempt minutes.

The meeting concluded at 10.35am.

CHAIR

LICENSING COMMITTEE

27 May 2022



Report of: Chief Solicitor

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

1. PURPOSE OF REPORT

- 1.1 To appoint the Licensing Sub-Committees and Regulatory Sub-Committees

2. BACKGROUND

- 2.1 The Committee has 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. Licensing Sub Committees require a minimum of three members present as a statutory requirement.
- 2.2 The following proposed sub committee memberships are set out for Members consideration / discussion. These proposals are based on the sub committees appointed last year and are for the Committee to consider as suggestions.

Licensing Sub Committees: -

1. Rob Cook (Chair), Tom Feeney, Brian Cowie.
2. Amy Prince (Chair), Ben Clayton, Tim Fleming.
3. Peter Jackson (Chair), David Nicholson, Ged Hall.
4. Sue Little (Chair), Andrew Martin-Wells, Tom Cassidy.

Regulatory Sub Committees: -

1. Tom Cassidy (Chair), Ged Hall, Sue Little, David Nicholson.
2. Tim Fleming (Chair), Ben Clayton, Peter Jackson, Amy Prince.
3. Brian Cowie (Chair), Rob Cook, Tom Feeney, Andrew Martin-Wells.

- 2.3 As Members are aware, there is a meeting date set for a Licensing Sub Committee on Monday 30 May at 10.00 am in the Civic Centre. Once the Committee has approved (or amended) the sub committee memberships, one of the Licensing Sub Committees will need to be selected to undertake

that meeting. It would, therefore, need to be one of the sub committees where all, or at least 2 out of the 3 Members, are available on Monday morning, with a substitute Member if needed.

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.

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 put forward meet that requirement as far as practicable.

4. RECOMMENDATION

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

5. REASONS FOR RECOMMENDATIONS

Without the Sub Committees being appointed, the Licensing Committee cannot operate properly in fulfilling its statutory and Constitutional obligations.

6. BACKGROUND PAPERS

Licensing Act Committee Minutes 7 January 2005
Licensing Committee Minutes 15 March 2006
Extraordinary Council Minutes 6 March 2013
Annual Council 24 May 2022

7. CONTACT OFFICER

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