

LICENSING SUB-COMMITTEE

AGENDA



Wednesday 10 August, 2022

at 10.00 am

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

Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Tuesday 9 August 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](#).

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Little, Martin-Wells and Cassidy.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **ITEMS FOR DECISION**
 - 3.1 Objection to a Temporary Event Notice – Wallis & Co, Navigation Point, Hartlepool – *Assistant Director, Regulatory Services*

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.

LICENSING ACT 2003

Procedure for Hearings



Prior to the commencement of the meeting, a representative of the Democratic Services Section shall establish the identity of those present, who they represent and who intends, or wishes to speak.

1. The Chair's opening comments, including introduction of Members of sub-committee and officers present. Explanation of the decision to be considered.
2. The Assistant Director (Regulatory Services), or representative shall outline the application, any relevant representations and relevancy to Licensing Policy and statutory guidance.
3. Members ask any questions of the Assistant Director (Regulatory Services), or representative.
4. Applicant presents their case (either personally or via legal representation) and introduces witnesses where appropriate.
5. Questions by Members to applicant and/or applicant's witnesses.
6. Representations by responsible bodies and/or interested parties and witnesses introduced where appropriate.
7. Questions by Members to responsible bodies/interested parties and/or their witnesses.
8. Parties may question and clarify issues raised with the consent of the Chair.
9. If required, responsible bodies/interested parties to be given opportunity to sum up.
10. If required, the applicant to be given opportunity to sum up.
11. Members to have the opportunity to clarify any points raised. The Chair shall ask whether all parties are satisfied they have said all they wish to.
12. Members to go into closed session to deliberate.
13. Chair informs parties of their decision, with reasons.

Report of: Assistant Director (Regulatory Services)

Subject: OBJECTION TO A TEMPORARY EVENT NOTICE –
WALLIS & CO, NAVIGATION POINT, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an objection notice served by Hartlepool Borough Council's Environmental Health Team in respect of a Temporary Event Notice (TEN) for the front exterior of Wallis & Co., Navigation Point, Hartlepool.

2. BACKGROUND

- 2.1 A Temporary Event Notice has been submitted by Mr Jonathan Wallis in respect of the following: -

Location	Outside Wallis & Co., 12a -15 Navigation Point, Hartlepool
Date of Event	13 th August 2022
Time of Event	12:00 – 18:00 hours
Duration of Event	1 day
Proposed Activities	Sale of alcohol Provision of regulated entertainment (Recorded Music)

- 2.2 A copy of the Temporary Event Notice is attached as Appendix 1.
- 2.3 The Temporary Event Notice was submitted on 27th July 2022 and an objection was submitted by the Council's Environmental Health Team on 28th July (attached as Appendix 2).

3. ISSUES

- 3.1 A Temporary Event Notice is not an application and does not require the approval or permission of the Licensing Authority unless an objection notice is made by either Cleveland Police or Hartlepool Borough Council's Environmental Health Department.

- 3.2 The Licensing Act states that either or both of the above agencies may serve an objection notice when they are satisfied that allowing the proposed event would undermine a licensing objective.
- 3.3 Environmental Health has lodged an objection stating that allowing the playing of recorded music at the proposed event would undermine the 'Prevention of Public Nuisance' licensing objective.
- 3.4 As an objection has been submitted the Licensing Authority is required to hold a hearing and, having considered all relevant evidence, make a decision as to whether the proposed event may proceed.
- 3.5 Having regard to the representations received, Members may choose to:
 - i) Approve the Event Notice
 - ii) Reject the Event Notice
- 3.6 Members are reminded that they must only consider those aspects of the Event Notice that are relevant to the representations received.
- 3.7 Should Members determine that the Temporary Event Notice should not be accepted, the Council will issue a 'Counter Notice' which will prevent the proposed activity from being an authorised event.

4. RECOMMENDATIONS

- 4.1 That Members consider the representations made by applicant and Cleveland Police and determine whether to issue a Counter Notice with respect to the Temporary Event Notice.

Temporary Event Notice



Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Wallis		
Forenames	Jonathan		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day: <input type="text"/>	Month: <input type="text"/> Year: <input type="text"/>
4. Your place of birth		Middlesbrough	
5. National Insurance Number		<input type="text"/>	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
<input type="text"/>			
<input type="text"/>			
Post town: <input type="text"/>		Postcode: <input type="text"/>	
7. Other contact details			
Telephone numbers	<input type="text"/>		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	<input type="text"/>		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
<input type="text"/>			
<input type="text"/>			
Post town		Postcode	

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Wallis & Co 12a – 15 Navigation point Hartlepool TS24 0UH	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
N/A	
Please describe the nature of the premises below. (Please read note 4)	
Bar & Restaurant	
Please describe the nature of the event below. (Please read note 5)	
13/08/22 Use of cocktail van with music outside of Wallis & Co during the afternoon	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/> x
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/> x
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
13/08/22	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
12pm – 6pm	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	120
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input checked="" type="checkbox"/> X
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)	
A DJ will be playing	

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)		Yes <input type="checkbox"/> X
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Hartlepool Council	
Licence number	<div style="background-color: black; width: 100px; height: 1.2em;"></div>	
Date of issue	20/03/2015	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X

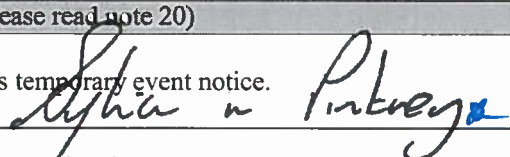
6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	J.W.Wallis
Date	25/07/22
Name of Person signing	Jonathan Wallis

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	 Assistant Director (Regulatory Services) On behalf of the licensing authority
Date	1/8/22
Name of Officer signing	S. PINKNET

examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 (subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction);
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

From: Zoe Craig
Sent: 28 July 2022 14:29
To: Licensing
Cc: Sylvia Pinkney
Subject: RE: Wallis & Co - TEN

Public Protection are objecting to the attached TEN.

The Objection is made based on the following licensing objectives:

- Prevention of public nuisance.

The objection is based solely on the playing of music at the proposed event detailed in the TEN. Public Protection have no concerns or issues with alcohol being served from the van itself.

Unfortunately there is an history of noise complaints surrounding this area with residential properties above these premises. The likelihood of noise and public nuisance would be significant should the Ten be granted allowing music to be relayed from the van that is expected to be situated in the car park at the front of the premises known as Wallis & Co. .

Regards

Zoe

Zoe Craig | Environmental Health Manager (Environmental Protection)
Hartlepool Borough Council
Tel: (01429) 523325
Email: zoe.craig@hartlepool.gov.uk

Web: hartlepool.gov.uk
Facebook: facebook.com/hartlepoolcouncil
Twitter: twitter.com/HpoolCouncil

From: Licensing
Sent: 28 July 2022 09:36
To: Police <h0.licensingunit@cleveland.pnn.police.uk>; Sylvia Pinkney <Sylvia.Pinkney@hartlepool.gov.uk>; Zoe Craig <Zoe.Craig@hartlepool.gov.uk>
Subject: Wallis & Co - TEN

LICENSING ACT 2003 - NOTIFICATION OF RECEIPT OF APPLICATION - ATTACHED

IF YOU HAVE NOT RECEIVED SUCH A COPY YOU SHOULD NOTIFY THIS OFFICE AS SOON AS POSSIBLE.

On 27th July 2022