

LICENSING COMMITTEE

AGENDA



Friday 6 January 2023

at 10.00 am

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

TO ALL MEMBERS OF LICENSING COMMITTEE:

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

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 27 May 2022.
- 3.2 To confirm the minutes of the Licensing Sub-Committee meetings held on 18th May 2022, 30th May 2022, 12th July 2022, 28th July 2022 and 10th August 2022
- 3.3 To confirm the minutes of the Regulatory Sub-Committee meeting held on 16th November 2022

4. ITEMS REQUIRING DECISION

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

5. ITEMS FOR INFORMATION

No items.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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 COMMITTEE

MINUTES AND DECISION RECORD

27 MAY 2022

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

Present:

Councillor: Tim Fleming (In the Chair)

Councillors: Tom Cassidy, Ben Clayton, Rob Cook, Brian Cowie, Tom Feeney, Ged Hall, Sue Little, David Nicholson and Amy Prince.

Officers: Ian Harrison, Trading Standards and Licensing Manager
David Cosgrove, Democratic Services Team

1. Apologies for Absence

Councillors Peter Jackson and Andrew Martin-Wells.

2. Declarations of interest by Members

None.

3. Confirmation of the minutes of the meeting held on 7 January 2022

Confirmed.

4. Confirmation of the minutes of the meetings of the Licensing Sub Committees

21 January 2022 – confirmed.

26 January 2022 – confirmed.

8 February 2022 – confirmed.

5. Confirmation of the minutes of the meetings of the Regulatory Sub Committees

1 February 2022 – confirmed.

6. Licensing Sub-Committee and Regulatory Sub-Committee Memberships *(Chief Solicitor)*

The Principal Democratic Services Officer reported that much of the decision making undertaken by the Committee was delegated to sub committees. There were in previous municipal years 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. It was proposed to continue with this principle and the report set out some suggested memberships for those sub committees.

The Principal Democratic Services Officer indicated that the suggested memberships of the sub committees were based on those in place during 2021/22 with the addition of the newly appointed Members.

Following consideration of the suggested sub committee memberships, the Committee appointed the sub committees detailed in the decision below.

The Principal Democratic Services Officer reported that there had been a meeting of a Licensing Sub Committee scheduled to take place on Monday 30 May 2022 commencing at 10.00 am to consider an outstanding licence application. The Committee was asked to consider which Members / sub committee would be available to undertake the meeting.

Decision

1. That the following Sub Committee memberships be appointed: -

Licensing Sub Committees: -

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

Regulatory Sub Committees: -

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

2. That Licensing Sub Committee 1 hear the licensing application scheduled for Monday 30 May 2022.

7. Any Other Items which the Chairman Considers are Urgent

None.

The meeting concluded at 10.10 am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

18 MAY 2022

The meeting commenced at 10.30 am in the Civic Centre, Hartlepool.

Present:

Councillor: Sue Little (In the Chair)

Councillors: Paddy Brown and Tom Cassidy.

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

Also Present: Acting Sgt, Andrew Thorpe, Cleveland Police
Mr Duncan Craig, Laura Spalding, Kerry Cox and Reha Sookraz
– Cameron's Brewery.

24. Apologies for Absence

None.

25. Declarations of interest by Members

None.

26. Application for the Review of a Premises Licence – Jax Bar, Middleton Grange Shopping Centre, Hartlepool *(Assistant Director, Regulatory Services)*

The Trading Standards and Licensing Manager reported on a request from Cleveland Police for a review of the license in respect of Jax Bar, Middleton Grange Shopping Centre. Copies of the current license and the review request were appended to the report. Camerons Brewery are the owners of Jax Bar and also hold the premises licence but the site itself was currently leased to Jayden Leisure Ltd who operate it as a bar.

Jayden Leisure Ltd is owned by Mr John Burn and Mr Anthony Wilkinson, with Mr Burn also being named on the premises licence as the Designated Premises Supervisor. The application for review stated that there had been

a significant number of incidents of crime and disorder at the premises over the past year and, despite agreeing an action plan to improve the premises in June 2021, serious problems have persisted.

The application for review had been made by Cleveland Police, a responsible authority under Section 51 of the Licensing Act 2003. The application for review related to allegations that the premises has had a significant number of incidents of crime and disorder and the Police had supplied a number of crime reports as evidence. This premises licence had been previously reviewed in November 2020 following an application by Hartlepool Borough Council's Environmental Health department because of breaches of Covid restrictions.

The report concluded by setting out the steps available to the Licensing Sub-committee are: -

- To take no action;
- To modify the conditions on the licence;
- To remove or amend licensable activities currently authorised by the licence and/or the times that they may take place;
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

Cleveland Police had submitted for the Sub Committee's consideration detailed incident reports showing the numbers and types of incidents that were being reported associated with the premises. As the reports contained information relating to and naming individuals, it was considered exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely (para 1) information relating to any individual and (para 2), and information which was likely to reveal the identity of an individual.

The Police representative set out the Police's case for a review of the license for the premises. It was commented that across the whole of the Cleveland Police area, Jax Bar had the highest number of incidents of any late night licensed venue. The incidents were frequent and serious and involved a considerable amount of Police time. An action plan had been agreed with the Designated Premises Supervisor in July 2021 to address some of the concerns. The Police representative stated that the action plan had not been followed and the incidents continued. In all the Police representative submitted four statements and 51 incident reports.

The Police representative stated that there had been constant contact with the license holders and had agreed some additional license conditions (which were tabled for the Sub Committee's consideration) but it was felt the only way to address the issues was to remove the current Designated Premises Supervisor. The Police representative formally indicated to the Sub Committee that the combination of the new conditions and the removal

of the Designated Premises Supervisor was the Police's suggested action in this case.

Members questioned the Police representative on the case submitted, querying the time period covered by the 51 reported incidents. It was indicated that this was between 10 and 11 months. Members also noted that the action plan agreed with the Designated Premises Supervisor and the license holder recommended that the premises close its doors to new patrons after 12.30 am on Fridays and Saturdays; had this been adhered to. The Police representative stated that he could not confirm if the premises had closed its doors at 12.30 at any time but the incident reports showed that the majority of the calls to the Police were after this time.

The representative of Camerons Brewery, the license holder outlined their case to the Sub Committee. It was indicated that the license situation at these premises was not unusual. The Brewery had entered into dialogue with the Designated Premises Supervisor over time but now considered that the position proposed by the Police was the most appropriate action moving forward. The Camerons Brewery representative stated that with the agreement between the Police and the license holder on the proposed new conditions and the removal of the Designated Premises Supervisor, the Sub Committee should support such an outcome.

It was noted that there was some duplication between the existing license conditions and some of the new conditions and it was agreed with the Trading Standards and Licensing Manager that existing conditions 43, 45 and the condition in Annex 3 of the License be removed and replaced with those in the tabled new additional conditions.

The Camerons Brewery representative stated that in supporting the proposed additional conditions and the removal of the Designated Premises Supervisor proposed by the Police, they considered that these steps would address the causes of the issues at Jax Bar. Camerons Brewery considered itself a responsible operator and such a decision by the Sub Committee would assist in the brewery finding new operators for the premises.

Members questioned the discussions with the current Designated Premises Supervisor and whether Camerons had been involved in that process and the action plan. Camerons indicated that they were aware of the discussions. Members also raised questions around the drugs policy and staff training.

At the conclusion of the evidence, neither the Police representative nor Camerons Brewery representatives wished to add anything further in summing up.

The Chair thanked everyone for their attendance at the hearing and their responses to Members questions. The Chair stated that the Sub Committee would then go into closed session to discuss their decision.

Decision

The decision of the Committee is set out below.

27. 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 27 – Application for the Review of a Premises Licence – Jax Bar, Middleton Grange Shopping Centre, 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.

27 Premises licence: (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 police and the license holder.

Decision

The Licensing Sub-Committee considered the application, evidence provided and representations made by Cleveland Police and the representations made on behalf of Camerons Brewery, the Premises Licence Holder.

The Sub Committee found that there had been 51 incidents of violence and disorder either on or outside the premises over a period of 10 and a half months for which the Designated Premises Supervisor must bear responsibility for.

The Licensing Sub-Committee determined that the licensing objectives relating to public safety, the prevention of crime and disorder and the

prevention of public nuisance would be promoted by taking the following steps: -

1. The conditions proposed by the Premises Licence Holder and agreed with Cleveland Police be added to the Premises Licence subject to condition 8 relating to door staff being amended. Condition 8 shall be amended so that from 22:00 hours on Fridays, Saturdays and all Sundays preceding a Bank Holiday Monday, Christmas Eve, Boxing Day and New Year's Eve, there shall be a minimum of 4 door supervisors present until the premises close.
2. As a result of some duplication with existing conditions 43 & 45 and the condition in Annex 3, these shall be deleted. In addition, a further condition shall be added so that no new customers be allowed to enter the premises after 3:00 am. This is as a direct result of the number of reported incidents.
3. The Designated Premises Supervisor shall be removed as the cause of the identified problems with the premises directly related to poor management.
4. The Premises Licence shall be suspended for one month. This was to allow the Licence Holder to make arrangements for more effective management in the future.

The Licensing Sub-Committee considered that the taking of the above steps is appropriate and proportionate for the promotion of the licensing objectives.

The meeting concluded at 12.40 pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

30 May 2022

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

Present:

Councillor Cook (In the Chair)

Councillors Cowie and Feeney

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

Also present:-

Zoe Craig, Environmental Health Manager
Sylvia Pinkney, Assistant Director, Regulatory Services

Applicant – Hornby Park Limited – Represented by Andrew Reece and
Monica Vaughan

Objectors – Ted Hobson, Joey Hoey, Ray Rowntree, Bob and Pamela Watson
and Paul Watson

1. Apologies for Absence

None

2 Declarations of interest by Members

None

3 Application to Vary a Premises Licence in respect of Hornby Park, Elizabeth Way, Seaton Carew *(Assistant Director, Regulatory Services)*

The Licensing Sub-Committee considered the application for the variation of the existing premises licence to enable the premises to supply alcohol seven days a week from 10:00 am to 11:30 pm. The current premise's licence only authorises licensable activities until 6:30 pm on Saturdays and Sundays although it also has a club premises certificate authorising

licensable activities until 1:00 am seven days a week. A copy of the premises licence was appended to the report.

The application to vary the licence had been advertised in the prescribed manner and five objections had been received – all from local residents and all relating to the potential for noise nuisance. These objections were appended to the report.

Elected Members considered the oral representations put forward by Monica Vaughan and Andrew Reece as representatives of the applicant Hornby Park Ltd. The Sub-Committee was advised that the premises had the benefit of a Club Premises Certificate and a limited Premises Licence and wished for the premises licence to be varied with reduced late night hours, compared with the existing certificate and then to surrender the Certificate. The premises also wished to hold four outdoor events each year with live music.

Local residents who had objected to the application were present and spoke objecting to the variation, primarily relating to noise disturbance. The residents were concerned with noise from patrons late at night, loud music, noise from both inside the club and from increased traffic and noise from vehicles arriving and departing at later hours. In particular, the objections were concerned that the proposed changes would allow the present “members only social club” facilities to then operate as a commercial licensed premises/pub offering public access to outdoor daytime and late night drinking and entertainment every night of the week. In particular there were concerns that persons that had frequented other premises in the area would then go to these premises causing late night disturbance for local residents

The Chair thanked everyone for their attendance at the hearing and their responses to Elected Members questions. The Chair stated that the Sub Committee would then go into closed session to discuss their decision.

4. 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 5 – Application to Vary a Premises Licence in respect of Hornby Park, Elizabeth Way, Seaton Carew – This item contained 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).

5. Application to Vary a Premises Licence in respect of Hornby Park, Elizabeth Way, Seaton Carew

Elected Members carefully considered the applicant's representations and the residents' oral and written representations.

Decision

Members determined that the Licensing Objectives would be promoted by varying the premises licence subject to the following conditions:-

The last entry to the Clubhouse for new customers be restricted to 9:00 pm.

The sale of alcohol outside of the Clubhouse be restricted to between 10:00 am and 6:30 pm.

Except for the maximum of four outside events per year, external drinking areas shall be closed at 10:00 pm.

The maximum cumulative attendance at any external event be limited to 1,000 people.

Members considered that the above conditions would alleviate the noise nuisance issues raised by the residents and would promote the Licensing Objective of The Prevention of Public Nuisance.

Members considered that this Decision is appropriate and proportionate.

The meeting concluded at 12 noon.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

12 July 2022

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

Present:

Councillor Jackson (In the Chair)

Councillors Hall and D Nicholson

Officers: Ian Harrison, Trading Standards and Licensing Manager
Zoe Craig, Environmental Health Manager (Environmental Protection)
Tony Macnab, Solicitor

Also present:-

Applicant – Sajaad Ali – with David Wilson, Licensing Consultant

Cleveland Police – PC Andy Thorpe – with Paul Clarke, Solicitor

6. Apologies for Absence

None

7 Declarations of interest by Members

None

8. Application for a new premises licence – 121-123 Raby Road, Hartlepool *(Assistant Director, Regulatory Services)*

The Licensing Sub-Committee considered the application for a new premises licence for the off sales of alcohol 24 hours per day, 7 days a week. The current premises licence authorises the sale of alcohol 9am-7pm Monday-Saturday and 10am-6pm on Sundays. A copy of the premises licence was appended to the report.

The application to vary the licence had been advertised in the prescribed manner and five objections had been received – from Cleveland Police,

HBC's Environmental Protection Team, HBC's Licensing Team and a Councillor. All were appended to the report.

Elected Members considered the oral representations put forward by the applicant Mr Ali through Mr Wilson, Licensing Consultant. Mr Wilson amended the application to enable off sales from 9am-11pm and delivery sales 9am-3am but indicated he intended to trade 24 hours via a hatch after 11pm. He provided evidence of other premises with 24 hour licences and noted that while the premises were located in a residential area they were a hybrid, backing onto a residential area but facing a busy main road.

Mrs Craig presented her objections to the application on the grounds of public nuisance, citing concerns over the potential for noise nuisance caused by delivery drivers.

Mr Clarke presented Cleveland Police's objections to the application on all 4 of the licensing objectives stating that the granting of the licence would be detrimental to the area which already suffers from high levels of crime, disorder and anti-social behaviour, much of it alcohol-related. PC Thorpe acknowledged they were other late licences but noted that these premises were clearly in a residential area.

The Chair thanked everyone for their attendance at the hearing and their responses to Elected Members questions. The Chair stated that the Sub Committee would then go into closed session to discuss their decision.

9. 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 10 – Application for a new premises licence – 121-123 Raby Road – This item contained 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).

10. Application for a new premises licence – 121-123 Raby Road

Elected Members carefully considered the applicant's representations and the oral and written representations.

Decision

The Licensing Act Sub-Committee considered the application and representations put forward by the applicant, Mr Sajaad Ali, through David Wilson, Licensing Consultant. The Sub-Committee considered representations from Zoe Craig, Environmental Health Manager and Paul Clarke, Solicitor for Cleveland Police who opposed the granting of the application.

Mr Wilson amended the application to enable off sales from 24 hours per day to 9:00 am until 11:00pm and to enable delivery sales from 9:00 am until 3:00 am, however the applicant intended to trade 24 hours a day with service of other goods via a hatch after 11:00pm. Mr Wilson provided examples of other premises that had 24 hours licences and addressed the issue raised concerning paragraph 5.13 of The Licensing Policy restricting off sales from premises located in residential areas to 10:00pm stating that the premises are a hybrid, backing on to a residential area with a main road running in front which is a major thoroughfare. With regard to delivery sales the applicant resolved not to use third parties for deliveries but as a platform for orders. There were comprehensive conditions put forward relating to the delivery service.

Zoe Craig, Environmental Health had objected on the grounds of Public Nuisance. With regard to delivery drivers there was the potential for noise nuisance.

Cleveland Police, represented by Paul Clarke, had objected on all four of the Licensing Objectives. The Police stated that the area already suffers from high levels of crime, disorder and anti-social behaviour, much of it alcohol related and the granting of the application will be detrimental to the area.

PC Andy Thorpe highlighted the issues from Cleveland Police point of view. He made reference to the other late licences highlighted by Mr Wilson but explained how these differed significantly from this application which was clearly in a residential area.

Members determined 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 on behalf of the applicant and the representations from Environmental Health and Cleveland Police.

They found as a matter of fact that the premises are located in a residential area and therefore paragraph 5.13 of the Councils Licensing Policy applies. They did not consider there were any compelling reasons to deviate from the Policy and that granting the application in its entirety would not promote all four of the licensing objectives. However, they were prepared to grant the application authorising off sales from the premises from 9:00 am to 10:00pm seven days a week. With regard to a delivery service they granted the application to midnight as this will create less of a public nuisance to local residents than would occur through deliveries after midnight.

The delivery service is subject to the conditions proposed by the applicant subject to the amendments agreed with the Licensing Authority.

Members considered that this decision is appropriate and proportionate for the promotion of the licensing objectives.

The meeting concluded at 12 noon.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

28 July 2022

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

Present:

Councillor Prince (In the Chair)

Councillors Clayton and Fleming

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

Also present:-

Applicant – Muhammed Arshad – accompanied by Arshad Chaudry

11. Apologies for Absence

None

12. Declarations of interest by Members

None

13. Application for the review of a premises licence – King Kaz, 98 York Road, Hartlepool *(Assistant Director, Regulatory Services)*

The Licensing Sub-Committee considered the application for the review of the premises licence for King Kaz. The current licence authorises the provision of late night refreshment until 3am 7 days a week. Hartlepool Borough Council's Licensing Team had requested a review of the licence based on the licensing objectives relating to public safety, prevention of crime & disorder and prevention of public nuisance. Complaints had previously been made from the taxi trade that a silver Ford Mondeo was regularly providing lifts for members of the public but did not have any sort of taxi licence and which was thought to be operating from King Kaz. The premises also appeared to be trading past its licensed hours of 3am.

The Trading Standards and Licensing Manager further updated members that in January 2022 the licence holder for King Kaz had been advised that he should not be trading past 11pm due to the premises licence being suspended for non-payment of fees. Those fees had subsequently been paid however at the time there was some confusion as the payment had been attributed by the Council's payments section to 94 York Road which was Vito's Pizzeria and Grills rather than King Kaz (98 York Road). At the time Mr Arshad had denied having any link to Vito's and had claimed that this was an error on the Council's part however subsequent investigation had revealed that Mr Arshad was a named director for Vito's with Companies House. Mr Arshad had also refuted any suggestion that the illegal taxi driver was operating out of King Kaz stating that he had come in once and been barred from the premises. However CCTV activity suggested that this was not the case and the driver appeared to be actively working with staff. This CCTV evidence was shown to members and the applicant.

Mr Arshad was in attendance accompanied by his father Mr Chaudry. Mr Arshad denied that he had any dealing with Vito's, alleging that someone must have fraudulently given his details to Companies House. Regarding the Mondeo driver he advised that they had previously been banned from the premises and had subsequently returned, threatened Mr Chaudry and caused property damage. This had been reported to the police and was now part of an ongoing investigation. The Chair queried whether there had been any security working when these events had occurred as this was a condition of the licence. Mr Arshad indicated that due to covid losses he could not currently afford to employ security guards 7 days a week. Members noted that security staff were only required to be in place on the weekend. They suggested that Mr Arshad could train his staff to undertake this role. He confirmed that he was currently trying to book himself and another member of staff onto an appropriate course.

Mr Arshad also advised that that he was currently unable to access the internal CCTV footage, something else which was a requirement of the licence. In terms of the premises trading past 3am this had occurred on a minimal number of occasions when Mr Arshad was in London. The staff who were running the shop at the time had assumed that they were allowed to be open later and all had been dismissed from their employment due to this.

The Trading Standards and Licensing Manager referred to CCTV footage which appeared to show Mr Chaudry in discussions with the Mondeo driver and placing a suitcase in the back of the car. Mr Arshad felt that the footage was not clear and reiterated that Mr Chaudry had been attacked by the driver. He also disputed the officers' interpretation of the footage which he felt did not demonstrate that his staff were working with the driver. He also advised that relations with the driver had worsened after the footage was taken as that was when they had threatened to call the police unless

the driver left. Members suggested Mr Arshad take a restraining order out on the driver.

Members also noted the footage of Mr Chaudry throwing food from the premises onto the street. Mr Arshad advised that Mr Chaudry had been feeding the seagulls and had told him not to do this in future.

The Chair thanked everyone for their attendance at the hearing and their responses to Elected Members questions. The Chair stated that the Sub Committee would then go into closed session to discuss their decision.

14. 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 15 – Application for the review of a premises licence – King Kaz, 98 York Road – This item contained 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).

15. Application for the review of a premises licence – King Kaz, 98 York Road *(Assistant Director, Regulatory Services)*

Elected Members carefully considered the representations of the party requesting review and the Premises Licence Holder, the written representations and evidence and the CCTV footage submitted.

Decision

The Licensing Act Sub-Committee considered an application by Hartlepool Borough Council Licensing Service, as a responsible authority for the review of the premises licence for King Kaz, Pizzeria, 98 York Road, Hartlepool relating to the licensing objectives for the prevention of crime and disorder, public safety and the prevention of public nuisance.

Ian Harrison, Trading Standards & Licensing Manager presented the application and outlined his witness statement. The premises have a licence authorising the provision of late night refreshment until 3:00 am

seven days a week. In 2021 the Licensing Team began receiving complaints from the taxi trade that a silver Ford Mondeo was regularly providing lifts to members of the public from outside the premises. This vehicle was not licensed for this purpose. In addition the premises were continuing to provide hot food after 11:00pm despite its licence being suspended for non-payment of its licence annual fees. The Licensing Team also had reason to believe that the premises were trading after 3:00am.

Between 18th April 2022 and 20th May 2022, CCTV footage was obtained showing that the premises were trading after 3:00 am and as late as 5:00 am. In addition the silver Ford Mondeo was observed outside the premises giving lifts to customers from the premises. The driver of that vehicle was observed entering the premises and talking to members of staff and leaving the premises. He was also talking to customers inside the premises and leaving with them and giving them lifts.

In addition to the above, customers of the premises were observed urinating against neighbouring premises. There was also significant littering from customers.

The licence holder was written to in respect of matters and CCTV from the premises was requested but not provided in breach of a condition attached to the Licence. There is also a condition on the Licence relating to the provision of door staff after 11:00pm on Fridays, and Saturdays and also on Sundays preceding Bank Holiday Mondays. Proof of compliance with this had been requested but not provided.

Mr Muhammed Arshad, the Premises Licence Holder, accompanied by his father Arshad Chaudhry, responded to the application. In respect of the unlicensed driver, he stated that he had banned him from the premises but he came back and they called the Police. He has caused damage to their property. That driver had nothing to do with them but he came in to shop with a "Just Eat" driver. The unlicensed driver has tried to break in to his flat a couple of times and made threats to his father in the shop. These have all been reported to the Police and is an ongoing investigation.

In respect of the premises opening later than its licence permits, he accepted that the shop was open late but that he was in London. He said that a member of staff had kept it open and he has fired him and that it hasn't happened since then. He further explained that whilst he was in London, the staff assumed the shop could stay open until 5:00 am as he said that other shops were open until then. When he found out that the shop was open late he fired the rest of the staff. He claimed that after he was contacted about the premises opening late that they stopped opening after 3:00am

In respect of not providing access to the premises CCTV, he stated that he has been unable to provide it as it is locked and the PIN isn't working.

In respect of not providing door staff he said that he did have someone but it became too expensive. He is trying to book himself and another person on a course to obtain the qualification.

Members determined the application in accordance with the promotion of the licensing objectives and having regard to the Guidance. They considered the application and representations made by the applicant and took into account the evidence given. They also considered and took into account the representations from Mr Arshad.

They found that the premises had been open after 11:00 whilst its licence was suspended as a result of non-payment of fees. They also found that the premises had traded after its permitted hours, sometimes as late as 5:00 am, on a number of occasions between 18th April and 20th May

They also found that the Mr Arshad had breached the conditions in the premises licence with regard to the provision of CCTV footage and the provision of door staff.

In respect of the unlicensed driver, they found that he had been giving the premises' customers lifts and that the driver had close links to the premises.

The Licensing Act Sub-Committee considered that the premises had not promoted the licensing objectives and determined that the licence should be suspended for three months under Section 52(4) of the Licensing Act 2003 and that the conditions of the licence be modified by reducing its hours of opening from 3:00am seven days a week to 12 midnight seven days a week. The Sub-Committee considered that these steps are appropriate and proportionate for the promotion of the licensing objectives.

The meeting concluded at 3.30pm

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

10 August 2022

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

Present:

Councillor Sue Little (In the Chair)

Councillors Tom Cassidy and Andrew Martin-Wells

Officers: Ian Harrison, Trading Standards and Licensing Manager
Zoe Craig, Environmental Health Manager (Environmental Protection)
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Team

Also present:-

Applicant – Jonathan Wallis

16. Apologies for Absence

None

17. Declarations of interest by Members

None

18. Objection to a Temporary Event Notice – Wallis & Co, Navigation Point, Hartlepool *(Assistant Director, Regulatory Services)*

The Licensing Sub-Committee considered the Objection to a Temporary Event Notice (TEN) made by the Council's Environmental Health Team. A TEN was submitted on 27th July by Jonathan Wallis for an event outside Wallis & Co from 12 noon to 6pm on Saturday 13th August involving the sale of alcohol and provision of regulated entertainment (recorded music). Under the regulations objections to a TEN can only be made by the Police or the Council's Environmental Health Department. Environmental Health had objected as they believed the event would undermine the 'Prevention of Public Nuisance' licensing objective. The Council's Environmental Health Manager explained that there was a history of noise complaints relating to

the premises and while noise from inside the premises could be controlled the same could not be said for the volume of music being played outside as in this case. She felt that this event would have a massive impact on residents and would inevitably lead to noise complaints. She also noted that each premises could hold 20 temporary events per year and if this event was allowed it would be difficult to restrict other premises from holding similar events.

Members referred to the Council's Waterfront Festival, querying why this event was felt to be inappropriate when officers had been happy for the festival to go ahead. The Environmental Health Manager explained that the Festival had been heavily advertised whereas this temporary event had not. Furthermore there had been no complaints regarding the noise from the festival while there had historically been a number of complaints regarding noise linked to Wallis and Co, the last of which had been in March this year.

Mr Wallis urged members to support his application which was an attempt to do something different in the area. He had recently checked the ambient volume on Navigation Point and found it to be 68 decibels, compared to a maximum of 77 which would result from the music being played outside. The volume would be set and could not be increased. The proposed event would bring additional footfall to the area which would only benefit other businesses, all of which had suffered financially due to the pandemic. He confirmed that doormen would be in place at the venue throughout the event.

The Chair thanked everyone for their attendance at the hearing and their responses to Elected Members questions. The Chair stated that the Sub Committee would then go into closed session to discuss their decision. Members were reminded that they were unable to add any conditions to the TEN and could only approve or reject the application.

19. 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 20 – Objection to a Temporary Event Notice – Wallis & Co, Navigation Point, Hartlepool – This item contained 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).

20. Objection to a Temporary Event Notice – Wallis & Co, Navigation Point, Hartlepool *(Assistant Director, Regulatory Services)*

Elected Members carefully considered the representations of the Environmental Health Manager and the Premises Licence Holder.

Decision

The Licensing Sub-Committee considered the objection lodged by Environmental Health to the Temporary Event Notice. Members heard that only 1 person had been in contact with Environmental Health expressing concerns about the event. Environmental Health considered the likelihood of noise and public nuisance would be significant should the Temporary Event Notice be granted. Mr Wallis had taken decibel readings from the Marina and the ambient decibel reading would not be significantly higher from the music which would be played. Members considered that Mr Wallis' proposals were reasonable and he had taken nearby properties into account by limiting the volume and time. Given this, members decided to not to issue a Counter Notice but, instead, to allow the event to proceed.

The meeting concluded at 11.30am

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

16th November 2022

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

Present:

Councillor: Tom Cassidy (In the Chair)

Councillors: Ged Hall and David Nicholson

Also Present: as substitute in accordance with Council Procedure Rule 4.2
Councillor Peter Jackson for Councillor Sue Little

Officers: Ian Harrison, Trading Standards and Licensing Manager
Maxine Bee, Technical Officer (Licensing)
Andrew Tickle, Environmental Health Officer (Environmental Protection)
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

12. Apologies for Absence

Apologies were submitted by Councillor Sue Little

13. Declarations of interest by Members

None

14. 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 15 - Hackney Carriage Drivers Licence SM – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation)

Order 2006 namely, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

Minute 16 – Private Hire Drivers Licence BB – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, information relating to the financial or business affairs of a particular person (including the authority holding that information) (para. 1).

Minute 17 - Hackney Carriage Drivers Licence GC – 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).

- 15. Hackney Carriage Drivers Licence SM** (*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 what action should be taken against a licensed hackney carriage driver. Details in the closed minutes.

Decision

Details in the closed minutes.

- 16. Private Hire Drivers Licence BB** (*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 what action should be taken against a licensed private hire driver. Details in the closed minutes.

Decision

Details in the closed minutes.

- 17. Hackney Carriage Drivers Licence GC** (*Assistant Director (Regulatory Services)*) This item contains exempt information under Schedu

Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 1) information relating to the financial or business affairs of a particular person (including the authority holding that information)

Members were asked to consider an application for a hackney carriage drivers licence. Details in the closed minutes

Decision

Details in the closed minutes.

The meeting concluded at 3:50pm

CHAIR

LICENSING COMMITTEE

6 January 2023



Report of: Chief Solicitor

Subject: LICENSING SUB COMMITTEE AND REGULATORY
SUB COMMITTEE MEMBERSHIPS

1. PURPOSE OF REPORT

- 1.1 To approve the appointment of Councillor Thompson to Licensing Sub-Committee no 2 and Regulatory Sub Committee no 2.
- 1.2 To appoint a permanent Chair for Licensing Sub-Committee no 2 for premises licences from the membership of Councillors Clayton, Fleming and Thompson

2. BACKGROUND

- 2.1 At the meeting of Licensing Committee on 27th May 2022 members approved the memberships of the seven licensing sub-committees as follows:

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.

3. SUB-COMMITTEE VACANCIES

- 3.1 On Thursday 13th October 2022 Carole Thompson was elected as Councillor for the Foggy Furze Ward. Councillor Thompson was appointed by Council to Licensing Committee on 29th September 2022.

4. RECOMMENDATIONS

- 4.1 That the Committee appoint Councillor Thompson to Licensing Sub-Committee no 2 and Regulatory Sub Committee no 2.
- 4.2 That the Committee elect a Chair for Licensing Sub-Committee no 2 from the membership of Councillors Clayton, Fleming and Thompson.

5. REASONS FOR RECOMMENDATIONS

To fill existing vacancies in order to enable any necessary business to be transacted.

6. BACKGROUND PAPERS

Licensing Committee Minutes 27th May 2022
Council minutes 29th September 2022

7. CONTACT OFFICER

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