

LICENSING COMMITTEE

AGENDA



Friday 2 June, 2023

at 9.00 am

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

MEMBERS: LICENSING COMMITTEE:

Councillors Allen, Buchan, Cassidy, Clayton, Cowie, Darby, Dunbar, Feeney, Hall, Little, Smith 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 10 March, 2023.
- 3.2 To confirm the minutes of the Licensing Sub-Committee meetings held on 16 March, 27 March and 29 March, 2023.

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

For information: -

Dates of forthcoming meetings: Friday 22 September, 2023 at 10.00 am
 Friday 15 December, 2023 at 10.00 am
 Friday 22 March, 2024 at 10.00 am.

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

10th March 2023

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

Present:

Councillor: Andrew Martin-Wells (In the Chair)

Councillors: Ben Clayton, Ged Hall, Peter Jackson, Sue Little, David Nicholson and Carole Thompson.

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

Also Present Brian Anderson – Hackney Carriage Driver

14. Apologies for Absence

Apologies were submitted by Councillors Tom Cassidy, Rob Cook, Brian Cowie and Tim Fleming.

15. Declarations of interest by Members

None.

16. Confirmation of the minutes of the meeting of Licensing Committee held on 6 January 2023, the meeting of Licensing Sub-Committee held on 8th February 2023 and the meetings of Regulatory Sub-Committee held on 22nd December 2022 and 20th January 2023.

Minutes confirmed with the following amendment to the 6th January 2023 meeting:

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

That Councillor Thompson be appointed to Licensing Sub-Committee No. 2 and Regulatory Sub Committee No. 2.

17. Hackney Carriage Tariffs *(Assistant Director – Regulatory Services)*

Members of the hackney carriage trade had submitted a request that the times at which some of the current tariffs are charged should change and that there be an increase in the maximum 'soiling' charge, levied if a passenger's actions require the car to be cleaned. Details of the current charges and proposed charges were appended to the report. These proposals had been approved by the Taxi Owners Working Group. All of the 81 hackney carriage owners had been consulted and 7 objections received – all feeling that the rise was too large. The Trading Standards and Licensing Manager noted that the tariffs were the maximum that could be charged but drivers could charge less if they so wished.

With regards to the 'soiling' charge the Chair suggested that this be amended to £50 at times when car valeting was available and £70 when it was not. This was not supported by members who felt a maximum charge of £100 was preferable as soiling did not tend to occur during the day. The Trading Standards and Licensing Manager noted that this was a maximum charge and in reality would usually be less as it was unlikely passengers would have that amount of money on hand. Members commented that drivers would be unlikely to accept passengers who may soil the vehicle while at the same time this proposed charge might deter passengers from drinking too much if they thought they might not be able to get a taxi home.

A member felt that the tariff increases should be larger as they were currently not at living wage amounts. Mr Anderson acknowledged this was the case saying that drivers need to work an average of 80 hours a week as a taxi driver to make a good living. The member felt that the Council may be breaking the law in this regard however others noted that the only objections to the tariff increase had been from those drivers who felt it was too much. The Trading Standards and Licensing Manager confirmed that any changes made today could be revisited at any time and increased should the trade request it.

Decision

That the following amended tariffs be approved:

Tariff	Flag fall (plus initial distance)	Subsequent cost of journey	Cost for first mile	Cost for subsequent miles	Total cost for 2 mile journey
T1	£2.50 + 30p for first 120m	20p for every 240m	£4.10	£1.30	£5.40

T2	£2.50 + 30p for first 80m	20p for every 160m	£4.80	£2.00	£6.80
T3	£4.00 + 30p for first 80m	20p for every 120m	£6.00	£2.60	£8.60
T4	£5.00 + 20p for first 100m	20p for every 100m	£8.20	£3.20	£11.40

Standard Tariffs

Tariff 1 – 7:00 a.m – 6:00 p.m. except for Sundays

Tariff 2 – 6:00 p.m. – midnight plus between 7:00 a.m. and midnight on Sundays

Tariff 3 – midnight – 7:00 a.m.

Non-Standard Tariffs

Tariff 2 - Between 7:00 a.m. and 6:00 p.m. on 18th – 23rd December

Tariff 3 - Between 7:00 a.m. and 6:00 p.m. on 24th December and 31st December and all bank holidays (unless covered by tariff 4)

Tariff 4 – Only between 6:00 p.m. on Christmas Eve until 7:00 a.m. on 27th December and 6:00 p.m. on New Year's Eve until 7:00 a.m. on 2nd January.

Waiting time will be 30p per minute

Soiling Charge Maximum £100

The meeting concluded at 10:30am.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

16th March 2023

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

Present:

Councillor: Peter Jackson (In the Chair)

Councillors: Ged Hall and David Nicholson

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

17. Apologies for Absence

None.

18. Declarations of interest by Members

None.

19. Application for a new premises licence – Unit 3, Navigation Point, Hartlepool *(Assistant Director (Regulatory Services))*

The Trading Standards and Licensing Manager advised those present that the applicant had made a request that the meeting be adjourned to enable them to attend. Members were happy to accede to this request

Decision

That the meeting be adjourned to 1pm on Tuesday 18th April

The meeting concluded at 10:10am

The meeting reconvened on Tuesday 18 April 2023
at 1.00 pm in the Civic Centre, Hartlepool.

Present:

Councillor: David Nicholson

In accordance with Council Procedure Rule 4.2 Councillor Little was in attendance as substitute for Councillor Hall and Councillor Martin-Wells as substitute for Councillor Jackson

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

20. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Hall and Jackson.

21. Appointment of Chair

It was agreed that Councillor Little be appointed as Chair.

Councillor Little in the Chair

22. Application for a new premises licence – Unit 3, Navigation Point, Hartlepool *(Assistant Director (Regulatory Services))*

The Trading Standards and Licensing Manager presented the report which provided an outline of the application for a new premises licence in respect of Unit 3 Navigation Point, Hartlepool for the sale of alcohol Monday to Saturday 12.00 – 23.45, Sunday 12.00 – 23.15 and late night refreshments Monday to Sunday 23.00 hours to midnight. A copy of the application was appended to the report. The premises to which this application relates had most recently traded as 'Kilimanjaro'. However, when this closed, the licence was surrendered and, as such, a new licence was now needed by the new owner and operator. The previous licence authorised the sale of alcohol until 23.00 Monday to Saturday and 22.30 on Sundays.

The application had been advertised in the prescribed manner and one objection had been received from a resident at Navigation Point, who at that time had exercised their right to remain anonymous. The objections were summarised as concerns regarding noise nuisance caused by an extension of the opening hours from those permitted by the previous licence.

Following presentation of the report, clarification was provided in response to questions raised by Members. The Committee was advised that there had been no objections from the police or noise/nuisance team.

The applicant, Mr Uddin addressed the Committee expressing support for the application and provided clarification in response to questions raised by Members. The applicant confirmed that the music to be provided at the premises would be low background music.

The objector, Mr Lithgo, stated that whilst he had initially indicated a wish to remain anonymous for fear of any repercussions he had subsequently reconsidered and made a decision to attend the hearing. The objector, who was a resident in a flat above the premises, outlined the reasons for objecting to the application which were mainly around noise/nuisance issues likely to be caused by the extension of the opening hours from those permitted by the previous licence and by the applicant at another of his premises situated close by. Concerns were raised that he had previously raised complaints to the Environmental Health section of the Council relating to the playing of loud music, however, no action had been taken. The objector responded to questions raised by Members. Examples of personal experiences of noise nuisance were shared with Members as well as details of the detrimental impact of the noise issues on his health and wellbeing.

Elected Members considered the oral representations and further clarification was provided from all parties present in terms of the location of the flat above the premises.

At the conclusion of the evidence, neither the applicant or objector wished to add any further representations.

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.

23. 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 item of business on the grounds that it 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 a new premises licence – Unit 3 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).

24. Application for a new premises licence –Unit 3, Navigation Point, Hartlepool (*Assistant Director (Regulatory Services)*) (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)

Further to discussions in the open session of the meeting, the Licensing Sub-Committee considered the application for a premises licence for Spice Lounge. The application was presented by Mr Uddin, the applicant. He confirmed that the music that will be playing is low background music.

There was one objection from a resident in the flats above the premises concerning noise nuisance likely to be caused by an extension of the opening hours from those permitted by the previous licence. The objector put forward his concerns and confirmed that he had made complaints to the Environmental Health section of the Council relating to the playing of loud music, however there was no enforcement action to be taken.

Decision

Members determined the application in accordance with the promotion of the licensing objectives and having regard to the Guidance. They considered the application and the resident's representations. Members considered that the resident's previous concerns related to music. This application does not permit the playing of music after 11:00pm and therefore granting the Licence would not create any additional noise nuisance. Members therefore decided to grant the application. Members considered that this decision is appropriate for the promotion of the licensing objectives.

The meeting concluded at 1.45 pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

27 MARCH 2023

The meeting commenced at 10.00 am 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
Tony Macnab, Solicitor
David Cosgrove, Democratic Services Team

25. Apologies for Absence

None.

26. Declarations of interest by Members

None.

27. Application For A New Premises Licence: Grayfields, Jesmond Gardens, Hartlepool *(Assistant Director, Regulatory Services)*

The Trading Standards and Licensing Manager gave an outline of the application received from FCH Enterprise Limited for Grayfields. The site already held an application and the new application incorporated the potential for up to four outside events per year. If approved, the old licence would be surrendered.

There were no objections to the application from the statutory consultees and one objection received from a member of the public. The objector stated that they wished to remain anonymous and did not attend the meeting. FCH Enterprise Limited were represented by Mr J Gould, Mr T Hill and Mr C Burbank who addressed the Sub Committee in support of their application and specifically addressed each of the thirteen points made by the objector.

The FCH representatives highlighted that the event they had previously held at the ground had been successful with no trouble and well attended by the local community. For future events the club had an agreement with a reputable security company to provide security on a plan agreed with the Police. Staff were trained in Challenge 25 for alcohol sales and in safeguarding with a full time dedicated Safeguarding officer. Club officials and members undertook weekly litter picks and the ground was now probably the most litter free it had been for some time.

There had been no recorded anti-social behaviour problems or incidents that required Police attendance and the club liaised regularly with local beat Police Officers and PCSOs. The club promoted a healthy lifestyle and healthy relationship with alcohol and had not encountered any drug issues. There had been no issues with local neighbours with many attending the club and its events.

The FCH representatives stated that the outdoor events would be a significant fund raiser for the club and allow them to maintain low fees for players and members.

In response to Member questions the FCH representatives stated that five security staff, together with a number of volunteers would be utilised during the events in a plan agreed with the Police. Car parking had also not been a problem at the previous event and the club had also agreed additional over flow parking arrangements. With regards to anti-social behaviour, the FCH representatives stated that this had initially been a concern for them when expanding the club but they had been overwhelmed by how little a problem it had proved to be. The club worked hard with younger children to engage and influence them and create an atmosphere of respect for everyone.

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.

28. 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 29 – Application for the variation of a new premises licence: Grayfields, Jesmond Gardens, 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).

29. Application For A New Premises Licence: Grayfields, Jesmond Gardens, Hartlepool *(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 (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 representation from the member of the public. The Sub Committee considered that the representatives of FCH Enterprise Limited had addressed all the concerns raised in the objection and on balance considered that the conditions more than adequately dealt with the concerns raised. The Sub Committee was unanimous in approving the application as submitted.

The meeting returned to open session with the representatives from FCH Enterprise Limited present.

Decision

That the application for a new premises licence in respect of Grayfields, Jesmond Gardens, as submitted, be approved

The meeting concluded at 10.45 am.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

29 MARCH 2023

The meeting commenced at 10.00 am 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
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

Also present:

Mercy Pathmarajan (Applicant)
Prabhu Subramaniam (Designated Premises Supervisor)
Daniel Penman (Counsel for the Solicitor)
PC Clare Lawton

30. Apologies for Absence

None.

31. Declarations of interest by Members

None.

32. Application For A New Premises Licence – 78 Church Street, Hartlepool *(Assistant Director, Regulatory Services)*

The Trading Standards and Licensing Manager gave details of an application for the new premises licence to allow the off sales of alcohol between 7am and 11pm 7 days a week. One representation had been received from Cleveland Police, detailing a number of conditions they wished to add to the licence. However no agreement on these had been reached with the applicant and subsequent dealings with the applicant had left the police representatives concerned that granting this licence would undermine the licensing objectives and exacerbate issues already suffered by the local area. An additional statement by Cleveland Police had been

circulated to members prior to the meeting and a copy provided to the applicant.

Mr Subramaniyam spoke in support of the applicant. Members queried why the applicant was not presenting her case. Mr Subramaniyam advised that he had a better understanding of the details. He confirmed that he was happy to accede to the majority of the conditions with the exception of the requirement that there be no sale of single cans. He felt this was unreasonable as other shops in the area were allowed to sell single cans. He also referred to the assertion in the additional police statement that he would be able to make money selling single cans to students. He denied ever saying this and confirmed he would not be making under age sales.

Members queried where the alcohol would be stored on the premises. Mr Subramaniyam advised that there were 2 areas set aside for alcohol storage near the counter with the option to put more behind the counter should this be necessary. He also indicated that they would be happy to amend the start time of the premises licence to 8am should members feel this was necessary.

Mr Penman referred to the additional police statement and the conditions previously requested. He confirmed that the applicant had been happy with the majority of these conditions with the exception of that relating to the sale of single cans. He also noted Mr Subramaniyam's comment relating to the placement of alcohol in the shop and suggested that the proposed areas on the shop floor for alcohol be reduced and high strength alcohol be situated permanently behind the counter.

Mr Penman advised members that Church Street was a hotspot for crime linked to the nighttime economy and the proposed conditions were based on this. Concerns had been raised around this application due to the apparent lack of control on the part of the applicant with Mr Subramaniyam appearing to be in charge. He questioned why the application was not in his name if this was the case and queried whether the conditions would be followed given his objection to the single can condition. He also queried whether the couple would work with the police and licensing department should any issues arise. If members did feel inclined to grant the licence Cleveland Police asked that all 14 proposed conditions be included.

PC Lawton noted that Mr Subramaniyam had indicated he would withdraw this application if he was unable to sell single cans

Members queried what the applicant would do if the application was not granted. Mr Subramaniyam indicated they would still open the premises as a grocery shop. They queried whether he would be prepared to hire a doorman for weekend evenings. He advised that there would be 2 staff members permanently in the store but he could not afford an additional doorman. He also reiterated that he had not made the comment about selling to students and suggested this was a misunderstanding on PC

Lawton's part. They were happy to abide by all the proposed conditions apart from that banning the sale of single cans.

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.

33. 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 ?? – Application for the variation of a new premises licence – 78 Church 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).

34. Application For A New Premises Licence – 78 Church Street, Hartlepool *(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 (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 Cleveland Police.

The meeting returned to open session.

Decision

The Licensing Sub-Committee considered the application and representations put forward by the applicant through her husband, the proposed DPS.

The Police were represented by their Counsel and PC Lawton gave evidence in accordance with her statement. The Police had initially considered that their concerns would be adequately addressed by the

imposition of conditions which they had set out and which would promote the licensing objectives. However, their position now was that granting the application would not promote any of the licensing objectives. The Police were particularly concerned that the applicant hadn't agreed to a condition prohibiting the sale of single cans of lager, beer and cider which had contributed to anti-social behaviour in Church Street arising out of single can sales from another off sales premises.

Members determined the application in accordance with the promotion of the licensing objectives and having regard to the Guidance. They considered the application and the representations from the Police.

Members decided to grant the application subject to the conditions proposed by the Police but with the amendment that the times for sale of alcohol be from 8:00 am to 10:00 pm and with the additional condition that spirits can only be displayed for sale from behind the counter.

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

The meeting concluded at 11:30 am.

CHAIR

LICENSING COMMITTEE

2 JUNE 2023



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.

Licensing Sub Committees: -

1. Leisa Smith (Chair), Rob Darby and Martin Dunbar.
2. Bob Buchan (Chair), Carole Thompson, Ged Hall.
3. Sue Little (Chair), Gary Allen, Tom Feeney.
4. Brain Cowie (Chair), Ben Clayton, Tom Cassidy.

Regulatory Sub Committees: -

1. Ged Hall (Chair), Ben Clayton, Leisa Smith and Rob Darby.
2. Tom Cassidy (Chair), Brian Cowie, Carole Thompson and Martin Dunbar.
3. Tom Feeney (Chair), Sue Little, Gary Allen and Bob Buchan.

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 is 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 16 May 2023

7. CONTACT OFFICER

David Cosgrove, Principal Democratic Services Officer
01429 523019
david.cosgrove@hartlepool.gov.uk