

LICENSING SUB-COMMITTEE

AGENDA



Monday 24th July 2023

at 10.00am

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

MEMBERS: LICENSING SUB-COMMITTEE:

Councillors Cassidy, Clayton and Cowie.

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **ITEMS FOR DECISION**
 - 3.1 Application for Temporary Event Notice - *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 –
ESKIMO JOES, VICTORIA ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider an objection notices served by both Cleveland Police and Hartlepool Borough Council's Environmental Health (Environmental Protection) team in respect of a Temporary Event Notice (TEN) for Eskimo Joes, 4 Victoria Road, Hartlepool.

2. BACKGROUND

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

Location	Eskimo Joes
Date of Event	28 th July 2023 – 30 th July 2023
Time of Event	03:00 – 05:00 hours
Duration of Event	2 days
Proposed Activities	Sale of alcohol Provision of regulated entertainment (DJ) The Provision of late night refreshment

- 2.2 A copy of the Temporary Event Notice is attached as Appendix 1.
- 2.3 The Temporary Event Notice was submitted on 13th July 2023 and an objection was submitted by the Council's Environmental Health (Environmental Protection) Team on 14th July (attached as Appendix 2).

An objection was received from Cleveland Police on 18th July (attached as Appendix 3). Please note that the objection from Cleveland Police is NOT FOR PUBLICATION. Exemption below:

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 any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (Para 7)

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 (Environmental Protection) has lodged an objection stating that allowing the playing of music at the hours proposed for the event would undermine the 'Prevention of Public Nuisance' licensing objective. Cleveland Police has lodged an objection stating that granting such opening times as outlined for the event would undermine the "Prevention of Crime and Disorder" 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 the applicant, Environmental Health and Cleveland Police and determine whether to issue a Counter Notice with respect to the Temporary Event Notice.



**Hartlepool
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@hartlepool.gov.uk
Telephone: 01429 523354

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

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

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). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Eskimo Joe's is a public house with late license capacity in the centre of Hartlepool. A large premises lending itself to a Sports Bar style.

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State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

03:00-05:00 x 2

[\(see also guidance on completing the form, note 10\)](#)

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

250

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

We will have a DJ playing music up until close under the TENS, which would be 04:30/05:00 each day of the license.

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Section 7 of 9**PREVIOUS TEMPORARY EVENT NOTICES** [\(See also guidance on completing the form, note 15\)](#)

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 No

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 Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9**ASSOCIATES AND BUSINESS COLLEAGUES** [\(See also guidance on completing the form, note 16\)](#)

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 No

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 Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

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 No

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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:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * 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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/hartlepool/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



Fri 14/07/2023 11:49

Zoe Craig

RE: TEN - Counter Notice - Eskimo Joes (28-30 July)

To Licensing; Andrew Tickle; Police - General email (H0.LicensingUnit@cleveland.pnn.police.uk); Rachael Readman

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Counter Notice

Public Protection are objecting to the attached TEN.

The objection is made based on the following licensing objective :

- Prevention of Public Nuisance.

The objection is based on the hours applied for and the playing of music at the proposed premises detailed in the TEN. The likelihood of noise and public nuisance would be significant should the TEN be granted.

Regards

Zoe Craig | Environmental Health Manager (Environmental Protection)

Hartlepool Borough Council

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