

LICENSING COMMITTEE

AGENDA



Friday 21 June 2024

at 10.00 am

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

MEMBERS: LICENSING COMMITTEE:

Councillors Allen, Bailey-Fleet, Clayton, Darby, Dunbar, Feeney, Jorgeson, Little, Nelson, Thompson, Young and 1 Vacancy.

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 21 May 2024

3.2 To receive the minutes of the Licensing Sub Committee held on: -

20 July, 2023
24 July, 2023
25 July, 2023
26 July, 2023
29 August, 2023
26 September, 2023
4 October, 2023
5 March, 2024
21 March, 2024
23 April, 2024
17 May, 2024.

3.3 To receive the minutes of the Regulatory Sub Committee held on: -

12 September, 2023
22 November, 2023
16 February 2024.

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.

4. ITEMS REQUIRING DECISION

- 4.1 Hackney Carriage Tariff Increase Proposal – *Assistant Director (Regulatory Services)*
- 4.2 Gambling Act - Statement of Principles – *Assistant Director (Regulatory Services)*

5. ITEMS FOR INFORMATION

No items.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



LICENSING COMMITTEE

MINUTES AND DECISION RECORD

21 May 2024

The meeting commenced at 7.30 pm in the Civic Centre, Hartlepool.

Present:

Councillor Dunbar (In the Chair)

Councillors: Que Bailey-Fleet, Ben Clayton, Rob Darby, Tom Feeney,
Michael Jorgeson, Sue Little, John Nelson, Carole Thompson
and Mike Young

Officers David Cosgrove, Principal Democratic Services Officer

1. Apologies for Absence

None.

2. Declarations of interest by Members

None.

3. Minutes

The minutes of the meeting held on 2 June 2023 were confirmed.

4. Licensing Sub-Committee and Regulatory Sub-Committee Memberships *(Director of Legal, Governance and Human Resources)*

The Principal Democratic Services Officer reported that the Licensing 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.

There is a need this year to determine the Sub Committee memberships at the very earliest opportunity as there is already an application for a premises licence that has to be determined.

The Chair had been consulted on proposed memberships of the sub committees and had supported the following proposals which were submitted for the Committee's consideration.

Licensing Sub Committees:-

1. Councillors Dunbar (Chair), Jorgeson and Darby.
2. Councillors Thompson (Chair), Bailey Fleet and Young.
3. Councillors Allen (Chair), Feeney and Little.
4. Councillors Clayton (Chair), Nelson and vacancy.

Regulatory Sub Committees: -

1. Councillors Dunbar (Chair), Clayton, Nelson and Darby.
2. Councillors Allen (Chair), Bailey-Fleet, Jorgeson and vacancy.
3. Councillors Feeney (Chair), Thompson, Young and Little.

The Local Government and Housing Act, 1989, required '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. The proposals submitted met those requirements as far as was possible.

The Principal Democratic Services Officer referred to the need to undertake a premises licence application hearing and, in light of the new members of the committee that had yet to receive their formal Licensing training, Licensing Sub Committee 3, being made up of previously trained Elected Members was suggested the post appropriate sub committee to consider the application. The sub committee members were asked if they would be available to convene on Monday 3 June 2024 at 2.00 pm to hear the application. The date and time of the sub committee meeting was agreed with Councillor Thompson to act as substitute for Councillor Allen at the meeting.

Decision

That the memberships of the Licensing Act Sub Committees and the Regulatory Sub Committees as set out above be approved.

The meeting concluded at 7.45 pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

20 July 2023

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

Present:

Councillor Brian Cowie (in the Chair)

Councillors Tom Cassidy and Ben Clayton

Officers: Rachael Readman, Senior Trading Standards Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

Also present:

Paul Nicholson and Geoff Rowbotham, Hartlepool Working men's Club

1. Apologies for Absence

None

2. Declarations of interest by Members

None

3. Application for the variation of an Existing Club Certificate: Hartlepool Working Men's Club, Hartlepool *(Assistant Director – Regulatory Services)*

The Senior Trading Standards Officer presented the report to consider a variation of the Club Certificate in respect of Hartlepool Working Men's Club. The certificate currently allowed for a variety of activities at different times and days, this variation sought to streamline these as much as possible. There had been no objections from the police or other interested parties however 1 objection had been received from a nearby resident in terms of noise nuisance and proposals for future boxing and wrestling events due to previous incidents of fighting in the club car park.

Mr Nicholson and Mr Rowbotham addressed members. This variation would give them more flexibility to expand their business financially. A number of licensed premises had closed down in the vicinity due to money concerns and they did not want to be in that position. The club currently provides entertainment twice weekly and they wanted to be able to vary this should they wish. In terms of concerns raised around boxing and wrestling these would always be arranged by the local boxing club and involve the services of 2 registered doormen and a doctor as recommended by the police.

Members queried the allegation around a fight in the car park following a boxing match. Mr Nicholson advised that this was not connected to the match itself and was simply a dispute in the bar that had spilled out into the car park. There had been no further incidents and no visits from the police relating to trouble at the club. In terms of the complaint around noise he confirmed that the doors were self-locking and the club had air conditioning installed so there was no need for windows and doors to be open. The only possible noise pollution might be when equipment was being installed and removed. The majority of noise in the area was caused by movement around the shopping precinct. He also noted that despite there being a number of houses near the premises only 1 complaint had been received.

Following presentation of the report and the representations put forward by Mr Nicholson and Mr Rowbotham, elected members considered the objection put forward by a nearby resident who wished to remain anonymous. This had been sent to members in advance of the meeting, with an email of response from Mr Rowbotham.

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 for the Variation of an Existing Club Certificate: Hartlepool Workingmen's Club, 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).

5. Application for the Variation of an Existing Club Certificate: Hartlepool Working Men's Club, 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).

Elected Members carefully considered the representations of the licence holder and the objector.

Decision

The Licensing Sub-Committee considered the application for a variation to the Club Certificate to extend the days and times that regulated entertainment could be provided and also the new provision of Boxing or Wrestling.

There had been one anonymous written objection from a member of the public relating to noise nuisance and anti-social behaviour in the Club Car Park, in particular after boxing and wrestling events several years ago.

Geoff Rowbotham, the Club Secretary presented the application together with Paul Nicholson. Club Chairman

The Club intended to go to one of the Boxing Clubs in town but nothing had yet been planned. There had been an issue with two lads in 2016 involving a personal incident but this had nothing to do with a boxing event.

There are 8 houses down one side of the premises and 8 over the road in front and there are shops on the other side and garages behind. Noise nuisance is not an issue and the doors and windows remain closed in the club as it has air conditioning.

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 and the Club's response and determined that the Licensing Objectives would be promoted by this application and approved the application in its entirety.

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

The meeting concluded at 10:30 a.m.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

24 July 2023

Present:

Councillor Clayton

In accordance with Council Procedure Rules, Councillors Darby and Little were in attendance as substitutes for Councillors Cassidy and Cowie respectively.

Also present:

Zoe Craig, Environmental Health Manager (environmental protection)
PC Clare Lawton, Cleveland Police

Officers: Rachael Readman, Senior Trading Standards Officer
Tony Macnab, Solicitor
Andrew Tickle, Environmental Health Officer (environmental protection)
Amanda Whitaker, Democratic Services Team

The commencement of the meeting was delayed whilst the Senior Trading Standards Officer attempted to contact the giver of the Temporary Event Notice who was not in attendance when the Committee was due to start.

The Sub-Committee noted that the giver of the Temporary Event Notice could not be contacted and agreed that the meeting should commence.

The meeting commenced at 10.15 a.m.

It was agreed that in the absence of the Chair of the Sub-Committee, the meeting be chaired by Councillor Little

Councillor Little in the Chair

6. Apologies for Absence

Councillors Cassidy and Cowie

7. Declarations of interest by Members

None

8. Temporary Event Notice *(Assistant Director – Regulatory Services)*

The Senior Trading Standards Officer presented the report which sought the consideration of the Sub-Committee of an objection notice 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. The TEN was in respect of the sale of alcohol and provision of regulated entertainment (DJ) and the provision of late night refreshment between 3am and 5am 28th to 30th July.

The giver of the TEN did not attend and therefore the Objection Notices were considered in his absence.

The Temporary Event Notice, appended to the report, had been submitted on 13th July 2023 and an objection had been submitted by the Council's Environmental Health (Environmental Protection) Team on 14th July (also appended to the report). An objection had been received also from Cleveland Police on 18th July (attached as Appendix 3 which included 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)

The Sub-Committee was advised that 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. 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. As an objection had 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.

Following presentation of the report, elected members considered the representations put forward by Hartlepool Borough Council's Environmental Health (Environmental Protection) team which was represented by the Environmental Health Manager who referred to the significant likelihood of noise and public nuisance should the TEN be granted. The concerns related also to the management of the premises and if the licensable activities were extended to 5 am this would mean people leaving the premises and getting home even later with continuous noise extending

beyond 5am. There is a public tolerance until 3am as the public know what to expect. Another concern was that the Licence Holder had stated in the TEN that the venue is to accommodate an artists' after party, the event end time being between 10:30 and 11pm, yet the Soundwave Event Organiser had advised the Safety Advisory Group that it is open to members of the public. The Sub-Committee sought clarification regarding issues arising from the representations.

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 – Temporary Event Notice – 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)

10. Temporary Event Notice

(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)

Elected members considered consideration of the Temporary Event Notice with consideration of the representations put forward by Cleveland Police, represented by PC Clare Lawton.

Members considered the Objection Notices in light of the TEN and determined the TEN would not promote the Licensing Objectives of prevention of public nuisance and prevention of crime and disorder.

Decision

That the TEN be rejected and therefore the premises user be issued a Counter Notice which was considered appropriate for the promotion of the licensing objectives.

The meeting concluded at 11.00 a.m.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

25 July 2023

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

Present:

Councillor Sue Little (in the Chair)

Councillor Tom Feeney

In accordance with Council Procedure Rule 4.2 Councillor Ben Clayton was in attendance as substitute for Councillor Gary Allen.

Officers: Rachael Readman, Senior Trading Standards Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

Also present:

Claire Lawton and Kayley Scaife (Police Solicitor (Operational)),
Hartlepool Police

11. Apologies for Absence

Apologies were submitted by Councillor Gary Allen

12. Declarations of interest by Members

None

13. 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 14 – Application for the Review of Premises Licence – Spices, Unit 3, Navigation Point, 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 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (Para 7)

14. Application for the Review of Premises Licence – Spices, Unit 3, Navigation Point, 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 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (Para 7)

The Senior Trading Standards Officer advised Members that the licence holder had formally surrendered the licence prior to the meeting with immediate effect. In light of this the application for a review had been formally withdrawn.

The meeting concluded at 10:20 a.m.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

26 July 2023

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

Present:

Councillor Bob Buchan (in the Chair)

Councillors Ged Hall and Carole Thompson

Officers: Craig Blundred, Director of Public Health
 Rachael Readman, Senior Trading Standards Officer
 Andrew Tickle, Environmental Health Officer (environmental
 protection)
 Tony Macnab, Solicitor
 Jo Stubbs, Democratic Services Officer

Also present:

Nazim Uddin, Bar E2
Claire Lawton and Kayley Scaife (Hartlepool Police
(Operational)), Hartlepool Police

15. Apologies for Absence

None

16. Declarations of interest by Members

None

17. 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 18 – Application for the Review of Premises Licence – Bar E2, Unit 2, Navigation Point, 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 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (Para 7)

18. Application for the Review of Premises Licence – Bar E2, Unit 2, Navigation Point, 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 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (Para 7)

An application for a review of the premises licence in respect of Bar E2 had been made. Further details are supplied in the closed minutes

Decision

Detailed in the closed minutes

The meeting concluded at 11.10 a.m.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

29th August 2023

The meeting commenced at 9.00am in the Civic Centre, Hartlepool.

Present:

Councillor: Leisa Smith (In the Chair)

Councillor: Rob Darby

In accordance with Council Procedure Rule 4.2 Councillor Gary Allen was in attendance as substitute for Councillor Martin Dunbar

Officers: Sylvia Pinkney, Assistant Director – Regulatory Services
Daniel Briggs, Senior Trading Standards Officer
Neil Harrison, Senior Trading Standards Officer
Josh Maitland, Graduate Trading Standards Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

Also Present:

Aniruth Sivalingham (Lifestyle Express)
Duncan Craig (Barrister for Mr Sivalingham)

19. Apologies for Absence

Apologies were submitted by Councillor Martin Dunbar.

20. Declarations of interest by Members

None

21. Application for the review of a premises licence – Lifestyle Express (Top Shop), Jesmond Gardens, Hartlepool *(Assistant Director, Regulatory Services)*

Trading Standards had requested a review of the premises licence for Lifestyle Express (Top Shop) on Jesmond Gardens as they state the premises licence holder (Mr Sivalingham) is allowing the sale of illegal age restricted products to the public. In May 2023 following complaints that illegal vapes were being sold to children a successful test purchase was

carried out, confirming that illegal vapes were being sold. A warrant was obtained by Teesside Magistrates and a search of the premises conducted on 6th June 2023. 1214 non-complaint vapes were seized worth approximately £12 thousand.

The Senior Trading Standards Officer confirmed that a quantity of the illegal vapes seized had been stored under the counter and were not with the legal products. The test purchase had not involved anyone under-age and the register of refusals had not been checked so they could not confirm whether the allegations of sale to children were justified. However an illegal vape had been sold as part of a test purchase and a large amount of stock had been seized. Mr Sivalingam had informed officers that he had received the illegal vapes from a supplier he had never used before and that when he had realised his mistake he had stopped selling them. Officers felt that this cast significant doubt on Mr Sivalingam's suitability to be licenced to sell alcohol.

Mr Craig spoke on behalf of Mr Sivalingam. He acknowledged that the vapes were not compliant and he did not have a receipt for them. He had ordered compliant devices from someone called "Mo" who had come into his premises but illegal vapes had been delivered. He had been attending a wedding when the vapes were delivered so had been unaware that they were non-compliant until he returned to the premises on 5th June. He had instructed his employees to stop selling them immediately. The following day the premises had been searched and the illegal vapes seized.

Mr Sivalingam had held a licence since 2019 with no previous issues. The allegations of underage sales were false, possibly made by competitors. Mr Craig felt there was no direct evidence of the undermining of any of the licensing objectives. He suggested that conditions 2 and 6 could be amended to cover all age restricted products (rather than the current references to 'alcohol' only) and further conditions added to the licence as follows:

1. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
 - a. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
 - b. All crimes reported to the premises
 - c. Any faults in the CCTV system
 - d. Any visit by a responsible authority or emergency service
 - e. Any instance of a caller to the shop attempting to sell age restricted products

The incident book must be kept at the premises and made available to Cleveland Police or an officer of a responsible authority on request

2. Invoices (or copies) for all age restricted products on the premises shall be retained for 12 months after the date of purchase and shall

be made available to officers from Hartlepool Borough Council, Cleveland Police or HMRC upon request

3. The Licence Holder shall report to Trading Standards and Police any instance of a caller to the shop attempting to sell age restricted products within 24 hours

Mr Craig suggested that these amended/additional conditions on the current licence could be accompanied by a 2 week suspension to serve as a punishment and deterrent to others. Mr Sivalingam would not appeal such a penalty. Mr Craig had also stressed the need to only use legitimate suppliers in the future to his client.

Members queried why the illegal devices had been left behind the counter and not removed from the premises altogether. Mr Sivalingam advised that his staff had put them there. When he had become aware that they were non-compliant he had tagged 2 of the boxes with 'do not sell'. Members queried why a third box containing the illegal vapes had not been similarly tagged and why the vapes had been left under the counter and not removed from the premises altogether. Mr Sivalingam advised that he had been too busy to remove the items completely and had felt a note would suffice. Members highlighted that he was ultimately responsible for what happened on his premises, not his staff. They queried whether the illegal sales would have continued if the search had not taken place. They also questioned Mr Sivalingam's apparent unwillingness to take responsibility or apologise for what had happened, whether or not it was a genuine mistake.

The Senior Trading Standards Officer gave details of what had been seized during the raid and what condition the items had been in. He felt that that this had been a deliberate decision to sell illegal products and no amount of conditions would have prevented it. Mr Craig urged members to make a proportionate decision.

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.

22. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 23 – Application for the review of a premises licence – Lifestyle Express (Top Shop), 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).

23. Application for the review of a premises licence – Lifestyle Express (Top Shop), 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)

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

Decision

The Licensing Sub-Committee considered an application by Hartlepool Trading Standards as a Responsible Authority for the review of the premises licence for Lifestyle Express (Top Shop) 66/68 Jesmond Gardens relating to the licensing objective for the prevention of crime and disorder.

Neil Harrison, Trading Standards, presented the application which was as a result of a warrant being executed on the premises resulting in the seizure of 1214 non-compliant vapes on 6th June worth over£12,000. The vapes were seized from out of sight spaces below the counter, on a staircase leading to the flat and from a room in the flat. The legally compliant devices were on display in the shop. This followed complaints that illegal vapes had been sold and a successful test purchase made on 17th May.

The Premises Licence Holder, Mr Sivalingam, in interview stated that he knew that the devices were illegal to sell but they were on the premises by mistake. He stated that he had ordered compliant devices from a man he only knows as "Mo" but then the illegal ones had been delivered by mistake. He stated that he was attending a wedding over the weekend before the warrant was executed so he did not notice the mistake until he returned on Monday 5th June He stated that after he had returned he stopped selling the devices.

Trading Standards' contention is that the supply of these items casts significant doubt on the licence holder's suitability to be licenced to sell alcohol. The individuals at the premises knew that they were breaking the

law having had warning of the illegality of the products and chose to try and conceal such items beneath the counter to avoid detection. The department's opinion is that the individuals are deliberately opposing the prevention of the crime and disorder objective.

Duncan Craig, Counsel for Mr Sivalingam, said that his client accepts that the vapes were non-compliant and that he did not have a receipt for them. There had been a visit by Trading Standards last Friday and the vapes on sale had been purchased from a legitimate supplier.

Mr Sivalingam has held a licence since 2019 and has not been reviewed before. Mr Craig suggested that conditions 2 and 6 could be amended to cover all age restricted products which would include vapes and cigarettes and further conditions could be added to the licence including the keeping of an incident book and a requirement to keep invoices or copies for all age restricted products for 12 months. In addition a condition requiring the licence holder to report to Trading Standards and Police any instance of a caller to the shop attempting to sell age restricted products within 24 hours could be added. Mr Craig suggested that a suspension for a couple of weeks would be a punishment and a deterrent to his client and others.

Members determined the application in accordance with the promotion of the licensing objectives and having regard to the Guidance. They considered the application, evidence provided and representations made by Trading Standards and the representations made by Duncan Craig on behalf of Mr Sivalingam, the Premises Licence Holder.

Members determined that the Licence shall be suspended for six weeks to allow the Licence Holder to make arrangements for more effective management in the future.

In addition, The Licensing Sub-Committee determined that the licensing objectives relating to the prevention of crime and disorder would be promoted by the imposition of additional conditions and the amendment of current conditions and therefore modified the conditions of the licence under Section 52(4) (a) Licensing Act 2003.

The additional conditions are as per the email submitted by Duncan Craig with agreed amendments and existing conditions 2 & 6 to be amended as agreed and existing condition 1 to be replaced with a new version.

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

The meeting concluded at 11.45am.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

26th September 2023

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

Present:

Officers Jo Stubbs, Democratic Services Officer

24. Meeting abandoned

Following the withdrawal of all objections to the application, the meeting was abandoned. The Chair and his colleagues had been advised of the situation prior to the meeting.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

4th October 2023

The meeting commenced at 9.00am in the Civic Centre, Hartlepool.

Present:

Councillor: Leisa Smith (In the Chair)

Councillors: Rob Darby and Martin Dunbar

Officers: Sylvia Pinkney, Assistant Director (Regulatory Services)
Rachael Readman, Trading Standards and Licensing Manager
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

25. Apologies for Absence

None

26. Declarations of interest by Members

None

27. Application for a new premises licence – SRJ Convenience Ltd, 234 Stockton Road, Hartlepool TS25 2DE *(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 9am on Tuesday 7th November

The meeting concluded at 9:10am

The meeting recommenced at 9.00am on Tuesday 7th November 2023

Present:

Councillors: Rob Darby and Martin Dunbar

Officers: Sylvia Pinkney, Assistant Director (Regulatory Services)
Rachael Readman, Trading Standards and Licensing Manager
Jo Stubbs, Democratic Services Officer

28. Meeting abandoned

Following the withdrawal of the representations, the meeting was abandoned. The Chair and her colleagues had been advised of the situation prior to the meeting. Members present were informed of the reasons for this withdrawal.

The meeting concluded at 9:05am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

5th March 2024

The meeting commenced at 9.15 am in the Civic Centre, Hartlepool.

Present:

Councillor: Leisa Smith (In the Chair)

Councillors: Rob Darby and Martin Dunbar

Officers: Rachael Readman, Trading Standards and Licensing Manager
Claire Robinson, Public Health Principal
Daniel Briggs, Senior Trading Standards Officer
Josh Maitland, Graduate Trading Standards Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

Also present:

Clare Lawton, Cleveland Police
Devinder Malhotra, Premises Licence Holder

29. Apologies for Absence

None

30. Declarations of interest by Members

None

31. Application for the Review of a Premises Licence – 11 O'clock Shop, 125 Stockton Road, Hartlepool

(Assistant Director – Regulatory Services)

Members were advised that Trading Standards had requested a review of the premises licence for the 11 o'clock Shop based on the belief that the premises licence holder is allowing the sale of illegal age restricted products to the public. In October 2022 an undercover Council officer made a test purchase of an illicit vape at the shop. A subsequent search had uncovered 296 illicit vapes at a street value of over £3 thousand. Mr Malhotra, the licence holder had admitted selling the devices in an interview under Caution and was given a final written warning. In November

2023 a further successful test purchase had taken place and a subsequent search had uncovered 133 illegal devices on the premises and in Mr Malhotra's van. It had also become apparent that the premises CCTV was not working, a breach of the licensing conditions. In December Mr Malhotra was interviewed under caution and while admitting the device had been sold to the undercover officer he denied that these devices had been sold to others.

The Graduate Trading Standards Officer gave details of the 2 successful undercover purchases, subsequent searches and the process followed by Trading Standards. He also explained the law relating to vapes in terms of the acceptable liquid capacity and nicotine dose and noted that all relevant businesses in Hartlepool including the 11 o'clock shop had been advised via letter on the sale of non-compliant devices and the potential for enforcement action and review of the alcohol licence. The Graduate Trading Standards Officer felt that Mr Malhotra's failure to comply with the legislation relating to illegal vapes, despite repeated reminders and warning, cast significant doubt on his suitability to sell alcohol. It showed a disregard for the law which related to the licensing objective on the prevention of crime and disorder.

Members noted there had been a year between the 2 test purchases and asked whether other checks had been carried out. Officers advised that they did not have the staffing capacity to carry out regular inspections and had believed a final warning would be sufficient. Their suspicions had been aroused by the amount of non-compliant litter which had been left outside the premises.

PC Clare Lawton gave a brief statement saying the sale of illegal vapes and the lack of a working CCTV system at the time were of great concern. She advised that the provision of CCTV was always included on licence conditions for security reasons but was also helpful in supporting a premises against any particular accusations. She was suspicious at the reasons for the lack of CCTV given the successful test purchases and what this might suggest. She also noted that there had previously been intelligence on the sale of alcohol and illegal vapes to an underage female, although this had not been followed up. A member queried whether the premises had a refusals register. It was confirmed that this was not mandatory and PC Lawton noted that such a register was only as successful as those using it.

The Public Health Principal gave a brief statement supporting the review in terms of the prevention of crime and disorder. There were real concerns around children and young people accessing cigarettes, vapes and alcohol.

Mr Malhotra informed members that the items seized in November 2023 had been left at the premises when he had not been in attendance. He had contacted the person who had left them and asked him to take them back but this had not happened. No payment had been exchanged for them and he had left them in his van and hidden behind the counter. In terms of the

CCTV he had previously provided footage whenever asked by the police but a technical fault meant it had stopped recording. He had been aware of this before the search had taken place and had contacted someone to repair the system but they were busy and would come when they could. He was unable to provide any proof that he had contacted anyone regards this. He had been informed that there had been no recordings for a 4 week period. Members suggested that Mr Malhotra should have contacted someone else who could come sooner given the inclusion of working CCTV on his licence but he advised that he had used this person previously and he was reliable and resident in Hartlepool.

Members noted Mr Malhotra's claim that someone had left 10 boxes of vapes at his premises a total of 100 vapes. However 133 vapes had been found as part of the November 2023 search. Mr Malhotra advised that the additional 33 had been left behind following the previous search. Members disputed this – saying that officers would have removed all illegal devices they had found. Mr Malhotra further advised that the vapes behind the counter were for his brother's use as he did not want his family to know he was using them. Members questioned why Mr Malhotra would put his licence at risk to protect his brother from family criticism. They also noted there had been 12 flavours under the counter which seemed a large amount for his brother's personal use. Mr Malhotra confirmed he had bought no additional vapes following the 2022 search and believed these had been left over and part of samples left behind.

The Chair noted that there was new signage outside the premises and questioned why Mr Malhotra had prioritised this over the repair of the CCTV system.

In terms of the person who had left 100 vapes at the premises and requested no payment Mr Malhotra had given his name but officers had been unable to make contact. The Senior Trading Standards Officer also noted that they had examined Mr Malhotra's mobile and found no evidence of calls to this person despite his claim that he had tried to contact this person to return the illegal vapes.

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 now discuss their decision. The Trading Standards and Licensing Manager would contact Mr Malhotra with the decision of the Sub-Committee. All parties left the meeting other than the Sub-Committee, Solicitor and Democratic Services Officer.

Decision

The Licensing Sub-Committee considered an application by Hartlepool Trading Standards as a Responsible Authority for the review of the premises licence for 11 O'Clock Shop, 125 Stockton Road, Hartlepool relating to the licensing objective for the prevention of crime and disorder.

Josh Maitland from Trading Standards presented the application which was included in the Report. The application arose out of a test purchase of an illicit vape on 13th November 2023 and the subsequent execution of a search warrant at the premises on 24th November when 100 illegal vapes were found in Mr Malhotra, the Premises Licence Holder's van and 33 illegal vapes on the premises. On that occasion the premises CCTV was not working which is a breach of one of the conditions on the Premises Licence.

On 7th December Mr Malhotra was interviewed under caution and admitted that the illegal vape was sold to the test purchaser on 13th November but denied that he was otherwise selling them. He said that a rep from a wholesale company he dealt with had become self employed and had delivered them to the premises on a trial basis when he wasn't there. He stated that he didn't pay for them. He stated that the rep had said that they were good selling but when he realised that they were non-compliant he didn't sell them and had placed them in the van as he wasn't selling them. He stated that the devices found under the counter in his premises were there for his brother to use.

In July 2022 Mr Maitland had written to all convenience stores in the Hartlepool area advising them on the law regarding non-compliant electronic cigarettes and that enforcement action would be taken against anyone found in possession of them. This letter was sent to the 11 O'Clock Shop.

On 26th October 2022 a test purchase was carried out at the premises and thereafter searched by Trading Standards Officers who found 296 illicit vapes with an estimated street value of over £3,000. Mr Malhotra was interviewed under caution and admitted to selling the vapes and was subsequently given a final written warning that enforcement action would be taken against him for further breaches of the legislation.

In the application for a review Trading Standards contention is that the continued supply of illicit items casts significant doubt on Mr Malhotra's suitability to be licensed to sell alcohol. It is their opinion that Mr Malhotra and others are deliberately opposing the objective to prevent crime and disorder.

Mr Maitland reiterated the above at the hearing and stated that the final written warning did not work and that it was a disregard of the law.

PC Clare Lawton, Licensing Officer, had provided a letter of support for the review and put forward representations in accordance with that. She stated that there had been Police Intelligence from over 6 months ago that the shop had sold an underage female alcohol and vapes. She was concerned

that the premises CCTV was not working was suspicious of the reason why.

Claire Robinson, Public Health, presented the Director of Public Health's Report in support of the Review. She stated that there were real concerns with children and young persons accessing these vapes and also concerns about the proxy sales of alcohol.

Mr Malhotra, the Premises Licence Holder, gave evidence stating that someone came to the shop and left 10 boxes of vapes (100 individual vapes) He wasn't there but his daughter told him. He said that he put them in his van and phoned the person to take them back. He said he didn't buy any of them but some were under the counter. In respect of the CCTV he said that there was a technical fault which meant that it was not recording. He said that he had phoned the CCTV man but that he was busy and would come later but that it's all fixed now. He stated that he had phoned to get the CCTV fixed before the trading Standards search but that he doesn't have proof of the call. He said that he got it fixed within 10 days of Trading Standards being there.

In respect of the 33 vapes in the shop he stated that they were left over from the last time and were for his brother to use but that he didn't sell them. He hadn't taken them home as no one in the family knew that his brother was vaping.

Dan Briggs from Trading Standards stated that he had checked Mr Malhotra's phone and whereas the person that Mr Malhotra said had dropped off the vapes that were discovered there was no record of any calls to him even though his details were in the contacts list.

In summing up Mr Malhotra stated that he hadn't bought any illegal vapes after he received the letter from Trading Standards in July 2022. He said that if he had been in the shop when the vapes were dropped off by the rep he would have sent them back. He said that he had told the rep to come back but he didn't. He clarified that the rep had dropped off the vapes two to three months before Trading Standards had searched his 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 representations made by Josh Maitland and took into account the evidence provided in the accompanying witness statements. They also considered the representations made by Clare Lawton and Claire Robinson. They also considered Mr Malhotra's explanation concerning the sale and storage of the illegal vapes.

Members found that the sale of the illegal vapes had taken place on 26th October 2022 and on 13th November 2023 and that illegal vapes were seized by Trading Standards Officers on 24th November 2023. In addition the CCTV system was found to have not been maintained in breach of the Licence Conditions.

Members concluded that previous warnings given by Trading Standards had been ignored by Mr Malhotra and did not accept his explanation as to how the illegal vapes had been found on the premises. They accepted Trading Standards representations and evidence provided.

Members considered that Mr Malhotra was not a responsible person and that the sale of illegal vapes could lead to illegal sales of alcohol being made. His actions had undermined the Licensing objective relating to the prevention of crime and disorder.

The Licensing Sub-Committee considered paragraphs 11.27 and 11.28 of the Statutory Guidance relating to criminal activity in connection with licensed premises.

Members determined that the crime prevention objective is being undermined through the premises being used to further crimes. They did not consider that the modification of the conditions of the licence would enable the promotion of the licensing objective relating to the prevention of crime and disorder.

The Licensing Sub-Committee decided to revoke the premises licence under Section 52(4) (e) Licensing Act 2003. Members considered that this is appropriate and proportionate for the promotion of the licensing objectives.

The meeting concluded at 10.40am.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

21st March 2024

The meeting commenced at 9.15 am in the Civic Centre, Hartlepool.

Present:

Councillors: Rob Darby and Martin Dunbar

Also Present: In accordance with Council Procedure Rule 4.2 Councillor Bob Buchan was in attendance as substitute for Councillor Leisa Smith

Officers: Rachael Readman, Trading Standards and Licensing Manager
Jo Stubbs, Democratic Services Officer

32. Apologies for Absence

Apologies were submitted by Councillor Leisa Smith

33. Declarations of interest by Members

None

34. Application for a new premises licence – Asda Express PFS Warren, Easington Road, Hartlepool TS24 9AG *(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 10.30am on Thursday 4th April

The meeting concluded at 9.20am.

The meeting reconvened on Thursday 4th April
at 10.30am in the Civic Centre, Hartlepool.

Present:

Councillors: Rob Darby and Martin Dunbar

Also Present: In accordance with Council Procedure Rule 4.2 Councillor Bob Buchan was in attendance as substitute for Councillor Leisa Smith

Officers: Sylvia Pinkney, Assistant Director (Regulatory Services)
Rachael Readman, Trading Standards and Licensing Manager
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

Also Present:

Nicola Campbell, Euro Garages
PC Clare Lawton, Cleveland Police
Richard Taylor, Legal Representative for Euro Garages

35. Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Smith.

36. Appointment of Chair

It was agreed that Councillor Buchan be appointed as Chair.

Councillor Buchan in the Chair

37. Application for a new premises licence – Asda Express PFS Warren, Easington Road, Hartlepool (Assistant Director (Regulatory Services))

The Assistant Director for Regulatory Services presented the report which provided an outline of the application for a new premises licence in respect of Asda Express PFS Warren, Easington Road, Hartlepool for the supply of alcohol Monday to Sunday 00:00 – 24:00 and late night refreshments off the premises Monday to Sunday 23:00 – 05:00. A copy of the application was appended to the report. The Assistant Director advised that since this application had been submitted the applicant had amended the hours for the sale of alcohol to 6:00 – 24:00.

The application had been advertised in the prescribed manner and representations had been received from the Licensing Authority and Cleveland Police. The Licensing Authority representation was based on the application not being in line with the Council's Statement of Licensing Policy in terms of acceptable trading hours in residential hours. The Cleveland

Police representation was based on concerns around the four licensing objectives, particularly that the premises is located in a residential area which already suffers from alcohol related anti-social behaviour. Cleveland Police had indicated that if the hours requested were amended to 8.00 – 23.00 they would remove their objection.

Mr Taylor, Solicitor for Euro Garages, addressed the sub-committee. He highlighted that none of the interested parties had objected to the application in principle, the only issue was the trading hours requested for the sale of alcohol. There had been discussions with Cleveland Police around the possible amendment of hours to 8.00 – 23.00 but the Licensing Authority continued to object to this as this was designated as a residential area. This despite their being a Lidl nearby that was currently allowed to sell alcohol 7.00 – 23.00. Mr Taylor advised that Asda had recently acquired Euro Garages and was in the process of converting all the garage shops into mini supermarkets. The aim was to allow customers to carry out a 'full shop' including the purchase of alcohol should they wish to do so. Standard practice was to request a 24 hour licence to sell alcohol but they had agreed to reduce this in this case but felt that 6am-midnight was sufficient. He also disputed that the premises were in a residential area, noting that it was located on a dual carriageway roundabout surrounded by a Lidl supermarket, pub and hospital at some distance from housing. He reiterated that Lidl could sell alcohol between 7am and 23:00 and noted that there had been no public objections to this application.

In response to Mr Taylor's comments a member noted that the premises was located directly in front of over 20 bungalows and close to a private nursery. There was also a large housing estate directly opposite on the other side of the dual carriageway. The Assistant Director (Regulatory Services) noted that Lidl had been granted their licence in 2009 before current licensing policy had been adopted.

The Trading Standards and Licensing Manager referred to the objection raised by the Licensing Authority in relation to the four licensing objectives. The Council's Statement of Licensing Policy states that the sale of alcohol for consumption off the premises in residential areas should only be allowed between 9am and 10.00pm. Hospital admission rates for alcohol attributable conditions was more than twice the UK average in the Throston Ward where this premises was located. She also felt that the trading hours granted in this case should not be based on those held by nearby premises.

PC Clare Lawton confirmed that Cleveland Police were happy with the conditions agreed with the applicant. Their only issue was around the hours of sale requested. They considered this to be a dense residential area and therefore supported the policy of the Council in relation to licensing hours. Throston was in the top 50 most deprived wards in the country, top 3% for crime and top 1.5% for health related issues. It was saturated with alcohol-related crime and while this was not due to this store to allow the sale of alcohol at these times would only exacerbate the problem. There were premises which allowed the sale of alcohol to 4pm

and to allow the sale of alcohol from 6am would give no natural break whereas 8am would. Police had dealt with many incidents caused by drinking in the home where people could drink as much as they liked. She also disputed the idea that people would do a weekly shop at this premises, saying it would generally be secondary to people fuelling up. Cleveland Police were not against the premises selling alcohol at all but wished to protect the local community.

In response to these comments Mr Taylor noted that shopping habits have changed and kiosks attached to garages were now seen a mini supermarkets. This would be run in the same way as the larger Asda stores. He referred to Home Office guidance which states that shops, stores and supermarkets should normally be free to sell alcohol at any time unless there is a good reason not to. Any decision needed to be evidence based but there was no evidence that any problems in this area would be caused by allowing the sale of alcohol. If the Committee felt 24 hours was too much they asked that members allow sale from 7am to 11pm or 8am to 11pm as proposed by Cleveland Police.

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 Licensing Sub-Committee considered the application for the supply of alcohol 0600 to midnight 7 days a week. An application for late night refreshment had also been made but there were no representations in relation to that.

The Licensing Authority as a Responsible Authority had put forward written representations relating to all four of the licensing objectives. The Licensing Responsible Authority's position was that the hours applied for were not in accordance with paragraph 4.27 of the Statement of Licensing Policy relating to the licensing of retail outlets in residential areas. The Police's position was that the appropriate hours should be 0800 to 2300 with the agreed conditions to be imposed.

Richard Taylor, Solicitor for Asda presented the application on behalf of Euro Garages Limited which has been bought out by Asda. Mr Taylor explained that the premises were open 24 hours and that the only issue was the hours for the sale of alcohol as all the conditions had been agreed with the Police. He had discussed the hours for sale could be between 0700 and 2300 the same as for Lidl over the road.

Mr Taylor explained that Asda are converting all their garages to mini-supermarkets so that people can do a full shop. He stated that there had never been any history of serious issues. The premises are already trading as a convenience store and steps have been taken to promote the licensing objectives. He explained that the premises are located on a roundabout

with a large dual carriageway on either side and a Lidl on the corner. There is a pub and an urgent care centre nearby. He said that the premises aren't in the middle of a housing estate. There had not been any representations made by members of the public.

Mr Taylor later referred to paragraphs 10.15 and 9.43 of the Statutory Guidance in support of the application and also paragraph 4.3 of the Statement of Licensing policy.

Rachael Readman, Trading Standards and licensing Manager put forward representations as the Licensing Responsible Authority. The representations centred around paragraph 4.27 of the Licensing Policy and included the statistics provided by the Authority's Public Health Team. PC Clare Lawton, made representations on behalf of the Police and in support of the Licensing Responsible Authority. PC Lawton's representations were contained in her detailed statement. The Police had agreed extensive conditions with the applicant although did not agree that the premises should be licensed from 0600 to midnight but that it would be more appropriate for the hours to be 0800 to 2300.

Members determined the application in accordance with the promotion of the licensing objectives and having regard to the Statutory Guidance and the Licensing Authority's Statement of Licensing Policy. They considered the representations put forward on behalf of the applicant and the representations from the Licensing Authority and the Police.

Members did not consider that the Licensing Objectives would be promoted by granting the application from 0600 to midnight. They were satisfied that the premises are located in a residential area but recognised that a nearby premises' licensed hours are 0700 to 23:00. In the circumstances Members considered that the licensing objectives would not be undermined by granting a licence from 0700 to 2300 seven days a week with the agreed conditions which would promote the licensing objectives.

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

The meeting concluded at 11.35am

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

23 APRIL 2024

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

Present:

Councillors: Rob Darby and Martin Dunbar

Also Present: In accordance with Council Procedure Rule 4.2 Councillor Bob Buchan was in attendance as substitute for Councillor Leisa Smith.

PC Clare Lawton, Cleveland Police

Officers: Sylvia Pinkney, Head of Public Protection
Rachael Readman, Trading Standards and Licensing Manager
Zoe Craig, Environmental Health Manager (Environmental Protection)
Neil Wilson, Assistant Chief Solicitor
David Cosgrove, Democratic Services Team

38. Apologies for Absence

Councillor Leisa Smith.

39. Appointment of Chair

In the absence of the Chair of the sub committee, Councillor Buchan was appointed Chair for this meeting.

40. Declarations of interest by Members

None.

41. Objection to a Temporary Event Notice – Enclosure Area, Hornby Park, Elizabeth Way, Seaton Carew *(Assistant Director (Regulatory Services))*

The Trading Standards and Licensing Manager reported that a Temporary Event Notice (TEN) had been received from a Mr Andrew Reece in respect of the Enclosure Area, Hornby Park, Elizabeth Way, Seaton Carew. It was

proposed to hold a Beer Festival with live music between the hours of 12.30 and 22.00 hours on 1 June 2024.

Objection notices to the TEN had been served by Cleveland Police and the Council's Environmental Health Team. The objection from Cleveland Police stated that the application gives significant concerns that the 4 licensing objectives would not be promoted. Environmental Health has lodged an objection on the grounds of upholding licensing objectives, particularly the prevention of public nuisance. The objection primarily revolved around the proposed music playing and the potential disturbance caused by those attending the event.

The Sub Committee was advised that in having regard to the representations received, Members may choose to:

- i) Approve the Event Notice with or without conditions
- ii) Reject the Event Notice.

Members were reminded that they must only consider those aspects of the Event Notice that are relevant to the representations received. Should Members determine that the Temporary Event Notice should not be accepted, the Council would issue a 'Counter Notice' which would prevent the proposed activity from being an authorised event.

The applicant, Mr Andrew Reece and Ms Marion Vaughan from the trustees of Seaton Carew Community and Sports, were present at the meeting.

Initially, with the aid of additional maps, the site of the event was clarified for the Sub Committee. It was noted that license 12299635 did not extend to cover the "enclosure" for which the TEN was sought and where the licensable activities would be taking place. Given that the "enclosure" did not form part of the licensed premises then s106(2) cannot be used to add conditions to the TEN.

The applicants stated that they were involved with the Safety Advisory Group and were to respond to the requirements of the SAG by the end of the week. Hornby Park considered that they had proved their understanding of the four licensing objectives through their licence for the club premises and had not encountered any significant issues in the past holding events at the club.

The ticket numbers for the event would be limited to the numbers required for the TEN and would be sold online to ensure they were fully traceable. Any not sold prior to the event purchasers would be required to give their full details on the day.

The organisers did not envisage any issues with queues on Elizabeth Way as they would be accommodated on the site. Challenge 25 would be in operation as would security personnel and two personal licence holders. The enclosure site had direct access onto Seaton Lane in the event of any

emergency. There were already a number of staff trained in first aid and appropriate arrangements in place for any lost children – the club already had full safeguarding policies in place as it hosted a number of children's sports teams.

In response to Member questions, the applicants stated that there were provision for 250 parked vehicles though for the Beer Festival, attendees would be encouraged not to drive.

The Environmental Health Manager stated that concerns centred on how the licensing objectives would be met and no documentation had been submitted to date. There were no clear plans on how noise would be managed during the event, particularly as it extended to 10.00 pm at night with no apparent breaks. The amenity of the residents that lived on three sides of the site had to be protected and without clear plans in place this would not be the case. This event was also very different to other events the applicants had held, being their first beer festival, and the documents submitted did not allow any evaluation of how the site and noise was to be managed. The TEN was very different to the previous licensing applications submitted by the club.

The Assistant Director (Regulatory Services) outlined the role and purpose of the Safety Advisory Group to the Sub Committee. Documentation already submitted to the SAG had been considered inadequate and further details were being sought from the organisers to ensure the event could be run safely.

The Cleveland Police representative stated that the application currently did not show how the licensing objectives would be promoted and the site plan was inadequate for the purpose of assessing if the event could be held safely. Assurance was needed that those involved in dealing with any lost children during the event were appropriately trained and DBS checked. There was no detail around the management of inflatables on the site. There were no details about how alcohol would be managed within the site and there were no details of the numbers of staff. The application also failed to disclose how people coming and going from the event would be managed and the total numbers consistently monitored. The Police representative also indicated that she had been informed that there was also a Rugby 7's event taking place on the same date at Hornby Park.

Officers stated that if the event was to go ahead the applicants needed to fully comply with the requirements set by the SAG so that all bodies were reassured that the licensing objectives would be met.

In response to questions from Elected Members and officers, the applicants stated that there would be no rotating of the numbers in the Beer Festival, numbers would be limited to ticket holders only. The Rugby 7's event would be held on another part of the site and would involve ten teams. This event would be fully managed by the Rugby Club representatives. There

would be management of the people involved in the different events on site and approved SIA qualified staff would be used.

The applicants stated that there needed to be greater clarity of what was expected of them for the event. The TEN application form didn't ask for any of the detail that was being asked of in this meeting or through the SAG. The applicant's commented that this was the first time they had organised such an event, so they may have been slightly naive in in the level of detail that was required for the application.

The Chair asked if any representatives present wished to sum up before the Sub Committee made their decision.

The Environmental Health Manager recommended to the Sub Committee that monitoring of the noise would need to be undertaken during the event and the placement of generators and the speaker system would need to be agreed to minimise the disturbance to local residents. The applicants stated that they would be happy to comply with those requirements. Noise would be monitored at set points and there would be a sound engineer on site during the whole event who could adjust volumes.

The meeting then went into closed session to consider the response to the Temporary Event Notice and all representatives other than the Democratic Services Team officer and the Assistant Chief Solicitor withdrew from the meeting.

Decision

The Sub Committee considered all the representations made and the evidence submitted in closed session. The unanimous decision of the Sub Committee is set out below.

42. 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 43 – Application for the variation of a new premises licence: 2 Sydenham Road – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paragraph 1 – information relating to any individual and paragraph 2 – information which is likely to reveal the identity of an individual).

43. Objection to a Temporary Event Notice – Enclosure Area, Hornby Park, Elizabeth Way, Seaton Carew

(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 Temporary Event Notice in accordance with the promotion of the licensing objectives and having regard to the Guidance and the Licensing Authority's Statement of Licensing Policy. The Sub Committee considered the representations made by the applicant and the representations from the Police and Council Officers.

The Sub Committee agreed unanimously that there was insufficient grounds to issue a Counter Notice to stop the event and took note that this was the first such Temporary Event Notice sought by the applicant. The Sub Committee stated that it would wish to see that the applicants fully comply with all the requirements of the Safety Advisory Group, particularly in relation to the safety of people / children on the site during the event and the noise created from the event and the considerations of the nearby residents. Should this not be the case, the Sub Committee would consider such non-compliance if future events were proposed.

The decision of the Sub Committee was given to the applicants and other attendees at the conclusion of their considerations.

The meeting concluded at 2.55 pm.

CHAIR

LICENSING SUB COMMITTEE

MINUTES AND DECISION RECORD

17 MAY 2024

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

Present:

Officer: David Cosgrove, Democratic Services Team

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

Following the withdrawal of the representations, the meeting was abandoned. The Chair and colleagues had been advised of the situation prior to the meeting.

The meeting concluded at 2.01 pm.

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

12th September 2023

The meeting commenced at 9.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Ged Hall (In the Chair)

Councillors: Ben Clayton, Rob Darby and Leisa Smith

Officers: Rachael Readman, Senior Trading Standards Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

1. Apologies for Absence

None

2. Declarations of interest by Members

Councillor Darby indicated he had been previously acquainted with AW in a non-prejudicial manner.

3. 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 4 – Private Hire Drivers Licence AGH – 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 5 – Hackney Carriage / Private Hire Drivers Licence AW – 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).

- 4. Private Hire Drivers Licence AGH** (*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 an individual

Members were asked to consider what action should be taken against a licensed private hire driver. Further details are contained in the closed minutes.

Decision

Detailed in the closed minutes.

- 5. Hackney Carriage / Private Hire Drivers Licence AW** (*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 an individual

Members were asked to consider what action should be taken against a licensed private hire driver. Further details are contained in the closed minutes.

Decision

Detailed in the closed minutes.

The meeting concluded at 10:40am

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

22nd November 2023

The meeting commenced at 1.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Tom Cassidy (In the Chair)

Councillor: Brian Cowie

Also Present: Councillor Tom Feeney as substitute for Councillor Martin Dunbar in accordance with Council Procedure Rule 4.2.

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

8. 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 9 – Private Hire Drivers Licence TEK – 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 10 – Private Hire Drivers Licence ASP – 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).

- 9. Private Hire Drivers Licence TEK** *(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 determine whether an applicant was a fit and proper person to hold a Private Hire Drivers Licence. Further details are contained in the exempt minutes.

Decision

Detailed in the exempt minutes.

- 10. Private Hire Drivers Licence ASP** *(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 determine what action should be taken against a licensed private hire driver. Further details are contained in the exempt minutes.

Decision

Detailed in the exempt minutes.

The meeting concluded at 1.50pm.

CHAIR

REGULATORY SUB COMMITTEE

MINUTES AND DECISION RECORD

16th February 2024

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

Present:

Councillor: Tom Feeney (In the Chair)

Councillors: Bob Buchan and Sue Little

Also Present: Councillor Carole Thompson as substitute for Councillor Gary Allen in accordance with Council Procedure Rule 4.2.

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

11. Apologies for Absence

Apologies were submitted by Councillor Gary Allen.

12. Declarations of interest by Members

None

13. 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 14 — Hackney Carriage / Private Hire TA - 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 15 — Private Hire Drivers Licence PMB - 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 CDG – 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).

- 14. Hackney Carriage / Private Hire TA** (*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 and hackney carriage driver. Details in the closed minutes.

Decision

Detailed in the closed minutes.

- 15. Private Hire Drivers Licence PMB** (*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

Detailed in the closed minutes.

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

Members were asked to consider an application for a Private Hire Drivers licence. Details in the closed minutes.

Decision

Detailed in the closed minutes.

The meeting concluded at

CHAIR

LICENSING COMMITTEE

21st June 2024



Report of: Assistant Director (Regulatory Services)

Subject: HACKNEY CARRIAGE TARIFF INCREASE PROPOSAL

1. COUNCIL PLAN PRIORITY

Hartlepool will be a place:
- where people are enabled to live healthy, independent and prosperous lives.
- where those who are vulnerable will be safe and protected from harm.
- of resilient and resourceful communities with opportunities for all.
- that is sustainable, clean, safe and green.
- that has an inclusive and growing economy.
- with a Council that is ambitious, fit for purpose and reflects the diversity of its community.

2. PURPOSE OF REPORT

2.1 To consider a request from the hackney carriage trade for an increase in hackney carriage tariffs.

3. BACKGROUND

- 3.1 By virtue of the Town and Police Clauses Act 1847 licensing authorities are responsible for the setting of hackney carriage tariffs that may be charged in its area.
- 3.2 Members of the hackney carriage trade submitted requests at the Annual General Meeting that hackney carriage tariffs be increased to reflect an increase in their running costs and to ensure they make a reasonable living.
- 3.3 The proposed new tariff rates and an indication of what effect they will have on prices is attached as **Appendix 1**.
- 3.4 All eighty one hackney carriage owners have been consulted on the proposed rise suggestions and sixteen were in favour on the proposal outlined in **Appendix 1**. Eight were against and the others made no comment.
- 3.5 Experience has shown that it is extremely difficult to obtain 100% trade agreement for any proposed change to tariffs.
- 3.6 Members are reminded that the proposed tariffs represent the highest fare that can legally be charged and it is entirely permissible for a hackney carriage driver to charge a lower fare if they wish.

4. PROPOSALS

- 4.1 Licensing authorities are responsible for the setting of hackney carriage tariffs.
- 4.2 The proposal received from the hackney carriage trade consists of a 50p increase to flag fall for both Tariff 1 and Tariff 2. The proposal also includes a 50p increase to an additional charge where vehicles carry five or more passengers at any one time.
- 4.3 Should Members approve a tariff increase a public notice will be published to inform the general public. Should any objections be received within 14 days of the notice being published, the matter will be referred back to the Licensing Committee before any increase is implemented.
- 4.4 Members should note that hackney carriage drivers are prevented by law from charging more than the maximum approved tariff. Any increase in their operating costs must therefore be absorbed by them until any tariff increase is approved by the Council.
- 4.5 Any increase in tariffs must reflect a balance between allowing licensed drivers to generate a reasonable income whilst representing value for money for the travelling public.

- 4.6 There is no prohibition on a taxi driver charging less than the approved tariff and it would therefore be possible for a driver to charge a lower rate if they believed the proposed tariff increase was too high.
- 4.7 The proposed increase in tariffs applies only to hackney carriages as licensing authorities have no power to set fares for private hire vehicles.

5. OTHER CONSIDERATIONS/ IMPLICATIONS

Risk Implications	None
Financial Considerations	None
Legal Considerations	None
Equality and Diversity Considerations	None
Staff Considerations	None
Asset Management Considerations	None
Environmental, Sustainability and Climate Change Considerations	None

6. RECOMMENDATIONS

- 6.1 That the Licensing Committee approves the proposed increase in hackney carriage tariffs as detailed in **Appendix 1**.

7. REASONS FOR RECOMMENDATIONS

- 7.1 Experience has shown that it is extremely difficult to obtain 100% agreement from the hackney carriage trade and therefore, if tariffs are ever to be increased, it must be done where only a majority of hackney carriage owners agree.
- 7.2 As stated above, if the Committee approves the proposed tariffs, individual hackney carriage drivers will still be able to charge lower fees if they want.

8. BACKGROUND PAPERS

- 8.1 There are no background papers

9. CONTACT OFFICERS

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Proposed Hackney Carriage Tariff Changes 2024

Tariff	Current	Proposed	Change
Tariff 1	£2.50 plus 30p for the first 120 metres and 20p for every 240 metres thereafter	£3 plus 30p for the first 120 metres and 20p for every 240 metres thereafter	50p increase to flag fall
Tariff 2	£2.50 plus 30p for the first 80 metres and 20p for every 160 metres thereafter	£3 plus 30p for the first 80 metres and 20p for every 160 metres thereafter	50p increase to flag fall

Tariff	Flag fall (plus initial distance)	Subsequent cost of journey	Cost for first mile	Cost for subsequent miles	Total cost for a 2 mile journey	Increase in cost of a 2 mile journey
Tariff 1	£3 + 30p for first 120m	20p for every 240m	£4.60	£1.30	£5.90	50p
Tariff 2	£3 + 30p for first 80m	20p for every 160m	£5.30	£2.00	£7.30	50p

Tariff 1 – 7:00 a.m – 6:00 p.m

Tariff 2 – 6:00 p.m. – midnight

Tariff 3 – Midnight – 07:00AM & between 07:00AM and 6:00PM on 24th December and 31st December and all bank holidays (unless covered by tariff 4) – **No Change**

Tariff 4 – Only between 6:00PM on Christmas Eve until 07:00AM on 27th December and 6:00PM on New Year's eve until 07:00AM on 2nd January – **No Change**

Additional Changes

Current	Proposed	Change
Additional Charge – An additional charge of up to £2.50 may be made where vehicles carry five or more passengers at any one time	Additional Charge – An additional charge of up to £3 may be made where vehicles carry five or more passengers at any one time	50p increase to additional charge

LICENSING COMMITTEE

21st June 2024



Report of: Assistant Director (Regulatory Services)

Subject: GAMBLING ACT – STATEMENT OF PRINCIPLES

1. COUNCIL PLAN PRIORITY

Hartlepool will be a place:	
-	where people are enabled to live healthy, independent and prosperous lives.
-	where those who are vulnerable will be safe and protected from harm.
-	of resilient and resourceful communities with opportunities for all.
-	that is sustainable, clean, safe and green.
-	that has an inclusive and growing economy.
-	with a Council that is ambitious, fit for purpose and reflects the diversity of its community.

2. PURPOSE OF REPORT

- 2.1 To seek approval of the proposed draft statement of principles as required by the Gambling Act 2005.
- 2.2 To seek approval for the commencement of a consultation exercise relating to the draft statement of principles.

3. BACKGROUND

- 3.1 By virtue of the Gambling Act 2005, Hartlepool Borough Council is defined as the licensing authority for certain gambling functions taking place within the town.
- 3.2 Licensable activities that fall within local authority control include bingo halls, betting shops, amusement arcades and casinos.
- 3.3 The Gambling Act 2005 also requires the licensing authority to publish, every three years, a statement of the principles that they propose to apply in exercising their functions under the Act.
- 3.4 Hartlepool's current statement of principles was published in January 2022 and, as such, a new policy must be published no later than January 2025.
- 3.5 Subject to Committee's agreement it is proposed that the draft policy be published for consultation and a further report be brought back to Committee in September 2024. A formal recommendation for adoption of the statement of principles can then be made by the Committee, to full Council, at its meeting in December 2024.

4. PROPOSALS

- 4.1 The draft statement of principles once again retains a "No Casino Resolution" which states that the council will not consider any application for a casino in Hartlepool.

5. OTHER CONSIDERATIONS/ IMPLICATIONS

Risk Implications	None
Financial Considerations	None
Legal Considerations	It is a legal obligation for Hartlepool Borough Council to publish a statement of principles every three years and, as such. A new statement must be published no later than January 2025.
Equality and Diversity Considerations	None
Staff Considerations	None
Asset Management Considerations	None
Environmental, Sustainability and Climate Change Considerations	None

6. RECOMMENDATIONS

- 6.1 That Members note the contents of this report and approve the draft statement of principles required by the Gambling Act as detailed in **Appendix 1**.
- 6.2 That Members approve the commencement of consultation on the draft statement of principles as contained in **Appendix 1**.

7. REASONS FOR RECOMMENDATIONS

- 7.1 It is a legal obligation for Hartlepool Borough Council to publish a statement of principles every three years and, as such, a new statement must be published no later than January 2022.

8. BACKGROUND PAPERS

- 8.1 There are no background papers to accompany this report.

9. CONTACT OFFICERS

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STATEMENT OF PRINCIPLES

Gambling Act 2005

*(Published ***** January 2025)*



STATEMENT OF PRINCIPLES

Gambling Act 2005

*(Published ***** January 2025)*



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*This Statement of Licensing Principles was approved by Hartlepool Borough Council on *****.*

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, published 1st April 2021.

PART A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives and
 - In accordance with the authority’s statement of licensing policy

2. Introduction

- 2.1 Hartlepool is located on the north-east coast of England to the north of the River Tees. The Borough consists of the main town of Hartlepool, the seaside resort of Seaton Carew and a number of small outlying villages. The total area of the Borough is 9,390 hectares. The residential population is 92,338 of which ethnic minorities comprise 3.5% (2021 Census)
- 2.2 Hartlepool Borough Council consulted widely on this statement before it was published. A list of those persons consulted is detailed in Appendix 3.
- 2.3 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

2.4 Our consultation took place between ***** and ***** and we took into consideration the Code of Practice on Consultations published by HM Government in 2008 which is available at [Consultation principles: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/consultation-principles-guidance)

2.5 The policy was approved at a meeting of the Full Council on ***** and was published via our website on *****.

2.6 Should you have any comments as regards this policy statement, or the consultation process, please send them via e-mail or letter to the following contact:

Trading Standards & Licensing Manager
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

e-mail: licensing@hartlepool.gov.uk

2.7 It should be noted that this statement of licensing principles will not override the right of any person to make an application (other than for a casino), make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.8 Statistics on Gambling Participation (2023) and Gambling Harm information

- In year to November 2023, overall participation in any gambling activity (in the last 4 weeks) was 48 percent overall participation in any gambling activity (in the last four weeks)(a 6 percentage point increase compared to year to June 2021).
- In year to November 2023, the online gambling participation rate was 38 percent and falls to 16 percent when lottery draw only players are removed. This highlights the large proportion of online gamblers that only gamble on lottery draws.
- The most popular gambling activities (in the last 4 weeks – November 2023) were lotteries including the National Lottery draws (31 percent) and other charity lottery draws (16 percent). Following lotteries, the next 3 most popular activities were scratchcards (13 percent), betting (10 percent) and instant wins (7 percent).
- Information on gambling related harms and where to get support can be found here: [Where to get support | Gambling-related harms | Hartlepool Borough Council](#)

3. Declaration

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1 **The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:**

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 4.2 Hartlepool Borough Council designates the Local Safeguarding Children Board for this purpose.

- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.hartlepool.gov.uk/licensing.

5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities
- represents persons in either of these two groups.

- 5.2 There are a number of factors that the Council may take into account when determining whether a person lives 'sufficiently close to the premises'. These include: -

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment

- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

5.3 Relevant factors will depend on the particular application. For example the Council may consider that living sufficiently close to premises to likely be affected could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

5.4 For those with business interests, the licensing authority should be satisfied that the relevant business is likely to be genuinely affected. Factors that are likely to be relevant include:

- the size of the premises
- the 'catchment' area of the premises, that is, how far people travel to visit the premises
- whether the person making the representation has business interests in that catchment area that might be affected.

5.5 In addition to the above, interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department at the Civic Centre, Hartlepool.

6. Exchange of Information

6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the

Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

7.2 This licensing authority's principles are that:

7.3 It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

7.4 As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.5 This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

7.7 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department, Hartlepool Borough Council, Civic Centre, Hartlepool, TS24 8AY. Our risk methodology is also available upon request.

8. Licensing authority functions

8.1 Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B
PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9. General Principles

9.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

9.2 (i) Decision-making

9.3 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

9.4 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.

9.5 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

9.6 **Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

- 9.7 The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”
- 9.8 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activity names on the premises licence.
- 9.9 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates
 - Is the premises’ neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 9.10 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 9.11 **The Gambling Commission’s relevant access provisions for each premises type are reproduced below:**

9.12 Casinos

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

9.13 Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

9.14 Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

9.15 Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

9.16 Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

9.17 Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

9.18 Premises “ready for gambling”

9.19 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

9.20 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

9.21 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

9.22 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

9.23 More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commission’s Guidance to Licensing Authorities.

9.24 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission’s Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

9.25 **Planning** - The Gambling Commission Guidance to Licensing Authorities states:

7.58 – In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use

premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. [Part 11](#) of this guidance gives more information about provisional statements.

- 9.26 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.65 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 9.27 **Duplication with other regulatory regimes** - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

- 9.28 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

- 9.29 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

- 9.30 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should

pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

9.31 Ensuring that gambling is conducted in a fair and open way - **This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.**

9.32 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

9.33 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

9.34 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

9.35 **Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

9.36 Decisions on individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this

regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

9.37 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

9.38 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

9.39 These considerations will apply to premises including buildings where multiple premises licences are applicable.

9.40 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.41 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

9.42 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises

may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

9.43 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

9.44 Local Risk Assessments

9.45 Since 6 April 2016, the Gambling Commission's 'Licence Conditions Code of Practice' (LCCP) has required all existing licensees that provide gambling facilities at their premises, to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. Licensees must take into account any relevant matters identified in the licensing authorities (gambling) Statement of Policy when making their risk assessments.

9.46 In making risk assessments, licensees must take into account relevant matters identified in this policy.

9.47 The LCCP also states that licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premise licence; and
- In any case, undertake a local risk assessment when applying for a new premise licence.

9.48 The licensing authority will expect the local risk assessment to consider as a minimum:

- Whether the premise is in an area with high levels of crime and/or disorder
- Whether the premise is in an area of high deprivation
- The demographics of the area in respect of vulnerable groups of people including those with gambling dependencies, where this information is available
- Location of services and amenities for children in the area such as schools, playgrounds, leisure facilities and other areas where children may gather.

9.49 The risk assessment may also include:

- Procedures in place to ensure staff are adequately trained in how to monitor and deal with customers suspected of excessive gambling (including brief

intervention (training for staff), vulnerable persons or children and also details and regularity of training given

- Details of supervisory and management procedures in place including number of staff available and their designated duties and responsibilities
- Details of any consideration given to the need for CCTV in the premise and if installed how the system will be operated and monitored and what coverage it is designed to give in the premise.
- Details of the signage and documents relating to games rules, gambling care providers and other relevant information including a consideration of whether information needs to be provided in another language that may be prevalent in the locality.

9.50 Such information may be used to inform the decision the Authority makes about whether to grant a licence, to grant a licence with special conditions or to refuse the application. The policy does not prevent an application made and each application will be decided on its merits with the onus being on the applicant to show how the concerns.

10. Adult Gaming Centres

10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

10.2 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11. (Licensed) Family Entertainment Centres:

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be

sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

11.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

11.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11.4 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

12. Casinos

12.1 This licensing authority has passed a 'no casino' resolution on the basis that whilst it recognises that gambling can be an enjoyable and harmless activity for many, it believes that a casino may provide an environment that may harm vulnerable persons who may gamble beyond their means.

12.2 Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

13. Bingo premises

13.1 This licensing authority notes that the Gambling Commission's Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted: -

18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that

premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

14. Betting premises

- 14.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

15. Travelling Fairs

- 15.1 This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 15.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 15.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

16. Provisional Statements

- 16.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 16.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.

- 16.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 16.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 16.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 16.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

17. Reviews

- 17.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and

- in accordance with the authority's statement of principles.
- 17.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 17.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 17.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 17.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 17.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 17.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 17.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 17.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C
Permits / Temporary & Occasional Use Notice

18. Unlicensed Family Entertainment Centre gaming machine permits

18.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

18.2 Gambling Commission Guidance states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

18.3 It should be noted that a licensing authority cannot attach conditions to this type of permit.

18.4 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

19. (Alcohol) Licensed premises gaming machine permits - Automatic entitlement: 2 machines

19.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

19.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

19.3 Permit: 3 or more machines

19.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission and *“such matters as they think relevant.”*

19.5 This licensing authority considers that *“such matters”* will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

19.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

19.7 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

19.8 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

20. Prize Gaming Permits

20.1 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

20.2 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

21. Club Gaming and Club Machines Permits

21.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

21.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

21.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years;
- or
- (e) an objection has been lodged by the Commission or the police.

- 21.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 21.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

22. Temporary Use Notices

- 22.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 22.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 22.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 22.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

22.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

22.6 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

23. Occasional Use Notices

23.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

END

CONTACT DETAILS, ADVICE & GUIDANCE

Further details regarding the licensing application process, including application forms, can be obtained from:

The Licensing Team
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel No: 01429 523354

Fax No: 01429 523308

Email: licensing@hartlepool.gov.uk

Web Site: www.hartlepool.gov.uk/licensing

Local Area Profile

The Gambling Commission recommends that licensing authorities provide a 'local area profile' to assist gambling operators to understand the risks, or potential risks, associated with particular geographical areas.

As an area profile can change with time, Hartlepool Borough Council refers licence holders, or potential applicants, to the following sources of information about Hartlepool: -

Government website – Indices of deprivation 2019 -

<https://www.gov.uk/government/publications/english-indices-of-deprivation-2019-research-report>

Gambling Outlet Accessibility in Hartlepool

[CDRC Mapmaker: Access to Healthy Assets & Hazards \(Gambling Outlet Accessibility\)](#)

SUMMARY OF LICENSING AUTHORITY DELEGATIONS PERMITTED UNDER THE GAMBLING ACT

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of three year Statement of licensing principles	X		
Policy not to permit casinos	X		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representati ons have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representati ons have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representati ons have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Setting of licence fees			X

CONSULTATION

The following individuals/agencies and organisations were consulted about this Statement of Licensing Principles between June and August 2024: -

Hartlepool Borough Council councillors
Cleveland Police
Cleveland Fire Service
Hartlepool Borough Council Planning Department
Hartlepool Development Corporation
Hartlepool Borough Council Trading Standards Service
Hartlepool Borough Council Environmental Health
Tees Valley Combined Authority
HMRC
Gamblers Anonymous
GamCare
British Beer and Pub Association
Association of British Bookmakers
Bingo Association
Remote Gambling Association
Business in Sport & Leisure
Casino Operators Association
BACTA
British Holiday & Home Parks Association
British Race Courses Association Ltd
British Casino Association