

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on 5 July 2004.

PRESENT: Councillor B Taylor (Chair); Councillors Clark, Heath, J Jones, J A Jones, Mrs Hazel Pearson, Regan, Rogers and A E Ward.

OFFICIALS: M Braithwaite, T Hodgkinson, P Ross and J Thompson

ALSO IN ATTENDANCE:

Cleveland Police: M Nevison and Inspector Gilson

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Biswas, Mawston P Thompson and K Walker.

**** DECLARATIONS OF INTEREST**

No Declarations of Interest were made by Members at this point of the meeting.

****MINUTES**

The Minutes of the previous meeting held on 14 June 2004 were submitted and approved.

POTTERS CLUB, MIDDLESBROUGH – PEL NO. 62 - APPLICATION

The Principal Licensing Officer presented a report of the Head of Community Protection Service in connection with an application for a Public Entertainment Licence for the venue Potters Club, Dundas Arcade, Wilson Street, Middlesbrough. The application was for Music, Singing and Dancing for the hours of 11am to 12 midnight Monday to Saturday and 12 noon to 12 midnight Sunday with a maximum of 330 patrons.

The Chair welcomed the applicant, Mr M Riordan the manager of the premises to the meeting who confirmed that he had received a copy of the circulated report.

The Principal Licensing Officer presented the report which provided background information to the application reporting that a full consultation exercise had been undertaken and that no objections had been received. The report indicated that the applicant intended to predominately offer private parties with DJ entertainment but may consider offering live bands in the future if there was sufficient demand. It was not anticipated that entertainment would commence before 4.00 p.m.

The applicant confirmed the accuracy of the report.

Responding to a question from a Member the applicant confirmed that it was not intended to provide striptease or similar entertainment on the premises. Members were advised that if such entertainment was to be provided in the future special conditions would apply and the applicant would need to submit a further application.

It was confirmed that there were no other questions.

At this point the Applicant together with all officers, other than the Council's Legal Services and Members' Office representatives withdrew whilst the Committee determined the application.

Subsequently all interested parties returned and the Chair announced the Committee's decision.

ORDERED that approval be given to the application for Potters Club, PEL 62, to permit Music, Singing and Dancing from 11am to 12 midnight Monday to Saturday and 12 noon to 12 Midnight Sunday for 330 patrons.

ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Head of Community Protection submitted a report advising on the outcome of the Executive decision made on 8 June 2004 in connection with proposals for advertising on Hackney Carriage and Private Hire Vehicles. The Executive determined a policy to permit limited advertising on vehicles as follows:-

1. That the current restrictions on advertising be removed to allow Private Hire vehicles to display advertising that does not detract from, or obscure the signage required by other licence conditions.
2. That the current restriction on advertising on Hackney Carriages be removed insofar as the distinctive yellow bonnets and boots are unaffected, and that all other panels are no less than 25% black, and so that the signage currently required remains unaffected.
3. That any advertising adhered to the current Advertising Standards Authority code and be formally approved by the Council's Licensing Section before being applied on any vehicle.

Officers reported the relevant sections of the Advertising Standards Authority code and, whilst reminding Members that each case would be considered on its merits. Members were invited to consider whether they wished to prohibit advertising in the following subject areas:

- (a) Advertisements for smoking (tobacco, cigars, cigarettes)
The rationale for this was that the Council would not wish to support the promotion of something which endangered health.
- (b) Advertisement for alcohol
The rationale for this was as detailed for smoking but also in the light of the Government's National Alcohol Harm Reduction Strategy it would be inappropriate to promote alcoholic drinks.
- (c) Advertisements of a sexual nature – although covered by the ASA Code it would not be appropriate, in terms of the regeneration of Middlesbrough to endorse advertisements for sex shops, sex clubs or other items of a sexual nature.
- (d) Advertisements of a political/religious nature – The rationale being that such advertising may possibly cause offence to sectors of the Middlesbrough community and visitors to Middlesbrough.

Members were advised that the above list was not exclusive and that it was proposed that advertising of other goods or services could be dealt with on a similar basis.

ORDERED as follows:-

1. That the contents of the report be noted.
2. That the exclusion of unsuitable advertising material as detailed in (a) – (d) above from Hackney Carriage and Private Hire Vehicles be approved for the following reasons:
 1. The Committee supports the stance adopted by the Executive.
 2. The Committee is opposed to any advertisement that could be offensive or contentious to the people of Middlesbrough.
 3. The Committee does not support the promotion of anything that would endanger the health and safety of residents.

**** EXCLUSION – PRESS – PUBLIC**

ORDERED that the press and public be excluded from the meeting for the next three items on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 4 and 7 of Schedule 12A of the Local Government Act 1972.

APPLICATION – PRIVATE HIRE DRIVER LICENCE - REF 30/04

The Head of Community Protection Service submitted an exempt report in connection with an application submitted for a Private Hire Driver Licence where circumstances had arisen which required special consideration by the Committee. The applicant had previously held a PHD Licence that expired on 31 May 2004.

The Chair outlined the procedure to be followed and the applicant confirmed that he had received a copy of the report.

The Senior Licensing Officer presented the report, which set out the circumstances of the case relating to three offences for which the applicant had subsequently been convicted, two of which had occurred prior to the grant of the applicant's previous licence.

The applicant confirmed that the contents of the report were an accurate representation of the facts; confirmed to the Chair that he had no further convictions and was offered, but did not avail himself of, the opportunity of speaking in support of his case. He then answered questions from Members' as to the reasons for his application. It was confirmed that there were no further questions and the applicant, officers of the Council, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined the application.

ORDERED that the application be granted subject to the applicant successfully completing the Driver Improvement Scheme test.

REVIEW – COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE – NO 38, REF: 31/04

The Head of Community Protection Service submitted an exempt report in connection with the review of combined Hackney Carriage and Private Hire Driver Licence, No 38, Ref: 31/03 where circumstances had come to light which required special consideration by the Committee.

The Senior Licensing Officer presented the report which set out the circumstances of the case relating to three offences of which the driver had subsequently been convicted and explained that the driver had been before the Committee on two previous occasions. The driver confirmed that he had received a copy of the relevant report on his review and had been invited to attend the meeting to submit any additional information, present his views and answer Members' questions.

The driver confirmed that the contents of the report were an accurate representation of the facts, subject to a correction to the date of expiry of the licence that should have read 31 March 2005 not 31 May 2005. He confirmed to the Chair that he had no further convictions and was afforded the opportunity of making representations in support of his case.

The driver apologised for his actions and offered assurances that there would be no repeat of that type of incident. It was confirmed that there were no questions. The driver and the officers of the Council, other than representatives of the Council's Legal Services and the Members' Office withdrew whilst Members determined the review.

Subsequently all returned to the meeting and the Chair announced the Committee's decision.

ORDERED as follows:

1. That no action be taken in respect of Combined Hackney Carriage and Private Hire Driver Licence No 38, Ref: 31/04 but that the driver be given a very strong final warning as to his future conduct.

**REVIEW – COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE – NO 210
REF: 20/04**

The Head of Community Protection reported that consideration of the above case had previously been before the Committee on 26 April 2004. Members determined at that time that pending consideration of a plea and directions hearing in the Crown Court on 2 July, consideration of the review should be deferred to this meeting, with the proviso that should the case not proceed at that time, the review would be deferred to a future meeting.

Officers reported that the hearing on 2 July had been adjourned and it was therefore proposed that the review be considered at the meeting scheduled for 23 August 2004.

ORDERED that the application for review be deferred as indicated.

VIENNA, 2/3 EXCHANGE PLACE, MIDDLESBROUGH – PEL NO. 67 – VARIATION

A report of the Head of Community Protection Service had been circulated prior to the meeting in connection with an application to vary the hours of the Public Entertainment Licence in respect of the premises known as Vienna, from 11am to 1am Monday to Saturday to a terminal hour of 2am

The Chair welcomed the applicant, D Johnson the licensee, who was accompanied by the Mr M Calder, Commercial Manager for Wessex Taverns, owners of the premises and Mr C Mills the licensee's legal representative. The applicant confirmed that he had received a copy of the report.

The Principal Licensing Officer presented the report which stated that a full consultation exercise had been undertaken resulting in an objection from the Police the details of which were set out in the report. A copy of the letter of objection was annexed to the report together with details relating to specific recorded incidents in or in the vicinity of the premises. The basis of the objection was based on the high levels of crime and disorder in the town centre, over saturation of premises with late night licences within the vicinity of the premises and incidents of crime and disorder on the specific premises.

The submitted report also included full details of the applicant's interview with the Principal Licensing Officer on 17 June 2004 including his response to the police objection. The applicant confirmed that the contents of the report were an accurate reflection of the facts.

The police representatives were invited to provide information in support of their objection to the application.

The Chair invited the police representatives to present their objections and answer questions. The representative of the Police Licensing Section elaborated on incidents of drunkenness and disorder occurring in the town centre with the busiest time being particularly between the hours of 2 am and 4 am. The effect that the extension could have on police resources was stressed as it would mean that the police would then have to deal with 18 venues in the town centre with the same terminal hour. It was stated that the need for any additional police presence at what was an already busy time could necessitate the withdrawal of resources from outlying areas of the town to deal with any increases in crime and disorder incidents in the town centre.

The applicant's legal representative was then invited to speak in support of the application. He provided more detailed information in regard to the specific incidents at the club, the majority of which, as stated in the report, had taken place when the applicant was not employed at the premises. It was contended that the grant of an additional hour was unlikely to attract any additional people into the town but would enable existing patrons to stay on the premises rather than locate to other venues when the premises closed. Following the submission the applicant and his representatives answered Members' questions.

It was confirmed that there were no further questions.

At this point the applicant and all officers, other than the Council's Legal Services and Members' Office representatives, withdrew whilst the Committee determined the application.

Subsequently all interested parties returned and the Chair announced the Committee's decision.

ORDERED that the application for a 1 hour extension to the terminal hour be approved and a variation be made to the Public Entertainment Licence for Vienna for Music, Singing and Dancing for the number of patrons and hours detailed below:

Patrons: 400

Hours:

11am – 2am Monday to Saturday

12 noon – 12.30 am Sundays including Easter Sunday, 12 noon – 2 am Sunday preceding a Bank Holiday, excluding Easter Sunday.