

LICENSING COMMITTEE

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| Date: Monday 6th September, 2021 |
| Time: 1.00 pm |
| Venue: Council Chamber |

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the previous meeting of the Licensing Committee held on 26 July 2021 3 - 6
4. Exclusion of Press and Public

To consider passing a Resolution Pursuant to Section 100A (4) Part 1 of the Local Government Act 1972 excluding the press and public from the meeting during consideration of the following items on the grounds that if present there would be disclosure to them of exempt information falling within paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Review of Combined Hackney Carriage and Private Hire Vehicle Driver Licence: Ref 02/21 7 - 16
6. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Thursday 26 August 2021

MEMBERSHIP

Councillors R Arundale (Chair), E Polano (Vice-Chair), A Bell, C Cooke, S Dean, T Higgins, S Hill, C Hobson, D Jones, L Lewis, D McCabe, M Smiles, J Walker and S Walker

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne Dixon / Scott Bonner, 01642 729713 / 01642 729708, joanne_dixon@middlesbrough.gov.uk / scott_bonner@middlesbrough.gov.uk

LICENSING COMMITTEE

A meeting of the Licensing Committee was held on 26 July 2021.

PRESENT: Councillor Arundale (Chair); Polano (Vice Chair); Councillors: Higgins, C Hobson, Jones, D McCabe, Smiles and S Walker.

OFFICERS: C Bates, S Bonner, J Dixon and M Embleton.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Bell, Cooke, Dean, Hill, Lewis and J Walker.

**** DECLARATIONS OF MEMBERS' INTERESTS**

| Name of Councillor | Type of Interest | Item |
|---------------------------|-------------------------|---|
| Councillor C Hobson | Non-pecuniary | Agenda Item 6 - Application to voluntarily register land at The Avenue, Nunthorpe, as a Village Green |
| Councillor D McCabe | Non-pecuniary | Agenda Item 6 - Application to voluntarily register land at The Avenue, Nunthorpe, as a Village Green |
| Councillor M Smiles | Non-pecuniary | Agenda Item 6 - Application to voluntarily register land at The Avenue, Nunthorpe, as a Village Green |

MINUTES – LICENSING COMMITTEE – 28 JUNE 2021

The Minutes of the Licensing Committee held on 28 June 2021 were submitted and approved as a correct record.

FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987 – ISSUE OF REGULATED STAND SAFETY CERTIFICATE – MIDDLESBROUGH SPORTS VILLAGE

The Head of Highways submitted a report seeking Members’ approval to the re-issue of the Regulated Stand Safety Certificate in respect of the grandstand at Middlesbrough Sports Village, for a period of one year.

It was highlighted that the Fire Safety and Safety of Places of Sport Act 1987 stated that where there was a covered stand providing accommodation for 500 or more spectators, seated or standing, at any non-designated ground, the Local Authority was responsible for issuing and enforcing a regulated stand safety certificate, containing such terms and conditions as considered necessary or expedient to secure reasonable safety at the sports ground, in accordance with the Act.

A bi-annual inspection was carried out on 5 July 2021 and the stand was found to be satisfactory and there had been no significant changes to the grandstand or operating procedures in the past year other than a significantly reduced programme of events due to Covid.

Members were advised that the current approved permitted number of spectators for the stand was up to 540. It was noted that whenever Government Covid regulations were in force to reduce capacity at the venue, reduced permitted spectator numbers would be agreed in advance of each planned event with the Safety Advisory Group.

The Committee was requested to approve the re-issue of the Regulated Stand Safety Certificate for the forthcoming year with a spectator capacity of up to 540, with Covid specific capacity reductions agreed in advance with the Safety Advisory Group. It was also recommended that the Director of Social Care and Health Integration, or his representative, be authorised to re-issue the Certificate, as outlined.

ORDERED that approval be given to re-issue the Regulated Stand Safety Certificate in respect of Middlesbrough Sports Village for the forthcoming year, 2021/22, with a spectator capacity of up to 540 and that the Director of Social Care and Health Integration, or his representative, be authorised to re-issue the Certificate, as outlined.

SAFETY OF SPORTS GROUNDS CERTIFICATE - RIVERSIDE STADIUM

The Head of Highways submitted a report seeking Members approval to the re-issue of the General Safety Certificate for the forthcoming football season 2021/22.

It was highlighted that the Safety of Sports Grounds Act 1975 established the principle that a sports ground accommodating more than 10,000 spectators required a Safety Certificate containing such terms and conditions as the Local Authority considered necessary or expedient to secure reasonable safety at the sports ground.

Members were advised that the current approved permitted number of spectators for the Riverside Stadium was up to 33,981.

Under SG02 Covid guidance, stadium capacity will be dependent on bubble sizes. Under current regulations, the stadium was limited to 25% of capacity. As Government guidelines were likely to change prior to the next review of the Safety Certificate a reduced capacity based on Government Covid regulations, when in force, would be agreed in advance of each match with the Safety Advisory Group.

The Committee was requested to approve the re-issue of the General Safety Certificate for the forthcoming season with a spectator capacity of up to 33,981. It was also recommended that the Director of Social Care and Health Integration, or his representative, be authorised to re-issue the Certificate, as outlined.

ORDERED that approval be given to re-issue the General Safety Certificate in respect of the Riverside Stadium for the forthcoming football season 2021/21 with a spectator capacity of up to 33,981 and that the Director of Social Care and Health Integration, or his representative, be authorised to re-issue the Certificate, as outlined.

**** DECLARATIONS OF INTEREST**

Councillors C Hobson, McCabe and Smiles each declared a non-pecuniary interest in the following item as all were Members of the Council's Executive when it had considered the application on 16 March 2021.

APPLICATION TO VOLUNTARILY REGISTER LAND AS A VILLAGE GREEN – THE AVENUE, NUNTHORPE, MIDDLESBROUGH

The Director of Legal and Governance Services submitted a report seeking the Committee's approval to register land at The Avenue, Nunthorpe, Middlesbrough, as a village green.

Members expressed concern that no Officer was in attendance to present the report or to respond to questions from Members should they have any. However, having read the report prior to the meeting, the Chair sought confirmation as to whether Members had any questions and whether they felt able to proceed with consideration of the matter based on the information before them. It was confirmed that all Members had read the report and that there were no questions.

The report highlighted that the decision to approve an application to register such land was not an

officer decision and there was no provision within the Officer Scheme of Delegation.

The site at The Avenue comprised of 2.74 Ha (6.76 acres) open space, owned by Middlesbrough Council and was used as an informal recreation space serving the Nunthorpe community. The site was protected as primary open space within the Council's Local Plan (2014).

In recognition of the importance of the open space to the local community, approval was sought from the Council's Executive to make the relevant application to voluntarily designate the site as a Village Green. Approval was granted by the Executive on 16 March 2021.

A search of the Title Deeds revealed that two significant sewers cross the site and rights exist to maintain these and other drainage. Works required to maintain the drainage would be considered a criminal offence following registration, therefore, it was proposed to exclude these parts from the site subject to the registration.

The submitted report sought the Licensing Committee's approval to register the land as a Village Green, which would protect it in perpetuity from development. The application was made in accordance with the provisions 15(8) of the Common Land Act 2006. As the registration was sought voluntarily, the freehold of the land would remain with the Council.

A copy of the application form was attached at Appendix 1 to the submitted report and a plan of the land in question and the community it served was attached at Appendix 2.

ORDERED that the application to voluntarily register the land at The Avenue, Nunthorpe, Middlesbrough, as a Village Green, be approved.

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By virtue of paragraph(s) 1, 2, 3, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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