

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in Trent Meeting Room at The Guildhall, Gainsborough on Monday 10 March at 10.30am and Monday 24 March 2014 at 9.40am.

Present:
Councillor David Cotton
Councillor Paul Howitt-Cowan
Councillor Jessie Milne

In Attendance :
Phil Hinch Licensing Team Manager
Tina Garner Licensing Officer
Jo Furner Lincs Legal Services
Dinah Lilley Governance and Civic Officer
Sabah Mawlood Interpreter (24/03/14 only)

Also in Attendance :

In support of the Application:

Kaife Hussain Applicant
Friend of the applicant (10/03/14 only)

Objectors to the Application

PC Figgitt Lincolnshire Police
PC Enderby Lincolnshire Police
Ian Newell Trading Standards

1 ELECTION OF CHAIRMAN

RESOLVED that Councillor David Cotton be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor David Cotton took the Chair for the remainder of the meeting and round the table introductions were made.

2 MEMBERS' DECLARATIONS OF INTEREST

Councillor Cotton declared a personal interest in that he was a serving JP but that should any related cases appear in the courts he would not take part.

3 EXCLUSION OF PUBLIC AND PRESS

The Chairman noted that appendices to the report contained exempt information and in order to fully consider the application before them the meeting needed to be held in closed session.

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act.

4 INTRODUCTION

**LICENCE HEARING RE:
APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT
ALINA, 100 TRINITY STREET, GAINSBOROUGH
APPLICANT: MR KAIFE HUSSAIN**

The legal representative set out the procedures that would be followed and the details were translated for the applicant by his colleague.

The Police representatives stated that they would prefer a neutral translator in order to avoid any bias, and so that the hearing would be fair on both parties.

The Committee Members, legal representative and committee clerk, left the meeting at 10.55 am to consider the proposal.

At 11.05 the Committee reconvened and agreed that the meeting be adjourned in order to obtain a translator who would be neutral to both parties in the interests on natural justice.

The meeting was then adjourned at 11.10, to be reconvened on 24 March 2014 at 9.30am.

The meeting reconvened on 24 March 2014, with the same parties present, with the exception of the friend of the applicant who was not present on this occasion. An interpreter had been provided by the authority as well as a translated copy of the report.

The applicant confirmed that he had had time to read the paperwork.

The Licensing Team Manager introduced the report which set out the application for a Premises Licence. New applications require the setting out of the steps to be taken to promote the four licensing objectives.

Following submission of the application to the statutory consultees two representations had been subsequently received, from Trading Standards and Lincolnshire Police.

The applicant then presented his case through the interpreter. He stated that he had only had ownership of the premises since January 2014 so any evidence of improper activity prior to that was not relevant to him. The applicant said that his customers were predominantly European and wanted to purchase European cigarettes and alcohol, and that without the sale of such his business would not be profitable and he would have to close.

Sub-Committee Members then asked various pertinent questions relating to the four licensing objectives. The applicant stated that he was aware of requirements to not sell to under 18s. The Sub-Committee then questioned the applicant about the objections which had been received. As the second part of the translated document, which set out the objections, had only been received that morning, the applicant requested further time with the interpreter to read and digest the representations from the objectors.

The Sub-Committee then adjourned at 10.25am to give the applicant time to read the objections. The Sub-Committee reconvened again at 10.45 am.

The applicant reiterated that he had only had ownership of the business since January 2014 and the objections related mainly to incidents in Lincoln in 2013. The incident in March 2014 had been a mistake and he was sorry and it would not be repeated. The applicant was further questioned about the incidents in 2013 and he responded that he had only been an employee at that time and was not aware of what was going on and had not been involved.

The Police and Trading Standards Officers then questioned the applicant about his understanding of the four licensing objectives. Questions were asked regarding his association with his previous employer, and clarification sought as to the applicant's current address.

The Sub-Committee adjourned once again at 11.55am to allow a comfort break and the refresh of parking permits. The Sub-Committee reconvened at 12 noon.

At the conclusion of each party presenting their evidence and subsequent questions, the Chairman asked the applicant if he wished to change his application. He responded that he did not.

Each party then summed up their case for the Sub-Committee.

Both the Police and Trading Standards Officer believed that the licensing objectives of Public Safety and the Prevention of Crime and Disorder could not be met.

In his summing up the applicant stated that he was not a criminal and was not happy to be judged as such and he had admitted that he had made a mistake

but that he had learned his lesson. He wanted to be granted a licence so that he could run his business and make a living.

The meeting then adjourned at 1pm for a lunch break and reconvened at 2pm at which point the Sub-Committee withdrew to undertake their deliberations. The Sub-Committee members returned to the meeting at 2.40pm to give their decision and reasoning.

RESOLVED that:

We have considered everything put before us today, in the evidence submitted in the papers and the verbal evidence we have heard during this meeting.

The Sub-Committee is only concerned in maintaining the four licensing objectives and has to be certain that these are upheld and understood by the applicant for any licence that West Lindsey District Council receives an application for; or which the authority grants.

Those licensing objectives are:

- The prevention of crime and disorder;
- Public safety
- Prevention of public nuisance
- The protection of children from harm

The two objectives which the Sub-Committee are most concerned with today are the Prevention of Crime and Disorder, and Public Safety.

The licensing objective to prevent crime and disorder relates to all crime and not just specifically to the licence being applied for.

In light of the incident in March 2014, the Sub-Committee feels the licensing objective is undermined and it would be inappropriate to grant a licence and therefore the application is refused, and furthermore the Sub-Committee feels that there are no conditions which can be put in place.

All parties are reminded that they have 21 days to appeal to the magistrates' court.

All parties will be sent a copy of this decision in writing within five working days of today.

The meeting closed at 2.50pm

Chairman