

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in the Council Chamber at The Guildhall, Gainsborough on Thursday 26 February 2015 at 12.30pm

**Present:** Councillor Chris Day  
The Reverend Councillor David Cotton  
Councillor Roger Patterson

**In Attendance :**  
Phil Hinch                      Licensing Team Manager  
Angela Cawkwell              Lincs Legal Services  
Dinah Lilley                      Governance and Civic Officer

**Also in Attendance :**

Mr Rashaduzzaman              Premises Manager  
Ian Figgitt                      Lincolnshire Police  
Kim Enderby                      Lincolnshire Police

### 1 ELECTION OF CHAIRMAN

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

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

### 2 EXCLUSION OF PUBLIC AND PRESS

**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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 5 of Part 1 of Schedule 12A of the Act.

### 3 MEMBERS' DECLARATIONS OF INTEREST

The Reverend Councillor Cotton noted that as a serving magistrate, should the case go to appeal, he would not be able to take part.

**4 LICENCE HEARING RE:  
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT SST  
EXPRESS, LEA ROAD, GAINSBOROUGH**

The legal representative set out the procedures that would be followed.

The Chairman affirmed with the premises manager that he was aware that he could have been accompanied by a colleague or representative, and also that he was happy for the hearing to be conducted in English. The premises manager acknowledged both.

The Licensing Team Manager presented the report and outlined the reason for the hearing.

The Police representatives presented their case and reasons for requesting the review. Pertinent questions were put by the Sub-Committee.

The Premises Manager then gave his account of the circumstances that had led to the request for a review, stating that it had been a first offence and was a genuine mistake. He asked that he be allowed to keep his licence and be able to sell alcohol as his livelihood was dependent upon it. Sub-Committee Members asked a number of questions about the incident in question.

Each party then summed up their case, and the Sub-Committee Members retired from the hearing at 1.40pm to deliberate on the evidence they had heard.

The Sub-Committee reconvened at 2.15pm to give their decision.

The conclusion reached by the Sub-Committee is that it would exclude a licensable activity from the licence and that licensable activity is the sale by retail of alcohol for consumption off the premises Monday to Sunday.

The reason for this exclusion in concluding the above is that the premises' owner despite clear advice on the importance of having a DPS in charge and responsible he allowed an unauthorised licensable activity to continue and therefore failed to promote the crime and disorder objective of the Licensing Act.

In fact the failures of the premises' owner not only failed to promote the licensing objectives but promoted further unlawful offences.

In coming to the conclusion the Sub-Committee have had regard to sections 11 (27) and 11 (28) of the guidance issued under the Licensing Act 2003.

**RESOLVED** that the licensable activity for the sale of alcohol be excluded from the scope of the licence.

The Chairman advised that all parties would be notified of the decision in writing within five working days of today's hearing and reminded those present of the right to appeal to the magistrates' court within 21 days of receiving such notice.

The meeting closed at 2.23pm am.

Chairman