

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in Ancholme meeting room at The Guildhall, Gainsborough on Tuesday 20 October 2015 at 1pm

Present:
Councillor Jessie Milne
Councillor Sheila Bibb
Councillor Thomas Smith

In Attendance :
Phil Hinch Licensing Team Manager
Kim Newbould-Robertson Lincs Legal Services
Dinah Lilley Governance and Civic Officer
Claire Vessey Support Officer

Also in Attendance :

Mr Ramesh Patel Premises Owner
Miss Patel Premises Owner's daughter
Ian Figgitt Lincolnshire Police
Kim Enderby Lincolnshire Police
Rebecca Casey Lincolnshire Police
* Lincolnshire Police

1 ELECTION OF CHAIRMAN

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

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

2 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

3 LICENCE HEARING RE: APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT STRAFFORD STREET, GAINSBOROUGH

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

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. A list of dates, and content of, intelligence received was summarised which spanned period of eight years, culminating in a successful underage test purchase. The Premises Owner commented on a number of the incidents listed.

The Premises Owner and his daughter then gave their account. It was claimed that they never intentionally sold to underage children, always asked for photo ID, and did what they could to uphold the four licensing objectives. It was difficult when other adult customers were being intimidated outside of the shop to purchase alcohol on behalf of underage children. The shop suffered from many incidents of anti-social behaviour, thefts and violence, and the police were called on a regular basis and CCTV footage had been provided. It was believed that some of the incidents may have been when the Premises Owner's brother in law had been helping out. Part of the hearing was held in closed session.

4 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.

Sub-Committee Members asked a number of questions about the incidents listed in the police statement.

Each party then summed up their case, and the Sub-Committee Members retired from the hearing at 2.40pm to deliberate on the evidence they had heard.

The Sub-Committee reconvened at 3.20pm to give their decision.

The Chairman read out the following statement:-

The Sub Committee have read all the evidence presented to them and heard from Sgt Enderby and PC Casey and also Mr Ramesh Patel and Miss Patel, his daughter.

The Sub Committee have heard and read about all of the intelligence dating back to 2007. This included on 13 August 2015 a failed test purchase. The Sub Committee heard that this sale was made by Mr Patel's brother in law who was an asylum seeker. The Sub Committee heard that the intelligence provided by the police had come from several

different sources, including the Council, Trading Standards, children and parents.

Mr Patel advised the Sub Committee that the majority of the incidents had occurred because of youths stealing alcohol, abuse and physical violence and youths outside pressuring adults entering the premises to buy alcohol. Mr Patel advised that they had installed CCTV to try to prevent these problems. Mr Patel also informed the Sub Committee that he believed his brother in law was the one responsible for the majority of the under-age sales. He also confirmed that Mr Patel's brother in law had helped out at the premises since coming to the UK in 2004. Mr Patel understood that his brother in law should not have been working but believed that because they were not paying him he was not employed. The Sub Committee have concluded that Mr Patel, the licence holder has knowingly employed a person who could not be lawfully employed, as a result of a condition on that person's leave to enter, by using his brother in law to serve in the premises and have complete control at the premises. In addition the large amount of intelligence from the police regarding the sales to under-age children, the Sub-Committee do not believe that there are any conditions that could be put on the licence that would prevent further sales as they had repeatedly received advice over the course of eight years from the police. Removal of the DPS would in their view not be appropriate because the licence holder would remain the same and Mr Patel's daughter, the likely replacement also knows of the problems at the property, and in their opinion the problem would remain. Suspension would not be appropriate because the issues have continued over eight years despite advice provided by the police. In addition the Sub Committee note that there is only one licensed activity authorised by the licence and excluding this would not address the issue of knowingly employing a person who could not be employed as a result of a condition on that person's leave to enter.

RESOLVED that

In light of all the information, the Sub Committee have therefore decided that it is appropriate and proportionate to revoke 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 3.25pm.

Chairman