

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in the Council Chamber at The Guildhall, Gainsborough on Wednesday 18 November 2015 at 2.00 pm

Present:
Councillor Jessie Milne
Councillor Pat Mewis
Councillor Tom Smith

In Attendance :
Phil Hinch Licensing Team Manager
Tracey Gavins Licensing and Enforcement Officer
Kim Newbould-Robertson Lincs Legal Services
Katie Coughlan Governance and Civic Officer
Claire Vessey Support Officer

Also in Attendance :

Mr Rasaratnam Rajakumar	Applicant
Mrs Rajakumar	Applicant's Wife
Mr Christopher Cook	Applicant's Representative (Solicitor)
Mr Frank Powell	Objector
Ms Karen Gibbard	Objector
Mrs Sheila Wraith	Objector

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

Councillor Jessie Milne advised the Committee that Mr Powell (Objector), lived in the Lea Ward (the Ward she represented) and that he had approached her at the Remembrance Day Service to try and discuss the application. Councillor Milne stated that she had not engaged in conversation regarding the application due to having been selected to serve on the Panel, but wished this fact to be placed on record.

**3 LICENCE HEARING RE:
APPLICATION FOR THE GRANT OF A PREMISE LICENCE
APPLICANT: - MR RASARATNAM RAJAKUMAR
PREMISES: - “BANKSIDE NEWS”, 17 BANKSIDE, LEA ROAD,
GAINSBOROUGH, LINCOLNSHIRE, DN21 1AW**

The legal representative set out the procedure that would be followed, as detailed in Appendix A to the Agenda.

The Licensing and Support Team Leader was then requested to present his report and in doing so advised that the application was for the grant of a new premises licence under Section 17 of the Licensing Act 2003. The reason for the Hearing was also outlined, this being that three objections to the application had been received. Committee were also provided with background information including previous licensing history.

The Applicant's representative then presented his Client's case, stating that he had nothing further to add to the application as submitted to the Committee, other than to advise in response to some of the objections that had been raised, the Applicant was currently seeking planning permission for off street parking outside of the premise. Furthermore, regarding the prevention of crime and disorder and Public Safety, the Applicant had worked closely with the Police and agreed to all of the conditions suggested by the Police (included within the Committee's report) It was noted that a total of 16 cameras would monitor the premise both internally and externally and would be of evidential quality. Challenge 25 would also be in operation.

The Objectors were then provided with the opportunity to question the Applicant / his representative. In opening, questions were asked about what other premises the applicant owned, where these were located and whether or not the Applicant had previously had a licence revoked.

The Council's Legal Advisor interjected, advising that such matters were not relevant to the proceedings, to the application nor were they concerns the Applicant had raised in his representation.

The Objectors asked further questions of the Applicant, asking if he was aware that there was a dementia home in close proximity, that the premise was located in a residential area and that there were a number of other alcohol outlets in close proximity to this one. The Applicant confirmed he was aware of all these factors.

Further questions were asked of the Applicant including: -

- what measures he would put in place to prevent Crime and Disorder, something the Objector considered had been an issue when the shop had last been open;
- What consultation the applicant had undertaken with interested parties, referring to Section 182 Guidance and Best Practice; which made reference to consulting with interested parties (ie neighbours) prior to

submitting the application, something he considered the applicant had not done;

- Whether there was really a need to sell alcohol 7 days a week from the hours of 06.00 – 23.00 hours meaning alcohol would be on sale during the school run; and
- Making reference to a perimeter fence shared by the Applicant and the Objector's daughters, whether or not this would be remedied before the premise opened
- Where, if approved, the off-street parking would be situated

In responding, the following information was provided: -

- With regard to Crime and Disorder / Public Safety etc, the Applicant confirmed he had liaised closely with the Police, who were content with the conditions attached to the licence and the steps the Applicant had listed at Section M of his application;
- Both the Applicant's representative and the Council's Licensing Team Manager confirmed the Applicant had met all of the statutory requirements with regard to advertising the application, citing the local newspaper in which the public notice had appeared. Whilst 182 Guidance suggested consulting with interested parties (ie neighbours) prior to submitting the application, this was not a statutory requirement.
- The Applicant confirmed he was happy to negotiate hours with the Objectors
- The Applicant confirmed he would re-instate the boundary; and
- The Committee were advised where off street-parking would be located, however the Objector's remained unsatisfied and indicated this would not alleviate the concerns they had raised.

The Legal Advisor took the opportunity to remind all present the purpose of the day's hearing, what matters could be taken into consideration and what matters were irrelevant, including, parking, perimeter fences and other local outlets being cited examples. It was stressed that the hearing was in connection with the sale of alcohol, many of the objections appeared to relate to concerns regarding the opening of a shop. In order to manage expectations it was stressed to objecting parties that a shop could open without the permission of the Committee.

The Committee confirmed they had no questions to ask of the Applicant, however, the Council's Legal Advisor, sought indication from the Applicant, having heard the Objector's concerns regarding noise arising from clients leaving the premise, as to whether or not he would be willing to erect polite reminder signage within the premise.

The Applicant confirmed that he would be willing to do such.

The Objectors were then provided with the opportunity to present their case and outline to the Committee why they were objecting to the application. Mr Powell lead spokesperson for the Objectors, read out verbatim to the Committee, the representations of objection, as contained within the Hearing paperwork.

The Applicant confirmed he had no questions to ask of the Objector but again through his representative, offered assurance the perimeter boundary would be rectified and that they had a commitment to ensure the perceived issues with crime and disorder did not arise.

The Committee confirmed they had no questions to ask of the Objector, however, the Council's Legal Advisor, sought indication from the Applicant, having heard earlier in the proceedings that the Applicant would be willing to negotiate sale of alcohol times, as to whether this was still being proposed.

Confirmation was received and on that basis the meeting was adjourned to allow the parties to negotiate. The Committee retired and re-adjourned at 2.50 pm.

On returning, the Applicant confirmed that following negotiation he wished to amend his application as follows: -

- 1) The sale of alcohol Monday – Friday 0800- 2300 hrs, Saturday and Sunday 0600 – 2300 hrs
- 2) Notices to be displayed in the premises asking people to leave quietly and reminding them the shop is in a residential area.

Each party then summed up their case, arising from which the Licensing Manager again outlined the statutory requirements regarding advertising of an application and confirmed to all, the process had been upheld.

The Sub-Committee Members retired from the hearing at 3.00 pm to deliberate on the evidence they had heard.

The Sub-Committee reconvened at 3.30pm to give their decision.

The Chairman read out the following statement:-

“The Sub-Committee have read all the information before them. They have also heard Chris Cook, on behalf of the Applicant, Frank Powell, Sheila Wraith and Karen Gibbard.

The Sub-Committee have heard from the Objectors that they have concerns regarding the opening hours of the premises, the noise from people leaving the shop, parking, underage sales and security of the premise.

The Sub-Committee have noted that following the representations the Applicant has amended the application as follows: -

- 3) The sale of alcohol Monday – Friday 0800- 2300 hrs, Saturday and Sunday 0600 – 2300 hrs
- 4) Notices be displayed in the premises asking people to leave quietly and reminding them the shop is in a residential area.

The Sub-Committee note the reduction in hours has been agreed with the applicant.

The Sub-Committee note the representations made but are mindful that these representations can not directly be related to the sale of alcohol. The Sub-Committee note that the shop can open regardless of an alcohol licence and the representations relate mainly to the opening of a shop not the sale of alcohol.

In respect of underage sales, the Sub-Committee Note the premises will operate a Challenge 25 Policy.

The Sub-Committee note the conditions offered in the application and those subsequently agreed with the Police and the amendments made at the Hearing and are satisfied these are appropriate and promote the licensing objectives.

In consideration of everything the Sub-Committee have read and heard they consider it appropriate to grant the licence subject to the amendments made during the Hearing.

RESOLVED that the licence be granted as applied for subject to amendments made during the Hearing and set out at 1) and 2) above.

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 Licensing and Support Team Leader also briefly outlined the Review process, advising in which circumstances this could be used.

The meeting closed at 3.33 pm.

Chairman