

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in Ancholme Meeting room at The Guildhall, Gainsborough on Thursday 12 May 2016 at 9.30am

Present: Councillor Jessie Milne
Councillor Pat Mewis
Councillor Paul Howitt-Cowan

Apologies: Councillor David Cotton had submitted apologies so Councillor Howitt-Cowan as Reserve Member attended the hearing.

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

Also in Attendance:
Ms Sharon Hopkinson Licensee
Mr David Ling CCTV Operator
Leo Charalambides Licensee's legal representative
PC Kim Enderby Lincolnshire Police
PC Laura Magson 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.

Note: the Licensee's legal representative requested a confidential discussion between the Police and the Council's legal representative. The meeting therefore was adjourned from 9.32am to 10.15am and then a subsequent extension to 10.28am.

2 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

3 LICENCE HEARING RE:

Licence Number: 32UHB50055

Hearing Type: Review of a Premises Licence

Applicant: Lincolnshire Police

Premises: 49 Lord Street, Gainsborough, Lincolnshire DN21 2DD

Premises Licence Holder: Miss Sharon Hopkinson

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

Given the likelihood of confidential information being discussed it was moved and seconded that the hearing be conducted within closed session.

RESOLVED that:

In accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 – the public be excluded from the remainder of the hearing as the Sub-Committee considered that the public interest in doing so outweighed the public interest in the hearing.

The Licensing Officer was requested to present his report, which set out the circumstances leading to the request for a review. Further information on which was set out in the confidential appendices. The options available for the Committee were set out in paragraph 6.2 of the report.

The Lincolnshire Police then presented their case, and the reasons for requesting the review of the application, arising from visits to the premises in July and December 2015 and March 2016, and leading it to be questioned as to whether the Licensing Objectives were being adhered to.

The Licence holder, her representative and the Members of the Sub-Committee were given the opportunity to ask questions of the Police Officers.

Note: At the request of the Licence Holder the Sub-Committee adjourned for a short comfort break from 11.20-11.24am.

The legal representative for the Licence Holder then presented the case evidence for the other side, giving mitigating circumstances and explanations to refute claims made by the Police, and seeking to facilitate a way forward to rebuild relations with the Police and Licensing Authority.

The Police representatives were then given the opportunity to ask questions of the Licence Holder and her representative, a number of which were put to clarify points of information, and on the Licensee's understanding of the Licensing Objectives.

Members of the Sub-Committee then posed a number of pertinent questions, particularly regarding the holding of SIA badges by staff, and the length of the Licensee's experience in the Licensed trade.

Note: The Sub-Committee adjourned for a further comfort break from 12.30-12.38pm.

The Chairman then invited both parties to sum up their cases and clarify any matters which they thought significant and helpful to the matter.

The Licence Holder was described as having a community conscience and being committed to creating respectable establishments in the town.

The Police representatives expressed their lack of faith in the promotion of the Licensing Objectives.

Note: The Sub-Committee then withdrew from the meeting at 12.49pm to deliberate and come to a decision. The Governance and Civic officers and the Council's legal advisors accompanied the Sub-Committee.

During the deliberation, a legal advisor returned to the meeting room to clarify a point of information on behalf of the Sub-Committee.

Note: The Sub-Committee and officers returned to the meeting at 1.55pm to advise parties of the outcome of its deliberations, whereupon the Chairman read out the decision, and the reasoning behind it.

RESOLVED: that, having considered all of the information before them the sub-committee are of the view that it is appropriate and proportionate for the promotion of the licensing objective of the Prevention of Crime and Disorder 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 2.05 pm.

Chairman