

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Trent Meeting Room - The Guildhall on 19 October 2017 commencing at 2.00 pm.

Present: Councillor Owen Bierley
Councillor Paul Howitt-Cowan
Councillor Mrs Jessie Milne

In Attendance:
Phil Hinch Licensing and Local Land Charges Team Manager
Tracy Gavins Licensing Enforcement Officer
Kim Robertson Legal Advisor
Katie Coughlan Senior Democratic & Civic Officer
Ele Durrant Democratic and Civic Officer

Also in Attendance: PC Kim Enderby – Lincolnshire Police (Objector)
The Applicant
The Applicant's friend

Apologies: None Received

1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

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

Licence Number: TBC
Hearing Type: Grant of a Personal Alcohol Licence
Applicant: Restricted Information

The Council's Legal Advisor set out the procedure that would be followed, as detailed in Appendix A to the Agenda. It was noted that the Procedure (Section5) stated the Applicant would have the opportunity to amend the application, however given the nature of the application to be heard, the only amendment the applicant could make would be to withdraw

the application.

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 application having been brought before Committee, namely an objection having been received from Lincolnshire Police. Further information on which was set out in the confidential appendices. The options available for the Committee were set out in paragraph 2.2 of the report.

The Applicant was then invited to present their case, outlining why the licence was being applied for. In doing so, the Applicant also offered explanation of the relevant offence, the circumstances surrounding it, and the impact it had had on daily life.

The Applicant's friend was invited to make a statement, indicating they concurred with what the Applicant had stated, and provided a character reference.

The Objector, and the Members of the Sub-Committee were given the opportunity to ask questions of the Applicant and her friend.

The Objector confirmed they had no questions to ask of the Applicant at this stage.

In response to questions from the Sub-Committee, the Applicant again reiterated their regret at having committed the offence but also advised of the much improved awareness they now had, regarding the effects of alcohol on the body, as a result of their attendance on the course recommended by the Magistrate. Having been posed a scenario, the Applicant offered examples of how they would deal with such a situation if granted a licence.

Lincolnshire Police, as the Objector, were then invited to present their case and reasoning for objecting to the Application. In doing so Lincolnshire Police advised that the offence committed was a relevant offence under the Licensing Act 2003, Schedule 4, Paragraph 14. Furthermore the offence was not spent. The circumstances surrounding the "stop" were also outlined, as these had been disputed earlier by the Applicant. Lincolnshire police in concluding indicated it was for the reasons outlined that they considered to grant the licence would undermine the crime prevention objective, hence their objection.

The Applicant, and the Members of the Sub-Committee were given the opportunity to ask questions of the Objector.

Referencing the circumstances surrounding the "stop", on being questioned, Lincolnshire Police confirmed that this was the information they had received from the informant and could not comment further than that.

The Applicant responded again accepting they had committed the offence and made a

mistake, but again disputing the verbal statement the informant had provided the Police with. The evening's event were shared with Sub-Committee and the Applicant considered there was an element of vendetta.

The Sub-Committee asked further questions of the Applicant before offering both parties the opportunity to make their closing statements.

In response to the questions posed, the Applicant indicated of the positive steps they had taken in their personal life to ensure tha, should they ever be in a similar situation, they would deal with it differently. The Applicant again shared the impact this had had on daily life.

Both parties indicated that they had nothing further to add by way of a closing statement.

The Legal Advisor, confirmed there was nothing she needed to clarify or any points to raise.

Note: The Sub-Committee then withdrew from the meeting at 2:30 pm to deliberate and come to a decision. The Democratic and Civic Officers and the Council's Legal Advisor accompanied the Sub-Committee.

Note: The Sub-Committee and Officers returned to the meeting at 15.15 pm to advise parties of the outcome of its deliberations, whereupon the Chairman read out the decision, and the reasoning behind it.

RESOLVED that the Licence be **NOT GRANTED** as to do so would undermine the crime prevention objective.

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 concluded at 3.17 pm.

Chairman