



Guildhall Gainsborough  
Lincolnshire DN21 2NA

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## AGENDA

**This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website**

### Licensing Committee

Monday, 14th May, 2018 following the Annual Council meeting.

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

**Members\*:**

- Councillor Mrs Gillian Bardsley
- Councillor Owen Bierley
- Councillor David Cotton
- Councillor Paul Howitt-Cowan
- Councillor Mrs Angela Lawrence
- Councillor Mrs Jessie Milne
- Councillor Mrs Pat Mewis
- Councillor Richard Oaks
- Councillor Mrs Maureen Palmer
- Councillor Mrs Judy Rainsforth
- Councillor Mrs Diana Rodgers
- Councillor Lewis Strange

\* subject to  
appointment at  
Council

1. **Apologies for Absence**
2. **To elect a Chairman for the Civic year**
3. **To elect a Vice Chairman for the Civic year**
4. **Minutes from Previous Meeting** (PAGES 3 - 4)  
To confirm the minutes of the meeting held on 8 May 2017.
5. **Minutes from Licensing Sub-Committees** (PAGES 5 - 28)  
To note the minutes from the Licensing Sub-Committee hearings on:

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

5 June 2017, 19 October 2017, 9 November 2017, 14 December 2017, 25 January 2018, 8 March 2018.

6. **Time of commencement of meetings**

To determine the normal time of commencement of the meetings, dates of which were approved by Corporate Policy and Resources in 2015:

Day	Cttee date
Thursday	7 June 2018
Tuesday	18 September 2018
Tuesday	11 December 2018
Thursday	14 March 2019

Sub Committee hearings for either Licensing or Regulatory reviews or applications will be held as and when required and will comprise three Members (plus one reserve) from the above parent committee/s.

7. **Training**

To note that a training session at which Members of the Committees will be required to attend, will be arranged and further details will be circulated in due course.

**Note** Any Member wishing to serve or substitute on this Sub/Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

03 May 2018

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 8 May 2017 commencing at 8.21 pm.

**Present:** Councillor Mrs Angela Lawrence (Chairman of Council (in the Chair))

Councillor Mrs Jessie Milne  
Councillor Mrs Angela Lawrence  
Councillor Mrs Gillian Bardsley  
Councillor Owen Bierley  
Councillor David Cotton  
Councillor Paul Howitt-Cowan  
Councillor Mrs Pat Mewis  
Councillor Richard Oaks  
Councillor Mrs Maureen Palmer  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Diana Rodgers  
Councillor Lewis Strange

**In Attendance:**

Dinah Lilley Governance and Civic Officer  
Alan Robinson SL - Democratic and Business Support

### 1 TO ELECT A CHAIRMAN FOR THE CIVIC YEAR

**RESOLVED** that Councillor Jessie Milne be appointed Chairman of the Committee for the 2017/18 civic year.

Councillor Jessie Milne took the Chair for the remainder of the meeting.

### 2 TO ELECT A VICE CHAIRMAN FOR THE CIVIC YEAR

**RESOLVED** that Councillor Angela Lawrence be appointed Vice-Chairman of the Committee for the 2017/18 civic year.

### 3 TIME OF COMMENCEMENT OF MEETINGS

**RESOLVED** that the meetings of the Committee will normally commence at 6.30 pm.

#### **4 TRAINING**

It be noted that a training session at which Members of the Committee will be required to attend, will be arranged and further details will be circulated in due course.

**Note** Any Member wishing to serve or substitute on this Committee or its Sub Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

The meeting concluded at 8.23 pm.

Chairman

Licensing Sub Committee- 5 June 2017

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in the Trent Meeting Room, at The Guildhall, Gainsborough on Monday 5 June 2017 at 10.00am

**Present:**  
Councillor Owen Bierley  
Councillor Paul Howitt-Cowan  
Councillor Jessie Milne (in the Chair)

**In Attendance:**  
Phil Hinch                      Licensing Team Manager  
Martha Rees                    Lincs Legal Services  
Tracey Gavins                 Licensing Enforcement Officer  
Jana Randle                    Governance and Civic Officer

**Also Present:**  
Vipin K. Venugopal            Applicant for 324 Ropery Road, Gainsborough  
Heather Qualter                Mr Venugopal's Landlady/in support of Applicant  
Nigel Qualter                  Mr Venugopal's Landlord/in support of Applicant  
Don Middleton                 Member of the public/Objector  
Carol Booth                     Member of the public/Objector  
Evelyn Garner                 Member of the public/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

None declared.

### 3 LICENCE HEARING RE:

**Licence Number: N/A (New Licence)**

**Hearing Type: Grant of a New Premises Licence**

**Applicant: Mr Vipin Kumar Venugopal**

**Premises: AVK Store, 324 Ropery Road, Gainsborough, DN21 2PD**

The Chairman, through the Licensing Team Manager, confirmed that all parties had been given notice to attend the Hearing, and advised that the Hearing would proceed in their absence.

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

The Licensing Team Manager presented the report. It was noted that this was a request for an authorisation for the retail sale of alcohol (for consumption off the premises only) as detailed in Appendix 1.

There were no representations received from Responsible Authorities.

Seven representations had been received from Other Persons (formerly known as Interested Parties). There was a total of seven public objections received as listed in Appendix 2a, 2b, 2c, 2d, 2e, 2f and 2g as well as a two-page paper from the community with 86 signatures on.

All relevant Considerations, Policy Considerations, Statutory Guidance and Options were read out and a List of Appendices and Background Papers were mentioned.

The Chairman then invited the Applicant to present his case.

The Applicant described steps already taken and those intended to be taken to satisfy the four licensing objectives, which are:

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

The Applicant advised that the licence request was for a small off licence convenience shop and that he intended to uphold all the factors mentioned in the licensing objectives without any compromise.

The Applicant advised that he had a 24 hour 7 day per week CCTV monitoring in place at the premises. The Applicant advised that there were three modern, high-resolution cameras installed which covered both the front (Ropery Road) and the back of the premises, which would hopefully act as a precaution/deterrent to any potential burglaries.

The Applicant also advised that the alarm system at the premises was linked to his mobile phone which would alert him immediately when an issue arose.

The Applicant further advised that he planned to have an incident log book which, together with any relevant CCTV evidence, would be available for inspection by the police, if needed, to investigate an incident.

The Applicant would be the DPS and any staff employed by the Applicant would be trained in their responsibilities with regard to the sale of alcohol and the requirements of the

premises licence at the Applicant's cost. The Applicant further indicated that he would initially supervise any new staff to ensure full compliance with the Licence.

The Applicant also mentioned installing fire alarms and Health and Safety and Fire safety training for staff.

In relation to possible noise issues, the Applicant advised that there would be no high decibel music at the premises which would be audible outside.

The Applicant advised that any alcohol on sale was only intended to be consumed off the premises and that he would have signage stating age restrictions in several places around the shop. The Applicant stated that he would request photo ID for restricted items and would not sell items without a satisfactory ID being produced. The Applicant also stated that he intended to have a "no unaccompanied children" policy in his store and would only safeguard unaccompanied children but not sell items to them.

The Applicant's landlords were also present at the hearing and fully supported the Applicant's licence request describing the Applicant as a family man who was highly thought of by local residents and who intended to run the shop to the highest possible standards in relation to training, compliance and safety – including use of fire retardant materials being used in the store.

The Objectors present at the meeting questioned the Applicant in relation to who would be present at the premises and have an overall responsibility for the store. In response, the Applicant advised that he intended to work alone initially but later intended to hire staff. The legal adviser clarified that the Applicant, who would be the DPS, could delegate someone else but would remain legally responsible for the shop.

The Objectors also asked about the Applicant's previous experience in running a shop. In responding, the Applicant advised that he had not had a shop before but had sought advice from a number of his friends who had their own businesses and also stated that he had worked as an assistant manager at a food factory before, so had some relevant knowledge and training.

The Sub-Committee members enquired about the intended level of training for any staff. The Applicant stated that he intended to work alone for the first two months with no additional staff. If new staff were then hired, he would ensure that all relevant training was given to them prior to them being allowed to work in the shop unsupervised. Staff would also be advised on the licence requirements and compliance. Any new staff standing in for the Applicant would also be trained to acquire his/her own DPS licence if working full time. If help was needed with training, the Applicant stated that he had friends who could assist with training.

The Applicant also advised that he intended to keep a training record which would document all training provided to staff and which would be signed off by the relevant staff.

The need for a good induction training and the need for CCTV operation training was stressed by the Sub-Committee. This was acknowledged and agreed by the Applicant, who re-affirmed that all staff would be taught how to operate all required aspects of the CCTV.

It was confirmed, during the hearing, that the premises had previously been operated as a hairdressers and before that, a butchers.

There was car parking available for three vehicles in the front of the shop.

In responding to questions, the Applicant stated that he would request ID from anyone who looked younger than 25 years of age to avoid any issues of selling to an underage person, and would seek an acceptable form of ID, such as a passport, a driving licence or a student card. In the event that the applicant was not satisfied with the ID, or if no ID was available or if the ID was suspected to be fraudulent, the applicant indicated that he would not sell any restricted items.

In response to the Sub Committee's queries regarding deliveries to the premise, the Applicant advised that there was adequate space at the front of the property for a delivery vehicle. The Applicant further stated that he expected most of his customers would be walking trade rather than passing trade so he did not believe that parking would be a major issue.

The Legal Adviser clarified the differences between the DPS training and Personal licence training, stating that the full DPS training would not be necessary for staff.

A suggestion was made by the Sub-Committee that a sign relating to the previously mention "unaccompanied children" Policy may be useful on the front of the premises, to which the Applicant indicated his agreement.

The security of the premises was further mentioned by the Sub Committee. The Applicant explained that for security and crime prevention purposes, he had installed two focusable cameras outside the front, one at the back and six cameras were also in use inside the store. These were day and night cameras, recorded colour images and there was also a large monitor in the store showing the camera positions.

Issues of privacy were then discussed and in responding the Applicant advised that the cameras were angled down the street and thus did not affect the privacy of the nearby houses. The Applicant also stated that he had sought advice from the police about correct positioning of the cameras to ensure that private buildings were not covered.

The Sub Committee members posed a possible scenario to the Applicant. In responding the Applicant was clear that he would not sell any alcohol if he had a reason to believe that it was intended for consumption by a minor. Furthermore, if it later transpired he had inadvertently sold to underage person or been duped to do so the Applicant advised that he would be happy to co-operate with any investigation and provide CCTV evidence to the police if relevant.

An opportunity was given to the Applicant to ask any questions. There were no questions raised by the Applicant.

The Objectors stated that they were on the whole happy with the Applicant's responses to their objections.

Two main remaining concerns were highlighted at the hearing which were:



1. Access, and
2. Opening hours.

In relation to access, concerns were raised that the shop was on a busy road with double yellow lines along the road, the available parking meant crossing a pavement and there was a bus stop nearby, which was a pick-up point for school children, which was seen as a safety concern.

The opening hours were then brought up with all three Objectors present stating that they were not happy with the proposed extended hours meaning that the shop could be open till midnight on a number of 'special days'. The 5:30am start was also a concern but seen as less of an issue. The Objectors stated that the shop was in a nice residential area with no trouble and they wished to keep it that way.

The rest of the previous objections had been addressed by the Applicant throughout the Hearing, and the Objectors indicated they were happy overall with the answers given.

In response to the above objections, the Applicant stated that there were a number of shops with similar opening hours which have been approved and the owners managed to comply with their licences and he believed that this should not cause any major issues for him either.

In relation to parking, the Applicant again advised that the same restrictions applied to all the shops on the Ropery Road and that he would restrict delivery hours to quieter hours of the day (mornings) to avoid issues. The Applicant also advised that he had removable bollards which he could use to preserve parking for the delivery vehicle at the relevant times.

There were no further questions from the Objectors.

The Chairman then asked if the Applicant wished to amend the Application in any way, in light of the objections which had been raised.

In response, the Applicant indicated he would be willing to amend the application, revising the opening hours to 5:30am till 10pm every day of the year and remove the request for the extended hours on 'special days' as requested previously.

Each of the parties present were given the opportunity to sum up their case. The Applicant reconfirmed that he intended to promote the licensing objectives, was happy to amend the application as detailed above and in response to the objections raised above.

The Sub Committee adjourned at 11.10am to deliberate on their decision.

The meeting reconvened at 11:51, following which the decision was read out.

Decision:

Application for the Grant of Premises Licence

AVK Stores, 324 Ropery Road, Gainsborough, Lincs, DN21 2PD

Applicant – Mr Vipin Kumar Venugopal

The Licensing Sub-Committee have carefully considered the evidence presented to them; namely the evidence presented by Mr Venugopal and his supporters, and the representations from Mr Middleton, Ms Booth and Ms Garner, along with the papers and appendix provided.

During the licensing hearing, the applicant agreed to amend his application at sections J and L on the application form and so the Licensing Sub-Committee have only considered an application for a premises licence application for opening 7 days a week from 05:30am until 22:00 and supply of alcohol (off sales only) 7 days a week from 05:30am until 22:00.

The Licensing Sub-Committee having considered all of the evidence are satisfied that the applicant has demonstrated that the Licensing Objectives will be satisfactorily safeguarded through evidence provided by the applicant on staff training, CCTV, co-operation with the police and dialogue with the objectors present at the hearing, and the Licensing Sub-Committee have decided to grant the amended application as detailed above subject to the proposed conditions which accompanied the original application and the conditions which must be present on a premises licence under s. 19, 20 or 21 of the Licensing Act 2003.

All parties have a right of appeal of this decision to the Magistrates' Court within 21 days of receiving such notice.

**RESOLVED** that the licence as amended be granted.

The meeting closed at 11:55am.

## 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

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 9 November 2017 commencing at 1.30 pm.

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

**In Attendance:**  
Phil Hinch Licensing Team Manager  
Tracy Gavins Licensing Enforcement Officer  
Martha Rees Lincolnshire Legal Services  
Sgt Kim Enderby Lincolnshire Police  
Mr Adrian Brown Applicant  
James Welbourn Democratic and Civic Officer

**Apologies:** None.

**Membership:** N/A

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

**RESOLVED** to elect Councillor Jessie Milne as the Chair for this Panel.

### 2 MEMBERS' DECLARATIONS OF INTEREST

None.

### 3 LICENCE HEARING

#### Licence Hearing

Reference Number: TBC

Application type: Application for the Grant of a Premises Licence

Premise: Intake Craft Beer (rear of White Hart),  
Church Street, Gainsborough,  
Lincolnshire

Applicant: Mr Adrian Brown

The legal advisor provided an introduction and ran through the proceedings for the hearing. The Licensing Team Manager also introduced himself, and ran through the hearing as documented in the reports pack.

First, the representative from the Police ran through their case:

Mr Brown contacted the Council on the subject of running a pub out of the rear of the White Hart Hotel in Gainsborough. There was a meeting at the venue where the Police expressed some concerns about the running of the bar. The Police and Licensing Officers from West Lindsey District Council (WLDC) offered a list of conditions to consider prior to application. Mr Brown was then to contact the Police and WLDC before the final application with a draft version to see if he had satisfied some of the concerns.

The application was submitted without a draft version. The Police had concerns with several sections of the application, listed below:

- The CCTV must have the capacity for recording rather than just a live stream;
- Applicant mentioned sharing intelligence – the applicant would have needed to show that he was in contact with Licensing Officers;
- Drug policies are mentioned, but none are attached to the application form;
- Other legislation covers the fire and smoke detectors;
- There needed to be a policy for toughened glass;
- There were no attached policies for drug behaviour and misuse;
- The Police wanted to see records of training for staff, and whether it would be repeated on a yearly, or 18 month period;
- With the terminal hour of 2am, Lincolnshire Police would have liked to see doorstaff on at these late times;
- Windows and doors being closed was more of an environmental health remit;
- It wasn't clear how protecting children from harm would be enforced;

The applicant, Mr Brown then had the opportunity to respond to these concerns and outline his own case:

- Mr Brown had consulted his wife, and the current licensee for the White Hart Hotel when writing his application (neither of them were present at the hearing);
- With regards to children under 18, it could be possible for some of them to enter the bar if they are staying at the hotel;
- There were currently no policies attached to the application that deal with the concerns of the Police;

At this point in the hearing the legal advisor asked Mr Brown whether he had previously seen the list of conditions that the Police wanted to be satisfied, to which he answered no. However, Mr Brown did tell everyone present that he had had CCTV installed, with a recording capability for 31 days, after which time it resets itself. There were two cameras outside the venue, with a further five inside.

The Chairman asked whether there were two entrances to the bar; it was confirmed that in addition to the external door to the bar, there was also an internal door from a function room, which had a Yale lock. Residents at the hotel could potentially use this door to access the bar.

After brief further discussion regarding the closing time of the bar, the Panel decided to adjourn the hearing at **1430**.

The meeting reconvened at **1534**.

**RESOLVED** that:

The Licensing Sub-Committee have had due regard of all Licensing Policy, and legislation and of the four licensing objectives.

The Licensing Sub Committee have considered the Licensing Officer's report, and the evidence presented by Lincolnshire Police and the Applicant in reaching their decision.

The Sub Committee note that following discussions between Lincolnshire Police and the Applicant, that the Applicant has revised his application and agreed a list of conditions with Lincolnshire Police.

The Sub-Committee are content that the revised application and the amended conditions are reasonable and proportionate and promote the four licensing objectives.

However, the Sub Committee have concerns that the Applicant does not yet have policies in relation to drugs and underage sales in place in support of their revised application and the agreed conditions. The Sub Committee consider that it is important to the promotion of the Licensing objectives that these policies are put in place prior to the premises opening.

The Sub Committee have therefore decided that it is just, proportionate and reasonable to the promotion of the Licensing objectives to grant the premises licence as per the revised application and the agreed conditions as agreed between the Applicant and Lincolnshire Police but subject to the strict requirement that policies in relation to drugs and underage sales are agreed in writing between the Applicant, Lincolnshire Police and West Lindsey District Council Licensing Officers.

The meeting concluded at 3.36 pm.

Chairman



## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the The Vestry, Trinity Arts Centre on 14 December 2017 commencing at 1.30 pm.

**Present:** Councillor Mrs Jessie Milne (Chair)  
Councillor Paul Howitt-Cowan  
Councillor Mrs Diana Rodgers

**In Attendance:**  
Phil Hinch Licencing & Local Land Charges Manager  
Tracy Gavins Licensing Enforcement Officer  
Martha Rees Lincolnshire Legal Services  
Sgt Kim Enderby Lincolnshire Police  
Vaidas Latvaitis Applicant  
Nicola Senescall Lincolnshire Police  
James Welbourn Democratic and Civic Officer

**Apologies:** None.

**Membership:** Mr Latvaitis was accompanied by two individuals.

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

**RESOLVED** to elect Councillor Jessie Milne as the Chair for this Panel.

### 2 MEMBERS' DECLARATIONS OF INTEREST

None.

### 3 LICENCE HEARING

#### Licence Hearing

Reference Number: TBC

Application type: Application for the Grant of a Premises Licence

Premise: Quick Stop 102 Trinity Street, Gainsborough, Lincolnshire, DN21 1HS

Applicant: Mr Vaidas Latvaitis

The legal advisor provided an introduction and ran through the proceedings for the hearing. The Licensing Team Manager also introduced himself, and for the benefit of all in attendance presented his report contained within the Hearing pack.

The applicant then ran through his case (with assistance from the individuals who accompanied him) and answered questions from the Police and officers present. These points are highlighted below:

- The applicant had bought the business at 102 Trinity Street and applied for a

premises licence; however he had no paperwork with him that he had purchased the business. The shop had the existing licence holder in place, but the applicant would like this to change in the future;

- The business was purchased for £5,000 in October 2017, but the building is owned by another party;
- Two women worked in the shop, with another individual being present as the Designated Premises Supervisor (DPS). The DPS did not stay in the shop at all times;
- The applicant intended to promote the licensing objectives by asking for ID; using CCTV; giving training to employees on checking the CCTV cameras; selling alcohol only at the times specified on the licence; not selling alcohol to drunk individuals, and by trying to recognise fake ID;
- The applicant was currently not working in the premises at 102 Trinity Street;
- There was currently no alcohol or cigarettes in the shop. Were the grant of the licence successful, then cigarettes and alcohol would be bought from legal UK distributors;
- ID that the applicant would be looking to check would be drivers' licences and ID cards.

Sgt Kim Enderby from Lincolnshire Police outlined the Police case as objectors:

- There was no paper trail to prove that the applicant had purchased the business;
- The proposed DPS was in charge at 102 Trinity Street when the licence was revoked previously;
- There was no register for the refusal of alcohol, and there were multiple breaches of the licence when it had been revoked previously;
- Unless the Panel felt that the applicant was independent of the DPS and in control, the application should fail;
- Lincolnshire Police would need to know that all staff were capable of operating the CCTV equipment;
- There needed to be a condition on how long the CCTV footage would be kept for if the application were to be successful. The Data Commissioners Office had certain points that needed to be satisfied;
- The previous licence holder would remain in charge until a future handover – this was a concern for the Police.

Finally, there was a chance for each party to ask questions. Further information was provided as set out below:

- Training for the applicant was scheduled for February 2018. This course included assistance with the paperwork;
- The current DPS would be relied on if the licence were to be granted;
- The opportunity to amend the application was not taken up by the applicant.

The Panel adjourned the hearing at **1419** so that they could deliberate.

The meeting reconvened at **1517**.

**RESOLVED** that:

The Licensing Sub-Committee have read the Committee report and listened carefully to the evidence presented by the Licensing Officer, the Applicant and the Responsible Authority, Lincolnshire Police.

In reaching their 'decision', the Sub-Committee have had due regard for all of the evidence that they have read and heard, and also to all relevant licensing policies, legislation, guidance and the four 'licensing objectives'.

The Sub-Committee heard representations from Lincolnshire Police of their concerns regarding this application given the recent history of the premises under a different Premises Licence Holder, but also whilst under the day to day control of the same DPS listed on the application before the Sub-Committee today.

The Sub-Committee also heard from, and questioned the Applicant on his application, his plans for running the premises, and his experience and knowledge of the four licensing objectives.

In reaching their decision, the Sub-Committee have had due regard to all four licensing objectives, but are particularly concerned with the prevention of crime and disorder and public safety, these having been raised by Lincolnshire Police in their representation.

The Sub-Committee are not satisfied that the licensing objectives are safeguarded having regard to the link between the previous premises licence (and the premises' history) and this application through the proposed DPS. The Sub-Committee have grave concerns that the DPS is in day to day control of the premises but they have not been presented with any evidence to satisfy them that the DPS will now promote and safeguard the Licensing objectives.

Further, the Sub-Committee have concerns surrounding the Applicant's knowledge, training and experience. The Sub-Committee are not satisfied that the Applicant himself has been sufficiently trained, or has enough experience, to promote and safeguard the Licensing objectives.

Accordingly, the Sub-Committee have decided to **refuse** this application for a premises licence.

All parties are reminded of the right to appeal the above decision to the Magistrates' Court within 21 days of being notified.

All parties will be given a written copy of the decision notice within five working days of this hearing.

The meeting concluded at 3.24 pm.

Chairman

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 25 January 2018 commencing at 2.00 pm.

**Present:** Councillor David Cotton (Chairman)  
Councillor Mrs Angela Lawrence  
Councillor Mrs Jessie Milne

**In Attendance:**  
Phil Hinch Licencing & Local Land Charges Team Manager  
Ele Durrant Democratic and Civic Officer  
Martha Rees Legal Advisor

**Also in Attendance:** PC Kim Enderby – Lincolnshire Police (Objector)  
PC Nicola Senescall – Lincolnshire Police (Objector)  
Mr Arvindkumar Rambhai Bhutiya – The Applicant  
Mr Anil Bhawsar – The Applicant's Agent

**Apologies:** None received

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

The Democratic and Civic Officer opened the meeting and introductions were made. She then asked for nominations for Chairman and it was

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

### 2 MEMBERS' DECLARATIONS OF INTEREST

The Chairman declared a personal non-pecuniary interest on the grounds that he was a serving Magistrate and such matters, as being dealt with by the Sub Committee, could be appealed through the Magistrates' Court. In the event that any appeal in connection with the case did arise, Councillor Cotton would not be permitted to consider the appeal and would absent himself from the bench.

### 3 LICENCE HEARING

**Licence Number: TBC**

**Hearing Type: Grant of a Premises Licence**

**Applicant: Mr Arvindkumar Rambhai Bhutiya**

The Chairman set out the procedure that would be followed, as detailed in Appendix A to the agenda. The Licensing and Land Charges Team Manager was requested to present his report, which set out the circumstances leading to the application having being brought before the Sub-Committee, namely an objection having been received from Lincolnshire Police. Further information was set out in the documents appended to the report, namely the application form and the representation from Lincolnshire Police. The options available for the Sub-Committee were set out in section seven of the report.

The applicant was then invited to present their case, outlining why the licence was being applied for. The agent for the applicant gave a brief overview of the proposed business, explaining that his client was going to re-open the village store and provide a community shop for the neighbourhood. He explained that Lincolnshire Police had contacted him with suggested amendments to the conditions. These had been agreed and he had communicated his client's agreement to the Police. He stated that the wording in the original application had not been as detailed as that provided by the Police but that his client had almost six years' experience of working with his business partner in a similar premises and the conditions as set out by the Police were as his client would be running the business but the more detailed wording made this clearer. The applicant added that the premises was not yet open, but would be re-furbished and all requirements would be in place prior to opening.

The Chairman confirmed with the applicant and his agent that they had communicated with Lincolnshire Police, that the conditions provided by the Police had been agreed with and they were happy to comply. The applicant confirmed this to be the case.

There were no other questions.

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 reason for having the hearing was that once an objection was lodged, it could not be withdrawn. They stated that they were happy with the application, happy with the named individual and with the business and location. It was explained that it was clear from the application that the applicant had good intentions of promoting all four Licensing Objectives however the wording had not been robust enough for their own protection or for the Police to enforce if necessary. The conditions requested by the Police provided clearer, more robust wording without being excessive or having any financial implications. It was explained that the applicant and his agent had already agreed to the conditions proposed by the Police. There were no questions to the Police from the Sub-Committee or the applicant.

The Chairman summarised the case before the Sub-Committee and asked the applicant to confirm that he was in agreement with the conditions proposed by the Police, in their entirety. The applicant confirmed this to be the case and the Chairman clarified that all parties were happy with the application with the addition of the clearer, more robust wording from the Police. This was confirmed by all parties.

The Licensing and Land Charges Team Manager enquired of the applicant about the progression of his application for a personal licence with another authority as without this, there would be no Designated Premises Supervisor (DPS) meaning the premises licence could not be issued until this was in place. The applicant explained the personal licence had been granted at the end of the previous week and the agent had brought a copy of the licence to the hearing as confirmation. The Licensing and Land Charges Team Manager confirmed he was satisfied with this.

The applicant was requested to confirm his training with regards to being DPS and he confirmed that he was fully trained and had been working in the business already for six years. He confirmed he had no staff working for him but he understood the need to fully train any future employees regarding the sale of alcohol.

Both parties indicated that they had nothing further to add by way of a closing statement and there were no further questions from the Sub-Committee.

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 2:24 pm to deliberate and come to a decision. The Democratic and Civic Officer and the Council's Legal Advisor accompanied the Sub-Committee.

**Note:** The Sub-Committee and Officers returned to the meeting at 2:50 pm to advise parties of the outcome of its deliberations, whereupon the Chairman read out the decision, and the reasoning behind it.

"The Chairman stated that the Sub-Committee have listened to everything put before them today having heard from the applicant and Lincolnshire Police with regard to the grant of a licence for sale of alcohol off the premises for Sudbrooke Village Store.

Lincolnshire Police had objected to the application in terms of specific conditions and the robustness of the applicant's methods of operating.

At the hearing today the applicant has agreed to all that is requested by Lincolnshire Police and Lincolnshire Police have accepted that the applicant has accepted those requests.

The Sub-Committee will adopt the application as originally submitted and the conditions requested from Lincolnshire Police as the conditions for granting this premises licence.

In doing so the Sub-Committee draw the applicant's attention to the Challenge 25 Policy which is operated in West Lindsey and as requested by the Police and not Challenge 21 as in the application. The Sub-Committee expect Challenge 25 to be operated as part of this premises licence.

Accordingly, the Sub-Committee grant this premises licence subject to the original application and the proposed agreed conditions from Lincolnshire Police, but subject to a

Licensing Sub Committee- 25 January 2018  
Subject to Call-in. Call-in will expire at 5pm on

Challenge 25 Proof of Age policy.”

All parties were informed that they would be notified of the decision in writing within five working days of the date of the hearing and reminded all present of the right to appeal to the Magistrates’ Court within 21 days of receiving such notice.

**RESOLVED** that the Licence be **GRANTED** subject to the original application and the proposed agreed conditions from Lincolnshire Police, but subject to a Challenge 25 Proof of Age policy.

The meeting concluded at 2.52 pm.

Chairman



## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 8 March 2018 commencing at 10.00 am.

**Present:** Councillor Mrs Jessie Milne (Chairman)  
Councillor Mrs Angela Lawrence  
Councillor Mrs Pat Mewis

**In Attendance:**  
Phil Hinch Licencing & Local Land Charges Manager  
Tracy Gavins Licensing Enforcement Officer  
Martha Rees Lincolnshire Legal Services  
Lee Fox Applicant  
James Welbourn Democratic and Civic Officer

**Apologies:** None.

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

The Democratic and Civic Officer opened the meeting and introductions were made. She then asked for nominations for Chairman and it was

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

### 2 MEMBERS' DECLARATIONS OF INTEREST

None.

### 3 LICENCE HEARING

**Licence Number: TBC**

**Hearing Type: Grant of a Premises Licence**

**Premises: "Kings Entertainment Venue" Trinity Street, Gainsborough, Lincolnshire DN21 2AL**

**Applicant: Mr Lee Fox**

The Chairman set out the procedure that would be followed, as detailed in Appendix A to the agenda. The Licensing and Land Charges Team Manager was requested to present his report, which set out the circumstances leading to the application having being brought before the Sub-Committee, as detailed in the report attached to the agenda.

The applicant then outlined his application, highlighting the following points:

- The hope was to turn Kings into an entertainment centre that would encompass as

many different parts of the community as possible. He did not want the venue to simply be a nightclub, or public house;

- An access ramp had been installed to allow disabled access to the building;
- The community had asked whether different types of nights could be hosted, namely band nights, comedy nights, jazz nights and opera nights;
- Coffee mornings and refreshments were an option, to be held whilst the bar was closed;
- Young people under the age of 18 would be supervised on the premises and must have adults present to keep an eye on them;
- Lincolnshire Police have specified the CCTV system they would recommend; the applicant would be happy to install this. Cameras would also be desirable for the outside of the property;
- Before sending in his application, the applicant consulted with Lincolnshire Police, and was sent a document with all of their conditions attached. This was attached at Appendix 2 of the agenda pack.

At this point, Lincolnshire Police then gave their views on the application:

- Lincolnshire Police did not object to this application in principle;
- A set of conditions were sent to the applicant. This was prior to the application being submitted;
- A site visit was carried out by the Police; the only problem that was foreseen was the wide array of events that the applicant wanted to hold;
- Some events will have very little risk attached to them, whereas others, such as football matches, boxing and wrestling have a higher level of risk;
- The work done on the building itself was very impressive; the Police want to back up this work by upholding the licensing conditions.

Members then took the opportunity to ask questions of the applicant. Further information was provided;

- There will be a ticket office at the venue; alternatively there will be an online booking facility. Events will be ticket-only;
- The applicant had worked in several similar establishments many years ago. There were three gentlemen who were ex-landlords that will help run the property;
- There will be appropriate door staff for the sale of alcohol;

- The property was in a residential area with a lot of street parking around. The applicant had been speaking to Tesco, who were happy to give the use of their rear car park for excess car parking;
- Adult entertainment is allowed once a month for eleven months for no longer than twenty-four hours. The applicant had been asked whether he would host strip shows; these would likely be once a year;
- Where an event required a greater number of door staff, this would be provided.

**Note:** Following advice from the Legal Advisor, the applicant agreed to amend his application in line with that of the Police.

**Note:** The hearing adjourned at **1041** to allow the Police and the applicant to finalise the conditions in the application.

The hearing reconvened at **1103** to confirm these conditions had been finalised, and then adjourned again at **1105** to allow Panel members to deliberate.

**Note:** The hearing reconvened at **1149**.

**RESOLVED that:**

The sub-committee have read the report, heard from the applicant, Lincolnshire Police and the Licensing and Local Land Charges Manager.

Having regard to all that they have read and heard, and the statutory guidance, legislation and the licensing objectives and West Lindsey District Council policies, the sub-committee retired to make a decision.

The sub-committee heard from the applicant that he intends to provide an entertainment venue that will provide a wide variety of entertainment nights including boxing/wrestling nights, themed dinner and a show nights, music/band nights and comedy nights. The applicant also explained that he had intentions to also provide a coffee shop during the day but that the bar would be closed at these times.

The applicant confirmed to Members that the events would be ticketed – bought from a box office at the premises or online.

The sub-committee considered the comments of Lincolnshire Police, and how they do not object to the application in principle, but due to the wide nature of proposed licensable activities they felt a robust scrutiny of the proposed conditions to ensure that the licensing objectives are promoted and not at risk of being undermined.

A list of revised, agreed conditions was presented to the sub-committee and the applicant agreed that he would amend his application, and for

the sub-committee to consider the revised list of conditions.

The sub-committee, having regard to all that they have read and heard, and for statutory guidance, legislation and licensing policy consider it appropriate for the promotion of the licensing objectives to grant the premises licence subject to the revised list of agreed conditions presented to them during the hearing, any mandatory conditions, and a condition regarding signage at all exits reminding patrons to leave quietly because of the residential area where the premises is located.

The parties have a right of appeal within 21 days of receiving the written notification to the Magistrates' Court.

The meeting concluded at 11.52 am.

Chairman