

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in The Council Chamber - The Guildhall on 20 September 2018 commencing at 11.30 am.

Present: Councillor David Cotton (Chairman)
Councillor Mrs Gillian Bardsley
Councillor Mrs Jessie Milne

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

Also In Attendance:
Sgt Kim Enderby Lincolnshire Police
PC Nicola Senescall Lincolnshire Police

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.

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

2 MEMBERS' DECLARATIONS OF INTEREST

Councillor D. Cotton 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.

Councillor J. Milne declared a non-pecuniary interest in that she had previously heard a review case for the same premises.

3 LICENCE HEARING

Licence Number: 32UHB50055

Hearing Type: Review of a Premises Licence

Applicant: Lincolnshire Police

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

The Licensing and Local Land Charges Manager addressed the Sub-Committee to explain that the holder of the premises licence had surrendered the licence two days previously and as such, there was no active licence about which to hold a hearing. He advised the Sub-Committee that there was a period of 28 days in which an application to transfer the licence to another person could be made, however, if an application was not made, the surrendered licence would cease to exist.

It was explained to the Sub-Committee that Lincolnshire Police had requested for the hearing to take place in order to fully remove the licence and avoid the risk of it being transferred. The Licensing and Local Land Charges Manager explained that, in surrendering the licence, the licence holder had assumed the hearing would be cancelled and as such, was not present to be able to submit her representations.

The Chairman agreed to hear from Lincolnshire Police as to their reasons for requesting the hearing to go ahead and advised that Members would then adjourn to another room in order to discuss what should happen.

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Lincolnshire Police explained to the Sub-Committee that there had long been significant concerns raised about the premises in question, ranging from issues with illicit substances, assault claims, noise complaints and drunk and disorderly behaviour. It was highlighted that the concerns raised about the premises were proven to undermine every one of the licensing objectives and that the Police felt it would be irresponsible to allow the premises to continue trading. It was acknowledged that the premise licence in question had been surrendered however they raised concerns about the possibility of transferring the licence which would enable to premises to re-open and continue trading.

The Licensing and Local Land Charges Manager reiterated that there were no representations from the licence holder as she had surrendered the licence and therefore had not expected the hearing to go ahead.

Note: The meeting was adjourned at 11:58am for Members to consider whether to continue with the hearing in the absence of the licence holder.

Note: The meeting reconvened at 12:46pm and the Chairman made the following statement.

“We are in something of a difficult position. The Local Authority must be seen to be acting in the interests of natural justice and justice has to be seen to be done. The Licensing Act takes the evidence presented before Members at face value and we have received two emails from the licensee as to why this hearing cannot go ahead. We have considered what we would do in light of that. Our options were to continue with the hearing, without the views and evidence of the licensee, or to adjourn until such a point as the hearing could continue. The Licensing Sub-Committee has very reluctantly, and disappointedly from all parties’

points of view, decided that we will have to adjourn this hearing, and it will be adjourned to 17 October 2018. This does mean that the 28 day transfer period is enacted, however, if an application to transfer the licence comes into place, there will be a hearing on 17 October 2018 in which to review the licence.

If no application to transfer the licence comes in, by the fact the licence has been surrendered, it will fall. We are content the licence has been surrendered and the licensing team have that evidence on file. We have come to this decision after significant discussion. We also feel it will not be possible to get an earlier date for the reconvening of the hearing, owing to administrative considerations. We believe that returning on 17 October allows everyone time to prepare and attend. As far as the licencing hearing today, the proceedings will be reconvened on 17 October.”

Note: The meeting was adjourned at 12:56pm on Thursday 20 September 2018 to be reconvened at 9.30am on Wednesday 17 October 2018.

Tuesday 16 October, 2018

Further to the decision to adjourn the meeting to reconvene in the event of an application to transfer the licence, the Licensing and Local Land Charges Manager confirmed that there had been no such application and therefore the premises licence had ceased to exist. This information was shared with all parties – Lincolnshire Police, the licence holder, the Legal Advisor and all Members of the Sub-Committee. With the agreement of all parties, without exception, the meeting of the Licensing Sub-Committee originally convened on 20 September 2018 was formally closed with no further action required.

Chairman