

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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**AGENDA**

This meeting will be recorded and the video archive published on our website

**Licensing Committee**  
**Tuesday, 10th December, 2019 at 6.30 pm**  
**Council Chamber - The Guildhall**

**Members:**

- Councillor Mrs Jessie Milne (Chairman)
- Councillor Mrs Angela Lawrence (Vice-Chairman)
- Councillor David Cotton
- Councillor Timothy Davies
- Councillor Mrs Caralyne Grimble
- Councillor Paul Howitt-Cowan
- Councillor Mrs Cordelia McCartney
- Councillor Mrs Judy Rainsforth
- Councillor Jim Snee
- Councillor Lewis Strange
- Councillor Jeff Summers

**1. Apologies for Absence**

**2. Public Participation**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

**3. Minutes of Previous Meeting/s**

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To confirm as a correct record the Minutes of the previous meeting held on 18 September 2018;

To note the proceedings from the Licensing hearings held on:

24 May 2018;  
20 September 2018;  
5 August 2019.

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Friday, 29 November 2019

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Committee held in the The Council Chamber - The Guildhall on 18 September 2018 commencing at 6.30 pm.

**Present:** Councillor Mrs Jessie Milne (Chairman)  
Councillor Mrs Angela Lawrence (Vice-Chairman)

Councillor Mrs Gillian Bardsley  
Councillor Owen Bierley  
Councillor David Cotton  
Councillor Mrs Pat Mewis  
Councillor Mrs Maureen Palmer  
Councillor Mrs Diana Rodgers

**In Attendance:**  
Phil Hinch Licencing & Local Land Charges Manager  
James Welbourn Democratic and Civic Officer

**Apologies:** Councillor Paul Howitt-Cowan  
Councillor Richard Oaks  
Councillor Mrs Judy Rainsforth  
Councillor Lewis Strange

### 7 PUBLIC PARTICIPATION

There was no public participation.

### 8 MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting held at Annual Council on 14 May 2018 were approved as a true record and signed by the Chairman.

### 9 DECLARATIONS OF INTERESTS

None.

### 10 REVIEW OF GAMBLING POLICY (STATEMENT OF PRINCIPLES)

The Licensing and Local Land Charges Manager introduced the Review of Gambling Policy report, and read all of the points in the report to Members.

Members raised the following points:

- There were many recommendations in the consultation response from Gamcare; however it would be difficult for West Lindsey District Council (WLDC) to act as a

policeman for problem gambling. Only responsible gambling outlets can be licensed;

- Out of the neighbouring and local councils, East Lindsey received four responses to their gambling consultation, West Lindsey received three, and North Kesteven received no responses;
- There were six gambling premises in West Lindsey;

Members stated that they had the highest regard for the work of the Licensing and Local Land Charges Manager and his team.

**RESOLVED to** approve the amended draft policy and recommend to Council for formal adoption as The Gambling Policy (Statement of Principles) at the Council meeting of 12 November 2018;

The meeting concluded at 6.46 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 24 May 2018 commencing at 10.00 am.

**Present:** Councillor David Cotton (Chairman)  
Councillor Owen Bierley  
Councillor Mrs Angela Lawrence

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

**Also In Attendance:** **Licence Hearing – Murco Costcutter Express**  
Sgt Kim Enderby, Lincolnshire Police  
Representative for Murco Costcutter Express

**Licence Hearing – Bankside News**  
Sgt Kim Enderby, Lincolnshire Police  
Licence Holder, Bankside News  
Interpreter for Licence Holder  
Sara Wyeth, Barrister for License Holder

### 4 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.

### 5 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.

### 6 EXCLUSION OF PUBLIC AND PRESS

In view of the restricted information provided by the police, in relation to both hearing

reviews, it was moved and seconded that the hearings be conducted within closed session.

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

## **7 LICENCE HEARING**

**Licence Number: 32UHB60016**

**Hearing Type: Review of a premises licence**

**Premises: Murco Costcutter Express, Bridge Filling Station, Gainsborough**

The Council's Legal Advisor set out the procedure that would be followed, as detailed in the attachment for Agenda Item 4. The Licensing Officer was then requested to present his report, which set out the circumstances leading to the licence review having been brought before Committee, namely an application for review having been received from Lincolnshire Police. Further information regarding the application was set out in the confidential appendices. The Licensing Officer noted that the guidelines referenced in section 5 of the report had been updated since the circulation of papers to all parties, he confirmed he had a copy of the guidelines should anyone wish to view them. The options available for the Committee were set out in paragraph 6.2 of the report.

The applicant for the review, Lincolnshire Police, was then invited to present their case, outlining their reasons for applying for the licence review. In doing so, they explained that from all information presented to them, as detailed in the confidential appendices, they had concluded there was sufficient evidence to demonstrate that the licensing objective for the prevention of crime and disorder was being undermined. It was stated that owing to the delay between the date of the application for review and the convening of the Licensing Sub-Committee, accepted by all to be through no fault of any party but owing instead to severe weather conditions at the time of the original planned hearing, there had been significant changes made to the management of the premises and the licence holder involved previously had been removed. The representative from Lincolnshire Police stated that all improvements had been swift and appeared to be efficient and effective. He stated there were new procedures in place for the management of staff, for the working of the CCTV system and that Lincolnshire Police were satisfied that, as long as the changes were adhered to, the licensing objectives would be upheld.

The representative for the premises and the Members of the Sub-Committee were given the opportunity to ask questions of Lincolnshire Police. All confirmed there were no questions.

The Chairman therefore invited the representative for the licensed premises to present their case in support of the licence continuing. The representative explained that as soon as the company had become aware of the issues at the site in question, they had put in immediate sanctions. They had maintained contact with Lincolnshire Police and the Licensing Officer through all proceedings and had recently succeeded in removing the previous licence holder from the premises. He explained there was now a new manager on site who was DPS and premises licence holder. He added that new procedures had been put in place regarding staff management which would be trialled across several of the company's sites, leading to a

change in company procedure. He also highlighted that re-training at the site had been completed and the company had taken a 'start from scratch' attitude to ensure none of the issues raised against the previous licence holder would arise again. He thanked Lincolnshire Police for their even-handed dealing of the case and the Licensing Officer for his assistance throughout.

Members of the Sub-Committee, and the representative from Lincolnshire Police were given the opportunity to ask questions of the premises representative.

In response to questions from Members, the representative for the premises confirmed that the previous licence holder was no longer connected with the site in any way and there was no relationship between the previous licence holder and the newly appointed person. It was confirmed that contract arrangements would be reviewed across all 400+ sites in light of the issues raised in this case but this would have to be actioned over time. It was also clarified that CCTV footage would be held for the standard 28 days as there was no condition imposed on the licence to hold it for longer.

There were no other questions and both parties were offered the opportunity to add anything they felt relevant. Lincolnshire Police had no further comment, the representative for the premises again thanked all involved for their assistance throughout the case.

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 10:39am 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 11:06am to advise parties of the outcome of its deliberations, whereupon the Chairman read out the decision and the reasoning behind it.

**RESOLVED** that **no action is required** and the Licence may remain in place without change.

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.

**Note:** The Chairman adjourned the meeting at 11:10am and the representative for the premises left the meeting.

## **8 LICENCE HEARING**

**Note:** The Chairman reconvened the meeting at 11:25am and the Licensing Officer brought the license holder, her translator and barrister into the meeting.

The Chairman welcomed all parties and round the table introductions were made for the benefit of those involved with the premises detailed below. The Chairman re-iterated his declaration of interest as made at the opening of the meeting. He enquired of the barrister

whether she was in possession of all paperwork and she confirmed this was the case. The Chairman also clarified that Members had received and reviewed all of the documentation provided.

**Licence Number: 32UHB15015**

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

**Premises: “Bankside News” 17 Bankside, Gainsborough**

The Council’s Legal Advisor set out the procedure that would be followed, as detailed in the attachment for Agenda Item 4. It was clarified with the licence holder whether she understood the proceedings or wished for her translator to have time to explain to her. She confirmed that she did understand and her translator was present to clarify any points that she may not be sure of. The Licensing Officer was then requested to present his report, which set out the circumstances leading to the licence review having being brought before Committee, namely an application for review having been received from Lincolnshire Police. Further information regarding the application was set out in the confidential appendices. The Licensing Officer noted that the guidelines referenced in section 5 of the report had been updated since the circulation of papers to all parties, he confirmed he had a copy of the guidelines should anyone wish to view them. The options available for the Committee were set out in paragraph 6.2 of the report.

The applicant for the review, Lincolnshire Police, was then invited to present their case, outlining their reasons for applying for the licence review. In doing so, it was explained that, following information presented to them as detailed in the confidential appendices, they had conducted a visit to the premises and found there to be numerous issues that constituted a breach of the premises licence. The police concluded that there was sufficient evidence to demonstrate that the licensing objective for the prevention of crime and disorder was being undermined. It was acknowledged that owing to the delay between the date of the application for review and the convening of the Licensing Sub-Committee, accepted by all to be through no fault of any party but owing instead to severe weather conditions at the time of the original planned hearing, there had been several changes made, including the transfer of the licence to a different person, and there seemed to have been improvements in all areas. It was explained that despite these changes, there were ongoing concerns that as there was a relationship between the previous licence holder and the current licence holder, there was a risk that the issues leading to the application for review might re-occur with the new licence holder.

The Chairman invited questions from the Members of the Sub-Committee and the licence holder and her barrister. Members of the Sub-Committee confirmed they had no questions.

The barrister for the licence holder confirmed the details of the case with the Police Sergeant. This confirmed that the premises licence was separate to any other licence that the original licence holder may have been involved with. It was confirmed that the hearing for the premises licence was separate to any other hearing proceedings. The issues leading to the application for review were clarified and all parties agreed that these issues had shown to be resolved during an unannounced visit from Trading Standards. On confirming these details, the barrister concluded her questions. The Council’s Legal Advisor confirmed she had no other questions.

The Chairman therefore invited the representative for the licensed premises to present their



case in support of the licence continuing. The barrister requested to submit additional information in support of the licence holder. The Chairman explained it was best practice to provide such details in advance to allow all parties time to review the documents. It was clarified with Lincolnshire Police and the Council's Legal Advisor that they were happy for the documents to be shared. The barrister explained that the issues identified as the reason for the review of the licence had all been at the time of the previous licence holder. She confirmed that the current licence had not been involved, the current licence holder had resolved all issues, the current licence holder was committed to maintaining the correct management of the business and adhering to the licensing objectives. She explained the repercussions for the family had been significant and the current licence holder did not want for it to happen again. They requested that no further action be taken against the current licence holder.

Members of the Sub-Committee, and the representative from Lincolnshire Police were given the opportunity to ask questions of the premises representative.

In response to questions from Members, the current licence holder confirmed that the previous licence holder was not involved in the business other than trips to the cash and carry and on occasion he would mind the shop if she needed to be out for a short period of time. She confirmed she was not involved with any other business and she held sole responsibility for the business under review. The barrister added that the unexpected visit from Trading Standards had shown this all to be the case. The barrister also explained there had been a visit from Environmental Health and although the licence holder had not yet received the full report, verbal feedback had indicated a positive visit and a hygiene rating of four or five stars. The barrister stated that all information indicated that the current licence holder was doing all in her power to manage the business correctly. It was also clarified that the current licence holder had held a personal licence for ten years and worked in an off licence for five years.

There were no other questions and both parties were offered the opportunity to add anything they felt relevant. Lincolnshire Police stated that they appreciated the circumstances had changed since they had applied to review the premises licences but requested there to be further assurance by way of a condition added to the licence to ensure the previous licence holder would not become involved again in the future. The barrister requested time to discuss this with her client and they retired from the meeting to discuss.

**Note:** The Chairman adjourned the meeting at 12:32pm to allow the licence holder to consult with her barrister.

**Note:** The Chairman reconvened the meeting at 12:35pm.

The barrister explained that the licence holder was willing to add a condition to the licence however the barrister voiced her concerns that it would need to be highly specific to ensure it was both practicable and enforceable. The Council's Legal Advisor suggested that the meeting be adjourned for both parties to discuss wording of a potential condition and this would then be for the Sub-Committee to decide what action, if any, was to be taken.

**Note:** The Chairman adjourned the meeting at 12:51pm for both parties to retire to discuss possible wording of a condition for the licence.

**Note:** The meeting reconvened at 1:08pm.

The Council's Legal Advisor asked both parties to clarify whether wording of a possible condition had been agreed and this was confirmed to be the case. The barrister stated that, should the Sub-Committee be minded to impose a condition, they had agreed for the wording to state that the previous licence holder was to have no involvement employment or staff training.

The Chairman enquired of all parties whether there was any further comment. The representative from Lincolnshire Police confirmed he had nothing further to add. The barrister for the licence holder restated her request for there to be no further action taken, however, requested that should a condition be considered necessary, it was worded as they had discussed. The wording and additional information from the licence holder was passed to the Council's Legal Advisor.

**Note:** The Sub-Committee then withdrew from the meeting at 1:11pm 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 2:25pm to advise parties of the outcome of its deliberations,

The Chairman apologised to all parties for the lengthy adjournment. The Council's Legal Advisor confirmed she had reviewed the additional information and confirmed it had been covered within the hearing. She advised that the Sub-Committee had looked at the proposed wording for the condition to the licence and while the ethos of the condition remained the same, one word had been amended for additional clarity.

The Chairman then read aloud the decision and the reasoning behind it.

**RESOLVED** that the licence may continue with the addition of the following condition:

*[The previous licence holder]* is to have no involvement in the:

- a) employment (recruitment or termination) of any staff members;
- b) providing training for any staff member or the maintenance of training records.

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 2.32 pm.

Chairman

## 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

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Trent Meeting Room - The Guildhall on 5 August 2019 commencing at 10.00 am.

**Present:** Councillor Mrs Jessie Milne (Chairman)

Councillor Timothy Davies  
Councillor Paul Howitt-Cowan

**In Attendance:**

Tracy Gavins	Licensing Enforcement Officer
Andy Gray	Housing and Enforcement Manager
Phil Hinch	Licensing & Local Land Charges Manager
Martha Rees	Legal Advisor
James Welbourn	Democratic and Civic Officer

Paul Henocq	John Gaunt and Partners Solicitors
Mandeep Kaur	Applicant
Satnam Singh	Applicant

**Apologies:** None.

**Also in attendance:** 3 Members of the public.

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

The Democratic and Civic Officer opened the meeting and asked for nominations for Chairman and it was

**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 APOLOGIES FOR ABSENCE

None.

### 3 MEMBERS' DECLARATIONS OF INTEREST

Cllr Milne declared that she worked for Sir Edward Leigh MP; in that capacity she had spoken to Mr Singh as he had not heard about the hearing from West Lindsey District

Council. They did not discuss the case.

#### **4 PROCEDURE**

The legal representative for West Lindsey District Council outlined the procedure to those present, as set out in the agenda pack.

#### **5 LICENCE HEARING**

**Licence Number: n/a**

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

**Premises: "Morton Premier" 1 Crooked Billet Street, Morton, Lincolnshire DN21 3AG**

**Applicants: Mr Satnam Singh and Mrs Mandeep Kaur**

The Licensing Manager outlined the case to those present, highlighting the following:

- This was an application for a grant of a new premises licence under Section 17 of the Licensing Act 2003;
- The premises was originally a Public House, and was originally granted a premises licence in 2005. This was surrendered in 2018 when the premises closed;
- A representation had been received from West Lindsey District Council's (WLDCs) Environmental Protection team, who were concerned about the application on the grounds of Public Safety.

No other representations had been received;

- Each application must be considered on its own merits, with each representation taken into account. WLDC may only intervene when it was deemed appropriate; any conditions must be appropriate to the licensing objectives;
- Conditions should not be imposed for an ulterior motive. Any conditions must be proportionate, reasonable, and capable of being directly complied with by the licensee.

Following this introduction, the legal representative for the applicant outlined their position:

- The shop was on the site of the old Crooked Billet Public House in Morton. Traditionally, having been a Public House, it was a very large building and it had had accommodation located above the premises.

In 2018, the licence was surrendered and eventually the property was sold to Mr Singh – Mr Singh's daughter in law was to be the designated premises supervisor;

- Mr Singh had decided to purchase this property as a project for his family;
- There was a convenience store underneath the residential property. The family would assist in the running of the store; currently, the family travel to Morton from Sheffield;

- There were some ongoing issues in relation to other regulatory bodies; there was no date set for a prosecution in these matters;
- The representation from WLDC must be taken into account as a responsible authority. The principal issue was Public Safety, but this impinged on the character of Mr Singh. WLDC claimed to have strong reasons to believe that the property was to be operated as a House of Multiple Occupancy (HMO);
- The convenience store had been open since 12 July 2019. It owned a Building Regulations Compliance certificate that had been issued by the Council-led scheme;
- The upstairs accommodation was being converted, with the aim of putting 4 bedrooms in place. The intention was for Mr Singh to move over and assist his son and daughter in law with the store. The store would be open 7 days a week;
- Premises Licence Holders had a responsibility to those using their premises. However, nothing above the shop affected the transactional process. The Public Safety Objective looked at the ability to buy alcohol in a relevant environment with appropriate conditions. Granting a licence increased control over a premises;
- This application was for off-sales only. Should a premises licence have been granted, a number of conditions came into play, including those around staff on site, incident logs and records of accidents. There was CCTV that covered security and safety within the store;
- On 24 April 2019, Mr Singh had agreed, along with Lincolnshire Police to a number of conditions, namely:
  - The type of alcohol sold;
  - The training of staff;
  - Minimum period of time for CCTV;
  - The provenance of products;
  - Identity checks for staff;
  - Home Office code of practice for employers.
- Mr Singh was previously a hackney carriage driver in the Sheffield area and had no previous convictions. There had been no representation from the Police;
- Late temporary event notices had been applied for on 29 April 2019, and were all granted. These notices were not traded, as Mr Singh believed he would be able to open the store in May. He was unable to do so due to delay in the renovation works to the premises;
- There was concern on the evidence around the potential HMO. Mr Singh did not have any privately rented property, and no previous convictions.

At this point in proceedings, there were no questions or statements from Members. Therefore, the Housing and Enforcement Manager presented WLDC's position, raising the following points:



- The main issue concerned compliance with the relevant regulations on the application;
- The renovation of the premises was started in 2018. The upstairs of the property was non-compliant with building regulations, although the shop was in operation;
- The applicant has clearly demonstrated he can comply with licensing concerns, but this hasn't transferred to other regulatory areas. The aim was to arrive in a situation where compliance was achieved;
- The concerns around the HMO were in relation to the way the premises were set up. Conduct so far does not necessarily convince officers that the premises would be used for family housing.

Following questions of officers and representatives by Members, further information was provided:

- WLDC enforcement officers had visited the premises on 12 July 2019, in relation to an emergency prohibition order;
- There were some outstanding issues in relation to the siting of the toilet in the downstairs of the premises. In addition, the certificate issued to the applicant was in relation to electrical installation, and would not cover all building requirements. Engagement was ongoing between the applicant's architect and WLDC;
- The family were travelling from Sheffield every day and then returning back there in the evening; they could not currently reside in the premises above the shop;
- The shop had had a visit from the local licensing officer, and the relevant certificates were in place;
- It was estimated that there 2-3 weeks before the upstairs of the property would be habitable;
- The reports of burning rubbish related to contractors burning wood to warm themselves up. Going forward, disposal of rubbish would be dealt with as soon as possible;
- If a potential HMO remained a concern, the applicant was willing to put forward a condition setting out that the residential property would not be used as an HMO unless a certificate was granted – an HMO was not the intention for the property.

The committee were assured that no-one would live at the property unless it was habitable.

**Note:** The Panel then adjourned to consider the application at **1052**.

**Note:** The Panel reconvened at **1208**.

**RESOLVED:**

The Licensing Sub Committee have heard from Mr Hinch (Licensing and Local Land Charges Manager), Mr Singh (one of the applicants) and his solicitor speaking on his behalf, and Mr Gray (Housing and Enforcement Manager). Additionally, the Sub-Committee had due regard for the papers received before the hearing, and various documents submitted during the hearing on behalf of the applicant with the agreement of all parties.

Mr Hinch informed the sub-committee of the contents of the report, confirming that following receipt of the application for a premises licence how a relevant representation was received from the Council's Housing and Environmental Enforcement Team, and therefore a hearing was required to determine the application.

The sub-committee heard from Mr Gray the details of his team's concerns, and the reasoning behind the representation submitted on the ground of 'Public Safety'. Mr Gray confirmed that they had concerns due to the fact that the applicant has failed to adhere to a number of other regulatory processes until attention is drawn to them by the Council; an example given was the fact that the refurbishment works were commenced without change of use planning permission and a delay to register the premises as a food business. It was confirmed to the sub-committee that in most cases, the regulatory failures have now been resolved, and the others remain under consideration for determination. Mr Gray explained there were also concerns regarding the burning of, and the removal of waste from the premises. Additionally, it was detailed in the committee papers how a number of individuals were encountered living at the upper floor of the premises during the refurbishment, and how a prohibition notice was served due to the conditions encountered. The visits undertaken, and the regulatory issues encountered have led the Housing and Environmental Enforcement Team to have concerns that the upper floor above the premises will be operated as an HMO, and given the applicant's previous shortcomings with complying with regulatory processes, they have concerns that an HMO licence will not be applied for.

It was summarised to the sub-committee that the main reasoning behind the representation submitted is the applicant's failure to comply with other regulatory processes that are required additionally to a premises licence to run this type of premises.

The sub-committee also heard from the applicant's solicitor in response to the representation submitted. It was stressed to the sub-committee how the premises had been purchased by Mr Singh as a project for his family; it is the family's intention to run the premises. Mr Singh was accompanied by his daughter in law, Mrs Kaur, who is the other applicant for the premises licence, and the intended DPS. It was confirmed to the sub-committee that Mrs Kaur and her family would be living above the premises, and how they currently travel daily from Sheffield to run the premises which is already open and operating but does not currently sell alcohol. When questioned, Mr Singh confirmed that the family would not move into the premises until it was completed and safe for them to do so. A number of the issues raised were held to be the fault of a third party builder who had been hired by the applicants. In attempts to address the concerns of the Housing and Environmental Enforcement Team, it was further confirmed to the sub-committee how the upper floor of the premises would not be operated as an HMO but a family home, how when the issue of burning waste was raised, Mr Singh had intervened and asked the third party builders to stop doing so. Additionally it was confirmed that the issue of waste removal was

currently being addressed and would soon be in place.

At the hearing a certificate issued by the Council in relation to the electrics at the premises was produced, and it was stressed that the premises is open and complies with all required standards to be open and operating.

Additionally, the sub-committee heard how Mr Singh has run another premises in Sheffield with no issues, and it was also highlighted that the Police had been communicating with the applicant over the application, and had not submitted an objection. The applicants and the Police had agreed a set of conditions should the licence be granted. Mr Singh has no criminal convictions, and had applied for late Temporary Event Notices to cover an anticipated gap in trading when it was thought the premises would be ready for opening in May.

Taking all that they have read and heard into consideration, and having the regard for the Licensing Act 2003, the Section 182 guidance, and the Council's licensing policy, the sub-committee have decided that it is reasonable and proportionate to grant the premises licence as applied for (i.e. as per the opening hours and conditions confirmed in the letter dated 7 June 2019, and as per the conditions agreed with the Police in the letter dated 24 April 2019, and the mandatory conditions).

In granting the application, the sub-committee had strong regard for the comments from Mr Gray, and note the concerns that led to the representation being submitted. However, the sub-committee heard from the applicant and his solicitor and placed great weight on the fact that it was stressed to them that the upper floor of the premises would be inhabited by the applicant's family, and of his history of running a similar premises without incident.

To that end, the sub-committee did not attach the offered House of Multiple Occupancy condition to the premises licence. The sub-committee are aware that Houses of Multiple Occupancy are covered and governed by separate legislation, and enforcement procedures, and feel at this moment in time there is no evidence that the applicants will fail to adhere to the licensing objective of Public Safety in running the premises, and consequently it would be disproportionate and unreasonable to impose such a condition at this point.

Accordingly the licence is granted as set out above.

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

The meeting concluded at 12.15 pm.

Chairman