

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Virtual - MS Teams on 10 February 2021 commencing at 10.30 am.

Present:
Councillor Mrs Caralyne Grimble
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth

In Attendance:
Kim Robertson Principal Solicitor, Legal Services Lincolnshire
Tracy Gavins Licensing Enforcement Officer
James Welbourn Democratic and Civic Officer
Andy Gray Housing and Enforcement Manager
Ele Snow Democratic and Civic Officer

5 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 Jessie 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.

6 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

7 PROCEDURE

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

8 LICENCE HEARING

Licence Number : N/A
Hearing Type : Application for the grant of a premises licence
Applicant : Dr Sreenath Krishnan Nair and Dr Arya Madhavan
**Premises : "Indian Curry Pot" Sanderlings, Willingham Road,
Market Rasen, Lincolnshire LN8 3RE**

The Licensing Enforcement Officer from West Lindsey District Council (WLDC) highlighted to

the Hearing Panel that this was a new application for the grant of a premises licence, and that the applicants had applied for temporary licences on certain occasions during November and December 2020.

Following this introduction, the applicants outlined their case for the grant of a licence:

- The 'Curry Pot' was a takeaway business. There were certain principles behind the business:
 - Cooking and serving food on the same day;
 - Using authentic ingredients;
 - Encouraging healthy eating for health and wellbeing;
 - Sharing community engagement and healthy living through food.
- The business had been running along the above lines for the previous five months, but there was a wish to expand this experience through small events;
- The proposed events were small, family friendly affairs held in the garden at the property, and would be pre-booked time slots. Previously, small scale events had been held at particular times of year, such as Diwali;
- Recorded music would be played at a low volume, and there was no intention to breach the statutory level of noise. Classical Indian music would be the choice. The applicants were happy to work with WLDC and the Environment Agency on this topic;
- Over the past year the applicants had contributed to the Market Rasen food bank, local children and families as well as the elderly community in conjunction with Market Rasen Town Council;
- During the current lockdown the decision was made by the applicants to deliver food rather than it being collected from their car park;
- The applicants believed they were addressing the licensing objectives as follows – these were prepared in conjunction with Lincolnshire Police:
 - Crime and disorder prevention – CCTV cameras were set up and were working. The premises was a 3000 square foot property within half an acre of land. 8 high resolution cameras were affixed to the house and were working 24 hours a day. Recordings were kept for 28 days within a locked room;
 - Public safety – according to the Police, an incident refusal book would be kept on the premises. All documents would be kept for 12 months;
 - Noise – the applicants were keen to work with Lincolnshire County Council (LCC) and their neighbours on the subject of a safe environment and the prevention of public nuisance. As a precautionary measure a sound level meter would be affixed to record sounds. A telephone number would be given to the public on the day of an event; this number could be called to inform of any noise concerns;
 - Protection of children from harm – the 'Challenge 25' initiative would be operated on the sale of alcohol, and ID would be checked. Alcohol would not be served in isolation, only alongside food. As the events were pre-booked, the applicants would know which guests to expect.

- There had been a number of objections, and the applicants countered these with the following opinions:
 - Difficult to understand the concern about cooking polluting the atmosphere;
 - The footfall at a small-scale gathering would be much different to an event at the racecourse;
 - Public disagreements between neighbours were having a negative impact on the applicant;
 - 5 temporary licences had been granted to date and alcohol had been sold. A similar event had been held on September 5 and Covid regulations were upheld;
 - When moving to the property 4 years ago, the applicants visited their next door neighbour and apologised for the noise.

Following the outlining of the case by the applicants, a witness in support of the licence spoke, and raised the following points:

- The proposal did not breach licensing objectives. The witness suffered health issues, and the applicants had helped with these issues through their cooking;
- The cooking was home-made and authentic, and ayurvedic. The applicants brought diversity and culture to Market Rasen through their educational and informative evenings, and have also helped with home educating the witness's daughter;
- Obesity was an ever growing problem;
- The witness deemed the objections on noise to be invalid as the events were family orientated. Loud and noisy events took place at Festival Hall in Market Rasen already;
- Food odour objections don't seem to take into account that there are already outlets to purchase takeaway food in Market Rasen;
- When horse racing takes place at the Racecourse in Market Rasen there would be so much traffic and parked cars in the town.

The next stage of the hearing saw questions from the objectors present (Mr and Mrs Bibby), directed at the applicants, officers at WLDC and the witness in support. Further information arose from these questions:

- The Indian Curry Pot was a registered business property with HMRC. It had been awarded 5 stars for hygiene following an inspection from officers at WLDC;
- The business operated as a takeaway and there were no plans to open as a restaurant;
- The applicants had applied for a licence every day so as to be able to trade on certain holidays;
- Mr and Mrs Bibby, who were neighbours of the applicants were not aware of the

application. However, it had been advertised on the WLDC website, lamp-posts and in the newspapers;

- Any disruption at the site would be dealt with using a combination of CCTV and the Police;
- The applicants' premises afforded space for around 10 cars. Any events were discussed with the Police, and no concerns were raised provided that people follow traffic conditions. Events would run for no longer than 6-7 hours;
- Deliveries to the site would be at 8am in the morning and 6pm in the evening. Any refuse would be cleared;
- The site was only due to operate on a Saturday.

Note: The hearing was adjourned at 1153 and resumed again at 1158.

Following questions from Mr and Mrs Bibby, Members of the Panel had the opportunity to ask questions of the applicants. However, the only piece of information revealed at this point was a clarification that only small, family based events were due to be held.

Mr and Mrs Bibby, as objectors then outlined their concerns over the application. The following concerns were raised:

- On the prevention of crime and disorder, there were concerns raised on the supply of alcohol from 3pm to midnight, as this would likely lead to inebriated customers. To have 20-30 people meeting to drink can lead to disorderly conduct on the approach to Sanderlings. Although there is CCTV present on site, this did not have the capability to record the neighbouring premises;
- The increased number of motor vehicles impacted on public safety by increasing the likelihood of an accident. The path at the front of Sanderlings was used by schoolchildren;
- Litter in the surrounding areas could increase, as could noise levels. In addition, any activity involving increased numbers of people late at night increased the chance of criminal or disorderly behaviour.

Following these concerns, the applicants wished to amend their application to consider the concerns around pupils. Events on weekdays would start at 4pm, and finish by 11pm. On Bank Holidays and weekends events could start at 3pm. Any amendments to these times would be classed as temporary licence applications. Any provision for late night refreshments would be removed.

The Chairman of the Panel then drew the hearing to a close.

The licence-holder was subsequently advised in writing that the Sub-Committee had

RESOLVED that having considered all of the representations and information before the Hearing and giving due weight to the evidence presented the

Committee were unanimous in their decision that the licence be granted, for the reasons outlined to the licence holder in his decision notice.

All parties would be notified of the decision in writing within five working days of the hearing and there was a right of appeal to the Magistrates' Court within 21 days of receiving such notice.

The meeting concluded at 12.33 pm.

Chairman