

## 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