

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