

WEST LINDSEY DISTRICT COUNCIL

LICENSING ACT 2003

Licence Number: 32UHB50055

Hearing Type: Review of a Premises Licence

Applicant: Lincolnshire Police

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

Premises Licence Holder & DPS: Miss Sharon Hopkinson

1 The Application for Review

- 1.1.1 An application for review of the Premises Licence for The White Hart Hotel, 49 Lord Street, Gainsborough, Lincolnshire DN21 2DD has been made by Lincolnshire Police which was received on 26 July 2018. Lincolnshire Police are a Responsible Authority, as defined by the Licensing Act 2003 and are entitled to apply for a review of a licence when of the opinion a premise is failing to operate with a view to promoting one or more of the licensing objectives. A copy of the application, outlining the grounds for review is attached at Appendix A.
- 1.1.2 From the information detailed in the application for review, Lincolnshire Police have concluded that there is evidence that the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and public safety are being undermined.
- 1.1.3 Local officers from Lincolnshire Police had contacted the Police Alcohol Licensing Team with concerns about how the White Hart premises was operating. Sgt Enderby from the alcohol team initially contacted the licence holder on 12 May 2017, via a telephone conversation to make her aware of breach of licence conditions. It was hoped that having made the licence holder aware of the Police concerns, this would result in immediate action and licence conditions would be adhered to.
- 1.1.4 Lincolnshire Police noticed a significant rise in serious assaults, which appeared to centre on the White Hart in Gainsborough, and started to gather CCTV footage of incidents relating to breach of licence conditions and crime and disorder which centred around or from the White Hart. The CCTV footage dates from October 2017 to the present day. CCTV footage displays serious assaults and serious injuries which clearly undermines the licensing objectives. Lincolnshire Police intend to show the relevant CCTV footage to the members of the Licensing Sub-Committee, however due to the sensitive nature of this footage, the Police have requested that all members of the public are excluded from the Hearing whilst the footage is being viewed, this request is made under Regulation 14(2) of the Hearing Regulations. The CCTV footage is referred to as Appendix C.

- 1.1.5 Please see the application to review the premises licence for the White Hart attached at Appendix A which contains further information in more detail with regards to the issues which are a concern to Lincolnshire Police which resulted in the review application being submitted.
- 1.1.6 The Licensing Act 2003 requires the applicant of a premises review, to notify each Responsible Authority of the review application. The Licensing Authority must advertise the review application as defined by regulations, therefore a Notice was placed on its website, in the Guildhall main reception area and also onto or nearby the premises concerned, in order to invite representations to be made by Other Persons and Responsible Authorities. In this instance the Notice was attached to a street lighting column closest to the White Hart Hotel, which was opposite the main entrance.

2 The Premises (including any background information)

- 2.1 The White Hart Hotel holds a licence authorising the sale of alcohol (for consumption both on and off the premises), regulated entertainment and late night refreshment. This was issued in 2005 under the current licensing regime (Licensing Act 2003) but was also licensed under the previous licensing regime(s). A copy of the premises licence including any attached conditions is attached at Appendix B.
- 2.2 The Premises Licence was transferred to Miss Hopkinson in April 2015. Prior to this, the premises was closed and the licence was suspended due to non-payment of the annual fee by the previous licence holder.
- 2.3 As noted in the review application attached at Appendix A, Lincolnshire Police submitted an application to review the White Hart premises licence previously in 2016 which resulted in a Hearing before Members of the Licensing Sub-Committee on 12 May 2016, whereby it was resolved to revoke the licence. This decision was appealed at Lincoln Magistrates Court, which resulted in the premises licence having conditions modified via a consent order issued by the court and the licence was allowed to continue in operation subject to the newly amended conditions.

3 Representations – Responsible Authorities

- 3.1 There have been no representations received from other Responsible Authorities within the statutory timescale.

4 Representations – Other Persons

- 4.1 There have been no representations received from any Other Persons within the statutory timescale.

5 Considerations

- 5.1 With respect to the review application, Members of the Licensing Sub-Committee must satisfy themselves whether or not the licence holder is satisfactorily promoting the licensing objective in relation to the prevention of crime and disorder.
- 5.2 In considering the application for review and making its decision the Licensing Sub-Committee must do so in line with:

- The Licensing Act 2003
- The Section 182 Guidance made under the Act
- The Licensing Authority's Statement of Licensing Policy

5.3 When considering the application and any representations received, attention is drawn to the Licensing Authority's Policy which can be found at the link below by clicking on the Download Tab, then downloading the Policy:
<http://www.west-lindsey.gov.uk/businesses/licensing/licensing-and-gambling-policies/licensing-policy/104810.article>

5.4 Attention is also drawn to the contents of the section 182 statutory guidance which can be found at the link below:
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003> and clicking on the April 2018 document.

6 Options

6.1 The Licensing Sub-Committee (in its capacity as licensing authority) must, having regard to the application for review, take such steps, if any, it considers appropriate and proportionate for the promotion of the licensing objectives.

6.2 The steps available are:

- to modify the conditions of the licence
- to exclude a licensable activity from the scope of the licence
- to remove the designated premises supervisor from the licence
- to suspend the licence for a period not exceeding 3 months
- to revoke the licence

(For the avoidance of doubt, the conditions of a licence are modified if any of them are altered or omitted or any new condition is added).

6.3 Any action the Licensing Sub-Committee resolve to implement must be appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

6.4 **N.B.** whatever decision the Members of the Licensing Sub-Committee arrive at, they are reminded that with regards to decision making, "*the fuller and clearer the reasons they give, the more force they are likely to carry*". Therefore, Members are strongly advised to give good, clear, justifiable reasons in relation to their decision, which will have more chance of being upheld, should the decision be appealed against.

6.5 If the Licensing Sub-Committee resolve to implement any of the steps set out at 6.2 above, the action will not take effect until the end of the period for appeal (21 days) or if the decision is appealed against, until the appeal is disposed of.

7 List of Associated Papers

Appendix A	Application for Review
Appendix B	Premises Licence for White Hart – Lord St, Gainsborough
Appendix C	Additional information (marked as Restricted) from Lincolnshire Police (not to be disclosed to the public)
Appendices 1- 6	Additional information from Lincolnshire Police contained within Appendix A

8 Background Papers

Licensing Act 2003
Section 182 Government Guidance
WLDC Statement of Licensing Policy