

NORTH LINCOLNSHIRE COUNCIL
LICENSING (ACTIVITIES) SUB-COMMITTEE

15 June 2021

PRESENT: - Councillors P Clark, H Rayner and P Vickers

The meeting was held at the Church Square House, Scunthorpe.

1746 **APPOINTMENT OF CHAIRMAN - Resolved** - That Councillor P Vickers be and he is hereby appointed chairman for the meeting.

1747 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS, PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - There were no declarations of Disclosable Pecuniary Interests, Personal or Personal and Prejudicial interest. No lobbying was declared.

1748 **LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - NASZA BIDRONKA, 88-90 FRODINGHAM ROAD, SCUNTHORPE** - The Director: Operations submitted a report advising members of an application for the grant of a premises licence at Nasza Bidronka, 88-90 Frodingham Road, Scunthorpe.

Details of the application were outlined in the report, together with the application for the grant of a premises licence and representations received from the council's Trading Standards department, Humberside Police and an Interested Party.

The Director in his report reminded the sub-committee that the options available to it under the Licensing Act 2003 when considering such applications were:

- To refuse to grant the licence.
- To grant the licence with additional conditions.
- To grant the licence without additional conditions.
- To grant the licence but restrict the licensable activities.
- To grant the licence with restricted times

The applicant was not in attendance. However, a representatives from Humberside Police and the council's Trading Standards department addressed the sub-committee and responded to questions.

Following the summary of the case, the meeting was adjourned for deliberation by members and then reconvened when the decision of the sub-committee was stated as follows: -

Resolved – The Licensing (Activities) Sub-Committee carefully listened to

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the verbal representations made by Humberside Police and the council's Trading Standards department, who had both objected to the application for the grant of a premises licence at Nasza Bidronka 88-90 Frodingham Road, Scunthorpe. The Sub-Committee also read the substantial documentation contained within the agenda bundle, which included the application for a premises licence, witness statements, photographs and representations as to illegal activity taking place at the premises submitted by Humberside Police and the council's Trading Standards department respectively.

The submissions made by Humberside Police emphasised that, in their opinion, the applicant had no regard for promoting the licensing objectives, particularly the prevention of crime and disorder. This assertion was due to the proposed designated supervisor also being the sole director of the limited company that had applied for the licence, and who had overseen the premises and been present when Humberside Police had undertaken searches and seizures at the premises. The most recent search was on the 11th February 2021 where Humberside Police seized a large number of counterfeit and/or non-duty cigarettes. At the time the search was undertaken the proposed designated supervisor was found to be standing behind the counter and told the police officers that he ran the shop and leased the business. However, he was unable to provide details as to who the landlord was or what their contact details were.

Humberside Police further submitted that there was significant history of criminal activities at the premises in respect of the sale of illicit and illegal tobacco which had continued whilst the applicant and its proposed designated supervisor has been in charge of the business. Therefore, Humberside Police made strong recommendations that the application be refused as they had no confidence that should a licence be granted the applicant, or the proposed designated supervisor would promote the licensing objectives.

The Sub-Committee also listened to the verbal representation made by the representative of the council's Trading Standards department, who supported the submissions of Humberside Police and also emphasised that the applicant had, in their opinion, no regard for promoting the licensing objectives of prevention of crime and disorder and the protection of children from harm. This was demonstrated:

- a) That since the applicant and its proposed designated supervisor had overseen the premises, two allegations of underage sales of cigarettes/tobacco and sales of illicit tobacco had been made against the applicant; and
- b) By intelligence that had been included on a national database by Doncaster Council in March 2020 which stated a vehicle registered to the proposed designated supervisor was used to transport illicit tobacco in Doncaster by a person matching the description of the proposed designated supervisor.

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Trading Standards further submitted that there was a serious concern that the activities within the premises contributed to the anti-social behaviour within the surrounding areas which was mainly residential.

The sub-committee consider the licensing objectives to be its paramount concern when considering and determining any application and gave particular weight to the submissions made by Humberside Police and Trading Standards.

Therefore, after considering the information presented at the hearing, and taking into account the statutory guidance referred to at paragraphs 9.38 and paragraph 43(1), 54(5) and 66(1) of the Council's Licensing Policy, the Sub-Committee had decided to refuse the application for a premises licence at Nasza Bidronka 88-90 Frodingham Road, Scunthorpe. There were serious concerns that the applicant and its proposed designated premises supervisor did not understand the seriousness of promoting the licensing objectives and complying with the conditions attached to a premises licence. Neither the applicant, its representatives or proposed designated supervisor were present at the hearing. Therefore, the sub-committee were not satisfied that the applicant or its proposed designated premises supervisor could provide any confidence that sufficient measures would be put in place to ensure staff members would be sufficiently trained on dealing with the sale of alcohol to underage persons or what measures would be put in place to ensure that the possession, supply and sale of illicit tobacco would not take place at the premises again.

The supply and sale of illicit tobacco and non-duty cigarettes was something that the Sub-Committee considered to be a very serious matter. The safety of the public was the Sub-Committee's primary concern therefore, the Sub-Committee do not consider that it was appropriate for the premises to be granted a licence to sell alcohol as they were not satisfied that the licensing objectives "The Prevention of Crime and Disorder", "Protection of Children from Harm" and "Public Safety" could be adhered to.

1749 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED.**
There were no urgent items for consideration at the meeting.