

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

### LICENSING COMMITTEE

17 March 2022

**Chairman:** Councillor Keith Vickers

**Venue:** Conference Room,  
Church Square House

**Time:** 10.00 am

**E-Mail Address:**

### AGENDA

1. Substitutions
2. Declarations of disclosable pecuniary interests and personal or personal and prejudicial interests, and significant contact with applicants, objectors or third parties (lobbying), if any.
3. To take the minutes of the meeting of this committee held on 2 December 2021 as a correct record and authorise the Chairman to sign. (Pages 1 - 4)
4. Sub-Committee Proceedings - To receive and where necessary confirm the minutes of the meetings of the Licensing (Activities) Sub-Committee held on 20 January 2022 and 1 March 2022 (Pages 5 - 12)
5. Sub-Committee Proceedings - To receive and where necessary confirm the minutes of the meetings of the Licensing (Miscellaneous) Sub-Committee held on 3 February 2022 (Pages 13 - 14)
6. Appeals Submitted to the Magistrates Court (if any)
7. Member Development - To receive a presentation from the Director: Economy and Environment
8. Any other items which the Chairman decides are urgent by reason of special circumstances which must be specified.

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# Public Document Pack Agenda Item 3

## NORTH LINCOLNSHIRE COUNCIL

### LICENSING COMMITTEE

2 December 2021

**PRESENT:** - Councillors K Vickers (Chairman)

Councillors P Vickers (Vice-Chair), S Armitage, T Ellerby, M Kirk, T Mitchell, H Rowson, C Sherwood and D Southern

The meeting was held in the Conference Room, Church Square House, Scunthorpe.

1797 **SUBSTITUTIONS** - Councillor D Southern substituted for Councillor H Rayner.

1798 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** - Councillor S Armitage declared a personal interest as a personal licence holder.

1799 **TO TAKE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 1 JULY 2021 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN - Resolved** - That the minutes of the proceedings of this committee held on 1 July 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and signed by the chairman.

1800 **LICENSING (ACTIVITIES) SUB-COMMITTEE HELD ON 12 AUGUST, 24 AUGUST, 2 SEPTEMBER AND 18 NOVEMBER 2021 - Resolved** - That the minutes of the meetings of the Licensing (Activities) Sub-Committee held on 12 August, 24 August, 2 September and 18 November 2021 be received.

1801 **LICENSING (MISCELLANEOUS) SUB-COMMITTEE HELD ON 16 AUGUST, 23 SEPTEMBER AND 11 NOVEMBER 2021 - Resolved** - That the minutes of the meetings of the Licensing (Miscellaneous) Sub-Committee held on 16 August, 23 September and 11 November 2021 be received.

1802 **LICENSING ACT 2003 - REVIEW OF THE LICENSING POLICY** - The Director: Operations circulated the council's Statement of Licensing Policy for consideration.

In accordance with Section 5 of the Licensing Act 2003 (the Act), there was a requirement for the policy to be reviewed every five years.

The Act stipulated that in reviewing the policy, the council must consult the police, fire and rescue service, licence holders, persons representing licence holders and other businesses or persons as it deemed suitable.

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A copy of the current licensing policy was attached at Appendix A to the report.

The responses to the consultation were included at Appendix B to the report.

The committee discussed the changes to the Policy, including the responses received during the consultation.

**Recommended to Council** – That the Statement of Licensing Policy be approved and adopted following the period of consultation.

- 1803 **GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF PRINCIPLES -**  
The Director: Operations circulated the council's Statement of Principles for consideration.

In accordance with Section 349 of the Gambling Act 2005 (the Act), there was a requirement for the policy to be reviewed every three years.

The Act stipulated that in reviewing the policy, the council must consult the police, fire and rescue service, licence holders, persons representing licence holders and other businesses or persons as it deemed suitable.

A copy of the current Statement of Principles was attached at Appendix A to the report.

The responses to the consultation were included at Appendix B to the report.

The committee discussed the changes to the Policy, including the responses received during the consultation.

**Recommended to Council** – That the Statement of Principles be approved and adopted following the period of consultation.

- 1804 **LICENSING ACT 2003 - REVIEW OF THE CUMULATIVE IMPACT POLICY**  
- The Director: Operations informed the committee that the Cumulative Impact Policy was introduced in 2008, before being reviewed in 2012. The aim of the policy was not to reject all applications for a licence within the boundary of the Cumulative Impact Zone as all applications needed to be determined on their own merits.

The aim of the policy was to create a presumption that where representations were received from a responsible authority, then the application should be refused, unless the applicant could show that the proposed application would not add to the cumulative impact being experienced.

There was no legal requirement for the Policy. However, it was introduced in North Lincolnshire following evidence, gathered by Humberside Police, relating to increased crime and disorder within Scunthorpe Town Centre.

Since the Policy was approved by this Committee the level of crime and

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disorder within Scunthorpe Town Centre had decreased. As such the Policy required reviewing to ensure it was still fit for purpose.

**Resolved** – That the start of the consultation to review the Cumulative Impact Policy be approved.

- 1805 **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE REGISTRATION PLATES** - The Chairman brought to the Committee's attention his concerns over the use of 3D and 4D registration plates on its licensed Hackney Carriage and Private Hire Vehicles. This followed reviews of driver's vehicles licences that had been referred to the Licensing (Miscellaneous) Sub-Committee for consideration following the installation of 3D and 4D registration plates.

The Committee then discussed the use of the 3D and 4D registration plates.

**Resolved** – That the Director: Operations liaise with the North Lincolnshire taxi trade over the use of 3D and 4D registration plates on Hackney Carriage and Private Hire vehicles.

- 1806 **HACKNEY CARRIAGE AND PRIVATE HIRE FLEET - WHEELCHAIR ACCESSIBLE VEHICLES** - The Chairman informed the Committee that he had been contacted by concerned North Lincolnshire residents over the availability of wheelchair accessible Hackney Carriage and Private Hire vehicles.

Members discussed the comments made by the Chairman.

The Director: Operations responded to the points made by the Chairman and members of the Committee.

**Resolved** – That the position be noted and reviewed in six months time.

- 1807 **APPEALS SUBMITTED TO THE MAGISTRATES COURT (IF ANY)** - The Director: Governance and Partnerships informed the Committee that no appeals against decisions of the Licensing (Activities) Sub-Committee or Licensing (Miscellaneous) Sub-Committee had been submitted to the Magistrates Court for consideration.

- 1808 **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 by the Committee.

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# Public Document Pack Agenda Item 4

## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (ACTIVITIES) SUB-COMMITTEE

20 January 2022

**PRESENT:** - K Vickers (Chairman)

P Vickers and S Armitage.

The meeting was held in the Conference Room, Church Square House.

1809 **APPOINTMENT OF CHAIRMAN – Resolved** – That Councillor K Vickers be and he is hereby appointed chairman for the meeting.

1810 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS, PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY** – Councillor Armitage declared a personal interest as a personal licence holder.

No lobbying was declared.

1811 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT ABDAL'S KITCHEN (FORMER CO-OP), SPRUCE LANE, ULCEBY, DN39 6UL** – The Director: Economy and Environment submitted a report advising members of an application for the grant of a premises licence at Abdal's Kitchen, Spruce Lane, Ulceby.

Details of the application were outlined in the report, together with the application for the grant of a premises licence and representations received from Humberside Police, Humberside Fire and Rescue Service, the Council's Environmental Protection Team, the Council's Trading Standards department and four Interested Parties.

The Director in their 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's representative and the interested party's and their representative, addressed the sub-committee and responded to questions.

The meeting was adjourned for deliberation by members. The decision of the sub-committee was communicated to all parties.

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**20 January 2022**

**Resolved** – The Licensing (Activities) Sub-Committee carefully considered all the information contained in the agenda bundle, as well as the supporting documentation submitted by the applicant and interested parties with their counter notices. After listening to all the representations made by the applicant, and the interested parties at the hearing and taking into account the statutory guidance under s182 of the Licensing Act and the Council's Licensing Policy, the sub-committee agreed that the application be granted subject to the following:

1. That the operating schedules would be as follows:
  - a) Supply of alcohol on the premises to be from 17:00hrs to 23:00hrs Monday to Sunday.
  - b) That there would be no Late Night Refreshments – Following the applicant amending the times of food sales from 17:00hrs to 22:00hrs Sunday to Thursday, and 17:00hrs to 22:30hrs Friday and Saturday.
  - c) Opening hours to be 17:00hrs to 23:30hrs Monday to Sunday.
2. That the agreed conditions submitted by Humberside Police and the Environmental Protection Team as outlined at Appendix F and K be adhered to and incorporated within the premises licence.

This was to protect the amenities of local residents, and to adhere to the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

The Sub-Committee gave particular weight to the fact that the premises was currently not open or trading. They respected and acknowledged the representations made by the interested parties, both in writing and at the hearing. However, as there was currently no evidence to support their concerns, the application was granted. The sub-committee reminded all parties that a premises licence could be reviewed at any point by any responsible authority or interested party, should such evidence present itself to suggest that the applicant was not complying with the conditions attached to the licence and/or the licensing objectives.

- 1812 **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.



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## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (ACTIVITIES) SUB-COMMITTEE

1 March 2022

**PRESENT:** - Councillors P Clark, T Ellerby and T Mitchell

Councillor H Rowson attended the meeting in accordance with Procedure Rule 1.37(b).

The meeting was held in the Conference Room, Church Square House.

1818 **APPOINTMENT OF CHAIRMAN - Resolved** - That Councillor P Clark be and he was hereby appointed chairman for the meeting.

1819 **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 interests, or significant contact with applicants, objectors or third parties (lobbying).

1820 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT SHADOW BRIDGE BREWERY, UNIT 1, THE OLD TILE YARD, BARTON UPON HUMBER, DN18 5EF** - The Director: Economy and Environment submitted a report advising members of an application for the grant of a premises licence at Shadow Bridge Brewery, Unit 1, The Old Tile Yard, Barton Upon Humber, DN18 5EF.

Details of the application were outlined in the report, together with the application for the grant of a premises licence and representations received from Humberside Police, Humberside Fire and Rescue Service, the council's Licensing Authority and the Council's Trading Standards department.

The Director in their 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

A representative of Humberside Police attended the meeting, addressed the sub-committee and responded to questions.

The meeting was adjourned for deliberation by members. The decision of the sub-committee was communicated to all parties.

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**1 March 2022**

**Resolved** - The Licensing (Activities) Sub-Committee listened carefully to the representations made by the Responsible Authorities (Humberside Police) at the hearing. The sub-committee also read written representation from the Licensing Authority and the documentation contained within the agenda bundle. After taking into account the statutory guidance issued under s182 of the Licensing Act and the council's Licensing Policy, the sub-committee agreed that the application be granted, subject to the following conditions being incorporated within the premises licence and adhered to by the applicant:

- 1) Condition 1 – A CCTV system must be installed immediately and once installed it must be operated in accordance with the codes of practice attached to the application.
- 2) Condition 2 - The CCTV system must be registered in accordance with the Data Protection Act 2018, and warning signs must be displayed in public areas of the premises.
- 3) Condition 3 - Cameras must be positioned to view:
  - all access to and egress from the premises (including fire exits):
  - all areas where the sale of alcohol occurs; and
  - in areas that are not easily supervised from the bar/sales counter, including outside areas where it is intended to conduct licensable activities. The number and location of the cameras is to be agreed with the Licensing Officer of Humberside Police.
- 4) Condition 4 - A monitor must be installed and operational in a position, to be agreed in consultation with the Licensing Officer of Humberside Police, so it can be viewed by staff working in the sales area of the premises.
- 5) Condition 5 – The CCTV system must:
  - be capable of continuously (24 hours 7 days a week) recording in colour:
  - time and date mark all recordings;
  - provide real time pictures of evidential quality in all lighting conditions:
  - retain copies of all recordings for a period of not less than 28 days: and
  - be capable of producing copies of recordings at the premises.
- 6) Condition 6 - Copies of recordings must be provided at no cost on request to a person under the direction and control of the Chief Constable or an officer of North Lincolnshire Council.
- 7) Condition 7 - The Designated Premises Supervisor will be responsible for the operation of the CCTV system and they must:

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**1 March 2022**

- ensure the CCTV system is maintained in working order and checked weekly;
  - ensure records of any maintenance/weekly checks are endorsed by their signature or other responsible named individual;
  - ensure any actions arising from the maintenance checks are recorded and complied with;
  - appoint a member of staff to download all CCTV footage in a recordable format at all times the premises are operating; and
  - ensure records of all maintenance are kept either by the DPS or an authorised individual or nominated member of staff: and
  - provide all records on request, at no cost to a person under the direction and control of the Chief Constable or an officer of the Local Authority on production of their identification.
- 8) Condition 8 - An incident log must be kept at the premises, and be made available on request to an authorised officer of the Council or a Police Licensing Officer. The incident log must record at a minimum the following:
- all crimes reported to the venue
  - all ejections of patrons
  - any complaints received
  - any incidents of disorder
  - all seizures of drugs or offensive weapons
  - any refusal of the sale of alcohol
  - any visit by a relevant authority or emergency service
- 9) Condition 9 - Staff training must be given to all staff working at the premises. Such training must be documented and recorded in a book/folder kept solely for that purpose. It must record the date and names of those trained and the person providing it and be signed by all attendees to confirm they attended and received the training. The frequency of the training must be a minimum of once every six (6) months. The training must cover all aspects of the responsible sale of alcohol (Licensing objectives, Premises licence conditions, age verification, how to detect proxy sales, consequences of underage sales etc) and conflict management.
- The book must be available to be viewed on demand by either an officer of the Local Authority or an officer under the direction and control of the Chief Constable.
- 10) Condition 10 - When events are held at the premises, a thorough risk assessment must be completed for the use of Polycarbonate or crushable glassware and decanting of all bottles. Polycarbonate or crushable glassware will also be used upon the request of Humberside Police or the Local Authority.
- 11) Condition 11 - The premise licence holder/DPS/Duty Manager must

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**1 March 2022**

ensure that there is an adequate risk assessment of the need for SIA door supervision at the premises during events and shall provide door supervision in accordance with that risk assessment. Such an assessment must be written down and kept at the premises and be available for production on demand by a person under the direction and control of the Chief Constable or an officer of North Lincolnshire Council.

- 12) Condition 12 – Challenge 25 must be implemented and a proof of age policy be applied with the accepted means of proof of age being:
  - Passport
  - Photo Driving Licence
  - A recognised valid photo-ID card bearing the PASS hologram
  - Any future accredited and accepted proof of age, as defined by Humberside Police
- 13) Condition 13 - Signs must be displayed stating that the premises operates a Challenge 25 Policy.
- 14) Condition 14 - Children under 16 must only be granted entry if accompanied by a responsible adult. Adults must be responsible for children at all times.
- 15) Condition 15 - The DPS must ensure that any outdoor area is appropriately identified with barriers and monitored frequently to control the removal of open containers of alcohol from the premise, and that patrons are consuming alcohol in the designated area.
- 16) Condition 16 - Any alcohol that is sold unopened or in a sealed container with the intention of consumption away from the premises must not be consumed in the premises or in any outdoor drinking area attributed to the premises.
- 17) Condition 17 - The premises licence holder/designated premises supervisor must adopt an age verification policy throughout the whole process of operation, so that at any time, if customers are not able to prove they are 18, then the supply of alcohol must be refused by any online/email/telephone order facility and also on delivery.
- 18) Condition 18 - On delivery of any items of alcohol previously ordered, either directly by the premises licence holder, employees of the premises licence holder, or via a third party courier, a Challenge 25 rule must be adopted, so that if on request, acceptable photographic documents cannot be produced to prove the date of birth of the purchaser, or those taking delivery of orders on behalf of the purchaser, then the delivery must be refused outright, and the alcohol returned to the licensed premises.
- 19) Condition 19 - Deliveries of alcohol must not be made where there is

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**1 March 2022**

no one present to accept the delivery.

20) Conditional 20 - External lighting must be on during operational hours.

The aforementioned conditions are –

- to protect all patrons,
- to protect the amenities of local residents,
- to minimise disturbance to the local residents,
- to ensure the protection and safety of all patrons and local residents, and
- to adhere to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm licensing objectives.

1821 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED -**  
There were no urgent items for discussion at the meeting.

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## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (MISCELLANEOUS) SUB-COMMITTEE

3 February 2022

**PRESENT:** - P Vickers (Chairman)

P Clark, T Ellerby, H Rayner and H Rowson.

The meeting was held in the Conference Room, Church Square House.

1813 **SUBSTITUTIONS** – Councillor H Rowson substituted for Councillor K Vickers.

1814 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND 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 and personal or personal and prejudicial interests.

No lobbying was declared.

1815 **TO TAKE THE MINUTES OF THE MEETING HELD ON 11 NOVEMBER 2021 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN – Resolved** – That the minutes of the meeting held on 11 November 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1816 **ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES THAT MUST BE SPECIFIED – Resolved** – That the public be excluded from the meeting for consideration of the following item (Minute 1817 refer) on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1817 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RENEWAL OF A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE** – The Director: Economy and Environment submitted a report advising members of an application for a Hackney Carriage and Private Hire Vehicle Drivers Licence to be determined by the sub-committee.

The report contained background information on the process for determining such applications, the information to be taken into account and the circumstances in which the sub-committee could refuse a licence.

The options available to the sub-committee when considering such applications were:

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**  
**3 February 2022**

- To renew the licence as applied for with no additional conditions or restrictions other than those normally applied to such licences.
- To renew the licence subject to additional conditions or restrictions.
- To refuse to renew the licence.

Should the sub-committee refuse the licence or impose additional terms, conditions or restrictions then the applicant may appeal to the Magistrates Court within 21 days from the date on which they were notified of the decision.

Should the Magistrates uphold the decision of the council, the applicant had further recourse to the Crown Court.

The procedure for dealing with such applications at meetings of the sub-committee had previously been circulated to members.

The Director: Economy and Environment notified the members that the applicant had informed the Licensing Authority that they were unable to attend the hearing. The applicant's representative attended the hearing and requested an adjournment and gave reasons for this request.

**Resolved** – That as the applicant was unable to attend the hearing, the sub-committee agreed to adjourn consideration of this application to allow another opportunity for the licence holder to attend.