

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

### LICENSING COMMITTEE

15 July 2022

**Chairman:** Councillor Keith Vickers

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

**Time:** 9.30 am

**E-Mail Address:**  
sophie.smith@northlincs.gov.uk

### 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 17 March 2022 as a correct record and authorise the Chairman to sign.
4. Sub-Committee Proceedings - To receive and where necessary confirm the minutes of the meetings of the Licensing (Activities) Sub-Committee held on 24 March, 19 April and 6 May 2022.
5. Sub-Committee Proceedings - To receive and where necessary confirm the minutes of the meeting of the Licensing (Miscellaneous) Sub-Committee held on 17 March 2022.
6. To note the scheduled dates and times of the Licensing Committee as follows:  
  
Thursday 22 September 2022 at 10:00am  
Thursday 3 November 2022 at 10:00am  
Thursday 19 January 2023 at 10:00am  
Thursday 16 March 2023 at 10:00am
7. To note the scheduled dates and times of the Licensing (Miscellaneous) Sub-Committee as follows:  
  
Thursday 8 September 2022 at 10:00am

Thursday 13 October 2022 at 10:00am  
Thursday 10 November 2022 at 10:00am  
Thursday 1 December 2022 at 10:00am  
Thursday 12 January 2023 at 10:00am  
Thursday 2 February 2023 at 10:00am  
Thursday 2 March 2023 at 10:00am

8. To appoint a Licensing (Miscellaneous) Sub-Committee comprising five members of the Licensing Committee (three Conservative and two Labour members) Councillors K Vickers (Chairman), P Vickers (Vice-Chairman), Armitage, Clark and Rayner.
9. To appoint a Licensing (Activities) Sub-Committee comprising three members (politically balanced) drawn from the 10 members of the Licensing Committee. (Membership of the sub-committee to deal with individual cases to be appointed as required from eligible members).
10. Terms of Reference - Licensing Committee
11. Fees and Charges Update
12. Cumulative Impact Zone Policy Update
13. Introduction to Enforcement Updates
14. Legislation Update (if any)
15. Appeals Submitted to the Magistrates Court (if any)
16. Any other items which the Chairman decides are urgent by reason of special circumstances which must be specified.

## NORTH LINCOLNSHIRE COUNCIL

### LICENSING COMMITTEE

17 March 2022

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

P Vickers (Vice-Chair), S Armitage, P Clark, T Ellerby, M Kirk, H Rayner, T Mitchell and C Sherwood

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

1822 **SUBSTITUTIONS**

There were no substitutions at the meeting.

1823 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, AND SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING), IF ANY.**

The following member declared a personal interest –

Councillor S Armitage  
Personal Licence holder.

1824 **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.**

**Resolved** - That the minutes of the proceedings of this committee held on 2 December 2021 having been printed and circulated amongst the members, be taken as read and correctly recorded and signed by the chairman.

1825 **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**

**Resolved** - That the minutes of the meetings of the Licensing (Activities) Sub-Committee held on 20 January 2022 and 1 March 2022 be received.

1826 **SUB-COMMITTEE PROCEEDINGS - TO RECEIVE AND WHERE NECESSARY CONFIRM THE MINUTES OF THE MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE HELD ON 3 FEBRUARY 2022**

**Resolved** - That the minutes of the meeting of the Licensing (Miscellaneous) Sub-Committee held on 3 February 2022 be received.

1827 **APPEALS SUBMITTED TO THE MAGISTRATES COURT (IF ANY)**

The Director: Governance and Communities informed the meeting that there were currently no appeals awaiting consideration by the Magistrates Court.

**LICENSING COMMITTEE**  
**17 March 2022**

1828 **MEMBER DEVELOPMENT - LICENSING SUB-COMMITTEES**

The Director: Economy and Environment guided members through a presentation that refreshed/informed them of the key requirements when considering matters before the Licensing (Miscellaneous) Sub-Committee and the Licensing (Activities) Sub-Committee.

**Resolved** – That the presentation be received with thanks.

1829 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED.**

The Director: Economy and Environment informed the Committee that the taxi trade had made a formal request to the Licensing Authority to consider an increase in the table of fares that could be charged. This was as a result of there being no increase in the table of fares for five years, as well as the rising cost of fuel.

The matter was considered urgent due to there being no further scheduled meetings of the committee until the summer of 2022 and the need to respond to the taxi trade.

The Chairman facilitated a discussion between the committee on the request from the taxi trade.

**Resolved** – (a) That the Director: Economy and Environment prepare a new table of fares that proposed a 10% increase in chargeable fares, and (b) that the new table of fares be considered by the Chairman and Vice-Chair of the Licensing Committee and, should the table of fares be acceptable, they be published in accordance with statutory requirements.

# Public Document Pack Agenda Item 4

## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (ACTIVITIES) SUB-COMMITTEE

24 March 2022

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

The meeting was held in Room F01e, Conference Room, Church Square House, Scunthorpe.

1834 **APPOINTMENT OF CHAIRMAN - Resolved** - That Councillor K Vickers be and he was hereby appointed chairman for the meeting.

1835 **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).

1836 **LICENSING ACT 2003 - APPLICATION TO GRANT A PREMISES LICENCE AT VIKING MARKET, FRODINGHAM PLAZA, FRODINGHAM ROAD, SCUNTHORPE, DN15 7NH** - The Director: Economy and Environment submitted a report advising members of an application for the grant of a premises licence at Viking Market, Frodingham Plaza, 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 Humberside Police, Humberside Fire and Rescue Service, the Licensing Authority, the council's Trading Standards department, the local North Lincolnshire Council ward councillors and twenty two representations received from local residents.

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's legal representative, The Licensing Authority, the council's Trading Standards department, Humberside Police, a local ward councillor and four local residents addressed the sub-committee and responded to questions.

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

Following clarification and the summary of each case, the meeting was adjourned for deliberation by members, with the sub-committee decision communicated to all parties in writing, stating the following decision –

**Resolved** - The Licensing (Activities) Sub-Committee listened carefully to the representations made by the applicant's legal representative, the Responsible Authorities (Humberside Police, Licensing Authority and Trading Standards) and the interested parties at the hearing. The sub-committee also read 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 as applied for, subject to the following conditions being adhered to and incorporated within the premises licence:

- 1) Condition 1 - That the hours for sale of alcohol at the premises be from 08:00 hours in the morning to 23:00 hours in the evening. (Monday to Sunday).
- 2) Condition 2
  - a) CCTV cameras shall be installed to cover all areas not visible to the sales counter;
  - b) A CCTV camera shall be installed to cover each sales point and shall be so positioned so that the purchaser is clearly visible
  - c) A monitor shall be placed in such a position so as to be viewed by staff working in the sales area of the premises
  - d) The CCTV system shall provide continuous recording in colour, providing real time pictures of evidential quality in all lighting conditions, and copies of such recordings shall be retained for a period of not less than twenty-eight (28) days.
  - e) Any system installed shall be capable of producing copies of recordings on site.
  - f) Copies of recordings shall be provided on request to a person under the direction and control of the Chief Constable or an authorised officer of the Local Authority on a DVD/USB at no cost.
  - g) The Designated Premises Supervisor ("DPS") shall be responsible for the operations of the system and shall ensure that it is maintained in working order at all times.
  - h) The Premises Licence Holder shall ensure an appointed member of staff is capable of downloading CCTV footage in a recordable format at all times the premises are operating.
  - i) Records of maintenance of the CCTV system shall be kept by the Premises Licence Holder, the DPS, or responsible person and the system shall be maintained in working order and checked weekly. Records of any maintenance and weekly checks shall be endorsed by signature by the DPS or other responsible named individual, and actions taken must be recorded. The record shall be produced on request to a person under the direction and control of the Chief Constable or an authorised officer of the Local Authority on production of their identification.

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

- j) Cameras shall be positioned to view all access to and egress from the premises (including fire exits) and all areas where the sale of alcohol occurs.
  - k) Recordings shall be made of each trading period conducted at the premises and must be correctly time and date marked.
  - l) CCTV camera views shall not be obstructed.
- 3) Conditions 3 - An incident log shall be kept at the premises and made available on request to a person under the direction and control of the Chief Constable or an authorised officer of the Local Authority, which will record the following:
- a) All crimes reported to the premises
  - b) Any complained received
  - c) Any incidents of disorder
  - d) Any visits by a relevant authority or emergency service
  - e) Any faults in the CCTV system or searching equipment or scanning equipment
- 4) Conditions 4 – A log book shall be kept detailing all refused sales of alcohol. The log book should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log book will be available to be viewed on demand by either an authorised officer of the Local Authority or an officer under the direction and control of the Chief Constable at all times whilst the premises are open.
- 5) Condition 5 – A challenge 25 policy shall be implemented, and a proof of age policy be applied with the accepted means of proof of age being:
- a) Passport
  - b) Photo driving licence
  - c) HM forces ID card
  - d) A recognised valid photo id card bearing the PASS hologram
  - e) Any future accredited and accepted proof of age scheme
- 6) Conditions 6 – Signs shall be displayed stating that the premises operate a Challenge 25 Policy.
- 7) Condition 7 - Staff training shall be given to all staff who may be authorised by the DPS to sell alcohol. Such training shall be documented and recorded in a book or folder kept solely for that purpose. The documented training record shall record the date and names of those trained and the person providing it, and all sign the training record. The frequency of the training shall be once every six (6) months. The training shall cover all aspects of the responsible sale of alcohol (Licensing objectives age verification, how to detect proxy sales, consequences of underage sales, serving to drunks and street drinkers etc) and conflict management. The log book shall be available to be viewed on demand by a person under the direction and control of the Chief Constable or an authorised officer the Local Authority.

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

- 8) Condition 8 – all beer, lager and cider displayed for sale in cans shall only be sold in minimum packs of four (4) cans, there will be no sales of individual cans of beer, lager or cider.
- 9) Condition 9 – Alcohol spirits with an ABV (Alcohol by volume) above 20% shall only be displayed, offered or sold in bottles no less than 70cl. These spirits will only be displayed for sale behind the counter or other approved secure display.
- 10) Condition 10 – all alcohol shall be removed from display when the premises is not licensed to make a sale. The removal from display may be through the use of a shutter, screen or other such device.
- 11) Condition 11 – the Premises Licence Holder shall ensure that the area outside of the premises is kept clear of glass and waste and shall carry out regular checks (at least six inspections during the time the premises is open and selling alcohol to the public) of the area outside the premises during the period which the premises is open.
- 12) Condition 12 – the Premises Licence Holder and DPS shall maintain a record of all checks of the areas inspected outside the premises which shall be made available to an authorised officer of the Local Authority or an Officer under the control of the Chief Constable of Humberside Police.
- 13) Condition 13 – a personal licence holder shall be employed and on the premises at all times when alcohol is available for sale.

The aforementioned conditions were attached to the premises licence -

- to protect the amenities of local residents and patrons frequenting the premises.
- to minimise any disturbance to the local residents from patrons frequenting the premises
- 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.

The sub-committee's paramount consideration is the licensing objectives and deliberated at great length the impact this application would have on the prevention of crime and disorder, public nuisance, public safety and the protection of children from harm within the vicinity of the premises. The sub-committee was acutely aware that the premises is situated in the Cumulative Impact Zone and the implications this application may have on local residents.

Therefore, the sub-committee would like to remind the applicant of his duties as a licence holder in particular the continued requirement to ensure that the

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

conditions attached to this licence and the licensing objectives are always adhered to. The applicant should also be aware that their premises licence can be reviewed at any point by any responsible authority or interested parties and may result in them being required to attend a meeting of the Sub-Committee”.

- 1837 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED -**  
There was no urgent business for consideration at the meeting.

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## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (ACTIVITIES) SUB-COMMITTEE

19 April 2022

**PRESENT:** - Councillors T Ellerby, T Mitchell and H Rowson

The meeting was held in Room F01e, Conference Room, Church Square House, Scunthorpe.

1838 **APPOINTMENT OF CHAIRMAN - Resolved-** That Councillor T Mitchell be and he was hereby appointed chairman for the meeting.

1839 **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).

1840 **LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT H A STORES, 11 HENDERSON AVENUE, SCUNTHORPE, DN15 7RL** - The Director: Economy and Environment submitted a report advising members of a review application of a Premises Licence at H A Stores, 11 Henderson Avenue, Scunthorpe.

Details of the review application were outlined in the report, together with representations submitted by the Licensing and Health and Safety Authority and Humberside Police.

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 modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no further action

The Director: Governance and Communities informed the hearing that the premises licence holders' legal representative had, as part of the returned counter notice, respectfully requested that the hearing be adjourned to a different date and time to allow him to attend and present the case in support of his client.

Members considered the written request from the premises licence holders' legal representative.

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**19 April 2022**

**Resolved** – That, following the written request from the premises licence holder’s legal representative, the hearing be adjourned, and reconvened on Friday 6 May 2022.

1841 **LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT BOOZEMASTER, 149-153 FRODINGHAM ROAD, SCUNTHORPE, DN15 7JR** - The Director: Economy and Environment submitted a report advising members of a review application of a Premises Licence at Boozemaster, 149-153 Frodingham Road, Scunthorpe.

Details of the review application were outlined in the report, together with representations submitted by the Licensing and Health and Safety Authority and Humberside Police.

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 modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no further action

The Director: Governance and Communities informed the hearing that the premises licence holders’ legal representative had, as part of the returned counter notice, respectfully requested that the hearing be adjourned to a different date and time to allow him to attend and present the case in support of his client.

Members considered the written request from the premises licence holders’ legal representative.

**Resolved** – That, following the written request from the premises licence holder’s legal representative, the hearing be adjourned, and reconvened on Friday 6 May 2022.

1842 **LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT LUXE SALON, 69 DONCASTER ROAD, SCUNTHORPE, DN15 7RG** - The Director: Economy and Environment submitted a report advising members of a review application of a Premises Licence at LUXE Salon, 69 Doncaster Road, Scunthorpe.

Details of the review application were outlined in the report, together with representations submitted by the Licensing and Health and Safety Authority

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**19 April 2022**

and Humberside Police.

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 modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no further action

The Director: Governance and Communities informed the hearing that the premises licence holders' legal representative had, as part of the returned counter notice, respectfully requested that the hearing be adjourned to a different date and time to allow him to attend and present the case in support of his client.

Members considered the written request from the premises licence holders' legal representative.

**Resolved** – That, following the written request from the premises licence holder's legal representative, the hearing be adjourned, and reconvened on Friday 6 May 2022.

1843 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED -**  
There was no urgent business for consideration at the meeting.

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## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (ACTIVITIES) SUB-COMMITTEE

6 May 2022

**PRESENT: -**

T Ellerby, K Vickers and P Vickers

The meeting was held at Room F01e, Conference Room, Church Square House.

1844 **APPOINTMENT OF CHAIRMAN – Resolved** – That Councillor K Vickers be and he was hereby appointed chairman for the meeting.

1845 **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).

1846 **APPLICATIONS AND VARIATION OF PROCEDURE - SUPPORTING PERSON(S) TO ADDRESS THE COMMITTEE** – The premises licence holder's legal representative addressed the sub-committee, respectfully requesting that the applications for Boozemaster, 149-153 Frodingham Road, Scunthorpe and LUXE Salon, 69 Doncaster Road, Scunthorpe were considered to be rejected. The Licensing Authority responded to the sub-committee in relation to the request made explaining the reasons for bringing the premises licences to the hearing.

The Sub-Committee agreed to take a short adjournment to consider the request from the premises licence holders' legal representative.

The hearing reconvened with the sub-committee's decision to reject both applications for Boozemaster and LUXE Salon. The full decisions were communicated verbally to all parties, minutes 1848 and 1849 refer.

1847 **LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT H A STORES, 11 HENDERSON AVENUE, SCUNTHORPE, DN15 7RL** – The Director: Economy and Environment submitted a report advising members of an application for a review of a premises licence at H A Stores, 11 Henderson Avenue, Scunthorpe.

The review application was originally scheduled to be heard on 19 April 2022. However, following a request from the premises licence holder's legal representative, it was resolved that following the written request, the hearing was to be adjourned and reconvened on Friday 6 May 2022.

The application to review the licence had been submitted by the Licensing

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**6 May 2022**

and Health and Safety Authority. There had been one further representation received submitted by Humberside Police, which was deemed relevant.

The Director in their report reminded the sub-committee that the options available having considered all the relevant information were:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no further action

The premises licence holder's legal representative, The Licensing Authority, and Humberside Police addressed the sub-committee and responded to questions.

Following the summary of each case, the meeting was adjourned for deliberation by members, with the sub-committee decision communicated to all parties in writing, stating the following decision –

**Resolved** – That the Licensing (Activities) Sub-Committee carefully considered all the information contained in the agenda bundle, as well as the supporting documentation submitted by the Licensing Authority as the applicant for the review (supported by Humberside Police) and the legal representative of the Licence Holder with their counter notices.

After listening to all the representations made by the applicant for the review (supported by Humberside Police) and the legal representative of the Licence Holder at the hearing and taking into account the statutory guidance under section 182 of the Licensing Act and the council's Licensing Policy, the sub-committee agreed to take no action and to allow for the premises licence at H A Stores, Henderson Avenue, Scunthorpe to continue.

The Sub-Committee were concerned that, in their opinion, there was insufficient evidence submitted by the applicant for the review to demonstrate that the Licensing objectives had been breached as a result of the alleged actions of the Licence Holder with regards to the bypassing of the electricity meter at the premises.

The Sub-Committee were also of the view that there was insufficient evidence to suggest that the Licensing Objectives would not continue to be adhered to at the premises.

However, the Sub-Committee was concerned that the electricity meter at the premises had been bypassed. Whilst the members acknowledge there is dispute as to the perpetrator of the bypass, it was ultimately the responsibility of the premises licence holder to ensure that the premises were operated and maintained in accordance with the relevant legislative requirements entrusted on premises holders.

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**6 May 2022**

Consequently, the Sub-Committee unanimously agreed to formally warn the premises licence holder as to their future conduct. As a premises licence holder they had a responsibility to ensure that any patrons frequenting the premises or employees working at the location were at all times subject to an environment which was safe. The premises licence holder would also be reminded that the premises licence could be reviewed at any point by any responsible authority or interested parties should such evidence present itself to suggest that the licence holder was not complying with the conditions attached to the licence and/or the licensing objectives.

- 1848 **LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT BOOZEMASTER, 149-153 FRODINGHAM ROAD, SCUNTHORPE** – Following the premises licence holders legal representative addressing the sub-committee at Item 4 on the procedure, minute 1846 refers, the sub-committee stated the following decision:

**Resolved** – The Licensing (Activities) Sub-Committee had considered the verbal representation from the Licensing Authority as the applicant for the review and the Licence Holder’s legal representative in respect of the Licence Holder’s request for the Sub-Committee to consider rejecting the Licensing Authority’s application for a review of the premises licence at Boozemaster, 149-153 Frodingham Road, Scunthorpe.

The members had given particular consideration to the submissions made by the Licence holders legal representative.

Therefore, after considering the information presented before it, and taking into account section 51 of the Licensing Act 2003 and the statutory guidance referred to at paragraphs 11.7, the Sub-Committee had decided to reject the Licensing Authority’s application to review the premises licence of Boozemaster 149-153 Frodingham Road, Scunthorpe. The members of the sub-committee were satisfied that the alleged activities of the licence holder were not sufficiently connected to or linked with the premises namely Boozemaster 149-153 Frodingham Road, Scunthorpe and there was no suggestion that the Licensing Objectives had been contravened at the premises at the current time.

- 1849 **LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT LUXE SALON, 69 DONCASTER ROAD, SCUNTHORPE, DN15 7RG** – Following the premises licence holders legal representative addressing the sub-committee at Item 4 on the procedure, minute 1846 refers, the sub-committee stated the following decision:

**Resolved** – The Licensing (Activities) Sub-Committee had considered the verbal representation from the Licensing Authority as the applicant for the review and the Licence Holder’s legal representative in respect of the Licence Holder’s request for the Sub-Committee to consider rejecting the Licensing Authority’s application for a review of the premises licence at LUXE Salon, 69

**LICENSING (ACTIVITIES) SUB-COMMITTEE**  
**6 May 2022**

Doncaster Road, Scunthorpe.

The members had given particular consideration to the submissions made by the Licence holders legal representative.

The sub-committee noted that the licence was surrendered on 4 March 2022. As the surrender of the licence was more than the 28 days from the date of this hearing, as requested by the Licensing Authority in their verbal presentation, the sub-committee agreed that this review be rejected.

1850 **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES WHICH MUST BE SPECIFIED -**

There was no urgent business for consideration at the meeting.

## NORTH LINCOLNSHIRE COUNCIL

### LICENSING (MISCELLANEOUS) SUB-COMMITTEE

17 March 2022

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

Councillors P Vickers (Vice-Chair), P Clark, T Ellerby and H Rayner

The meeting was held in Room F01e, Conference Room, Church Square House.

1829 **SUBSTITUTIONS** - There were no substitutions at the meeting.

1830 **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, and significant contact with applicants, objectors or third parties (lobbying).

1831 **TO TAKE THE MINUTES OF THE MEETING HELD ON 3 FEBRUARY 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN - Resolved** – That the minutes of the meeting held on 3 February 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

1832 **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 1833 refers) 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).

1833 **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:

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

**LICENSING (MISCELLANEOUS) SUB-COMMITTEE**  
**17 March 2022**

- 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 Licensing Authority presented the reason for the licence being referred to the sub-committee for determination.

The licence holder attended the hearing with his legal representative and a friend, who made submissions and responded to questions.

**Resolved** - The Licensing (Miscellaneous) Sub-Committee carefully considered all of the representations submitted by the licence holder's legal representative and the Licensing Authority, including their responses to members' questions.

Following the completion of the hearing, the sub-committee unanimously agreed to the suggestion provided by the legal representative that the licence holders Hackney Carriage and Private Hire Vehicle Drivers Licence be renewed for one year.

Should there be no incidents reported to the Licensing Authority during that year, then the licence holder would be able to apply for a three-year licence in accordance with the council's Taxi Licensing Policy.

The sub-committee took this course of action as they considered the licence holder to be a fit and proper person under section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Authority would now process the renewal of the licence and issue the documentation.

## NORTH LINCOLNSHIRE COUNCIL

### COUNCIL

#### CONSTITUTIONAL REVIEW OF COMMITTEE TERMS OF REFERENCE

##### 1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 For Council to consider approving amendments to Committee Terms of Reference contained within the Constitution following a review undertaken as part of the periodic review of the Constitution.

##### 2. BACKGROUND INFORMATION

- 2.1 The Constitution is an evolving document and is periodically reviewed to ensure it remains legislatively compliant and accords with best practice.
- 2.2 As part of the review process, the opportunity has been taken to review Committee Terms of Reference to ensure that they accord with legislative change and best practice but also to incorporate locally determined changes arising from the Council's governance requirements as detailed below. Save for these matters, only minor amendments have been made to the existing Terms of Reference, which are attached at Appendix 1, with the changes shown in bold.

###### Audit Committee

Following a review of the Council's whistleblowing policy, to include in the Audit Committee's Terms of Reference the requirement to receive an annual report on whistleblowing activity within the Council.

###### Humber and North Yorkshire Joint Health and Overview and Scrutiny Committee (JHOSC)

Following a report to, and recommendation of, the Health Scrutiny Panel on 13 April 2022 to incorporate into the Constitution Terms of Reference to establish a JHOSC. This follows extensive work across the sub-region to put in place appropriate governance arrangements following the transition from Clinical Commissioning Groups to Integrated Care Systems, and to enable the JHOSC to respond, in

summary, to statutory consultations on major developments or variations to local health provision. The proposed Terms of Reference are included in Appendix 1 and will be inserted into Part D of the Constitution: Overview and Scrutiny Procedure Rules, whereas the other Terms of Reference will be inserted into Part C of the Constitution: Responsibility for Functions.

2.3 As the Committee Terms of Reference form part of the Council's Constitution, Council's approval to the amendments is sought so they can be incorporated into the Constitution.

2.5 Work continues to update the Constitution, under officer delegations, following completion of phase 2 of the senior management review alongside minor revisions to the budget and policy framework rules following changes to the Local Authorities (Standing Orders) (England) Regulations 2001.

### **3. OPTIONS FOR CONSIDERATION**

3.1 Option 1: To approve the revised Committee Terms of Reference as detailed at Appendix 1 of this report.

3.2 Option 2: Not to approve the revised Committee Terms of reference as detailed at Appendix 1 of this report.

### **4. ANALYSIS OF OPTIONS**

4.1 Option 1: To approve the revised Committee Terms of Reference would mean that they keep pace with legislative change, best practice and local governance requirements.

4.2 Option 2: Not to approve the revised Committee Terms of Reference would mean that they do not accord with best practice and legislative change or accommodate local governance requirements.

### **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g., LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 There are no financial or resource implications arising from this report.

5.2 The review of the Committee Terms of Reference has been externally validated by specialist public sector solicitors.

5.3 The revised Committee Terms of Reference will be inserted into the Constitution which can be found [here](#)

**6. OTHER RELEVANT IMPLICATIONS (e.g., CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 No other relevant implications have been identified arising from this report.

**7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 An Integrated Impact Assessment is not required for this report.

**8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 No conflicts of interest have been declared or identified arising from this report.

**9. RECOMMENDATIONS**

9.1 Council approves Option 1 of this report; and

9.2 Council approves the [Constitution](#) and to it being updated with the revised Committee Terms of Reference as detailed in Appendix 1.

**MONITORING OFFICER**

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Author: Will Bell  
Date: 28 April 2022

**Background Papers used in the preparation of this report:**

Minute 3 of the Deputy Leader – Adults and Health cabinet member 24 January 2022

Minute 614 of the Health Scrutiny Panel 13 April 2022

Local Authorities (Standing Orders) (England) Regulations 2001.

North Lincolnshire Council [Constitution](#)

## **PART C - RESPONSIBILITY FOR FUNCTIONS**

### **C1.02 RESPONSIBILITY FOR COUNCIL FUNCTIONS**

The Council will appoint the following Committees, with membership, terms of reference and delegations as shown:-

#### **LICENSING COMMITTEE - TERMS OF REFERENCE**

##### **Advisory**

- (a) To receive the outcome of consultations required to be carried out under section 5 of the Licensing Act 2003 and recommend to the council any revision to the local statement of licensing policy as a result of such consultation. The statement of licensing policy shall be reviewed at least every three years and revisions made and published at such times as considered appropriate.
- (b) To recommend to council any revisions to the Statement of Principles: Gambling following required consultations in accordance with section 349 of the Gambling Act 2005. The statement shall be reviewed at least every three years and revisions made and published at such times as considered appropriate.

##### **Delegated**

- (a) To exercise the functions of the council as the licensing authority for the purposes and requirements of the Licensing Act 2003. To delegate these functions, where appropriate, to the Licensing Activities Sub-Committee or Director: Economy and Environment in accordance with the above legislation, and as defined and detailed in the statement of licensing policy in accordance with guidance issued by the Secretary of State (sections 3 to 10 of the above Act refers).
- (b) To promote the four licensing objectives as defined in section 4 of the Licensing Act 2003
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance and
  - the protection of children from harmwhilst carrying out its functions and those delegated to the Licensing Activities Sub-Committee.
- (c) To comment on any draft guidance and respond to any consultation documents issued by the Secretary of State.
- (d) To exercise the functions of the Council as the licensing authority for the purposes and requirements of all other relevant legislation, including that relating to acupuncture and body piercing, animals and

pet shops, betting, gaming and lotteries, hackney carriage and private hire vehicles (taxis), house to house and street collections, street trading consents, public entertainment, and sex establishments (Please note this list is not exhaustive). To delegate these functions to the Director: Economy and Environment (see Scheme of Delegations to Officers) or to the Licensing (Miscellaneous) Sub-Committee to determine the grant, renewal, variation, transfer or revocation of any licence, permit, consent, permission, registration, certificate or other like document under such legislation. To set and review appropriate licensing conditions.

- (e) To set and amend fees and charges for licences, consents and other permissions, together with hackney carriage and private hire tariffs.
- (f) To set and review standard conditions attached to licences, consents and other permissions where applicable.
- (g) To set and review procedures for giving required notices and determining applications for licences, consents or other permissions at meetings of the Committee and its Sub-Committees.
- (h) To determine the action to be taken as regards general relevant licensing issues including new/revised legislation, regulations, codes of practice or circulars. (This would include reviewing delegated powers to take account of any changes to legislation.)
- (i) To set the fees for gambling premises in accordance with paragraph 3.2 of the report of the Director of Neighbourhood and Environmental Services of 7 November 2006.
- (j) To determine applications for small lotteries in accordance with paragraph 3.5 of the report of the Director of Neighbourhood and Environmental Services of 7 November 2006.

### **Membership**

10 members of the Council

## **LICENSING (ACTIVITIES) SUB-COMMITTEE**

### **Delegated**

- (a) To determine any application made under the Licensing Act 2003 as defined and detailed in the statement of licensing policy in accordance with guidance issued by the Secretary of State.
- (b) To consider any revocation or refusal of registration of applications for small lotteries.

### **Membership**

3 members of the Licensing Committee

### **LICENSING (MISCELLANEOUS) SUB-COMMITTEE**

#### **Delegated**

- (a) To determine any appropriate applications in accordance with other relevant legislation as set out in paragraph (d) of the Committee's Terms of Reference above.
- (b) To determine applications where the number of machines exceeds the number as stated in paragraph 3.2 of the report of the Director of Neighbourhood and Environmental Services submitted to the Licensing Committee on 6 April, 2006.

#### **Membership**

5 members of the Committee

#### **Delegations**

See Scheme of Delegations to Office