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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

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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.

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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

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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.