

NORTH LINCOLNSHIRE COUNCIL
LICENSING (ACTIVITIES) SUB-COMMITTEE

17 October 2024

PRESENT: - Councillors J Matthews, K Vickers and P Vickers

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

2125 **APPOINTMENT OF CHAIRMAN - Resolved** – That Councillor Keith Vickers be and he was hereby appointed Chairman for the meeting.

2126 **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).

2127 **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE AT THE MAY ROSE, 64 FRODDINGHAM ROAD, SCUNTHORPE, DN15 7JN** - Further to Minute 2123, the Director: Communities submitted a report that advised the sub-committee of an application for the review of a premises licence at the Mary Rose, 64 Froddingham Road, Scunthorpe.

Details of the review application were outlined in the report, together with representations submitted by Humberside Police.

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 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

Prior to the consideration of the review application, the Licensing (Activities) Sub Committee received a request from Humberside Police legal representative to extend the time allowed to present their case, due to the need to play CCTV footage of the incident that led to the review application being submitted. The legal representative also requested that the public be excluded from the hearing due to the ongoing Police investigation. The Chair invited the respondent's legal representative to comment, who confirmed that he had no objections to the extension of time limits and the hearing being held in camera.

The sub-committee agreed to a short adjournment to discuss the request.

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Once the meeting was reconvened, the Chair informed the meeting that the sub-committee had agreed to the extension of time limits to 35 minutes for each party to present their case.

It was then moved by Councillor K Vickers and seconded by Councillor J Matthews –

That the public be excluded from the remainder of the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Motion Carried

The applicant for the review legal representative and the Premises Licence Holders legal representative made representations and responded to questions.

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

Resolved – (a) The Licensing (Activities) Sub-Committee gave careful consideration to the information presented at the hearing on 17 October 2024, as well as the information in the agenda bundle and subsequent information returned with the Premises Licence Holder's Counter Notice. After giving due consideration to the statutory guidance issued under s182 of the Licensing Act 2003, particularly paragraphs 11 and 10.28, the Sub-Committee determined that it was appropriate and proportionate for the promotion of the Crime and Disorder and Public Safety licensing objectives to revoke the premises licence for Mary Rose, 64 Frodingham Road, Scunthorpe. Whilst less punitive measures were discussed extensively, ultimately, they would not, in the councillor's opinion, be sufficient to promote the Crime and Disorder and Public Safety licensing objectives. The Sub-Committee considered the recent violent incident involving staff and patrons at the premises, which included the use of weapons to be extremely serious.

The Sub-Committee heard submissions from the respondent's legal representative that, even though he was the Premises Licence Holder, he did not have any day-to-day involvement with the operation of the premises. This was further evidenced by the extract from the Premises Licence Holder's lease with the lease holder at the Mary Rose that stated the Premises Licence Holder would have no involvement "what so ever" in the management of the premises. This 'clause' within the lease holders' contract was deeply concerning to the Sub-Committee as the Premises Licence Holder was, in accordance with the Licensing Act 2003, ultimately responsible for the implementation and promotion of the four licensing objectives.

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Although the Premises Licence Holder, through their legal representative did put forward at the hearing the steps they would look to implement in relation to the premises going forward, the Sub-Committee unanimously agreed that they had little confidence that the Premises Licence Holder fully understood their responsibilities.

In addition, the Sub-Committee believed that the serious incident at the Mary Rose that initiated the review of the premises licence demonstrated that, in the circumstances associated with the premises, poor management competency could give rise to further issues of crime and disorder and public safety at the Mary Rose, and (b) that in accordance with Section 53D of the Licensing Act 2003, the Licensing (Activities) Sub-Committee gave careful consideration to the interim steps that were attached to the premises licence following the summary review hearing held on 12 September 2024.

In accordance with Section 53C of the Licensing Act 2003, the Sub-Committee agreed to revoke the premises licence at the Mary Rose. Consequently, the Sub-Committee unanimously agreed that the suspension of the premises be extended until the end of the 21 day period given for appealing the decision to revoke the premises licence, or until the disposal of any appeal that was lodged.

This decision was taken to promote the licensing objections of Prevention of Crime and Disorder and Public Safety.

The Sub-Committee considered the recent violent incident involving staff and patrons at the premises, which included the use of weapons to be extremely serious.

The Sub-Committee heard submissions from the respondent's legal representative that, even though he was the Premises Licence Holder, he did not have any day-to-day involvement with the operation of the premises. This was further evidenced by the extract from the Premises Licence Holder's lease with the lease holder at the Mary Rose that stated the Premises Licence Holder would have no involvement "what so ever" in the management of the premises. This 'clause' within the lease holders' contract was deeply concerning to the Sub-Committee as the Premises Licence Holder was, in accordance with the Licensing Act 2023, ultimately responsible for the implementation and promotion of the four licensing objectives.

Although the Premises Licence Holder, through their legal representative did put forward at the hearing the steps they would look to implement in relation to the premises going forward, the Sub-Committee unanimously agreed that they had little confidence that the Premises Licence Holder fully understood their responsibilities.

In addition, the Sub-Committee believed that the serious incident at the Mary Rose that initiated the review of the premises licence demonstrated that, in the circumstances associated with the premises, poor management

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competency could give rise to further issues of crime and disorder and public safety at the Mary Rose.

- 2128 **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.