



To be submitted to the Council at its meeting on 18th February 2021

LICENSING SUB-COMMITTEE

**7th January 2021
2.30 p.m.**

Present:

Councillors Cairns, Green, and Hasthorpe

Officers in attendance:

- Rob Close (Scrutiny and Committee Support Officer)
- Adrian Moody (Licensing Manager and Environmental Protection Manager)
- Eve Richardson-Smith (Deputy Monitoring Officer)
- Iain Peck (Senior Licensing Enforcement Officer)

Others in attendance:

- Councillor Harness (Humberston and New Waltham Ward Councillor)
- Nathan Taylor (Premises Licence Holder)

LSC.4 APPOINTMENT OF CHAIR

Councillor Hasthorpe was appointed as Chair for this meeting.

COUNCILLOR HASTHORPE IN THE CHAIR

LSC.5 DECLARATIONS OF INTEREST

There were no declarations of interest received in respect of any item on the agenda for this meeting.

LSC.6 APPLICATION FOR A NEW PREMISES LICENCE – “THE GINGERBREAD HOUSE” CHURCH LANE, HUMBERSTON

The Chair introduced himself, the other members of the sub-committee, and the officers present.

Mrs Richardson-Smith explained the procedure for the hearing and ensured that everyone in attendance had copies of the agenda they required for the meeting.

Mr Moody summarised the application and he explained that five representations were received from interested parties and a representation from the premises license holder. He explained that Councillor Harness was present to speak on behalf of interested parties.

The Chair invited Mr Taylor to address the sub-committee.

Mr Taylor noted that the subject premises had previously held temporary events notices which resulted in no reported incidents or concerns from residents. As he understood, Central Government policy supported the development of family friendly environments. He acknowledged that the site did host a children's library but stressed, no alcohol or licensable activities took place within that area.

He referred to the limited opening hours that were available to the premises, noting the difference in evening hours between them to typical hours for a public house.

The sub-committee sought clarity surrounding Mr Taylor's application to serve alcohol offsite. Mr Taylor explained that offsite sales would be limited to "luxury gift pack" sold for a significantly higher price than typical supermarket or off license alcohol. In addition, he commented he already had experience distributing this type of product in another establishment. He offered assurances that all products sold would be sealed and packaged.

Acknowledging the commonality of draught craft beer, the sub-committee sought detail of the method Mr Taylor anticipated to serve alcohol. Mr Taylor stated that, currently, he lacked capacity to serve draught beer and had no intention in pursuing this facility. However, he noted that he expected to serve other alcohol such as prosecco through a 'tap' method to ensure finance practicability.

The sub-committee asked how Mr Taylor expected this premises to fit within the local community. Mr Taylor commented that, currently, the premises held 2200 members within it's community hub. The premises also benefitted from 16 support volunteers who all supported this license application. He appreciated concerns of residents, and acknowledged that he should have been more forthcoming and communicative about his intentions for this premises.

In reference to Mr Taylor's previous declaration of events he'd held at the premises, the sub-committee questioned what his future intentions were for events for the premises. Mr Taylor stated he hoped to hold small and intimate events such as wine and cheese tasting evenings, murder mysteries, and psychic events. A license to serve alcohol on the premises, he felt, would act as another source of revenue, adding that he based this decision on a clear demand present at previous events. In a

supplementary question, the sub-committee asked if Mr Taylor had intentions to hold outdoor music events. Mr Taylor commented that, such an event, wouldn't be covered within his license application. Although acknowledging, indoor background music was expected.

Noting the availability of alcohol currently in the wider area of the site, the sub-committee asked Mr Taylor to explain why he felt this premises would benefit from this application. Mr Taylor referred to another establishment he held a license to serve alcohol from, commenting on the more particular products it offered that weren't commonly available. He hoped to expand the offering of these particular products to the subject premises. Due to its particular nature, the prices charged wouldn't sit within the same price range seen at public houses or supermarkets. Ultimately, the niche market Mr Taylor hoped to appeal to, he didn't feel, was currently addressed within the area.

Recognising the premises' current use, the sub-committee asked if Mr Taylor felt the proximity of children to alcohol was appropriate. Mr Taylor noted that a similar situation was in place within other premises he managed with no complaints raised.

The sub-committee asked Mr Taylor why he felt that opening hours of 9.00 a.m. until 10.00 p.m. were appropriate. Mr Taylor noted that these hours were consistent with the current hours of the premises, this allowed adequate scope avoiding the need for future temporary events notices or a further license review. In addition, he hoped the hours would facilitate a market for gift buying, adding that this corresponded with convenience stores and supermarkets.

The Chair invited Councillor Harness to address the sub-committee.

Councillor Harness explained that he was addressing the sub-committee on behalf of Humberston Village Council, Parish of St. Peter, and the residents of Humberston, to present objections this application.

He referenced the history of the subject premises' site, noting it's previous use of a library before North East Lincolnshire Council chose to dispose of it. Mr Taylor's bid succeeded against Humberston Parish Council's; thus, the premises came under the management of Mr Taylor. Although acknowledging some teething problems, Councillor Harness stated the premises had proven to be an asset to both the Humberston community and the wider area. No issues between the residents of Humberston and the applicant had influenced their objections towards this application. Councillor Harness noted that Humberston and New Waltham Ward Councillors admired the projects Mr Taylor had taken on in the area.

He commented that the premises sat within the Humberston conservation area, adjacent to a listed building, the Church of St Peter. A generally quiet part of Humberston. Within a short distance, sat a Church of England primary school. Slightly further away was Humberston

Academy, which accommodated older students. Adjacent to the subject premises, sat the Wendover Hall which offered limited car parking, however attracted a wide range of users. Because of these nearby facilities, Councillor Harness stressed that countless children walked by the subject premises every day.

Three large public houses and a number of convenience stores were located in the wider area of Humberston, Councillor Harness therefore noted the current ample availability of alcohol.

The subject premises had the use of an adjacent North East Lincolnshire Council free public carpark, however he noted it's limited capacity due to the demand from school employees, parents, and church activities. At times, Councillor Harness stressed, that the competing demand for the car park created a danger to pedestrians and frustrated motorists. He feared that further congestion, resulting from increased parking demand, would take the current traffic issue to breaking point.

Even though advertised in the press, Councillor Harness commented that this application was only made known locally through a notice located on the premises entrance. Because of the Covid-19 lockdown, residents weren't frequenting the premises as they normally would in order to have spotted the notice. Once interested parties, belatedly, became aware of the notice, Councillor Harness suggested something of a panic ensued to meet the deadline for representations. He worried that without a resident stumbling upon the notice, this application would have been approved without sufficient scrutiny or opposition from residents. He acknowledged that the integrity of the licensing process hadn't been violated in anyway during this application.

Acknowledging Mr Taylor's previous efforts to forge a relationship with residents, village, and ward councillors, Councillor Harness was disappointed that in this instance, Mr Taylor appeared to make no effort to proactively contact figures in the local community to explain the reasoning behind this application. He added that Humberston Village Council had continued to sit throughout the Covid-19 pandemic, albeit virtually, and suggested Mr Taylor could have attended to alleviate residents' concerns. This lack of engagement, he felt, had increased suspicion and speculation behind this application.

Although Humberston Village Council were accepting of alcohol to compliment a midday or evening meal, they had reservations of the sales of alcohol throughout the day and into the evening. The transformation of a library in a quiet location to a potential haven of daily drinking, had resulted in a fear of anti-social behaviour and exposure of children to such a culture. This was a transformation that could not have been expected when North East Lincolnshire Council initially disposed of the premises to Mr Taylor.

Recognising that, under Mr Taylor, the premises had already been host to temporary events that involved the supply of alcohol, however

Councillor Harness felt that occasional events were a different entity to an application of this nature.

Councillor Harness referenced potential lease disputes between Mr Taylor and North East Lincolnshire Council, noting this was under investigation.

In conclusion, he asked the sub-committee to consider if the potential sale of alcohol would be in keeping with the community library and the environment created from this application would be suitable with children. In addition, he hoped they would take into account the possibility of an increase of anti-social behaviour and harm to the peace and tranquillity of the adjacent Church of St Peter, a place of worship and host to a variety of services throughout the week, which predated the subject premises for hundreds of years.

Understanding Councillor Harness' concern of the impact of an environment which included alcohol on children, the sub-committee asked if, during the temporary events hosted at the premises, there was any evidence of a negative impact to children through the supply of alcohol. Councillor Harness was not aware of any issues during these events, he relayed residents' fears that a more regular and general supply could lead to harm. The sub-committee also wondered whether there was a mismatch to have alcohol and children in close proximity. Mr Taylor confirmed that this was able to be managed well at one of his other premises and that we need to follow the European approach by developing family environments.

Noting the availability of alcohol in the wider area, as acknowledged by both Councillor Harness and Mr Taylor, the sub-committee sought clarification from Councillor Harness that residents were concerned more about the specific area surrounding the site joining that availability than a general contribution to the wider supply. Councillor Harness explained that residents feared the current premises use as a library and community hub could diminish before being superseded with something different because of this application.

The Chair invited Mr Taylor to provide a final address.

Commenting on Councillor Harness' reference to the application notice, Mr Taylor explained that the premise was actually open to the public from July 2020 until October 2020, with six signs advertising application throughout the building. He registered his surprise that those who submitted objective representations, hadn't been aware of the application sooner.

The Chair invited Councillor Harness to provide a final address.

Councillor Harness acknowledged car parking demands were not a licensable issue, however he had concerns surrounding increased footfall.

The Chair invited Mr Taylor to respond to Councillor Harness' concern. Mr Taylor suggested that, rather than increase the customer base of the business, he hoped to increase the number of products and services that his current customers would be interested in. In addition, he noted the car park referenced by Councillor Harness, although may be busy by day, was often quieter during the evening.

The sub-committee withdrew to deliberate. After an interval, the sub-committee returned to advise of their findings.

The Chair advised that the sub-committee carefully considered all information submitted by each party and the report provided by officers. The sub-committee wished to applaud Mr Taylor for his business vision and the thought that had been given to the application. They were satisfied that residents' concerns had been considered and noted this application would result in a unique offering and had the potential to be an asset to the local community. Mr Taylor was an experienced licence holder and the suggested measures would promote and uphold the necessary licensing objectives. It was noted that no representations had been made by responsible authorities and Mr Taylor benefitted from a proven track record of successful temporary events previously held at the premises. The sub-committee confirmed that should issues come to light during the operation of the business, the powers of review were available under licensing law. The Chair confirmed that the sub-committee agreed to approve this application for a Premises Licence as applied for.

RESOLVED – That this application be approved under the terms applied for.

There being no other business, the Chair thanked those in attendance for their contributions and concluded the meeting at 3.30 p.m.