



To be submitted to the Council at its meeting on 29th July 2021

LICENSING SUB-COMMITTEE

1st April 2021 at 10.00 a.m.

Present:

Councillors Cairns, Green, and Hasthorpe.

Officers in attendance:

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

Others in attendance:

- Garry Chapman (Licensing Officer - Humberside Police)
- David Dadds (Barrister – Legal representative of the Premises Licence Holder)
- James Holding (Barrister – Legal representative of Humberside Police)

LSC.11 APPOINTMENT OF CHAIR

Councillor Hasthorpe was appointed as Chair for this meeting.

COUNCILLOR HASTHORPE IN THE CHAIR

LSC.12 DECLARATIONS OF INTEREST

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

LSC.13 REVIEW OF A PREMISES LICENCE – “CARTERGATE NEWS AND WINE” 84A CARTERGATE, GRIMSBY

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.

Mr Dadds explained that he was present at this meeting as a representative of the Premises Licence Holder. He referenced an application made to transfer and vary the Designated Premises Supervisor to Mrs Jeyathej, stating that he had contacted North East Lincolnshire Council to explain that it was probably in the public interest to adjourn this licensing hearing to allow for the processing of that application before the review and transfer application being heard together. He added that Mrs Jeyathej was in fact the current Premises Licence Holder, as the application had been transferred with immediate effect. Referencing comments made previously by responsible authorities that a transfer of licence application was made to circumvent a review, Mr Dadds stated that actually the review would proceed as it would normally. If someone wasn't fit to hold a licence, he suggested that a transfer was to be expected. He didn't feel that an adjournment would represent prejudice and Humberside Police would retain their power to object albeit on exceptional circumstances. In addition, he noted that no other authorities had joined the proceedings. He reminded the sub-committee that their decision wouldn't take place for 21 days and the ever-present power of appeal for either Humberside Police or the Premises Licence Holder must be considered. For these reasons, he felt the urgency to take a decision for a review was diminished.

Mr Holding was invited to respond to the application for an adjournment made by Mr Dadds. He explained that no written submission had been received from the Premises Licence Holder in line with the standing order and he wasn't aware of a written application for an adjournment being submitted. He made reference to the written statement submitted by the applicant, which detailed the applicant's objection to the requested adjournment. Earlier in 2021, a transfer application was made by the Premises Licence Holder to transfer the premises licence and designated premises supervisor to his wife. Following objections made by the Humberside Police's legal representatives, the Premises Licence Holder withdrew both applications. Two days prior to this review hearing, two identical applications were made with a written request from the Premises Licence Holder's new legal representative to agree to an adjournment. Mr Holding confirmed that Humberside Police objected to that request for an adjournment. He suggested that these late notice applications were a means of frustrating the review process. In addition, this wasn't a situation where the premises had been sold to a different entity which would alleviate any concerns that Humberside Police or the sub-committee may have. The Premises Licence Holder's wife was the owner of the premises throughout the period of its consistent appearances before the Licensing Sub-Committee. He requested that the sub-committee return to the substantive review hearing and refuse the application for an adjournment.

Mr Dadds was invited to reply to Mr Holding's comments. He stated that, although he had actually made the application for adjournment in writing, oral applications were still a function of licensing hearings. Taking issue with Mr Holding's suggestion that this application was submitted to

frustrate the review application, Mr Dadds stressed that the review hearing would be carried out regardless. An application for a licence transfer and a variation of a Designated Premises Supervisor did not frustrate the licensing process. Humberside Police's specific issue with the recipient of the transfer application should be heard out at a scheduled transfer application hearing, which Mr Dadds reminded the sub-committee was the nature of his application today. In addition, he suggested a transfer application to a spouse wouldn't be unusual if the current premises licence holder accepted that they could no longer hold the licence.

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 oral and written information submitted by each party. In the interest of transparency and public interest, the sub-committee felt it wise to adjourn and for both the transfer and review applications to be heard together. Given the availability of the Licensing Sub-Committee Members, Officers, and interested parties, it was agreed that the week of 26th April 2021 be considered for the adjourned hearing. However, the final date would be agreed outside of this meeting.

RESOLVED – That the review of premises licence - "Cartergate News and Wine" 84a Cartergate, Grimsby be adjourned until the week commencing 26th April 2021, with the final date to be agreed outside of this meeting.

There being no other business, the Chair thanked those in attendance for their contributions and concluded the meeting at 10.24 a.m.