



To be submitted to the Council at its meeting on 16th September 2021

LICENSING SUB-COMMITTEE

30th July 2021 at 1.00 p.m.

Present:

Councillors Beasant, Cairns and Woodward.

Officers in attendance:

- Iain Peck (Senior Licensing Enforcement Officer)
- Eve Richardson-Smith (Deputy Monitoring Officer)
- Kate Todd (Licensing Enforcement Officer)
- Paul Windley (Democratic and Scrutiny Team Manager)

Others in attendance:

- Mr Michael Kheng (Kurnia Licensing Consultants)
- Mr Roger Ginley (Interested Party)

LSC.7 APPPOINTMENT OF CHAIR

Councillor Cairns was appointed as Chair for this meeting.

OUNCILLOR CAIRNS IN THE CHAIR

LSC.8 DECLARATIONS OF INTEREST

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

LSC.9 APPLICATION FOR A NEW PREMISES LICENCE – “BEACH BAT” 1 SEA ROAD, CLEETHORPES

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

The purpose of the meeting was to hear and determine an application for a new premises licence in respect of the Premises to be known as "Beach Bat", 1 Sea Road, Cleethorpes.

Mrs Richardson-Smith explained the procedure for the hearing.

Mr Peck summarised the application and he explained that no representations had been received from Responsible Authorities, but a total of eight representations from members of the public, including one objection from Mr Ginley.

The Chair invited Mr Kheng to address the sub-committee on behalf of the applicant. He noted that the application related to the front kiosk of premises operated by another company of the applicant. Whilst it would have been possible to vary the existing premises licence, it was felt that this was a different operation requiring an application for a new and separate licence. He explained that the application included the sale of alcohol from 10.00 hours to 22.30 hours and noted that this was currently being sold at the premises via a Temporary Events Notice. Having consulted with Humberside Police, a number of amended conditions had been agreed and the application was subsequently amended. He referred to guidance noting that the police should usually be the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective and commented that the police had not submitted any representations for this application. He referred to the objection that had been received and clarified that tables and chairs would not be placed on the pavement as this would require a separate application, which had been refused. The premises would not be operating as a bar and he set out what would be sold, such as slush, ice cream and soft drinks, noting that to comply with one of the agreed conditions the main trade could not be alcohol. He also referred to the case history of bars operating in the vicinity, noting that there had been no real issues. Mr Kheng noted that the premises had been operating under a Temporary Events Notice for 19 days and there had been no nuisance issues during that time. He concluded by stating that there was no evidence to support the concerns that had been raised.

The Sub Committee was informed by Mr Ginley that the premises had only been open at weekends and, therefore, sought clarification as to whether it had actually been open for 19 days.

Mr Kheng was unable to confirm the number of days that it had been open but noted that there would be days not covered by the Temporary Events Notice (TEN). A total of four TENs had been applied for and 19 days had passed under them. He reminded the Sub Committee that if the premises licence was granted for 365 days then that wouldn't mean that the premises would have to be open for those 365 days.

The Chair invited Mr Ginley to address the Sub Committee. Mr Ginley commented on the issues that he was already experiencing as the operator of an amusement arcade neighbouring the premises. He noted

that he wasn't allowed to have alcohol on his premises and it was now costing him an additional £400 per week for security to prevent this happening. He asked why he should be left to monitor the applicant's customers. He raised concerns about the anti-social behaviour of people in drink and noted that he was already losing staff as a result. Mr Ginley also had concerns about the wider impact on the resort, particularly the beach area.

The Chair invited both parties to make closing statements.

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 had listened to both parties at today's meeting and thanked them for their attendance. The sub-committee noted that the premises was applying to sell alcohol between the hours of 10.00 a.m. and 10.30 p.m. and that it had already been operating via Temporary Event Notices without any issues for the past three weeks.

The sub-committee acknowledged that there had been no objections from Responsible Authorities, notably Humberside Police, who was classed as the expert in the prevention of crime and disorder, with further conditions added to the application as agreed with Humberside Police.

The sub-committee accepted that alcohol could already be purchased from a number of other outlets and, therefore, with the conditions attached to the Premises Licence, it would not undermine the Licensing Objectives. The sub-committee had listened to the objection from Mr Ginley and the problems he faced were very real. Despite this premises not necessarily having a direct link to any problems at the arcades or evidence to suggest it would in any way add to those problems, the sub-committee assured Mr Ginley that if there were any problems arising from the opening of these premises, he should report those to the police and consider an application to review the Premises Licence. The power of review exists for the local authority to consider sanctions where the licensing objectives were not promoted, such as suspension or revocation of the licence.

Within the legal parameters, the sub-committee felt it had no evidence to justify a refusal of this application and, therefore, granted the licence as applied for, with the amended conditions. The sub-committee was reassured that those conditions were appropriate and would promote the licensing objectives.

The sub-committee recommended a referral to the relevant portfolio holder for the enforcement of the resort's Public Space Protection Order to be considered to try to assist Mr Ginley with the problems he had outlined at this meeting.

RESOLVED –

1. That the premises licence be granted with the additional conditions agreed between the applicant and Humberside Police.
2. That it be recommended to the Portfolio Holder for Safer and Stronger Communities that enforcement of the resort's Public Space Protection Order be considered to try to assist Mr Ginley with the problems he had outlined at this meeting.

There being no other business, the Chair thanked those in attendance for their contributions and concluded the meeting at 2.44 p.m.