

Minutes of a Meeting of the Licensing Act 2003 Sub Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Monday, 13th January, 2025 at 2.00pm.

## PRESENT

Councillors Sandra Campbell-Wardman, Neil Jones and Terry Taylor.

Councillor George Horton attended the Meeting as a Substitute.

Officers in Attendance:

Neil Brooks	- Senior Licensing Officer
Kia McKenna	- Licensing Officer
Kim Robertson	- Legal Advisor
Lynda Eastwood	- Democratic Services Officer

Also in Attendance:

Sergeant Amy Adams	- Lincolnshire Police
PC Gareth Crabb	- Lincolnshire Police
Mr Andrew Rae	- Representative of SPG Property Owners Ltd
Miss Sally Hewson	- Licence Applicant
Mr Noor Mohammed	- Co-Owner of Mo's Indian Cuisine

### **13. ELECTION OF CHAIRMAN:**

Councillor Sandra Campbell-Wardman was duly nominated and upon being put to the vote, it was

RESOLVED

That Councillor Sandra Campbell-Wardman be elected Chairman of the Licensing Sub-Committee for this Meeting only.

COUNCILLOR SANDRA CAMPBELL-WARDMAN IN THE CHAIR

### **14. APOLOGIES FOR ABSENCE:**

Those present were noted.

### **15. DISCLOSURE OF INTERESTS (IF ANY):**

At this point in the meeting, Members were invited to declare any relevant interests. None were received.

### **16. APPLICATION FOR A PREMISES LICENCE:**

The Sub-Committee was presented with a report by the Group Manager - Public Protection which enabled Members to consider an application for a premises licence in respect of Mo's Indian Cuisine, 1 Victoria Road, Mablethorpe, LN12 2AF.

Lincolnshire Police had submitted a representation in relation to the premises licence application. In the representation, the Police had indicated that they had no confidence in Sally Hewson's ability to promote the licensing objectives, in particular the prevention of crime and disorder objective.

The Police were asking the Licensing Authority to give serious consideration to the refusal of the premises licence application.

Following a request from the Police, Appendix C was removed from Evidence Pack 1.

The Senior Licensing Officer outlined the background information detailing the licensing objectives, pages 3 to 4 of the report refer and highlighted the recommendations available to the Sub-Committee, page 2 of the report refers.

Sergeant Amy Adams, Lincolnshire Police, was invited to make her representation to the Sub-Committee.

Sergeant Adams informed Members that Lincolnshire Police had concerns regarding the premises licence application submitted by Miss Hewson in relation to Mo's Indian Cuisine at 1 Victoria Road, Mablethorpe and highlighted the reasons as to why they felt the licensing objectives would be undermined if the application was accepted.

Sergeant Adams referred to circumstances around the premises licence application made by SPG Property Owners Ltd on 5<sup>th</sup> November 2024 and the concerns made by Lincolnshire Police with regards to the transfer of licence to Miss Hewson and Mr Mohammed, page 19 of the report refers.

Sergeant Adams continued to inform Members of the withdrawal of the licence application by SPG Property Owners Ltd on 13<sup>th</sup> November 2024 and the resubmitted application on 18<sup>th</sup> November 2024 with Miss Hewson named as the applicant and Designated Premises Supervisor for 1 Victoria Road, Mablethorpe, pages 19 to 20 of the report refer.

Following which, details relating to Miss Hewson's premises licence history, along with issues relating to illegal workers, crime and disorder and supply of non-duty paid alcohol at 22 Victoria Road, Mablethorpe, the Eagle Hotel in Mablethorpe and the Windmill Hotel in Alford were read out, pages 20 to 22 of the report refer. Reference was further made to Mr Mohammed's sexual assault on an employee at Nayeema's, page 21 of the report refers. Members were also referred to Appendices A, B, D, E and F in the confidential Police Evidence Pack 1. Sergeant Adams advised the Sub-Committee that it was not the first time that Miss Hewson and Mr Mohammed

were subject to enforcement by Immigration officers and Members were referred to Appendix G in the confidential Police Evidence Pack 2.

Mr Rae, the representative for SPG Property Owners Ltd, was invited to make his representation to the Sub-Committee.

Mr Rae explained that he was representing SPG Property Owners Ltd as they were unable to attend the hearing. Members were informed that SPG Property Owners Ltd was a family-run business, and that the family also ran another successful business in the area, PC Coaches of Lincoln. It was highlighted to Members that the directors of SPG Property Owners Ltd were passionate about Mablethorpe and were trying to revitalise local amenities for the public to enjoy. Members were further informed that SPG Property Owners Ltd had purchased the premises at 1 Victoria Road, Mablethorpe, and had offered the tenancy to Miss Hewson and Mr Mohammed to operate the restaurant under their mentorship. SPG Property Owners Ltd had made sure that the establishment was of a high standard and that Miss Hewson and Mr Mohammed were actively involved in the business. Mr Rae advised the Sub-Committee that the directors of SPG Property Owners Ltd had experience in running a public house and also held a personal licence with West Lindsey District Council and advised that they were offering to work with Miss Hewson and Mr Mohammed in order to guide and advise them and would ensure that the restaurant was run properly with ad-hoc spot-checks and inspections being carried out.

Mr Rae also reported that SPG Property Owners Ltd felt that Miss Hewson had been taken advantage of many times in the past, with nobody to turn to for help, however with SPG Property Owners Ltd mentoring Miss Hewson he considered there would be a vast improvement.

Mr Rae requested that the Sub-Committee grant a temporary licence in order for SPG Property Owners Ltd to demonstrate to the Sub-Committee and Lincolnshire Police that they could run the premises in the proper manner.

Members were then invited to put questions to both parties.

- A Member commented that Mr Rae had delivered a very passionate speech regarding the premises, however he considered that Miss Hewson was not capable of running a bar and queried why the owners could not bring in somebody else to run it.

Mr Rae responded that the directors of SPG Property Owners Ltd wanted to work with Mr Mohammed and Miss Hewson and hoped that with their mentorship, they would see a completely different situation in compliance with future licensing activities at the premises.

- A Member further highlighted that Miss Hewson had failed to comply with the law at all of the other premises she has been involved with and considered that she was not capable of running a premises.

Mr Rae attempted to reassure the Sub-Committee by explaining that CCTV had been ordered and was waiting to be installed and the requirements for the premises were all in hand as they wanted to be fully compliant.

- A Member queried why the directors of SPG Property Owners Ltd did not want to take on the role of responsible person until they were assured that the restaurant was running properly and it could then be transferred on to someone else to run.

In response, Mr Rae explained that SPG Property Owners Ltd had originally applied for the licence, however were contacted by police who suggested they withdrew the application. Following which, SPG Property Owners Ltd decided to take on the mentorship role in order to ensure the restaurant was being run properly.

- Sergeant Adams queried whether SPG Property Owners Ltd owned the building. Mr Rae confirmed that they did, along with some of the fixtures and fittings. The kitchen equipment belonged to Miss Hewson and Mr Mohammed.
- Sergeant Adams further queried whether Miss Hewson would be responsible for the day to day running of the business. Mr Rae responded that she would, however SPG Property Owners Ltd would also be involved.
- Further to a query on why Miss Hewson was selling illegal alcohol at 22 Victoria Road, Mablethorpe and why there was an illegal immigrant working as a chef, Miss Hewson explained that it was Mr Mohammed's friend who had been staying at the premises and he had been cooking his dinner. Miss Hewson further explained that the alcohol had been gifted and that no alcohol had been sold at 22 Victoria Road.
- A Member queried why it had taken 5 months for Miss Hewson to submit her licence application for the Eagle Hotel in Mablethorpe, to which Miss Hewson responded that she did not know why.

In summing up, Sergeant Adams highlighted changes to the Licensing Act 2003 in 2017 with regards to illegal working and stressed that the onus was on the employer to ensure all staff had the right to work, and where restrictions were in place they needed to make sure they fully understand what those restrictions were. Members were referred to the guidance at Section 1.2 issued under Section 182 of the Licensing Act 2003 and Section 1.2 of the East Lindsey District Council Statement of Licensing Policy (January 2024), pages 18 to 19 of the report refer.

Sergeant Adams concluded that Lincolnshire Police had serious concerns regarding the application and felt that if it were granted, the licensing objectives would be undermined and therefore requested that the application be rejected.

In summing up, Mr Rae stated that in the past the running of the various premises by Miss Hewson and Mr Mohammed had been a disaster, however he was confident that under the mentorship of a successful business man and an experienced licensee things would improve. Mr Rae asked the Sub-Committee to grant Miss Hewson and Mr Mohammed a temporary licence in order for them to demonstrate that they could run the business in a compliant manner.

Mr Mohammed added that he would appreciate one more chance and apologised for his previous behaviour.

*N.B The Sub-Committee retired for their deliberation at 2:45pm.*

*N.B The Sub-Committee re-convened at 3:03pm.*

**Reason for the Decision:**

The Licensing Act 2003 Sub-Committee convened to consider the application.

The Sub-Committee read all the information before them, they discounted the information contained within Appendix C of the police evidence pack, as requested by the police.

The Sub-Committee heard from Mr Rae on behalf of SPG, the owner of the premises and Miss Sally Hewson. The police recited the Licensing history of Miss Hewson and Mr Noor Mohammed – noting incidence of illegal workers at previous premises, issues with crime and disorder and supply of non-duty paid alcohol.

Mr Rae provided background of the owners of the premises and their involvement in their current business and their background in Licensed premises. Mr Rae advised SPG would mentor Miss Hewson and Mr Mohammed and would be supervising them both and the premises.

The Sub-Committee noted the comments made but were mindful that the premises licence application was made solely in Miss Hewson's name, they noted her licensing history.

Having considered the application and Miss Hewson's history, the Licensing Sub-Committee were of the view that it was not appropriate for the promotion of the licensing objectives to grant the licence.

The Sub-Committee considered whether there were other options available. They did not consider conditions or exclusion of licensable activities were appropriate, given the background licensing history of Miss Hewson being the sole applicant.

Following which, it was

**RESOLVED**

That the licence application be refused.

Miss Hewson was advised of her Right to Appeal to the Magistrates Court against the above decision.

Any appeal must be made to the Lincoln Magistrates Court, The Court House, 358 High Street, Lincoln, LN5 7QA, (Tel: 01522 528218) within 21 days of the date of the decision notice.

The Meeting closed at 3.05pm.