



ALCOHOL AND ENTERTAINMENTS HEARING PANEL

DECISION OF HEARING

The Licensing Act 2003 (Hearings) Regulations 2005

Applicant:	Ms Mei Mei Huang (Assisted by Juan Hau Chen, proposed DPS) (Assisted by Po Lam Wong, Interpreter)
Premises:	Queens Head, 34 Main Street, Kimberley, Nottingham, NG16 2LL
Hearing date and time:	2 November 2021 at 1.30pm
Hearing place:	The Council Chamber Broxtowe Borough Council Foster Avenue, Beeston, Nottingham, NG9 1AB
Constitution of the Panel:	Cllr P Lally (Chairman) Cllr J Patrick Cllr B Carr
Officers present:	Angela Edwards (Senior Solicitor) John Miley (Licensing Manager) Arron Beckworth (Democratic Services Officer)
Responsible Authorities Present:	Environmental Health, Broxtowe Borough Council (Represented by Suzanne Hickey) Chief Constable, Nottinghamshire Police (Represented by David Ring, Legal Representative)
Objectors Present:	Trevor Rood (Chairman, Kimberley Town Council) Anthony Mason Samuel Boneham
Application:	S17 Licensing Act 2003 – Application for a new Premises Licence
Decision:	The application for a new Premises Licence is REJECTED in its entirety

PROCEDURAL NOTE

Introductions were made and it was explained to everyone present that an independent interpreter had been provided to assist the Applicant as English was not her first language. The Interpreter provided a declaration to the Hearing Panel that she would interpret truthfully to the best of her skill and understanding. All parties spoke clearly and slowly when making their presentations to the Hearing Panel to allow effective interpretation to the Applicant.

The procedure for the hearing was outlined to those present and all parties agreed that they understood the purpose of the hearing and the procedure that would be adopted.

The Applicant specifically confirmed that she understood what the hearing was for; that she had been advised to seek independent legal advice; and that she wished to proceed with the hearing to determine her application without legal representation.

It was confirmed that, in the interests of fairness, the Chairman did not intend to impose a speaking time limit, but speakers were advised that the Hearing Panel had read the evidence provided and were asked to focus on the main points, avoiding repetition.

It was explained that when all parties had made their representations, the Hearing Panel would retire to make their decision and then return to announce it publicly. Thereafter, the written decision would be sent out to all parties within 5 working days of the hearing.

Once the Hearing Panel were satisfied that a fair hearing had been held, they immediately retired to make their decision and sought advice from the Legal Advisor as required.

THE DECISION OF THE HEARING PANEL

The Hearing Panel **RESOLVED** that the application for a new Premises Licence be **REJECTED** in its entirety.

REASONS FOR THE DECISION

In reaching its decision, the Hearing Panel had due regard to the Council's Statement of Licensing Policy, the s182 Government Guidance, the four licensing objectives, the Licensing Act 2003 and the Crime and Disorder Act 1998.

The Hearing Panel listened carefully to the oral representations made during the hearing and considered them in detail, together with all of the written representations received.

During the hearing, and upon consideration of the evidence, the Hearing Panel were mindful of the fact that English was not Ms Huang's or Mr Chen's first language, but were satisfied that the interpreter provided had enabled a fair hearing to take place. The

Hearing Panel were satisfied that Ms Huang and Mr Chen properly understood the proceedings and had been given every opportunity to be involved.

The Hearing Panel noted the representations made regarding crime and disorder which had led to the revocation of the previous Premises Licence on the 10th November 2020. The Hearing Panel acknowledged that there was considerable evidence justifying that action and were unconvinced by Mr Chen's assertions that the allegations were false.

The Hearing Panel were satisfied that the Responsible Authorities had acted appropriately and offered support to Ms Huang and Mr Chen following the submission of this application, but found that Ms Huang and Mr Chen had failed to put measures in place to make their application acceptable.

The Hearing Panel gave ample opportunity to Ms Huang and Mr Chen to demonstrate what action they would take in order to prevent the previous disorder from recurring. The Hearing Panel found that they had failed to put in any satisfactory measures at all. The Hearing Panel considered the unsupported assurance given by Mr Chen that he would control the Premises to be unconvincing.

The Hearing Panel were not satisfied that Ms Huang and Mr Chen were competent to control the Premises and manage it in a safe way in pursuance of the licensing objectives.

The Hearing Panel noted that Ms Huang and Mr Chen showed no remorse or acceptance of responsibility for the previous disorder and considered that they were motivated only by personal gain.

The Hearing Panel were of the view that the grant of the application would have a negative impact on the community and would undermine all of the licensing objectives.

The Hearing Panel consequently rejected the application in its entirety.

RIGHT OF APPEAL

There is a right of appeal to the Magistrates' Court within 21 days from the date on which the parties are notified of the determination of the decision of the Hearing Panel.

Signed:

A handwritten signature in black ink, appearing to read 'Lt Jell'.

Dated:

2ND NOVEMBER 2020