

DECISION NOTICE

LICENSING ACT 2003 – TO CONSIDER AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR 24 COMMERCIAL ROAD SPALDING LINCOLNSHIRE PE11 2HA.

PRESENT

Members of the Panel: Councillor M Booth Councillor J Tyrrell (Chairman) Councillor J Whitbourn
Officers: A McDowell (Senior Licensing Officer) H Wright (Licensing Officer)
In attendance: Daven Naghen (Maples Solicitors) Legal Advisor to the Panel)) Michael Kheng (Licensing Consultant) Parathithas Vijayaratnam (Applicant) Sgt Adams (Police) Pc Casey (Police)

The Panel considered the application for the grant of a Premises Licence for 24 Commercial Road, Spalding, Lincolnshire PE11 2HA.

DECISION

The Panel considered the written and verbal evidence presented by all parties, in arriving at this determination.

The Panel took due notice of the Licensing Act 2003, and the Regulations made under it, in particular sections 16 – 18, the guidance issued under Section 182 of the Licensing Act 2003 in particular sections 1.1.6, 10.15, and South Holland District Council's Statement of Licensing Policy.

There was no objection to a licence being granted by any responsible authority. The Police confirmed that there were no links between the Applicant and previous owners of the premises. There were issues to be determined as to what conditions should be imposed upon the licence and the hours that the licence should cover. All conditions contained on the Application will be included on the licence as will the mandatory conditions. These conditions are already quite wide ranging.

In terms of hours the Applicant pointed out that he has another premises in the South Holland area that is licensed from 6am and that there are indeed premises even within the PSPO area that are able to open from 6am. The Police were requesting opening from 8am. It was of note that there were no representations received from local residents. The hours will be granted as applied for namely 06.00 to 23.00. It is not guaranteed that all of the hours will be used and no doubt market forces will dictate whether there is a demand for these hours. A condition will be imposed 'A notice will be displayed in a prominent place at the premises containing the following wording – "Polite Notice - Please keep quiet when leaving the premises to avoid disturbing the local residents" '.

The Police wished to impose conditions requiring waterproof labels to be attached to products containing the details of the premises and the address. The Applicant felt that this would be an unnecessary cost. The Premises itself is not technically within the PSPO but clearly customers will be in the PSPO area once they leave the premises and are then on Commercial Road. The Panel felt that it was not necessary for the promotion of the licensing objectives to impose a condition restricting single sales of cans or bottles but that it would promote the crime and disorder objective and the prevention of public nuisance to impose a condition that 'No beer, lager or cider with an ABV above 6.5% may be sold'.

Given the concerns regarding the potential for street drinking and balancing matters out the Panel felt it would be more helpful to educate customers than to restrict the sales of single cans or bottles given the type of product that the premises intend to stock. A condition will be added to the licence 'A notice will be displayed in a prominent place at the premises containing the following wording – "Polite Notice. Commercial Road is within the Public Space Protection Order area. Please do not drink in public outside the premises."

The parties were in agreement regarding the addition of a condition being added 'No member of staff shall be able to work at the premises unless they have provided satisfactory proof of identification and right to work. In any case where an electronic right to work check has not been performed, the reason why the check has not been done electronically is to be documented in writing and this record is to be retained and made available upon request to the authorities for a period of not less than 12 months.' This condition will therefore be added to the licence.

It was not felt necessary to promote the licensing objectives to impose an additional requirement regarding invoices given that the premises will be obliged to retain invoices for HMRC and the Applicant has a longstanding business track record.

All parties should be mindful that the Licensing Act 2003 is a permissive regime. It is also of note that a review of a licence can be brought at any time. There is therefore incentive for the operator of the premises licence to ensure that problems do not arise in respect of the premises.

RIGHT OF APPEAL

Under Schedule 5 of the Licensing Act 2003 there is a right of appeal to the Magistrates Court. Any appeal must be commenced by notice of appeal given by the Appellant to the Magistrates Court within 21 days beginning with the day on which the Appellant was notified by the Licensing Authority of the decision appealed against. The holders of the licence and any person who made relevant representations are the parties who are permitted to bring an appeal.

Signed: Councillor J Tyrrell (Chairman of the Panel)
Date: 27 June 2025

