

LICENSING ACT 2003

TO CONSIDER AN APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR CITY STORES, 110 BRIDGE ROAD, SUTTON BRIDGE, SPALDING, LINCOLNSHIRE PE12 9SA.

PRESENT

Members of the Panel:

Councillor H Bingham (Chairman) Councillor J Tyrrell Councillor C N Worth

Officers:

H Lawson (Licensing Officer) S Wolstenholme-Smy (Legal Services Manager (legal advisor to the Panel) F White (Democratic Services Assistant)
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In attendance:

G McConville (Lincolnshire Police) Sgt K Enderby (Lincolnshire Police) N Suresh (Agent for premises licence holder) Mr Sarankan (Premises Licence Holder)
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The Panel considered the application for a review of the Premises Licence at City Store, 110 Bridge Road, Sutton Bridge, Spalding, Lincolnshire, PE12 9SA.

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, in particular sections 51 and 52 and the Regulations made under it, the section 182 guidance in particular paragraphs 11.23 - 11.28 and the Licensing Authority's Statement of Licensing Policy.

It is not the role of the panel to determine guilt or innocence nor to seek to impose punishment. The focus is upon the Licencing objectives, particularly the prevention of crime and disorder and the protection of children from harm.

The Premises Licence holder does not dispute that criminal activity has taken place at the premises, namely the employment of an illegal worker and the underage sale of alcohol. The Premises Licence holder also accepts that employees have not held a personal licence and despite this were conducting the sale of alcohol which is a breach of condition. Indeed, he acknowledged during the course of the hearing that the premises were open, and this would still be the case.

The Premises Licence holder considers that they are not in breach of the conditions concerning CCTV, incident and refusals log, training and age verification policy.

However, the Panel considers there is a breach of these conditions in that the CCTV has not been working correctly or records kept for sufficient time and in accordance with the specification of Lincolnshire Police.

Whilst the Panel accepts that evidence has been provided of training material, the Panel does not consider that this substantiates and proves that staff have been adequately trained.

The Panel also accepts that posters are displayed in respect of 'Challenge under 25' at the premises. However, the mere fact that these are displayed is not proof that individuals are being challenged and indeed this has been shown to be the case by the fact that alcohol was sold to an underage test purchaser.

The Premises Licence Holder produced an incident and refusals log at the Hearing. The Police raised concerns about its validity and the Panel have taken on board the comments made by the Police in terms of the entries being of similar handwriting.

The Panel have no confidence in the management of the premises and that the conditions of the Premises Licence will be adhered to in the future. The Panel have considered the conditions put forward by the Premises Licence holder, but they do not consider that these add any weight, as the current conditions are not being complied with and therefore the Panel revokes the Premises Licence.

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 holder of the licence, the applicant for the review or any person who made relevant representations may appeal against the decision.

The determination does not have affect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

Signed: Councillor H Bingham (Chairman of the Panel)
Date: 20 October 2021

