

LICENSING ACT 2003

TO CONSIDER AN APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003 A2Z FOOD EXPRESS, UNIT 2, 20 WESTLODE STREET, SPALDING, LINCS, PE11 2AF

PRESENT

Members of the Panel:

Councillor P Redgate (Chairman) Councillor F Biggadike Councillor G Rudkin
--

Officers:

H Lawson (Licensing Officer)

In attendance:

D Naghen (Maples Solicitors (legal advisor to the Panel)) Sgt K Enderby (Lincolnshire Police) G McConville (Lincolnshire Police) S Ahmat (Premises Licence Holder) A Kilic (Premises Licence Holder's Representative) D Tuitt (Premises Licence Holder's Representative) Z Ahmat (Premises Licence Holder's Wife)

The Panel considered an application to vary a Premises Licence under the Licensing Act 2003 for A2Z Food Express, Unit 2, 20 Westlode Street, Spalding, Lincs, PE11 2AF.

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 34-36 and the Regulations made under it, the section 182 guidance, in particular paragraphs 1.16 and 10.1-10.10 and the Licensing Authority's Statement of Licensing Policy, including paragraph 4.2.

Within the hearing, the applicant conceded that he was not currently complying with all conditions upon the licence. This means that any sale of alcohol without compliance would be unlawful.

This concession undermined the suggestion that the applicant was an experienced and responsible operator who would be able to manage any issues arising out of street drinking without these two conditions in force.

In fact, the failure to comply with the labelling requirement means there is no evidence to suggest that street drinkers are not purchasing alcohol from these premises. It was relevant to note that these premises are situated within the PSPO

zone and evidence relating to anti-social behaviour was required to implement the PSPO area.

As such at this time having regard to the representations, the only appropriate step to promote the licensing objectives is to reject the whole of the application. These conditions are necessary for the prevention of crime and disorder and the prevention of public nuisance.

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.

Signed: **Councillor P Redgate (Chairman of the Panel)**
Date: **2 November 2021**

