

## DECISION NOTICE

### LICENSING ACT 2003 – TO CONSIDER AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR 13 WINSOVER ROAD, SPALDING, LINCS, PE11 1EG

#### PRESENT

<b>Members of the Panel:</b> Councillor G Rudkin Councillor J Tyrrell (Chairman) Councillor C N Worth
<b>Officers:</b> H Lawson (Licensing Officer) H Wright (Assistant Licensing Officer)
<b>In attendance:</b> Daven Naghen (Maples Solicitors) Legal Advisor to the Panel)) Bakhtiar Mohamed Amin (Applicant) Andrew Smith (Applicant's Representative) G McConville (Lincolnshire Police) Matthew Hayes (Barrister for Lincolnshire Police)

The Panel considered the application for the grant of a Premises Licence for 13 Winsover Road, Spalding, Lincs, PE11 1EG.

#### 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 16 – 18, and the Regulations made under it, the guidance issued under Section 182 of the Licensing Act 2003 in particular 11.26 – 11.28, and South Holland District Council's Statement of Licensing Policy.

The Police had raised doubts as to the suitability of the applicant to hold a Premises Licence or be the Designated Premises Supervisor. These doubts relate to a history of encounters with the applicant in which he was not necessarily arrested but seemed to have put forward different variations of his name and date of birth. There is a suggestion that the applicant was working when he was disqualified from doing so due to his immigration status and/or at locations where illegal working was suspected.

The Police submitted that they would have no confidence in the applicant abiding by stringent conditions given his history.

The Panel had no confidence in the answers provided by the applicant as to his previous history and ability to now run an off-licence premises within a PSPO area.

It was of concern that the applicant via his representative was suggesting that the applicant would undergo training to become licensed when the applicant already holds a personal licence having passed a course in April 2022.

The Panel determined that they would not have confidence that the applicant would fully understand and rigorously implement any conditions put forward and so the only appropriate step to promote the licensing objectives was to reject the application.

## **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 J Tyrrell (Chairman of the Panel)**  
**Date: 15 September 2022**