

## DECISION NOTICE

### LICENSING ACT 2003 – TO CONSIDER AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR ONE STOP, 39 ALBERT STREET, SPALDING, LINCOLNSHIRE, PE11 2LD

#### PRESENT

<b>Members of the Panel:</b>
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Councillor D Ashby Councillor A Casson Councillor A Harrison (Chairman)
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<b>Officers:</b>
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H Lawson (Licensing Officer) M Shiells (Licensing and Business Support Team Leader)
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<b>In attendance:</b>
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Daven Naghen (Maples Solicitors) Legal Advisor to the Panel)) Hardish Purewal (Applicant – Licensing Manager -Tesco) Chris Blakey (Applicant's Store Manager) Peter Gray (Resident)
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The Panel considered the application for the grant of a Premises Licence for One Stop, 39 Albert Street, Spalding, Lincolnshire, PE11 2LD.

#### 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 and South Holland District Council's Statement of Licensing Policy.

The Panel took note that One Stop have more than seven hundred stores nationwide and comprehensive policies that will deal with many of the concerns raised by the local residents.

It was of note that there were no objections from the Police or any other responsible authority. Thirteen additional conditions had been added to the prospective licence to alleviate concerns raised.

The Panel asked a number of questions regarding whether the trading hours would lead to nuisance and in particular noise nuisance to residents late at night. The Panel was encouraged to hear that the applicant will consider the extent of footfall and whether there is a local demand for the full extent of the hours applied for.

A number of the concerns were addressed by the applicant who confirmed that there would be sufficient bins and emptying of bins to seek to minimise the prospect of any litter.

Some concerns related to matters that the Licensing Authority would have little or no jurisdiction over and the Licensing regime cannot be used to resolve all issues within society. The Panel did note that One Stop submit that the local residents are likely to be their customers and that they will seek to engage constructively with the community as part of their ethos.

The Panel determined that it was appropriate to promote the licensing objectives to grant the licence subject to the conditions contained within the operating schedule and the additional conditions agreed in advance with the responsible authorities.

### **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 A Harrison (Chairman of the Panel)

**Date:** 24 April 2024

