

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Manager - People and Public Protection

To: Panel of the Committee of the Licensing Authority Thursday, 10 January 2019

Author: Heather Lawson- Licensing Team Leader

Subject Licensing Act 2003

Purpose: To consider an application for the Review of a Premises Licence under the Licensing Act 2003 for Spalding Express, 24 Commercial Road, Spalding, Lincs PE11 2HA

Recommendation(s):

- 1) That the Panel of the Committee of the Licensing Authority determine an application for the Review of a Premises Licence for Spalding Express, 24 Commercial Road, Spalding, Lincs, PE11 2HA

1.0 BACKGROUND

- 1.1 The Licensing Team on behalf of the Licensing Authority received an application for the review of a premises licence on 13th November 2018 from Lincolnshire Police in accordance with S51 of the Licensing Act 2003. The application for review is for the premises known as Spalding Express, 24 Commercial Road, Spalding, Lincs, PE11 2HA. The review application is attached at **Appendix 1**. The premises operate as a convenience store selling alcohol for consumption off the premises, food, drink and groceries.
- 1.2 The Premises Licence has been held by the Premises Licence Holder Mr Majid Rostam Mohamed since September 2017. Mr Mohamed is also the Designated Premises Supervisor and holds a Personal Licence with Peterborough City Council.
- 1.3 The Premises Licence PL0401 together with a plan of the premises is attached at **Appendix 2**.
- 1.4 Lincolnshire Police, Trading Standards and South Holland District Council Licensing officers have visited the premises where they obtained evidence to indicate that the unlawful activity encountered at the premises undermines all four of the licensing objectives.
- 1.5 Following a licensing inspection on 6th December 2018, a formal representation was received by the Licensing Team via email on the 11th December 2018, from the Licensing Authority acting as a Responsible Authority. The representation relates to the licensing objectives of the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm. A copy of the representation is attached at **Appendix 3**.
- 1.6 There have been no representations from members of the public or any other persons.

1.7 The Licensing Authority have fulfilled the necessary legislative requirements and advertised the application by placing a notice on the premises and publishing a notice on the Councils website. A copy of the public notice is attached at **Appendix 4**.

2.0 **OPTIONS**

2.1 The Members of the Panel of the Committee of the Licensing Authority must consider the review application on its own merits, representations made and any evidence and submissions made at the hearing. Consideration must centre on the licensing objectives.

2.2 In making its decision, Members of the Panel are asked to consider the application in line with the following:

- The Licensing Act 2003 and Regulations made under it
- Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Authority's Statement of Licensing Policy

2.3 As they consider it appropriate for the promotion of the licensing objectives, the Panel of the Committee of the Licensing Authority in accordance with S52(4) of the Licensing Act may:

- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence
- Leave the licence in its current state

2.4 Members are asked to determine the review having regard to the above matters and any other matter it considers material. Full reasons for the decision must be given.

3.0 **IMPLICATIONS**

3.1 **Constitutional & Legal**

3.1.1 The decision of the Panel of the Committee of the Licensing Authority is subject to appeal to the Magistrates Court.

3.2 **Crime and Disorder**

3.2.1 The representations from Lincolnshire Police and the Licensing Authority highlight concerns in relation to the Licensing Objective of the Prevention of Crime and Disorder.

3.3 **Equality and Diversity / Human Rights**

3.3.1 Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to conditions provided for by law and by the general principles of international law.

3.3.2 Article 6: The Sub-Committee must ensure a fair hearing (The applicant has been invited to attend the meeting, has been sent a copy of this report and informed of his/her rights to be represented at the meeting).

3.3.3 Article 8: Everyone has the right to his/her private life and family home.

3.4 **Safeguarding**

3.4.1 Representations from Lincolnshire Police highlight concerns in relation to the licensing objective of public safety, which could encompass safeguarding.

4.0 **WARDS/COMMUNITIES AFFECTED**

4.1 All

Background papers:-

Licensing Act 2003 <https://www.legislation.gov.uk/ukpga/2003/17/contents>

Guidance issued under Section 182 of The Licensing Act 2003

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

South Holland District Councils Statement of Licensing Policy

https://www.sholland.gov.uk/media/5192/Licensing-Policy-Statement/pdf/Licensing_Policy_Statement_2015.pdf

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Key Decision: N

Exempt Decision: N

Appendices attached to this report:

Appendix 1 Review application from Lincs Police

Appendix 2 Premises Licence PL0401

Appendix 3 Representation from Licensing Authority (Responsible Body)

Appendix 4 Public Notice