

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Executive Manager - People and Public Protection

**To:** Panel of the Committee of the Licensing Authority- Thursday, 10 October 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 The Black Swan, 12 New Road, Spalding, Lincs, PE11 1DQ

### **Recommendation(s):**

- 1) That the Panel of the Committee of the Licensing Authority determine an application for the Review of a Premises Licence at The Black Swan, 12 New Road, Spalding, Lincs, PE11 1DQ

### **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 19<sup>th</sup> August 2019 from Lincolnshire Police in accordance with Section 51 of the Licensing Act 2003. The application for review is for the premises known as The Black Swan, 12 New Road, Spalding, Lincs, PE11 1DQ. The review application is attached at **Appendix 1**.
- 1.2 The Premises Licence has been held by the Premises Licence Holder Mr John Parr since 14<sup>th</sup> December 2016. The Designated Premises Supervisor (DPS) is Mr Stuart Adams, who has held the position of DPS since 15<sup>th</sup> August 2018. Mr Adams holds a Personal Licence issued by South Holland District Council which was granted on 25<sup>th</sup> June 2018.
- 1.3 The Premises Licence PL0133 together with a plan of the premises is attached at **Appendix 2**.
- 1.4 Lincolnshire Police received intelligence that there had been drug activity taking place within the premises, which led to Police intervention initially in 2011. Lincolnshire Police made repeated visits to the venue with the drugs itemising machine over a number of years and advice had been offered to those persons in control of the premises. A visit to the premises by Lincolnshire Police using the itemiser in May 2018 indicated that drugs were being used throughout the building. The premises licence was taken to a review before the Panel of the Committee of the Licensing Authority in July 2018. A further visit in July this year by Lincolnshire Police, indicated that drugs are regularly being used on the premises. As a result, Lincolnshire Police believes that there is a lack of promotion of all four of the licensing objectives.

- 1.5 Following a licensing visit at The Black Swan, 12 New Road, Spalding, on the 13<sup>th</sup> September 2019, a formal representation was submitted to the Licensing Team from Donna Hall, the Licensing and Business Support Manager on behalf of the Responsible Authority for Licensing at South Holland District Council. The representation relates to all four of the licensing objectives and 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, on the Councils notice board and the 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 Section 52(4) of the Licensing Act 2003 may:
- Modify the conditions of the licence
  - Exclude a licensable activity from the scope of the licence
  - Remove the Designated Premises Supervisor
  - 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 consideration 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 representation from Lincolnshire Police highlights 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 It is the opinion of the report author that there are no implications.

## 4.0 **WARDS/COMMUNITIES AFFECTED**

4.1 All.

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

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### **Lead Contact Officer**

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**Key Decision:** N

**Exempt Decision:** N

### **Appendices attached to this report:**

Appendix 1 – Application for review

Appendix 2 – Premises Licence PL0133 and plan

Appendix 3 – Representation from the Responsible Authority for Licensing

Appendix 4 - Public Notice