

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Shared Public Protection Manager

To: Panel of the Committee of the Licensing Authority Friday- 13 March 2020

Author: Heather Lawson- Licensing Team Leader

Subject Licensing Act 2003

Purpose: To determine an application for the Grant of a Premises Licence under the Licensing Act 2003 for Oscars, 32 New Road, Spalding, Lincs, PE11 1DL

Recommendation(s):

- 1) That the Panel of the Committee of the Licensing Authority determine an application to Grant a Premises Licence under the Licensing Act 2003 for Oscars, 32 New Road, Spalding, Lincs, PE11 1DL

1.0 BACKGROUND

- 1.1 The Licensing Team on behalf of the Licensing Authority received an application to grant a new premises licence on 20th January 2020 for the premises known as Oscars submitted from Oscars (Spalding Ltd). The application made under Section 17 of the Licensing Act 2003 is attached at **Appendix 1**.
- 1.2 A map indicating the location of the premises can be found at **Appendix 2**.
- 1.3 Oscars (Spalding Ltd) has described the premises as a Bar/Lounge for consumption of alcohol on the premises only. Further details of the licensable activities that have been applied for can be found in box 'I', late night refreshment and box 'J', Supply of alcohol. The opening hours can be found in box 'L'.
- 1.4 During the consultation period the applicant has removed Regulated Entertainment, including Films, Live Music, Recorded Music and Performances of Dance from the application following concerns about noise nuisance from the Environmental Protection Team at South Holland District Council.
- 1.5 In submitting the application, the applicant is required to describe any additional steps that they intend to take in order to promote the licensing objectives. These include:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 1.6 The steps that the applicant intends to take are attached as an Appendix to the application entitled 'Premises PROPOSED Conditions', 'Part M'. These steps form part of the operating schedule and will be included as conditions on any licence granted.

1.7 A representation has been received from Lincolnshire Police. The representation which can be found at **Appendix 3** refers to the licensing objectives of; The Prevention of Crime and Disorder, Public Safety and The Protection of Children from Harm.

2.0 **OPTIONS**

2.1 The Members of the Panel of the Committee of the Licensing Authority must consider the application to grant the premises licence on its own merits, representations made and any evidence and submissions made at the hearing. Consideration must centre on the steps that are appropriate to promote 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 Regulation 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 18 of the Licensing Act may:

- a) Grant the application subject to such conditions as are consistent with the operating schedule accompanying the application.
- b) Modify the conditions of the licence, altering or omitting or adding to them.
- c) Reject the whole or part of the application.

2.4 Members are asked to determine the application having regard to the above matters and any others 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 Through evidence received from Lincolnshire Police, it is believed that there is an impact on the licensing objective associated with 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

Background papers:-

Licensing Act 2003

<http://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 Council Statement of Licensing Policy

https://www.sholland.gov.uk/media/5192/Licensing-Policy-Statement/pdf/Licensing_Policy_Statement_2015.pdf?m=636397729434970000

Lead Contact Officer

Name and Post: Heather Lawson Licensing Team Leader

Telephone Number

Email: heather.lawson@breckland-sholland.gov.uk

Key Decision: N

Exempt Decision: N

Appendices attached to this report:

Appendix 1 Premises Licence Application

Appendix 2 Location Map

Appendix 3 Representation from Lincolnshire Police

Appendix 4 Exempt Information