

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Shared Public Protection Manager

To: Panel of the Committee of the Licensing Authority Friday, 20 March 2020

Author: Heather Lawson- Licensing Team Leader

Subject Licensing Act 2003

Purpose: To determine an application for the Review of a Premises Licence under the Licensing Act 2003 for Hot and Spicy, 36 New Road, Spalding, Lincs, PE11 1DN

Recommendation(s):

- 1) That the Panel of the Committee of the Licensing Authority determine the Review of a Premises Licence under the Licensing Act 2003 for Hot and Spicy, 36 New Road, Spalding, Lincs, PE11 1DN

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 the 29th January 2020 from Lincolnshire Police in accordance with Section 51 of the Licensing Act 2003. The application for review is for the premises known as Hot and Spicy, 36 New Road, Spalding, Lincs, PE11 1DN. The review application is attached at **Appendix 1**.
- 1.2 The Premises Licence has been held by the Premises Licence holder Mr Rais Abbas since 17th April 2013. The Premises Licence is for the provision of Late Night Refreshment only.
- 1.3 The Premises Licence PL0183 together with a plan of the premises is attached at **Appendix 2**.
- 1.4 Lincolnshire Police have obtained evidence in relation to a number of offences, including the employment of an illegal worker, non-compliance with the licence conditions of the Premises Licence and selling food not as requested or expected. As a result, Lincolnshire Police believes that there is a lack of promotion of the licensing objectives in respect of the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm.
- 1.5 There have been no representations from members of the public or any other persons.
- 1.6 The Licensing Authority have fulfilled the necessary legislative requirements and advertised the application by placing a notice on the premises, on the Council's notice board and the website. A copy of the public notice is attached at **Appendix 3**.
- 1.7 The Premises Licence holder has submitted evidence in support of their case. Please find this attached at **Appendix 4**.

1.8 Additional evidence submitted by the Premises Licence holder can be found at **Appendix 5** and is **RESTRICTED**.

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 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

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

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 Review Application
Appendix 2 Premise Licence PL0183
Appendix 3 Public Notice
Appendix 4 Premises Licence Holder Evidence
Appendix 5 RESTRICTED