

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Licensing and Business Support Manager

To: Panel of the Committee of the Licensing Authority Friday- 12 August 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 One Stop, 48 Bridge Road, Sutton Bridge, PE12 9UA

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 One Stop, 48 Bridge Road, Sutton Bridge, PE12 9UA

1.0 BACKGROUND

- 1.1 The Licensing Team on behalf of the Licensing Authority received an application to grant a new premises licence on 24th June 2020 for the premises known as One Stop, 48 Bridge Road, Sutton Bridge, PE12 9UA. The application made by Mr Raju GORANIYA 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 Mr Goraniya has described the premises as a convenience store with the licensable activity of off sales of alcohol only. Further details of the licensable activity and the opening times can be found in boxes 'J' and 'L' of the application form.
- 1.4 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. The licensing objectives include:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 1.5 The steps that the applicant intends to take are included in box 'M' of the application form. These steps form part of the operating schedule and will be included as conditions on any licence granted.
- 1.6 Lincolnshire Police submitted a representation on the 10th July 2020 to the Licensing Authority which sets out a set of conditions that the Police require to be included within the operating schedule in order to promote the licensing objectives. The applicant, Mr Goraniya agreed on the 14th July 2020 to include these conditions on the licence if granted. A copy of the representation from Lincolnshire Police can be found at **Appendix 3**.

1.7 Representations have been received from a number of 'Other Persons', these representations are included at **Appendix 4** to the report.

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 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

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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 Representations from Other Persons