

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Licensing and Business Support Manager

**To:** Panel of the Committee of the Licensing Authority- Friday, 21 August 2020

**Author:** Heather Lawson- Licensing Team Leader

**Subject:** Licensing Act 2003

**Purpose:** To consider an application to vary a Premises Licence to specify an Individual as Designated Premises Supervisor under the Licensing Act 2003 at Delicja, Unit 2, 20 Westlode Street, Spalding, Lincs, PE11 2AF

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

- 1) That the Panel of the Committee of the Licensing Authority determine the application to vary the Designated Premises Supervisor at Delicja, Unit 2, 20 Westlode Street, Spalding, Lincs, PE11 2AF in accordance with the options available under Section 2.0 of the report.

### **1.0 BACKGROUND**

- 1.1 The Licensing Authority received an application to vary the Designated Premises Supervisor under Section 37 of the Licensing Act 2003 on the 14<sup>th</sup> July 2020 by Miss Milena Kudracova. Miss Kudracova holds a Personal Licence with Bradford Council. The application is attached at **Appendix 1**. A copy of the application as required under the Licensing Act 2003 was served on Lincolnshire Police by the applicant. Miss Kudracova applied to vary the Designated Premises Supervisor previously on 5<sup>th</sup> June 2020 but withdrew the application prior to the licensing hearing.
- 1.2 Section 38 of the Licensing Act provides a mechanism which allows the variation to come into immediate effect as soon as the Licensing Authority receives it, until it is formally determined or withdrawn.
- 1.3 Under Section 37 (6) of the Act, the Chief Office of Police has 14 days following receipt of the application to submit an objection. An Objection Notice for the application was served on the Licensing Authority on 20<sup>th</sup> July 2020. The Notice is attached at **Appendix 2**.
- 1.4 Section 182 Guidance issued by the Home Office states:  
  
*4.39 "The Police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective".*
- 1.5 The Premises Licence including the plan for Delicja, premises licence number PL0337 is attached at **Appendix 3**.

## 2.0 **OPTIONS**

- 2.1 The Members of the Panel of the Committee of the Licensing Authority must consider the Objection Notices received with a view to promoting the licensing objective in respect of the Prevention of Crime and Disorder.
- 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 The Panel may make the following determination
- a) To grant the application;
  - b) To reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, having regard to the notice from the Chief Officer of Police.
- 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 **REASONS FOR RECOMMENDATION**

- 3.1 The Panel are required to determine the application under licensing law and the Council's Constitution.

## 4.0 **IMPLICATIONS**

### 4.1 **Constitutional & Legal**

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

### 4.2 **Crime and Disorder**

- 4.2.2 The representation from Lincolnshire Police highlights concerns in relation to the Licensing Objective of the Prevention of Crime and Disorder.

### 4.3 **Equality and Diversity/Human Rights**

- 4.3.1 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.
- 4.3.2 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).
- 4.3.3 Article 8: Everyone has the right to his/her private life and family home

### 4.4 **Safeguarding**

4.4.1 Representations from Lincolnshire Police highlight concerns in relation to the licensing objectives, which could encompass safeguarding.

## 5.0 **WARDS/COMMUNITIES AFFECTED**

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 Council 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

**This report refers to a Mandatory Service**

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

Appendix 1 Application to vary the designated premises supervisor of a premises licence to be granted under the Licensing Act 2003

Appendix 2 Objection notice from Lincolnshire Police

Appendix 3 Premises Licence PL0337