

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Public Protection Manager

To: Panel of the Committee of the Licensing Authority- Tuesday, 27 July 2021

Author: Heather Lawson - Licensing Officer

Subject Licensing Act 2003

Purpose: To consider an application for the Grant of a Premises Licence under the Licensing Act 2003 for A2Z Food Express, Unit 2, 20 Westlode Street, Spalding, Lincs PE11 2AF

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 A2Z Food Express, Unit 2, 20 Westlode Street, Spalding, Lincs, PE11 2AF

1.0 BACKGROUND

- 1.1 The Licensing Team on behalf of the Licensing Authority received an application to grant a new Premises Licence for the premises known as A2Z Food Express (formerly Delicja) from Mr Saglar AHMAT. The application made under Section 17 of the Licensing Act 2003 is attached at **Appendix A**.
- 1.2 Mr Ahmat has described the premises as a European Store and Butcher. Mr Ahmat has applied for the licensable activity of the Supply of alcohol, details can be found in Box 'J' of the application. The opening hours can be found in Box 'L'.
- 1.3 When 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
- 1.4 The steps that Mr Ahmat intends to take can be found in box 'M' of the application. These steps form part of the Operating Schedule and will be included as conditions on any licence granted.
- 1.5 A representation has been received from Lincolnshire Police. The representation which can be found at **Appendix B** refers to all four of the licensing objectives.
- 1.6 Historically the premises have held a premises licence under the Licensing Act 2003, however the premise licence was revoked at a Panel hearing in November 2019 and is subject to an ongoing appeal at the Magistrates Court. This is an application for the grant of a New Premises Licence.

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. Considerations 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 18 of the Licensing Act 2003 may:
- a) Grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application; modified to such an extent as the Licensing sub-committee considers appropriate for the promotion of the licensing objectives and any relevant mandatory condition.
 - b) Exclude from the licence any of the licensable activities applied for.
 - c) Refuse to specify a person in the licence as premises supervisor.
 - d) Reject the application.
- 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/South-Holland-District-Council-Statement-of-Licensing-Policy-2021-to-2026/pdf/SHDC-Licensing-StatementOfLicensingPolicy2021to2026.pdf?m=63745452227170000>

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Key Decision: N

Exempt Decision: N

Appendices attached to this report:

Appendix A Application for a Premises Licence

Appendix B Representation from Lincolnshire Police