

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Public Protection Manager

To: Panel of the Committee of the Licensing Authority -Tuesday, 2 November 2021

Author: Heather Lawson - Licensing Officer

Subject Licensing Act 2003

Purpose: To consider an application to Vary 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 Vary 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 vary a premises licence for the premises known as A2Z Food Express from Mr Saglar Ahmat. The application made under Section 34 of the Licensing Act 2003 is attached at **Appendix A**.
- 1.2 Mr Ahmat has been the Premises Licence holder since July 2021. Mr Ahmat is also the current Designated Premises Supervisor. The Premises Licence PL0445 is attached at **Appendix B**.
- 1.3 Mr Ahmat has applied to vary the premises licence to remove two licence conditions currently included under the Prevention of Crime and Disorder licensing objective, in respect of the supply of alcohol.
- 1.4 Within section 'M' of the application form, there have been no additional steps included that the applicant, Mr Ahmat intends to take to promote the four licensing objectives.
- 1.5 A relevant representation has been received from Lincolnshire Police in respect of the application. The representation that can be found at **Appendix C** relates to the Licensing Objectives of The Prevention of Crime and Disorder and the Prevention of Public Nuisance.
- 1.6 Historically the premises held a premises licence under the Licensing Act 2003 but were granted a new premises licence in July 2021 with Mr Ahmat as the premises licence holder. This premises formerly named Delicja is still subject to an ongoing appeal at the Magistrates Court.

2.0 **OPTIONS**

2.1 The Members of the Panel of the Committee of the Licensing Authority must consider the application to vary 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 35 (4) of the Licensing Act 2003 may:

- a) Modify the conditions of the licence
- b) Reject the whole or part of the application

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

2.2 Members are asked to determine the matter 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/South-Holland-District-Council-Statement-of-LicensingPolicy-2021-to-2026/pdf/SHDC-LicensingStatementOfLicensingPolicy2021to2026.pdf?m=637454522227170000>

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Key Decision: N

Exempt Decision: N

This report refers to a Mandatory Service / ~~Discretionary Service~~

Appendices attached to this report:

Appendix A Application to vary a premises licence

Appendix B PL0445 Premises Licence

Appendix C Representation from Lincolnshire Police