



REPORT TO:	Panel of the Committee of the Licensing Authority
DATE:	Monday, 5 September 2022
SUBJECT:	Licensing Act 2003 Premises Licence Application - Pinchbeck Stores Limited, 75 Church Street, Pinchbeck. PE11 3YA
PURPOSE:	To determine an application for the Grant of a Premises Licence under the Licensing Act 2003 for Pinchbeck Stores, 75 Church Street, Pinchbeck, Spalding. PE11 3YA
REPORT OF:	Public Protection Manager
REPORT AUTHOR:	Heather Lawson
WARD(S) AFFECTED:	Pinchbeck and Surfleet;
EXEMPT REPORT?	<i>No</i>

RECOMMENDATIONS

That the Panel of the Committee of the Licensing Authority determine an application to Grant a Premises Licence under the Licensing Act 2003 for Pinchbeck Stores, 75 Church Street, Pinchbeck, Spalding, PE11 3YA.

1. BACKGROUND

- 1.1** The Licensing Team on behalf of the Licensing Authority received an application to grant a new premises licence on 14 July 2022 for proposed new premises to be known as Pinchbeck Stores, 75 Church Street, Pinchbeck, Spalding. PE11 3YA. The application was submitted by Pinchbeck Stores Limited, 60 Lincoln Rd, Peterborough. PE1 2RZ. The application made under Section 17 of the Licensing Act is attached at Appendix A.

2. REPORT

- 2.1** The applicant described the premises as an Off-Licence and has applied for the licensable activity of the Supply of alcohol off the premises only. Further details of the times of this activity can be found in box 'J' and the opening times can be found in box 'L' of the application form.
- 2.2** 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. These include:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

- 2.3** The steps that the applicant intends to take can be found in box 'M'. These steps form part of the operating schedule and will be included as conditions on any licence granted.
- 2.4** Representations have been received from a number of interested parties and a schedule of these can be found at Appendix B, along with details of the licensing objective to which they each relate.
- 2.5** A representation was made by Lincolnshire Police proposing conditions and these have been accepted by the applicant. The Police representation is therefore accepted and not for consideration by the Panel. The conditions agreed may however assist the Panel in determining the application in the context of some of the interested party representations received. A copy of the Police representation which included the additional conditions agreed to, is attached at Appendix K for information.
- 2.6** Planners have advised the applicant that the current planning consent relating to the premises would not allow the premises to trade during all of the proposed hours set out in the application. The applicant's agent has acknowledged this and confirmed that "The premises are aware that whilst the licence may be granted for extended hours they would be in breach of planning were they to operate during those times and there is no intention to do so".
- 2.7** The current hours permitted under the current planning consent are 08.30 – 17:30 Monday to Saturday, with no trading on Sundays and Bank Holidays. Trading beyond these hours would be subject to successful application under planning law.

3. OPTIONS

- 3.1** 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.
- 3.2** 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
- 3.3** 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 licence 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) Exclude any of the licensable activities which the application relates
- d) Refuse to specify a person in the licence as the premises supervisor
- e) Reject the application

3.4 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.

5. IMPLICATIONS

5.1 CONSTITUTIONAL AND LEGAL IMPLICATIONS

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

5.2 CRIME AND DISORDER

5.2.1 Through the representations submitted by interested parties, the impact on the licensing objective associated with crime and disorder needs to be considered.

5.3 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

5.3.1 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.

5.3.2 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).

5.3.3 Article 8: Everyone has the right to his/her private life and family home.

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Premises Licence Application Form
APPENDIX A(1)	Premises Plan
APPENDIX B	Schedule of Representations from Interested Parties
APPENDIX C	Representation from Councillor Slade
APPENDIX D	Representation from Councillor Avery
APPENDIX E	Representation from Anda Lace
APPENDIX F	Representation from Clint Todd
APPENDIX G	Representation from Janet Bray
APPENDIX H	Representation from M Boyer
APPENDIX I	Representation from C Darlington

APPENDIX J	Representation from Mr & Mrs Scupham
APPENDIX K	Copy of the representation made by Lincolnshire Police which includes conditions agreed by the applicant.

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Licensing Act 2003	http://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
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=637454522227170000

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

REPORT APPROVAL

Report author:	Heather Lawson Licensing Officer
Signed off by:	Richard Boole Public Protection Manager