



<b>REPORT TO:</b>	Panel of the Committee of the Licensing Authority
<b>DATE:</b>	Thursday, 16 March 2023
<b>SUBJECT:</b>	Licensing Act 2003 Premises Licence Review
<b>PURPOSE:</b>	To determine an application for the Review of a Premises Licence under the Licensing Act 2003 for Holbeach Drove Store, Holbeach Drove Gate, Holbeach, Lincs PE12 OPX
<b>REPORT OF:</b>	Public Protection Manager
<b>REPORT AUTHOR:</b>	Heather Lawson - Licensing Officer
<b>WARD(S) AFFECTED:</b>	Whaplode and Holbeach St Johns
<b>EXEMPT REPORT?</b>	N

## RECOMMENDATIONS

That the Panel of the Committee of the Licensing Authority determine the Review of a Premises Licence under the Licensing Act 2003 for Holbeach Drove Store, Holbeach Drove Gate, Holbeach, Lincs, PE12 OPX

## 1. BACKGROUND

- 1.1** The Licensing Team on behalf of the Licensing Authority received an application for the review of a premises licence on 23<sup>rd</sup> January 2023 from Lincolnshire Police in accordance with Section 51 of the Licensing Act 2003. The application for review is for the premises known as Holbeach Drove Store, Holbeach Drove Gate, Holbeach, Lincs, PE12 OPX. The review application is attached at **Appendix 1**. Annexes attached to Appendix 1 labelled **Annex A/B/C/D/& E** are **RESTRICTED**.

## **2. REPORT**

- 2.1** The Premises Licence Holder and Designated Premises Supervisor of Holbeach Drove Store is Mrs Komalar VIJAYAKUMAR.
- 2.2** The Premises Licence PL0090 is attached at **Appendix 2**.
- 2.3** Lincolnshire Police have obtained evidence which indicates that the management of these premises has been operating in such a manner that amounts to criminal activity and thus undermines the licensing objective of the prevention of crime and disorder.
- 2.4** There have been no representations from members of the public or any other persons.
- 2.5** The Licensing Authority have fulfilled the necessary legislative requirements. A copy of the public notice is attached at **Appendix 3**.

## **3. OPTIONS**

- 3.1** 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. Consideration must centre on 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 Regulations 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 52(4) of the Licensing Act may:
- Modify the conditions of the licence
  - Exclude a licensable activity from the scope of the licence
  - Remove the Designated Premises Supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence
  - Leave the licence in its current state
- 3.4** 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.

## **4. IMPLICATIONS**

### **4.1 CONSTITUTIONAL AND LEGAL IMPLICATIONS**

- 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

4.2.1 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/ SAFEGUARDING

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.

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).

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

## 5.0 WARDS AFFECTED

5.1 Whaplode and Holbeach St Johns

### APPENDICES

Appendices are listed below and attached to the back of the report: -

APPENDIX 1	Review Application from Lincolnshire Police Annex A /B/C/D/E – RESTRICTED
APPENDIX 2	Premises Licence PL0090
APPENDIX 3	Public Notice

### 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	<a href="http://legislation.gov.uk">Licensing Act 2003 (legislation.gov.uk)</a>
Guidance issued under Section 182 of the Licensing Act 2003	<a href="http://publishing.service.gov.uk">Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</a>
SHDC Statement of Licensing Policy	<a href="#">South Holland District Council Statement of Licensing Policy</a>

### 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

Heather.Lawson@sholland.gov.uk

Signed off by:

Head of Public Protection