



REPORT TO:	Panel of the Committee of the Licensing Authority
DATE:	Wednesday, 26 April 2023
SUBJECT:	Licensing Act 2003 Premises Licence Application
PURPOSE:	To determine an application for the Grant of a Premises Licence under the Licensing Act 2003 for The Convenience Store, Fleet Road Garage, 36 Fleet Road, Holbeach, PE12 8LA
KEY DECISION:	N
REPORT OF:	Public Protection Manager
REPORT AUTHOR:	Heather Lawson – Licensing Officer
WARD(S) AFFECTED:	Holbeach Town
EXEMPT REPORT?	N

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 The Convenience Store, Fleet Road Garage, 36 Fleet Road, Holbeach, PE12 8LA

1. BACKGROUND

- 1.1 The Licensing Team on behalf of the Licensing Authority received an application to grant a new premises licence on 3 February 2023 for proposed new premises relating to The Convenience Store, Fleet Road Garage, 36 Fleet Road, Holbeach, PE12 8LA. The application has been submitted by Thash Ltd. The application made under Section 17 of the Licensing Act is attached at **Appendix 1**.

2. REPORT

- 2.1 The applicant has described the premises as an established retail shop 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 A representation has been received on 2 March 2023 from Lincolnshire Police acting as a Responsible Authority. The representation which can be found at **Appendix 2 (Restricted)** refers to three of the licensing objectives, including; The Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm.

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.

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

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.

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.

APPENDICES

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

Appendix 1	Application for a Premises Licence
Appendix 2	Representation from Lincolnshire Police – RESTRICTED

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	Licensing Act 2003 (legislation.gov.uk)
Guidance issued under Section 182 of the Licensing Act 2003	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)
Statement of Licensing Policy	South Holland District Statement of Licensing Policy

CHRONOLOGICAL HISTORY OF THIS REPORT

An application to consider the Transfer of a premises licence and an application to Vary a Premises Supervisor under the Licensing Act 2003 for this premises were both refused on 12 December 2022. The licence was surrendered in November 2022. The premises previously held a premise licence PL0322

REPORT APPROVAL

Report author:

Heather Lawson

Heather.Lawson@sholland.gov.uk

Signed off by:

Group Manager Public Protection