



REPORT TO:	Panel of the Committee of the Licensing Authority
DATE:	Wednesday, 24 April 2024
SUBJECT:	Licensing Act 2003, Premises Licence Application
PURPOSE:	To determine an application for the grant of a new Premises Licence under the Licensing Act 2003 for One Stop, 39 Albert Street, Spalding, Lincolnshire, PE11 2LD.
KEY DECISION:	No
PORTFOLIO HOLDER:	Councillor Anthony Casson
REPORT OF:	Public Protection Manager
REPORT AUTHOR:	Hannah Wright – Licensing Officer
WARD(S) AFFECTED:	Spalding St Pauls
EXEMPT REPORT?	No

SUMMARY

This is a report to consider an application for the grant of a Premises Licence for off sales of alcohol at One Stop, 39 Albert Street, Spalding, PE11 2LD following the submission of three valid representations by interested parties under the provisions of Section 18 of the Licensing Act 2003.

The representations relate to the likely impact that the grant of the application would have on the licensing objectives of:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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 One Stop, 39 Albert Street, Spalding, PE11 2LD.

REASONS FOR RECOMMENDATIONS

The Licensing Act 2003 requires that the Panel of the Committee of the Licensing Authority make a determination where a relevant representation has been submitted in accordance with Section 18 of the Licensing Act 2003 in relation to an application for the grant of a Premises Licence.

The Panel of the Committee of the Licensing Authority must give full reasons for its determination in respect of the licence.

OTHER OPTIONS CONSIDERED

None

1. BACKGROUND

- 1.1** The Licensing Team on behalf of the Licensing Authority received an application to grant a new premises licence on 1 March 2024 for proposed new premises relating to One Stop, 39 Albert Street, Spalding, PE11 2LD. The application has been submitted by One Stop Stores Limited. The application made under Section 17 of the Licensing Act is attached at **Appendix A**.

2. REPORT

- 2.1** The applicant has described the premises as a retail premises (convenience supermarket) 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 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. The agreed conditions can be found in **Appendix B** and will form part of the operating schedule should a licence be granted.
- 2.5** Following discussions between the Licensing Authority and the Applicant a further condition has been agreed should the licence be granted. This can be found in **Appendix B**.
- 2.6** Three representations have been accepted by this authority from interested parties. These representations which can be found at **Appendix C** refer to all four of the licensing objectives.
- 2.7** The representations made by the interested parties have been redacted in parts to exclude comments that have been deemed not relevant to this application by the licensing authority. These redactions are not to be referred to by the objector or members during any hearing procedure as consideration must only refer to the licensing objectives and the licensable activity applied for.
- 2.8** The representations detail the objectors view as to why they feel the grant of a premises licence at this store will impact negatively on the licencing objectives. Members of the Sub-Committee are advised to apportion what weight they feel is necessary to the representation to determine this application for a licence.
- 2.9** Planners have advised that a change of use application should be made by the applicant to enable the premise to operate as a convenience store.

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 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 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

CORPORATE PRIORITIES

This report supports the South and East Lincolnshire Councils Partnership sub-regional strategy priorities of :

Growth and prosperity

Healthy lives

Safe and resilient communities

STAFFING

No staffing implications.

WORKFORCE CAPACITY IMPLICATIONS

None.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

The decision of the Panel of the Committee of the Licensing Authority may be subject to appeal to the Magistrates Court. Any appeal must be made within 21 days of the day on which the appellant is notified, in writing, by the Licensing Authority of the decision to be appealed against.

FINANCIAL

None.

STAKEHOLDER / CONSULTATION / TIMESCALES

There are no stakeholder implications.

REPUTATION

There is a risk that the Council's reputation could be damaged if licensing legislation and guidance are not upheld and applied appropriately.

CONTRACTS

None.

CRIME AND DISORDER

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

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

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.

HEALTH AND WELL BEING

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the Districts' residents, visitors, and business community.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no implications.

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Application for a Premises Licence and plan
APPENDIX B	Agreed Conditions with Lincolnshire Police and the Licensing Authority
APPENDIX C	Representations from Interested Parties

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 Council Licensing Policy (sholland.gov.uk)

CHRONOLOGICAL HISTORY OF THIS REPORT
A report on this item has not been previously considered by a Council body.

REPORT APPROVAL	
Report author:	Hannah Wright Hannah.Wright@sholland.gov.uk
Signed off by:	Richard Boole

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