



**Report To:** Panel of the Licensing Committee

**Date:** Friday 27 June 2025 – 10.00 hours

**Subject:** Amma Cash & Carry, 24 Commercial Road, Spalding

**Purpose:** To consider an application for a premises licence where relevant representation has been received.

**Key Decision:** No

**Portfolio Holder:** Councillor Anthony Casson

**Report Of:** Public Protection Manager

**Report Author:** Anna McDowell

**Ward(s) Affected:** Spalding St Paul's

**Exempt Report:** No

### Summary

This is a hearing to consider an application for the grant of a Premises Licence, the applicant being PT A7A Ltd, following the receipt of a relevant representation.

The Licensing Act 2003 requires that the Panel of the Licensing Committee determine an application where relevant representations have been received.

### Recommendations

It is recommended that the Panel take into account all evidence and information received from the interested parties and the applicant and determine this matter.

### Reasons for Recommendations

Section 18 (3) of the Licensing Act 2003 requires that where relevant representations are made, the authority must hold a hearing to consider them, unless the authority, the applicant and each person who has made a representation agree that a hearing is unnecessary, and having regard to representations, take such of the steps mentioned in the Act as it considers necessary for the promotion of the licensing objectives.

Those steps are set out in the Licensing Act 2003 Section 18 (4) and are detailed in the main body of the report.

## Other Options Considered

None

### 1. Background

- 1.1 On 17 June 2025 an application for the grant of a premises licence, under section 17 of the Licensing Act 2003, was received from PT A7A Ltd for premises situate at 24 Commercial Road, Spalding.
- 1.2 The Local Authority requires that the applicant serves a copy of the application on the Responsible Authorities, advertises the application in a local news publication and places notice of the application details outside the premises. The Licensing Authority must also publish a notice on its website. It is confirmed that these requirements were complied with.
- 1.3 A Responsible Authority or other person may submit a representation during the statutory 28-day consultation period.
- 1.4 The Licensing Act 2003 states that relevant representations mean representations which are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Only parts of a representation that are relevant to the application and its impact on those objectives may be considered.
- 1.5 Where relevant representations are received the Licensing Authority encourages all parties to mediate and will assist in the facilitation of mediation discussions. Where agreement cannot be reached, the Licensing Act 2003 requires that a hearing is held to determine the application.

### 2. Report

#### 2.1 The application

- 2.1.1 An application for a Premises Licence has been received for 24 Commercial Road, Spalding. The premises is located in Spalding town in a mixed-use area consisting of predominately residential, and some commercial properties. A location plan is attached at **appendix 1**.
- 2.1.2 The activities and hours applied for are detailed below and a copy of the application is attached at **appendix 2**.

The applicant seeks a licence to permit licensable activities as follows:

#### Sale by retail of alcohol for consumption off the premises

Monday – Sunday: 06.00 hours until 23.00 hours

- 2.1.3 In submitting the application the applicant is required to describe any steps intended to be taken to promote the four licensing objectives, namely:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance

- The protection of children from harm

2.1.4 The steps the applicant intends to take to promote the licensing objectives, should the licence be granted, are in accordance with the operating schedule at section M of the application. Steps identified at part M are appended to a granted licence as conditions with which a licence holder must comply.

## 2.2 Relevant representations

2.2.1 On 12 June 2025 a relevant representation was received from Lincolnshire Police in their capacity as a responsible authority. The representation raises concerns regarding the operation of the premises in the close proximity to an area covered by a Public Space Protection Order (PSPO) where street drinking is restricted and have requested that a number of additional conditions be imposed on the licence to assist in the promotion of the licensing objectives. Details of those requested conditions are detailed below, and a copy of the full representation is attached at **appendix 3**.

- *A reduction in the operating hours proposing that the alcohol sales commence at 08:00 rather than 06:00.*
- *Measures to tackle street drinking including not selling single cans or bottles of beer, lager and cider; not selling super strength (ABV above 6.5) beer, lager and cider; and attaching waterproof labels with printed shop name and address to cans and bottles of beer, lager and cider (or all alcohol sold).*
- *No member of staff shall be able to work at the premises unless they have provided satisfactory proof of identification and right to work. In any case where an electronic right to work check has not been performed, the reason why the check has not been done electronically is to be documented in writing and this record is to be retained and made available upon request to the authorities for a period of not less than 12 months.*
- *No alcohol, medication, tobacco or vapes will be purchased from door to door sales vendors and will only be purchased from wholesalers and receipts for each of these products will be kept for a minimum of 12 months and copies made available on request by the Police, Trading Standards or Local Authority.*

2.2.2 Through mediation the applicant has agreed to accept the following conditions:

- *There shall be no sales of single cans, or single bottles, of beer, lager and cider.*
- *A minimum sale of 4 items will be required unless the volume is more than 670ml per item.*
- *No member of staff shall be able to work at the premises unless they have provided satisfactory proof of identification and right to work. In any case where an electronic right to work check has not been performed, the reason why the check has not been done electronically is to be documented in writing and this record is to be retained and made available upon request to the authorities for a period of not less than 12 months.*
- *No beer, lager or cider with an ABV above 6.5% may be sold.*

These agreed conditions will be formally added to any licence granted in respect of this application. However, the other requested conditions have been not agreed and the applicants' argument for the Panel to consider not imposing them is attached at **appendix 4**.

## **2.3 Options**

2.3.1 In making their determination and having had regard to all the information presented, the Panel must take such steps as considered appropriate for the promotion of the licensing objectives. These steps are set out in the Licensing Act 2003 Section 18 (4) as follows:

- To grant the licence, subject to mandatory conditions and conditions in the operating schedule;
- To grant the licence with modified conditions;
- Exclude from the scope of the licence any of the licensable activities to which the application relates;
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application.

## **2.4 Considerations**

2.4.1 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what would be suitable to achieve that end. This does not require a licensing authority to decide that no lesser step will achieve the aim, but the authority should aim to consider the potential burden that the condition would impose on the Premises Licence holder as well as the potential benefit in terms of the promotion of the licensing objectives.

2.4.2 It is imperative that the Panel ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside of those parameters and determination must be based on an assessment of the evidence of both the risks and benefits either for or against making the determination.

2.4.3 The Panel should consider whether to impose additional conditions on the licence would result in the licensing objectives being promoted. Conditions on a premises licence can be a useful tool in setting the parameters within which premises can lawfully operate. If consideration is given to attaching or amending conditions, they:

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements;
- Must be tailored to the individual type, location and characteristics of the premises and events concerned;
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives;
- Should not replicate offences set out in the 2003 Act or any other legislation;
- Should be proportionate, justifiable and capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the

behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and

- Should be written in a prescriptive format.

2.4.4 If the committee are minded to grant the licence, they can be assured that mechanisms are available to responsible authorities, or other persons, to enable them to review the licence where issues arise in connection with the licence holders failure to promote the licensing objectives.

2.4.4 In determining the application, the licensing authority must give appropriate weight to:

- The Licensing Authority's Statement of Licensing Policy. Relevant extracts of which are attached at **appendix 5**.
- The statutory guidance issued under section 182 of the Licensing Act 2003. Relevant extracts of which, are attached at **appendix 6**.

## **2.5 Human Rights & Equalities**

2.5.1 In determining the review the Panel should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Human Rights Act it is unlawful for a public authority to act in a manner which is incompatible with the European Convention on Human Rights.

2.5.2 When determining the application, the Panel should be satisfied that any decision which interferes with the rights of the licence holder, or of any other person, only does so insofar as is necessary to protect the rights of others and that no alternative decision would be more appropriate.

2.5.3 The Panel, in its decision-making, must have due regard to its public sector equality duty under section 149 of the Equality Act 2010. A copy of section 149 of the Act is attached at **appendix 7**.

## **2.6 Appeal**

2.6.1 The applicant may appeal the decision made by the Panel 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.

2.6.2 The determination does not take effect until the end of the period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

## **3. Conclusion**

3.1 The Panel must come to its determination based on an assessment of the evidence of both the risks and benefits either for or against granting a licence.

3.2 When considering the evidence, the Panel must satisfy themselves whether or not the licensing objectives would be promoted as the application stands. The Panel must have regard to evidence, not speculation. In the case of a new application/new premises, the history and makeup of the site (and surrounding area) and the history of the applicant will be relevant, if sufficiently evidenced.

3.3 The Panel should seek to focus the hearing on the relevant parts of representations only and the steps considered appropriate to promote the particular licensing

objective(s) that have given rise to the representations and avoid straying into undisputed areas. Any matter which is not about the likely effect of the grant of the licence on the promotion of one or more of the four licensing objectives is not, in accordance with the Licensing Act 2003, relevant and therefore cannot be considered.

3.4 The Panel must give full reasons for its decision.

3.5 In making its' determination, the Panel must evidence that they have had due regard for all that they have read and heard, to the Licensing Authority's Statement of Licensing Policy, the guidance issued under Section 182 of the Licensing Act 2003, and their public sector duty under Section 149 of the Equality Act 2010.

## **Implications**

### **South and East Lincolnshire Councils Partnership**

None

### **Corporate Priorities**

None

### **Staffing**

None

### **Workforce Capacity Implications**

None

### **Constitutional and Legal Implications**

There is a risk that an appeal is lodged with Lincolnshire Magistrate's Court against the decision of the Licensing Sub – Committee.

### **Data Protection**

Certain personal details have been redacted from the public agenda pack for data protection purposes.

### **Financial**

None

### **Risk Management**

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

### **Stakeholder / Consultation / Timescales**

None

### **Reputation**

There is a risk that the Council's reputation could be damaged if the requirements of licensing legislation are not implemented in the prescribed manner.

### **Contracts**

None

### **Crime and Disorder**

The Council has a duty to promote and ensure compliance with the licensing objectives of, the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.

## **Equality and Diversity / Human Rights / Safeguarding**

**Equality Implications:** Under the Human Rights Act 1998, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

**Human Rights:** The licensing authority must have due regard to its public sector equality duty under section 149 of the Equality Act 2010.

**Safeguarding Implications:** None

## **Health and Wellbeing**

None

## **Climate Change and Environmental Implications**

None

## **Acronyms**

PSPO – Public Space Protection Order

## **Appendices**

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

Appendix 1	Location plan
Appendix 2	Premises licence application
Appendix 3	Representation - Lincolnshire Police
Appendix 4	Applicant response
Appendix 5	Extract - Statement of licensing policy
Appendix 6	Extract – Section 182 Guidance
Appendix 7	Section 149 – Equality Act 2010

## **Background Papers**

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

## **Chronological History of this Report**

None

## **Report Approval**

Report author:

Anna McDowell – [anna.mcdowell@boston.gov.uk](mailto:anna.mcdowell@boston.gov.uk)

Signed off by: