

## Licensing Act 2003

### Representation by a Responsible Authority

**Note:** Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the Licensing Act 2003 Committee hearing.

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Please enter your details below:

Responsible Authority:	Lincolnshire Police
Contact Officer:	PC 1299 Rebeka Casey
Address:	Police HQ, Deepdale Lane, Nettleham, Lincs
Telephone Number:	07973 845578
E-mail:	rebeka.casey@lincs.police.uk

Please provide details of the application to which your representation refers:

Name:	PT A&A Ltd
Address:	24 Commercial Road, Spalding
Application Details:	New application
Date Application Received:	20/06/25

Please provide details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es):

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

In relation to this application, the following Guidance issued under Section 182 of the Licensing Act 2003 has been considered –

*Section 2.1, Licensing authorities should look to the police as the main source of advice on crime and disorder.*

*Section 2.7, (which is in relation to premises licence holders is relevant) ... Licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act.*

*Section 9.12, Each responsible authority will be an expert in their own field...for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.*

*Section 11.26, (which is in relation to reviews but deemed relevant) ... The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.*

South Holland District Council - Statement of Licensing Policy 2021-2026 has also been considered namely -

*4.2 Under the Crime and Disorder Act 1998, the Licensing Authority must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.*

*The Licensing Authority will seek to ensure that licence holders take measures to control the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises as they seek to enter and leave.*

*The Licensing Authority will expect applicants to include in their operating schedules, the steps they propose to take to detect, reduce, and deter crime and disorder.*

*Applicants should consider the location and type of their premises when considering any option.*

*Applicants should seek advice from the Police on control measures under this*

licensing objective. It is recommended that applicants discuss the measures they intend to take with the Police prior to making the application to try and reduce representations.

There are many steps an applicant may take to prevent crime and disorder. Examples of measures the Licensing Authority may expect applicants to consider and address in their operating schedule include:

*IX. Measures agreed with the Police to reduce crime and disorder*

*XV. 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 names and addresses to cans and bottles of beer, lager and cider (or all alcohol sold).*

*4.4 Licensed premises have a significant potential to impact adversely upon communities through public nuisance arising as a result of their activities. The Licensing Authority's aim is to maintain and protect the amenity of residents and other businesses from the potential negative impact of licensed premises, by promoting the need to prevent public nuisance, whilst at the same time recognising the valuable cultural, social and economic importance of such premises.*

*The Licensing Authority intends to interpret 'public nuisance' in its widest sense and takes it to include such issues as noise, light, including artificial light, odour, dust, insects, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the area affected. The Licensing Authority will expect applicants to include in their operating schedules, the steps they propose to take to prevent public nuisance. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.*

*When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type and location of premises and/or activities) which are likely to adversely affect the amenity of the area and the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule. These issues may include:*

*III. The location of the premises*

*V. The nature of the activities to be provided.....*

*The Licensing Authority recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities and those who wish to use the facilities.*

*If it's necessary for the prevention of public nuisance where conditions do not adequately address the issues an application can be refused.*

*5.3 The Licensing Authority does not propose to implement standard conditions on licences. It may attach conditions as appropriate given the circumstances of each individual case. These conditions will relate to the premises and other places being used for licensable activities in the surrounding area. In this regard the Licensing Authority will primarily focus on the direct impact, of any licensable activities taking place, on members of the public living, working or otherwise engaged in normal*

*activity, regardless of their geographical proximity to the premises.*

*When considering conditions, the Licensing Authority will look to the relevant responsible authorities to assist and advise on the appropriate measures to be taken.*

*Where an applicant considers that representations are likely or probable, it is recommended that the applicant discuss the proposal with the licensing authority and those from whom they think representations are likely to be made prior to submitting their application.*

### **Crime and Disorder Act 1998 Section 17**

*Duty to consider crime and disorder implications.*

*(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,*

*(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting*

*the local environment); and*

*(b) the misuse of drugs, alcohol and other substances in its area, and*

*(c) re-offending in its area*

*(2) This section applies to each of the following—*

*.a local authority .....*

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### **Representation:**

No consultation has taken place with Lincolnshire Police prior to the application for 24 Commercial Road, Spalding being received.

When assessing applications for risks to the licensing objectives, Lincolnshire Police look at what licensable activities are applied for, where, when and by whom.

In Spalding we have the widest ranging public space protection order (PSPO) in the county. It covers street drinking (failure to comply with an officer's request to stop), littering, spitting (be it saliva or anything else from the mouth), urination and defecation. The PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing, and it must be unreasonable. The PSPO can impose restrictions on the use of that area, which applies to everyone who is carrying out that activity. The orders are designed to ensure that the law-abiding majority can enjoy public spaces, safe from anti-social behaviour.

South Holland District Council and Partners have been working to improve the quality of life for those living, working in and visiting the area. Lincolnshire Police's Licensing Department's role has been to consult with all applicants for new licence applications and major variations and where the application is for off-sales within the PSPO request the following PSPO type conditions, explain why and highlight the Council Statement of Licensing Policy.

The shop at 24 Commercial Road, Spalding has a chequered history with licensing, illegal cigarettes, smuggled alcohol, illegal vapes and illegal working. It has not held a premises licence for nearly 5 years. It had a premises licence revoked in 2016 and early 2019 for selling illegal cigarettes and smuggled alcohol.

24 Commercial Road sits within this PSPO on a busy one-way road leading into town. One side of the road is buildings, mainly residential, with some commercial and some street parking and on the other side of the road is the River Welland, where people like to congregate on the riverbanks when the weather is nice.

Lincolnshire Police acknowledge that this application does include many conditions that we would expect to see on modern day licences for premises such as this. The inclusion of conditions relating to CCTV, incident books, refusals registers, Challenge 25 and staff training are welcome, but the Police feel that the application needs further conditions to compliment the PSPO and uphold the licensing objectives.

The stringent conditions Lincolnshire Police would seek for an off-licence within this PSPO area would be as per the Council Statement of Licensing Policy;

**4.2 15. 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).**

In addition to the above Lincolnshire Police request the following conditions are also included on the premises licence;

**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 be 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.***

The above conditions are reflective of other premises licences in the locality which are similar in nature.

This applicant's requested hours are 0600hrs to 2300hrs for alcohol sales over 7 days a week. The licence held by the premises previously, which was granted in 2017 had 0800-2300hrs alcohol and opening 7 days a week.

A neighbouring premises sells alcohol on Mondays to Saturdays between 08:00 and 23:00 and 10:00 and 23:00 on Sundays. Two further recently issued licences, elsewhere in the town, do not commence alcohol sales until 07:00 with one ceasing at 23:00 and the other 21:00.

Lincolnshire Police seek to reduce the hours of operation proposing that the alcohol sales commence at 08:00 rather than 06:00 and believe that such hours would be more appropriate in this largely residential location.

Since the application has been submitted Police from the Alcohol Licensing Team have visited the premises which is currently undergoing significant renovations. The applicant was on site and stated that alcohol sales will only be a small portion of his business, he described that this will not be an off-licence style shop selling lots of alcohol but instead a premises selling Asian/Sri Lankan produce. The applicant only anticipates that he will sell a small selection of Indian beers/lagers and ciders and does not intend to sell wines and spirits.

The applicant was unaware of the PSPO prior to the Police visit which is perhaps indicative that he has not carried out the necessary research on the area around the shop. The PSPO has now been explained and the reasons that further conditions are required. Had there been consultation prior to the submission of the application these conditions would have been proposed by Police at an earlier stage.

If possible, please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the **Licensing Objectives:**

The following conditions have been discussed with the applicant and agent. Lincolnshire Police believe that the conditions are supportive of the PSPO and would assist further to uphold the licensing objectives in particular the prevention of crime and disorder, public safety and public nuisance.

- 1. 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).**
- 2. No member of staff shall be able to work at the premises unless they have provided satisfactory proof of identification and right to work.**
- 3. In any case where an electronic right to work checked has not be 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.**
- 4. 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.**

Following discussions with the agent Mr Kheng the following conditions have been agreed by the applicant:

- 1. There shall be no sales of single cans, or single bottles, of beer, lager and cider.**
- 2. A minimum sale of 4 items will be required unless the volume is more than 670ml per item.**
- 3. 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 checked has not be 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.**
- 4. No beer, lager or cider with an ABV above 6.5% may be sold.**

The applicant and agent are not in agreement with the condition requiring waterproof labels to be attached to alcohol and raised concerns about the cost of labels and practicality of attaching labels to multi-pack items that are in sealed packaging. Lincs Police believe that labelling products enables authorities to identify the source of alcohol where it is misused in the PSPO area. The Police offered the following amended wording, but it is understood that the applicant and agent do not agree to this condition either.

***Not to sell super strength (ABV above 6.5) beer, lager and cider and to attach waterproof labels with printed shop names and addresses to cans and bottles of beer, lager and cider. (An exception to this would be beer, lager and cider products that are bound together as a multi-pack making individual bottles and cans inaccessible.)***

Lincolnshire Police feel that the imposition of the above condition should be one for the licensing sub-committee to consider and decide. The Police recognise that the South Holland District Council licensing policy does include this exact condition specifying the use of waterproof labels and so feel it important.

The applicant does not agree to the condition relating to medication, tobacco, vapes and alcohol arguing that other legislation adequately covers these points. In response Lincs Police asked if they would consider the following condition but it has also been declined:

**All receipts and invoices (or copies) will be held on the premises and made available for inspection by the authorities on reasonable request. These records will be kept for a period of no less than 12 months.**

Lincolnshire Police have also requested a slight reduction to the hours for alcohol sales from 06:00 to 08:00 hours daily. This is due to the highly residential area that the shop is located in. The applicant and agent have not yet confirmed either way whether they would be agreeable to this reduction in hours.

Have you contacted the applicant to discuss this representation?

Yes  No

Have you contacted the Licensing Team to discuss this representation?

Yes  No

Do you consider further discussion could resolve the issue?

Yes  No

Do you propose to attend or be represented at any Committee hearing?

Yes  No

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above.   
(please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).