

DECISION NOTICE

LICENSING ACT 2003 – TO CONSIDER AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE FOR FANTASIA, 2 BOURNE ROAD, SPALDING, LINCS, PE11 1JW.

PRESENT

Members of the Panel:

Councillor A C Beal Councillor J Tyrrell (Chairman) Councillor G T D Rudkin

Officers:

D Hall (Licensing and Business Support Manager) A Howlett (Democratic Services Team Leader) S Wolstenholme-Smy (Legal Services Manager)

In attendance:

Daven Naghen (Maples Solicitors) Legal Advisor to the Panel)) Hemen Ahmad (Premises Licence Holder) Sgt K Enderby (Lincolnshire Police) PC G McConville (Lincolnshire Police) Andrew Pascoe (Solicitor for Premises Licence Holder)

The Panel considered the application for the review of a Premises Licence for Fantasia, 2 Bourne Road, Spalding, Lincs, PE11 1JW.

DECISION

The Panel considered the written and verbal evidence presented by all parties, in arriving at this determination.

The Panel took due notice of the Licensing Act 2003, and the Regulations made under it, in particular sections 51-53, the guidance issued under section 182 including paragraphs 2.1, 2.7, and 11.16-11.28 and South Holland District Council's Statement of Licensing Policy

These are premises that have held a licence since January 2015. An issue took place in August 2016 where medicines were seized by the Police and the rules in respect of the labelling of medicines were explained to the Premises Licence Holder.

There were no further problems until January 2020. The Premises Licence Holder indicated that the store did not offer medicines again until November 2019 when he was persuaded by a salesman that the products were lawful. No evidence was presented by the Police to undermine that account. The sale of medicines without English labelling poses public health risks. The Premises Licence Holder states that no medicines have been offered for sale since the Police visit in January 2020.

No concerns have been raised by the authorities in respect of breaches of licensing conditions. The role of the Licensing Panel is to promote the licensing objectives not to punish any crimes that may have taken place.

There are conditions that could be imposed that would satisfy the Panel that it would be appropriate to promote the Licensing Objectives by the addition of conditions to the premises licence. Any breach of those conditions could result in a further review of the licence.

Had the decision been to revoke the alcohol licence that would not prevent the Premises from opening or continuing to trade as a grocery store or even displaying medicines however it would not be authorised to sell alcohol. It was felt more appropriate to prevent the sale of medicines as this is of more benefit to public safety and the licensing objectives.

Conditions will be added as follows:

No medicines are to be displayed, offered for sale, sold or provided to any customer.

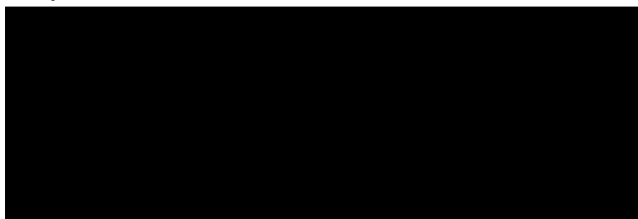
A record of daily checks of use by dates and those items removed from sale is to be kept and must be retained for at least 24 months and provided to the authorities for inspection upon request.

RIGHT OF APPEAL

Under Schedule 5 of the Licensing Act 2003 there is a right of appeal to the Magistrates Court. Any appeal must be commenced by notice of appeal given by the appellant to the Magistrates Court within 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.

The holder of the licence, the applicant for the review or any person who made relevant representations may appeal against the decision.

The determination does not have affect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.



Signed: Councillor J Tyrrell (Chairman of the Panel)

Date: 9 June 2020

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