

DECISION NOTICE

LICENSING ACT 2003 – TO CONSIDER AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR GLOBAL FOODS, 2 WINSOVER ROAD, SPALDING, LINCS, PE11 1EJ.

PRESENT

Members of the Panel:

Councillor A Casson Councillor P Redgate (Chairman) Councillor G Rudkin

Officers:

H Lawson (Licensing Officer) C Morgan (Democratic Services Team Leader (Clerk to the Panel)) Sarah Wolstenholme-Smy (Legal Services Manager)
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In attendance:

Daven Naghen (Maples Solicitors) (Legal Advisor to the Panel)) Ernesta Tamutyte (Applicant) Lorena Zalyte (representative for Applicant_ Sgt K Enderby (Lincolnshire Police)

The Panel considered the application for the grant of a Premises Licence for Global Foods, 2 Winsover Road, Spalding, Lincs, PE11 1EJ.

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 16-18 of the Act, the guidance issued under s182 including paragraphs 2.1, 8.41-8.49, 9.12, 9.42-9.44 and 11.24-11.28 and South Holland District Council's Statement of Licensing Policy.

These are premises that have a history of involvement in non-duty paid goods and non-compliance with Licensing Conditions. The Applicant had been involved in the premises at the time of some of these problems.

The Panel felt that the Applicant sought to minimise the past problems rather than showing that lessons had been learned.

It was disappointing to note that despite the history of the premises, the Applicant had not engaged with the Police. No consultation took place before submitting the Application and the Applicant had even ignored a request to discuss the Application even after the objections were raised.

Whilst there was a suggestion of staff training, this had not been done and evidenced through a third party provider and was a case of the Applicant herself having trained the staff despite her lack of knowledge as evidenced by the previous problems. This was highly concerning.

Whilst the Panel acknowledge that English is an additional language for the Applicant, she struggled to name the Licensing Objectives when asked which added to the view that she lacks the knowledge and capability to run the premises in a fully compliant and lawful manner.

The DPS who was nominated does not currently work at the Premises and has had no involvement in the training of staff or development of policies and procedures and again this might have been expected to have happened given the problems that had been experienced at the Premises previously.

As such there were no conditions that could currently be imposed that would satisfy the Panel that it would be appropriate to promote the Licensing Objectives by granting a Premises Licence. Having considered the steps that are appropriate for the promotion of the Licensing Objectives, the only option was to reject the application.

It should be stressed that this decision does not prevent the Premises from continuing to trade as a grocery store but it will not be authorised to sell alcohol at this time.

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.

Signed: Councillor P Redgate (Chairman of the Panel)
Date: 22 April 2021