

## DECISION NOTICE

### LICENSING ACT 2003 – TO CONSIDER AN OBJECTION TO A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003 FOR 13 WINSOVER ROAD, SPALDING, LINCOLNSHIRE, PE11 1EG.

#### PRESENT

<b>Members of the Panel:</b>
------------------------------

Councillor H Bingham (Chairman) Councillor A Casson Councillor J King
---

<b>Officers:</b>
------------------

D Hall (Head of Public Protection)/Hannah Wright Assistant Licensing Officer S Wolstenholme-Smy (Legal Services Manager)
---

<b>In attendance:</b>
-----------------------

Helmat Mohammed Ahmed Hilmi (Applicant) Mr Jamal Khalil (Solicitor) Sergeant Cotton (Lincolnshire Police) G McConville (Lincolnshire Police)
---

The Panel considered an objection to a temporary event notice for 13 Winsover Road, Spalding, Lincolnshire, PE11 1EG.


#### DECISION

Members of the Panel considered the Police objection in respect of two Temporary Event Notices, the first being for the event running from Thursday 3 November 2022 to Wednesday 9 November 2022 (inclusive) and the second event running from Friday 11 November 2022 to Thursday 17 November 2022 (inclusive).

In considering the objection, the Panel took due notice of the Licensing Act 2003, and the Regulations made under it, the guidance issued under Section 182 of the Licensing Act 2003 and South Holland District Council's Statement of Licensing Policy.

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

Having considered the objection, the Panel agree that there is a concern relating to the Licensing objectives of crime and disorder, public safety, and public nuisance.

 The Panel considers that there is a lack of knowledge of the notice giver as to the hours and duration of the notice that he has given. This could in turn lead to the notice giver committing an offence under the Licensing Act. The hours specified in the notice are excessive and raise a

concern in respect of the Public Space Protection Order and are also more than other establishments in the locality.

A Counter Notice will therefore be given in respect of each Temporary Event Notice.

## **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 H Bingham (Chairman of the Panel)  
**Date:** 31 October 2022

