

DECISION NOTICE

LICENSING ACT 2003 – TO CONSIDER AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR DELI MINI MARKET, 12A SHEEP MARKET, SPALDING, LINCOLNSHIRE, PE11 1BE

PRESENT

Members of the Panel:
Councillor A Beal Councillor M Booth Councillor J Tyrrell (Chairman)
Officers:
H Lawson (Licensing Officer) H Wright (Licensing Officer) M Shiells (Licensing and Business Support Team Leader)
In attendance:
Daven Naghen (Maples Solicitors) Legal Advisor to the Panel)) David Dadds –(Counsel for Applicant) Zerrin Cagdas (Director of Applicant) Sgt Adams (Police) Pc Braithwaite (Police) Mo Kadir (person making representation) Sarkaut Jabar (person making representation) Karzan Omar (person making representation)

The Panel considered the application for the grant of a Premises Licence for Deli Mini Market, 12a Sheep Market, Spalding, Lincolnshire, PE11 1BE.

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, the guidance issued under Section 182 of the Licensing Act 2003 in particular 1.16, 1.17, 2.1, 9.12, 9.43, 9.44, 10.10 and 11.24-11.28 and South Holland District Council's Statement of Licensing Policy.

The Panel heard from all parties extensively as regards to suggestions that the Partner of the Shareholder and Director of the Applicant Company would end up controlling the business.

The Premises are currently open as a convenience store with no evidence of any issues. The only issue to determine is whether the licensing objectives would be promoted if the application were to be granted.

Ms Cagdas who is to be the DPS and is the only Shareholder and Director of the Company spoke very impressively as to her understanding as to how to promote the licensing objectives. It was agreed that she has no criminal history and has not been investigated in respect of any matters. The Panel were informed that she holds a Law Degree and is working towards a Masters.

On balance the decision of the Panel is to grant the application with the conditions contained on the application together with further conditions some of which were offered up by the representative for the Applicant. It was felt that this stringent package of conditions would be sufficient to address the concerns raised.

The additional conditions to be added to the licence are as follows:

- Right to Work checks are to be undertaken on all staff who work at the Premises and either a paper or electronic copy retained for at least 12 months and provided to the Police, the Home Office or Local Authority upon request.
- Not to sell 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.
- 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.
- The windows and door facing Sheepmarket will be at least 75% clear from signage/decoration giving unobstructed clear views inside/outside
- Any tobacco products will only be stored in a display unit or cabinet behind the counter area/till area
- 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 persons known as Haiman Fatah Mohamad and Hasan Pispar will not be permitted to attend upon the Premises in any capacity and are to have no involvement whatsoever in the running of the Company or the Premises.
- Not to transfer the shareholding in the Company without providing Lincolnshire Police with at least 14 days' notice of the intent to alter the shareholding and providing the details including name, address and date of birth of the potential new shareholder.

The Panel acknowledge that the Licensing Regime is intended to be light touch but the Applicant may wish to be mindful that the Licence can be subject to Review at any time and in light of the fears presented by both the Police and persons making representations it seems highly likely that the Police and other Responsible Authorities may seek to check compliance with the conditions.

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 holders of the licence and any person who made relevant representations are the parties who are permitted to bring an appeal.

Signed: Councillor J Tyrrell (Chairman of the Panel)

Date: 18 December 2024



