

## LICENSING ACT 2003

**TO CONSIDER AN APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003 DELI MINI MARKET LTD, 12A SHEEP MARKET, SPALDING PE11 1BE.**

### PRESENT

<b>Members of the Panel:</b>
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Councillor J Tyrrell (Chairman) Councillor A Beal Councillor M Geaney
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<b>Officers:</b>
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H Lawson (Licensing Officer) H Wright (Licensing Officer)
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<b>In attendance:</b>
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D Naghen (Maples Solicitors (legal advisor to the Panel)) D Dadds (Counsel for Applicant) Z Cagdas (Director of Premises Licence Holder and DPS)
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The Panel considered an application to vary a Premises Licence under the Licensing Act 2003 for Deli Mini Market Ltd, 12A Sheep Market, Spalding, PE11 1BE.

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, in particular sections 34-37 and the Regulations made under it, the section 182 guidance, in particular paragraphs 2.1, 2.8, 9.12 and 11.24-11.28 and the Licensing Authority's Statement of Licensing Policy.

The Premises Licence for these premises was granted by the Panel in the face of Police objections to the grant of the licence. The condition that the Applicant was applying to change had in fact been imposed at the suggestion of the Applicant to allay fears as to the involvement of an individual with significant links to criminal behaviour.

The Panel were pleased to hear that there have been no issues raised as to the current running of the premises. It must be borne in mind that during this period of just under 6 months that the individual that the application relates to has been prohibited from attending the Premises. It may be observed that the current conditions are working.

The individual that the Applicant seeks to employ has a history of links to criminality dating back to 2011, covering different areas of the country including having served a prison sentence as recently as 2023 for offences relating to illegal cigarettes. The

Panel is not imposing any further punishment upon the individual however it needs to consider what is appropriate to promote the licensing objectives. Whilst the individual concerned may feel that he has been rehabilitated and the Panel acknowledges the importance of rehabilitation the risks in this case are too great. The Panel notes that there are many other jobs that the individual could hold that do not involve him working on licensed premises.

The effect of the application to vary would be to allow this individual access to the premises but only under supervision. The Panel considered that the individual has proved adept at concealing matters including illicit items being found at his home address at a time that the DPS was not present and the previous cases also make reference to concealed hides operated by an electronic fob. Whilst the DPS believes that the individual could be supervised these are premises that are open from 7am to 11pm every day. The Panel do not feel that the supervision could alleviate the risks that exist relating to this individual as there is a considerable risk that he will find a way to evade the supervision. As a technical point there is nothing to prevent him being employed by the Company that holds the Premises Licence it is simply that he cannot be employed in a management or ownership capacity and cannot attend on the Premises.

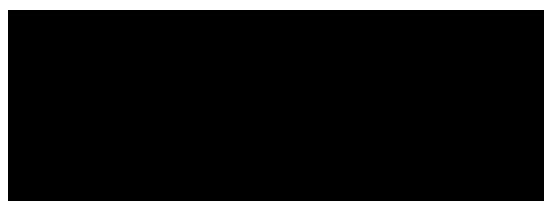
Whilst there may be CCTV at the premises this does not prevent wrongdoing and only provides a potential source of evidence if the licensing objectives have been breached. The job of the Panel is to take steps appropriate for the promotion of the licensing objectives.

The Panel considered whether there was any package of conditions that would promote the licensing objectives and allow the individual access to the premises and concluded that the risks to the licensing objectives been undermined was too great considering the history of the individual involved. The Application is therefore rejected.

## **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 J Tyrrell (Chairman of the Panel)**  
**Date:**                         **5 June 2025**





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