



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Alcohol, Entertainment and Late Night Refreshment Licensing Sub-Committee

21 August 2020

ENV 762



Licensing Act 2003: Variation of an existing Premises Licence, Green Lane Superstore, 10 Green Lane, Stamford PE9 1HE

Sub-Committee meeting to decide if a hearing can be dispensed with.

Report Author

Chris Clarke, Licensing Officer



01476 406080



licensing@southkesteven.gov.uk

Corporate Priority:

Administrative

Decision type:

Regulatory

Wards:

Stamford All Saints

Reviewed by:

Pam Robinson, Senior Licensing Officer

28 July 2020

Recommendation (s) to the decision maker (s)

That the committee decides whether it agrees with the applicant and Lincolnshire Police that a hearing is not necessary and can be dispensed with.

The options available to the Committee are detailed at item 2.

1 The Background to the Report

- 1.1 An application for the variation of an existing premises licence (4425) under the Licensing Act 2003 for Green Lane Superstore, 10 Green Lane, Stamford PE9 1HE, was received by the Licensing Team on 15 June 2020. **(Appendix 1)**
- 1.2 The application was to vary the existing premises licence which had restricted hours under the old licensing legislation and bring the sale of alcohol hours in line with the current opening hours.
- 1.3 The application was accepted by Mr Clarke as duly made. Copies of the application form were sent to all the Responsible Authorities.
- 1.4 The application was not duly advertised in the correct newspaper and therefore the last date for representations was extended to 3 August 2020.
- 1.5 On 27 July 2020 representations were received by Lincolnshire Police. Within that representation it shows the police and applicant agreed to replace the current licensing objectives on the existing licence, to those contained in the representation. **(Appendix 2)**
- 1.6 The Police feel these conditions would fully promote the Licensing Objectives and make for an effective, streamlined premises licence, which would be easier to implement and enforce for all those involved.
- 1.7 A confirmation email was received from the applicant on 28 July that they agreed to all suggestions made by the police. **(Appendix 3)**
- 1.8 Please note there were no objections to the original request that the alcohol hours be extended to the times of the opening hours of the premises, 06:00 – 23:00 hrs, Monday to Sunday.

2 Options available to the Committee

- 2.1 That the Alcohol, Entertainment and Late-Night Refreshment Licensing Committee consider the representations made to the application by Lincolnshire Police and the subsequent amendments made to the application in agreement with the Police and the applicant and determine whether they agree that a hearing is not necessary and can be dispensed with, bearing in mind the four licensing objectives.
The Prevention of Crime and Disorder.
Public Safety.
The Prevention of Public Nuisance.
The Protection of Children from Harm.
- 2.2 The licensing authority should give appropriate weight to;
The steps appropriate to promote the licensing objectives.
The amendments presented by the parties.
The guidance issued under section 182 of the licensing Act 2003.
South Kesteven District Council's Licensing Policy.
- 2.3 Should the committee not agree that the hearing can be dispensed with then a date for the hearing must be set and the applicant and Police notified of the decision.

3 Financial Implications

- 3.1 There are no specific financial implications associated with this report, however, in the event of the applicant, a Responsible Authority or another party making an appeal against a decision which was then subsequently upheld, the council may incur additional legal costs.

Financial Implications reviewed by: Richard Wyles, Interim Director of Finance

4 Legal and Governance Implications

- 4.1 When determining whether a hearing is necessary, the Committee should consider the guidance issued under Section 182 of the Licensing Act 2003 and the District Council's own statement of Licensing Policy.

Legal Implications reviewed by: Mandy Braithwaite, Legal Executive

5 Equality and Safeguarding Implications

- 5.1 Not applicable.

6 Risk and Mitigation

- 6.1 Not applicable.

7 Community Safety Implications

- 7.1 Not applicable.

8 Appendices

Appendix 1 - Application form.

Appendix 2 - Representation from Police.

Appendix 3 - Correspondence from applicant agreeing to police recommendations.

9 Background Papers

- a. Statement of Licensing Policy 6 January 2016.
www.southkesteven.gov.uk/licensingpolicy
- b. Guidance to Applicants
<http://www.southkesteven.gov.uk/index.aspx?articleid=8303>
- c. Guidance issued under section 182 of the Licensing Act 2003.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf