



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

**Alcohol, Entertainment and Late
Night Refreshment Licensing
Committee**

3 July 2020

ENV 754



**Licensing Act 2003: Review of Premises Licence –
Today’s Extra, 50 Kesteven Road, Stamford**

Hearing to determine the application for the review of a premises licence – Today’s Extra, 50 Kesteven Road, Stamford.

Report Author

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Corporate Priority:	Decision type:	Wards:
Administrative	Regulatory	Stamford St George's

Reviewed by:

Anne-Marie Coulthard, Head of Environmental

9 June 2020

Recommendation (s) to the decision maker (s)

It is recommended that the Alcohol, Entertainment and Late-Night Refreshment Committee (“the Committee”) consider the application for a review of the premises licence relating to the premise known as, Today’s Extra, 50 Kesteven Road, Stamford.

1 The Background to the Report

- 1.1 On Tuesday, 12 May 2020 an application for the review of the premises licence for Today's Extra was received from Lincolnshire Police via email. Appendix 1.
- 1.2 The application to review relates to the following licensing Objectives:
- The prevention of crime and disorder
 - Public safety
 - The protection of children from harm
- 1.3 Lincolnshire Police allege to have acquired evidence in relation to a number of offences –
- I. That the business has employed an illegal worker, someone who is in the country legally but who has not been granted the right to work.
 - II. That the business has been non-compliant in regards to the Annex 2 premises licence conditions. Appendix 2.
- 1.4 Included with the application for review is a witness statement of Sgt Kimble J Enderby which details the events of the joint visit between Lincolnshire Police and Home Office Immigration Officers carried out on 12 March 2020 and a copy of a redacted Immigration Officer interview. These can be found attached to this report at appendices 3 and 4 respectively.
- 1.5 The current licence holder Arumugam Kalamohan, has held the premises licence for these premises since November 2013.

2 Options available to the Committee are:

- a) modify the conditions of the licence;
- b) exclude a licensable activity from the licence;
- c) remove the designated premises supervisor;
- d) suspend the licence for a period not exceeding 3 months; or
- e) revoke the licence.

2.1 If the Committee decides that none of the above steps are necessary, then it need take no action.

2.2 The guidance issued under Section 182 of the Act is:

"In deciding which of these powers to invoke, it is expected that licensing authorities should, so far as possible, seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response."
(Paragraph 11.20 at page 92 of the Guidance Issued under S182 of the Act.)

The Committee should therefore take a stepped approach to the problem and the Committee should assess the evidence to seek to understand the cause of the problem.

3 Financial Implications

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

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

4 Legal and Governance Implications

- 4.1 The Licensing Act 2003 provides a procedure whereby a premises licence can be reviewed at any time on the application of an interested party or a responsible authority. On receipt of an application for review of a licence, the council is obliged to hold a hearing to consider the application. In determining the application, the Committee should consider the guidance issued under S182 of the Act and the Council's own statement of licensing policy, together with all representations. The decision of the Committee should be no more than an appropriate and proportionate response to the concerns raised.

Legal Implications reviewed by: Mandy Braithwaite, Legal Executive

5 Equality and Safeguarding Implications

Not applicable.

6 Risk and Mitigation

Not applicable.

7 Community Safety Implications

- 7.1 The prevention of crime and disorder is an objective of the Licensing Act 2003.

8 Appendices

Appendix 1 - Application for review

Appendix 2 - Premises licence

Appendix 3 - Sgt Enderby witness statement

Appendix 4 - Redacted Immigration interview

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