



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

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

Friday 13 August 2021

ENV 785



**Licensing Act 2003: Application for a Variation of a Premises  
Licence – The Pantry, 6a Market Place, Corby Glen, NG33 4NH**

**Licensing Committee** to determine an application for a variation premises licence

**Report Author** Chris Clarke, Licensing Officer



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Corporate Priority:	Decision type:	Wards:
<b>Healthy and Strong Communities</b>	<b>Regulatory</b>	<b>All Wards</b>

**Reviewed by:**

Heather Green, Licensing Team Leader

21 July 2021

**Recommendation (s) to the decision maker (s)**

That the Alcohol, Entertainment and Late-Night Refreshment Committee consider this application for a variation of the premises licence at a premises known as The Pantry, 6a Market Place, Corby Glen, NG33 4NH and, the views of the representations made by members of the public 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

# 1 The Background to the Report

- 1.1 On 14th June 2021, an application was received by the Licensing team for a variation of the premises licence for The Pantry at 6a Market Place, Corby Glen. The application was processed and forwarded to all the responsible authorities. The consultation period of 28 days expired on 14<sup>th</sup> July 2021. **(Appendix 1)**
- 1.2 The application is to vary:
- a) Supply of alcohol on Fridays between June until September, 18:00 until 23:00
  - b) Anything of a similar description to that falling within (e), (f) or (g), namely unamplified music played from a speaker on Fridays from 18:00 until 23:00.
- 1.3 During the consultation period the authority received 2 representations mainly relating to Noise from music and guests leaving the premise. One of the representations has since been withdrawn. The full details of all representations and the withdrawal can be found in **Appendix 2 A to C.**
- 1.4 No representations were received from Lincolnshire Police, Environmental Health or Planning or from any other responsible authority.
- 1.5 In 2013 a premise licence application was granted to allow them to sell alcohol between the hours of 08:30 until 19:30 Monday through to Saturday. A copy of the premises licence can be found in **Appendix 3.**
- 1.6 The Licensing Team have not received any licensing related complaints.
- 1.7 Licensing Officers have the delegated authority to decide whether a representation is relevant, vexatious or frivolous however, Section 9 of the Revised Guidance issued under section 182 of the Licensing Act 2003 states:

***9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.***

# 2 Options available to the Committee

- 2.1 Where relevant representations are made, the authority must: -
- i. Hold a hearing to consider them, unless the authority, the applicant and each person who has made such representation agree that a hearing is unnecessary, and
  - ii. Have regard to the representations, take such steps mentioned below (if any) as it considers necessary for the promotion of the licensing objectives.

The steps are:

- iii. Grant the variation as applied for subject to conditions that are consistent with the operating schedule modified to the extent that the Committee consider appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003
- iv. Modify the conditions of the licence

v. Reject the whole or part of the variation application

2.2 The licensing authority should give appropriate weight to;

- ❖ The steps that are appropriate to promote the licensing objectives
- ❖ The representation (including supporting information) presented by the parties.
- ❖ The guidance issued under section 182 of the Licensing Act 2003.
- ❖ South Kesteven District Council's Licensing Policy.

2.3 The guidance issued under Section 182 of the Licensing Act 2003 states at 9.37 that;

“As a matter of practice, Licensing Authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation.

They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practical time limits.

### **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, Director of Finance**

### **4 Legal and Governance Implications**

4.1 This is an application to vary a premises licence under S34 of the Licensing Act 2003. The Committee should consider whether the proposed variation is likely to impact on the promotion of the licensing objectives which are set out in the recommendations above

4.2 In reaching the decision the Committee must have regard to all representations and supporting documents provided by the parties; the guidance issued under S182 of the Licensing Act 2003 and the Council's own statement of licensing policy.

4.3 Any decision must be a proportionate response to meet the four licensing objectives.

**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 Community Safety implications will be considered in accordance with the licensing objectives and the duty to consider in accordance with S17 of the Crime and Disorder Act 1998.

### **8 Appendices**

1. Application to vary a premises licence

2. Representation from Mr & Mrs Anderson  
Representation from Nicola Sandon  
Withdrawal of representation from Nicola Sandon

3. Premises licence

## **9 Background Papers**

- 9.1 Statement of Licensing Policy 6 January 2016

[www.southkesteven.gov.uk/licensingpolicy](http://www.southkesteven.gov.uk/licensingpolicy)

- 9.2 Guidance to applicants

<http://www.southkesteven.gov.uk/index.aspx?articleid=8303>

- 9.3 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](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)