



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

Alcohol, Entertainment and Late Night Refreshment  
Licensing Committee

17<sup>th</sup> September 2021



ENV 790

**Licensing Act 2003: Application for a Premises Licence – Jorge Fine Foods,  
The Grange, Unit 2, School Lane, Sedgebrook, Lincolnshire, NG32 2ES**

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

**Report Author** Chris Clarke, Licensing Officer



01476 406080



licensing@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Healthy and Strong Communities	Regulatory	All Wards

**Reviewed by:**

Heather Green, Licensing Team Leader

10 September 2020

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

That the Alcohol, Entertainment and Late Night Refreshment Committee consider this application for a new premises licence at a premises known as Jorge Fine Foods, The Grange, Unit 2, School Lane, Sedgebrook, Lincolnshire, NG32 2ES 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 29<sup>th</sup> June 2021 an application was received by the Licensing team for a new premises licence for a convenience store and off-licence at the above location. The application was processed and forwarded to all the responsible authorities. The consultation period of 28 days expired on 27<sup>th</sup> July 2021. **(Appendix 1)**
- 1.2 The application is for:
- Supply of alcohol 10:00 – 22:30, Mon to Thurs & Sun, 10:00 – 00:30 Fri & Sat.
  - Provision of Live Music 18:00 – 23:30, Mon to Sun.
  - Late night Refreshment 23:00 – 00:30, Fri – Sun.
- 1.3 During the consultation period the authority received several representations mainly relating to parking, opening hours and noise from the premises, **\*all but one of these representations have been withdrawn\***. **(Appendix 2)**
- 1.4 One representation by way of observation has been received from Planning. As the unit requires planning permission to be used as a deli. **(Appendix 3)** No further representations were received from Lincolnshire Police, Environmental Health or from any other responsible authority.
- 1.5 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: -
- 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
  - Having 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:

- Grant the licence subject to conditions that are consistent with the operating schedule modified to the extent that the Committee considered appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003
- Exclude from the scope of the licence a licensable activity to which the application relates.
- Refuse to specify a person in the licence as a Premises supervisor. (DPS)

vi. Reject the 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 for a new premises licence under S17 of the Licensing Act 2003. The Committee should consider whether the application is likely to impact on the promotion of the licensing objectives. In reaching the decision the Committee should consider, the steps that are appropriate to promote the licensing objectives, the representation (including supporting information) presented by the parties, the guidance issued under S182 of the Licensing Act 2003 and the Councils 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 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 for a premises licence
2. Representation from Interested parties
3. Observation from Planning

## **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)