



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Alcohol, Entertainment and Late-Night Refreshment Licensing Committee

9th September 2022

ENV826

Report of Chris Clarke, Licensing
Officer

Licensing Act 2003: Application for a New Premise Licence – Newton Convenience Store, 16 St Catherines Road, Grantham, NG31 6TT

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Purpose of Report

Committee to determine an application for a premises licence.

Recommendations

That the Alcohol, Entertainment and Late-Night Refreshment Committee consider this application for a new premise licence at a premises known as Newton Convenience Store, 16 St Catherines Road, Grantham, NG31 6TT and the views of the representations made by Lincolnshire Police, as a responsible authority, 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.

Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Healthy and Strong Communities

Which wards are impacted? All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no specific financial implication 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.

Legal and Governance

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.

Diversity and Inclusion

- 1.2 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.

Is an Equality Impact Assessment required? No

Community Safety

- 1.3 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

2. Background to the Report

- 2.1 On 22nd July 2022 an application was received for a new premise licence for Newton Convenience Store at the above location (Appendix 1). The application was processed and forwarded to all the responsible authorities.
- 2.2 The Application was for:
- a) Supply of alcohol 07:00 – 23:00, Monday until Sunday
- 2.3 Statutory consultation was applied. The consultation period of 28 days expired on 19th August 2022.
- 2.4 No representations were received from members of the public. One was received from Lincolnshire Police, none from any of the remaining responsible authorities.
- 2.5 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.***

3. Key Considerations

- 3.1 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. 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:

- iii. 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 promotion of the licensing objectives and any mandatory conditions that must be included under the Licensing Act 2003.

- iv. Exclude from the scope of the licence a licensable activity to which the application relates.
- v. Refuse to specify a person in the licence as a Premises Supervisor. (DPS)
- vi. Reject the application.

4. Reasons for the Recommendations

4.1 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 Councils Licensing Policy.

4.2 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.”

5. Consultation

5.1 The statutory consultation has taken place from 23rd July 2022 until 19th August 2022. During this time one representation was received from Lincolnshire Police. **(Appendix 2)**

6. Background Papers

6.1 [Statement of Licensing Policy 1st April 2021](#)

6.2 [Guidance to Applicants](#)

6.3 [Guidance issued under section 182 of the Licensing Act 2003](#)

7. Appendices

- 7.1 Appendix 1 – Application for a Premise Licence
- Appendix 2 – Representation from Lincolnshire Police Licensing