



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Alcohol, Entertainment and Late-Night Refreshment Licensing Committee

24th April 2024

ENV 880

Report of Chris Clarke, Licensing
Officer

Licensing Act 2003: Application to transfer a Premise Licence

– The Old Ship Inn, 22 High Street, Pointon, Sleaford,
Lincolnshire, NG34 0LX.

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Purpose of Report

Committee to determine an application to transfer a premises licence.

Recommendations

That the Alcohol, Entertainment and Late-Night Refreshment Committee consider this application to transfer a premise licence at a premise known as The Old Ship Inn, 22 High Street, Pointon, Sleaford, NG34 0LX, the views of the representations made by the responsible authorities 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Does the report contain any exempt or confidential information not for publication?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 wards

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

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 transfer of a premises licence under S42 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.

Is an Equality Impact Assessment required? No

Community Safety

1.1 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

2. Background to the Report

2.1 On 12th March 2024 an application was received by the Licensing team to transfer a premise licence 5065 for The Old Ship Inn at the above location (**Appendix 1**). The application was processed and forwarded to all the responsible authorities.

2.2 Section 43 the Licensing Act 2003 provides a mechanism which allows the transfer to come into immediate effect as soon as the Licensing Authority receives it, until it is formally determined or withdrawn. The applicant has indicated on the application for the transfer to have immediate effect.

2.3 Statutory consultation was undertaken, with the consultation period of 14 days expiring on 26th March 2024

2.4 During the consultation period the authority received one representation, this was from Lincolnshire Police (**Appendix 2 A to G**), the reasons for representation are as follows: -

- Employment of illegal workers
- Breaches of the premise licence

2.5 No representations were received from any of the other responsible authorities, nor from any members of the public.

2.6 Section 182 Guidance issued by the Home Office relating to transfer of premises licence states:

8.101 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

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 application 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.

iv. Reject the whole or part of 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 Statutory 14 day consultation has taken place from 12th March 2024 until 26th March 2024. During this time one representation was received from Lincolnshire Police.

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 to transfer a Premise Licence.
Appendix 2 – Representation from Lincolnshire Police.