



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Alcohol, Entertainment and Late-Night Refreshment Licensing Committee

6th December 2024
ENV 893

Report of Elizabeth Reeve, Licensing
Officer

Licensing Act 2003: Application for a New Premise Licence – Ramin Off Licence, 10 Wharf Road, Grantham, Lincolnshire, NG31 6BA.

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Purpose of Report

Committee to determine an application for a new premises licence.

Recommendations

That the Alcohol, Entertainment and Late-Night Refreshment Committee consider an application for a new premise licence at a premise known as Ramin Off Licence, 10 Wharf Road, Grantham, Lincolnshire NG31 6BA, and the views of the representation made by any 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Does the report contain any exempt or confidential information not for publication?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

- 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

- 1.2 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

- 1.3 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 The premise previously benefitted from an alcohol licence under the name 'Max Off Licence', from 10/04/2019 to 30/05/2024. This licence was revoked by the Alcohol, Entertainment and Late-Night Refreshment Licensing Committee on 16th June 2023, following a review application being submitted by Lincolnshire Police.
- 2.2 This review included evidence of several instances of underage sales and non-compliance of licence conditions. Licensing Committee concluded that the Licence holder was unable to prove they were an appropriate person to hold such a licence. A copy of the report, appendices, decision notice and minutes of that meeting are included as a link in Background Papers.
- 2.3 The applicant appealed this decision (thereby allowing them to continue licensable activities whilst in the appeal stages). The appeal was subsequently withdrawn via a consent order, and therefore the revocation of the premise licence took effect on 30th May 2024.
- 2.4 On 11th October 2024 an application was received by the Licensing team for a new premise licence at the above location (**Appendix 1**). The application was submitted by an agent, on behalf of an individual that was stated to have no connection to the old operation of the premises and was experienced in the off-sale industry. The application was processed and forwarded to all the responsible authorities. Statutory consultation was undertaken, with the consultation period of 28 days expiring on 8th November 2024

3. Key Considerations

- 3.1 During the consultation period the authority received one representation, this was from Lincolnshire Police (**Appendix 2**), the reasons for the representation include the following
 - Concerns regarding the previous premises licence holder still having a connection with the running of the premises and not the new applicant
 - Concerns over items for sale within the shop such as drug paraphernalia and equipment
 - The applicants previous experience of running a licensed premises:
 - Lack of understanding of the licensing objectives
 - Lack of understanding regarding the operating procedures that they offered in the application
 - Their lack of understanding and knowledge of the roles and responsibilities that come with being a Premises Licence Holder and Designated Premises Supervisor, including required employer checks and business management.
- 3.2 No other representations were received.
- 3.3 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.

- 3.4 It was not felt that the representation submitted by Lincolnshire Police fell within the delegated authority.
- 3.5 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. 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 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 11th October 2024 until 8th November 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](#)
- 6.4 [Background papers on revocation of previous licence in place](#)

7. Appendices

- 7.1 Appendix 1 – New Application for a Premises Licence submitted
Appendix 2 – Representation from Lincolnshire Police