

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

19 April 2022

Chairman: To Be Appointed

Venue: Room F01e,
Conference Room,
Church Square House,
Scunthorpe, DN15 6NL

Time: 9.30 am

E-Mail Address:
matthew.nundy@northlincs.gov.uk

AGENDA

1. Appointment of Chairman.
2. Declarations of disclosable pecuniary interests, personal or personal and prejudicial interests, and significant contact with applicants, objectors or third parties (lobbying), if any.
3. Licensing Act 2003 - Application for the Review of a Premises Licence at H A Stores, 11 Henderson Avenue, Scunthorpe, DN15 7RL (Pages 1 - 38)
4. Licensing Act 2003 - Application for the Review of a Premises Licence at Boozemaster, 149-153 Frodingham Road, Scunthorpe, DN15 7JR (Pages 39 - 80)
5. Licensing Act 2003 - Application for the Review of a Premises Licence at LUXE Salon, 69 Doncaster Road, Scunthorpe, DN15 7RG (Pages 81 - 120)
6. Any other items which the chairman decides are urgent by reason of special circumstances which must be specified.

NOTES: Enclosed in these papers are –

- (a) Information to accompany the notice of hearings, including the procedure to be followed at meetings.
- (b) A counter-notice to be completed and returned to the aforementioned email address above, by 7 April 2022.
- (c) All appropriate and available documentation required at the time of notice.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

In the interests of timely, efficient and cost effective decision making the Authority strongly urges all parties involved in any hearing to ensure that they provide advance disclosure between the parties of any information on which they intend to rely at any hearing. Failure to do so may lead to discussions over the admissibility of such information and/or the adjournment of the hearing.

1. Right of Attendance

A party attending the hearing may be assisted or represented by any person whether or not that person is legally qualified.

2. Representations and Supporting Information

2.1 A party at the hearing shall be entitled to –

- a) give further information in response to the points raised (if any) under point 5 of this information. Any documents upon which you intend to rely should be served with the Counter-notice¹
- b) address the authority, and
- c) if given permission by the authority, question any other party.

2.2 A party who wishes to withdraw any representations they have made may do so -

- a) by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held, or
- b) orally at the hearing

3. Failure to attend the Hearing

- a) Where a Party informs the Authority that they do not intend to attend the hearing, then the hearing may proceed in their absence.
- b) Where a party has not so indicated and fails to attend or be represented at the hearing the Authority may –
 - (i) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (ii) hold the hearing in the party's absence.
- c) Where the Authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

¹ Papers served on the day of the hearing will only be considered if all parties to the hearing consent. If the document is particularly long or complex, this may lead to the hearing being adjourned.

- d) Where the Authority adjourns the hearing to a specified date it shall forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

4. Procedure at Hearing

1. Opening remarks and formalities, introduction by the Democratic Services Officer
2. Chairman is elected, opens meeting and explains procedure to parties present
3. Summary of the application by the Licensing Officer
4. Applications (including any applications for supporting persons to be allowed to address the Sub-Committee² and applications for adjournment)
5. Presentation by Applicant for the Review (opportunity to present case, call parties in support and produce documents: maximum 20 minutes)
6. Questions (by Members)
N.B³
7. Relevant Representations (opportunity to present case, call parties in support and produce documents: maximum 20 minutes per party).
 - a) Police
Followed by Questions by Members
 - b) Other Responsible Authorities
Followed by Questions by Members
 - c) Interested Parties
Followed by Questions by Members
8. Presentation by Premises Licence Holder (or their representative) (opportunity to present case, call parties in support and produce documents: maximum 20 minutes)
9. Questions to Premises Licence Holder (or their representative) (by Members).
10. Clarification of any issues arising by the Licensing Officer, if required, followed by questions by members if necessary.
11. Summary by Applicant for the Review: maximum 5 minutes
12. Summary by Parties making Relevant Representations: maximum 5 minutes per party
13. Summary by Premises Licence Holder (or their representative): maximum 5 minutes
14. All parties withdraw from hearing to allow members to consider the matter. (They may call in the Solicitor to help draft reasons for the decision. Any other advice must be repeated in open forum. If members need to seek clarification from any party, they will return to the meeting).
15. After consideration, Members return and the decision, including any conditions and reasons, is announced.

² Regulation 8(2) states that where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, permission must be requested from the authority in the counter notice, for such a person to appear. Details of the name of the person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request, will be required.

³ Regulation 23 states that cross examination by other parties shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, applications or notice as the case may require

16. All parties are informed of their right and time permitted to appeal the sub-committee's decision.
17. Meeting is closed or, if applicable, the next hearing begins..

5. Points upon which the authority requires clarification

If the Local Authority wish you to clarify certain points/issues arising from your application/objection this will be indicated under point 7 of the Committee Report.

6. Powers to extend time limits/adjourn the hearing

- a) The relevant parties must notify the Authority if they consider that the time limits set out in the procedure of hearing will not be sufficient.
- b) The Authority may extend the time limits if it believes that it shall be in the public interest to do so and shall forthwith give notice to the parties stating the period of the extension and the reason for it.
- c) The Authority may adjourn a hearing to a specified date or arrange for a hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party.
- d) Where the Authority adjourns the hearing to a specified date or additional dates, the parties must be notified forthwith of the date, time and place to which the hearing has been adjourned.

7. Right to dispense with hearing if all parties agree

- (1) The Authority may dispense with holding a hearing if all relevant persons agree that such a hearing is unnecessary and that they have given notice to the Authority that they consider a hearing to be unnecessary.
- (2) Where all relevant persons agree that a hearing is unnecessary and have given notice of this then the Authority shall forthwith give notice to all parties that the hearing has been dispensed with.

8. Hearing to be in public

- 8.1 The hearing shall place in public, however;
- 8.2 The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- 8.3 For theses purposes a party and any person assisting or representing a party may be treated as a member of the public.

9. Disruptive behaviour

The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may-

- (a) refuse to permit that person to return, or
- (b) permit him to return only on such conditions as the authority may specify, but such person may, before the end of the hearing, submit to the authority in writing any information, which they would have been entitled to give orally had they not been required to leave.

10. Record of proceedings

The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. **NB** ⁴

⁴ It is the Councils policy to tape record the proceedings of the Licensing sub-committee. Only the open part of the hearing shall be recorded. The tape recording shall then be kept in a secure environment.

COUNTER NOTICE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
H A STORES, 11 HENDERSON AVENUE, SCUNTHORPE, DN15 7RL**

(please return this counter notice as a matter of urgency)

To: matthew.nundy@northlincs.gov.uk

From: (Applicant for the Review / Responsible Authority / Premises Licence Holder) (name and address) (please print)

.....
.....
.....

I confirm that I have received the Notice of Hearing for the meeting on **Tuesday 19 April 2022**, commencing at **9:30 am** in the **Conference Room, Church Square House, Scunthorpe**, together with a copy of the procedure which is to be adopted at the Hearing.

Please tick box as appropriate

1. I shall be attending the hearing

2. I shall not be attending the hearing because ¹.....
.....
.....

3. I do not consider a hearing to be necessary because².....

4. I intend to be represented at the hearing by ³.....(name of representative)

¹ See point 3 of the attached Information
² See point 7 of the attached Information
³ See point 1 of the attached Information

5. I request permission for the following supporting person(s) to appear at the hearing⁴:

Name of person(s):

Point(s) the person(s) will be covering:

6. I consider that the application can be dealt with on the date of the hearing

I do not consider that the application can be dealt with on the date of the hearing and would request an adjournment on the following grounds⁵

.....
.....
.....
.....

7. I enclose the full written statements of evidence⁶ upon which I intend to rely

Dated the day of 2022

Signed.....[Applicant for the Review / Responsible Authority / Premises Licence Holder]

Contact address:

Telephone number:

⁴ Evidence given by supporting persons must be seen to assist the authority in relation to the application. Also see point 4, footnote 2 of the attached Information

⁵ See point 6 of the attached Information

PROCEDURE AT REVIEW HEARINGS

1. Opening remarks and formalities, introductions by the Democratic Services Officer.
2. Chairman is elected, opens meeting and explains procedure to all parties present.
3. Summary of the application by the Licensing Officer
4. Applications and Variation of Procedure (includes applications for supporting persons to be allowed to address the committee, applications for adjournment, applications for extension of time limits and consideration of cross examination).
5. Presentation by Applicant for the Review (opportunity to present case, call parties in support and produce documents: maximum 20 minutes).
6. Questions to Applicant for the Review (by Members).
7. Relevant Representations (opportunity to present case, call parties in support and produce documents: maximum 20 minutes per party).
 - a) Police
Followed by Questions by Members
 - b) Other Responsible Authorities
Followed by Questions by Members
 - c) Interested Parties
Followed by Questions by Members
8. Presentation by Premises Licence Holder (or their representative) (opportunity to present case, call parties in support and produce documents: maximum 20 minutes).
9. Questions to Premises Licence Holder (or their representative) (by Members).

10. Clarification of any issues arising by the Licensing Officer, if required, followed by questions by members if necessary.
11. Summary by Applicant for the Review: maximum 5 minutes.
12. Summary by Parties making Relevant Representations: maximum 5 minutes per party.
13. Summary by Premises Licence Holder (or their representative): maximum 5 minutes.
14. Chairman concludes the hearing and all parties leave the room. (The sub-committee may call in the Solicitor to help draft reasons for the decision. Any other advice must be repeated in open forum. If members need to seek clarification from any party, all parties will return to the meeting).
15. Sub-Committee consider decision and the reasons for the decision.
16. Democratic Services Officer will notify all parties of the decision in writing within five working days of the hearing.

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
H A STORES, 11 HENDERSON AVENUE, SCUNTHORPE, DN15 7RL**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to review the Premises Licence for H A Stores. A summary of the application is attached as Appendix A to this report and a copy of the application as Appendix B.
- 1.2 The application to review the Licence has been submitted by the Licensing and Health and Safety Authority. There has been one further representation received, which has been deemed relevant. A copy of this representation is attached as Appendix F.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and North Lincolnshire Council's scheme of delegation, all applications for the Review of a Licence must be determined by the Licensing (Activities) Sub-Committee.
- 2.2 When determining the application, the Sub-Committee should only consider issues which relate to the four Licensing Objectives. The Licensing Objectives are:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of a Public Nuisance
 - The Protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003, our Statement of Licensing Policy and our Cumulative Impact Policy if appropriate. Members of the Sub-Committee may deviate from the Statutory Guidance and Licensing Policies only if they deem that there is good reason to do so. Where Members do deviate from the statutory guidance or policies then full reasons must be provided.

- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.
- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided, which is relevant to the Licensing Objectives.
- 2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the licence
 - To exclude a licensable activity from the scope of the licence
 - To remove the designated premises supervisor
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
 - To take no action
- 2.7 Members of the Sub-Committee should be advised that the applicant for the Review, the holder of the Premises Licence or any other person who made relevant representations in relation to the application may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for review of a Premises Licence for H A Stores was received on 22 February 2022. A copy of the application is attached to the report at Appendix B.
- 3.2 A copy of the application and accompanying documents has been given to the holder of the Premises Licence and to each responsible authority, by the applicant on the same day as the day on which the application for review was given to the Licensing Authority.

4. OUTCOMES OF CONSULTATION

- 4.1 An applicant wishing to review a Premises Licence has to serve a copy of the application form and accompanying documents on the premises licence holder and responsible authorities the same day as the Licensing Authority receives its copy.
- 4.2 The other Responsible Authorities and anybody affected by the premises may join the review.
- 4.3 Ward Councillors have been made aware of the application.

4.4 In relation to this application, there has been one further representation received from Humberside Police, which has been deemed relevant. A copy of this representation is attached as Appendix F.

5. **OUTCOMES OF MEDIATION**

5.1 In accordance with paragraph 29(3) of our Licensing Policy no mediation is carried out on an application for a review.

6. **LICENSING OBJECTIVES & STATUTORY PROVISIONS**

6.1 Prevention of Crime & Disorder

6.1.1 Further information regarding this objective can be found in the Licensing Policy, pages 33-42.

6.1.2 Representations have been received raising concerns with regard to this Objective.

6.2 Public Safety

6.2.1 Further information regarding this objective can be found in the Licensing Policy, pages 43-49.

6.2.2 Representations have been received raising concerns with regard to this Objective.

6.3 Prevention of Public Nuisance

6.3.1 Further information regarding this objective can be found in the Licensing Policy, pages 50-55.

6.3.2 Representations have not been received raising concerns with regard to this Objective.

6.4 Protection of Children from Harm

6.4.1 Further information regarding this objective can be found in the Licensing Policy, pages 56-62.

6.4.2 Representations have not been received raising concerns with regard to this Objective.

7. **FURTHER INFORMATION & CLARIFICATION**

7.1 A copy of the current Licence is attached to the report as Appendix C and a copy of the plan accompanying the Premises Licence is attached as Appendix D. A location plan is attached to the report as Appendix E.

8. RECOMMENDATIONS

- 8.1 That the Sub-Committee determines the application for Review in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant, the premises licence holder and the parties/authorised bodies making relevant representations.
- 8.2 That the Sub-Committee determines the application for review in accordance with the options in paragraph 2.6.
- 8.3 That the Sub-Committee provides the reasons for its decision.

DIRECTOR: ECONOMY AND ENVIRONMENT

Church Square House
Scunthorpe
North Lincolnshire
DN15 6NL

Author: Rachael Edwards
Date: 24 March 2022

Background Papers used in the preparation of this report Nil

Summary of Application

Name of Premises	H A Stores	Type of Application	Premises Licence Review
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Point Number	Detail	Action
1	<p>A review was submitted on 22 February 2022 by the Licensing and Health and Safety Authority, on the grounds of the following Licensing Objectives:</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder • Public Safety <p>The application for review states that Licence Holder has been found to be by-passing the electric meter in one of their licensed premises, which is a criminal offence and also a safety issue.</p>	

Summary of Representations/Conditions Requested (Responsible Authorities)

Point Number	Detail	Action
2	<p>Appendix B – Licensing and Health and Safety Authority. A review was submitted on 22 February 2022 on the grounds of the following Licensing Objectives:</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder • Public Safety <p>Further documentation will be provided by the Licensing and Health and Safety Authority prior to the hearing.</p>	
3	<p>Appendix F – Humberside Police Joined the review on the grounds of The Prevention of Crime and Disorder and Public Safety.</p>	

Summary of Statutory Guidance Issued under s182 of The Licensing Act 2003

Point Number	Detail	Action
4	Page 91-92, paragraph 11.16 – 11.23 – Powers of a licensing authority on the determination of a review	
5	Pages 93-94, paragraph 11.24-11.28 – Reviews arising in connection with crime.	

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Nicholas Bramhill

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description H A Stores 11 Henderson Avenue	
Post town Scunthorpe	Post code (if known) DN15 7RL

Name of premises licence holder or club holding club premises certificate (if known) BA Retail 2014 Ltd

Number of premises licence or club premises certificate (if known) PRM34197

Part 2 - Applicant details

I am

- Please tick yes**
- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing and Health and Safety Authority North Lincolnshire Council PO Box 42 Scunthorpe DN15 6XQ
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

The licence holder has been found to be by-passing the electric meter in one of their licensed premises, which is a criminal offence and also a safety issue.

Please provide as much information as possible to support the application
(please read guidance note 2)

The licence holder has by-passed the electrical meter, resulting in the theft of electricity in a licensed premises. The applicant was obstructive when the officials attended the premises. the theft of electricity is a criminal offence and presents a safety issue to persons working in the premises and visitors.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

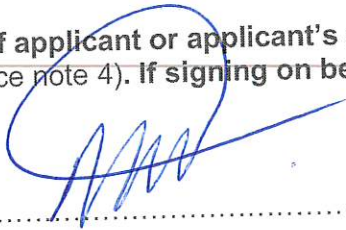
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 22 February 2022

Capacity Assistant Group Manager - Food and Licensing

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

NORTH LINCOLNSHIRE COUNCIL

Schedule 12

PREMISES LICENCE

Premises licence number

PRM34197

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

H A Stores
11 Henderson Avenue
Scunthorpe
North Lincolnshire

Post Town: North Lincolnshire

Post Code: DN15 7RL

Telephone Number: 01724 848840

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale of Alcohol for Consumption Off the Premises

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol for Consumption Off the Premises - Authorised Hours

Monday to Sunday, 06:00 hrs to 22:00 hrs

The opening hours of the premises

Hours Premises Open to the Public

Monday to Sunday, 06:00 hrs to 22:00 hrs

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

Consumption Off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

BA Retail 2014 Ltd
11 Henderson Avenue
Scunthorpe
North Lincolnshire
DN15 7RL

Registered number of holder, for example company number, charity number (where applicable)

09172995

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Bharat Singh
11 Henderson Avenue
Scunthorpe
DN15 7RL

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence issued by **Selby District Council**, Licence Number: **LN00002973**

Annex 1 – Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under this premises licence

a) at a time when there is no Designated Premises Supervisor in respect of this licence, or

b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

Alcohol Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);

(b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Drinks Promotions

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- a) a holographic mark, or
- b) an ultraviolet feature.

Annex 2 – Conditions consistent with the operating Schedule

General Conditions

All members of staff shall be fully trained in their responsibilities with regards to the sale of alcohol. All members of staff shall be retrained every six months.

A written record of this training shall be kept on the premises, which shall be available for inspection on request.

A tamper-proof digital colour CCTV system shall be installed and maintained at the premises.

The CCTV system shall run and record continuously for 24 hours a day, 7 days a week and recorded footage shall be stored for a minimum of 28 days.

The CCTV system shall provide a clear head and shoulders view to an evidential quality on every entry and exit route, till point and within any other vulnerable areas.

Recorded footage shall be provided to a representative of any responsible authority upon request. Such footage shall be provided in an immediately viewable format and shall include any software which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred shall be provided by the premises and sufficient stock of such storage media shall be kept at the premises at all times.

The Designated Premises Supervisor shall ensure that the CCTV system is checked at least once a week by a suitably trained member of staff. The check shall include the operation of cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date.

A written record of the checks, inclusive of a signature of the person conducting the check, shall be kept at the premises at all times and shall be made available to a representative of any responsible authority on request.

The Prevention of Crime and Disorder

Where the Designated Premises Supervisor is not on duty a contact telephone number shall be available at all times.

There shall be clear signage indicating that CCTV equipment is in use.

Public Safety

No conditions

The Prevention of Public Nuisance

A notice placed at the entrance door shall remind customers to leave the Premises quietly and to have consideration for any neighbouring residential properties.

The Protection of Children from Harm

Staff training with regard to age restricted sales of alcohol shall take place upon commencement of employment and therefore after, at least every six months.

The Designated Premises Supervisor (DPS) or duly appointed key member of staff, shall maintain a record of training, with details of the date, names of the staff, the person providing the training and its contents, which shall be completed at the time of the training. The records shall be made available to a representative of any responsible authority on request.

The premises shall operate a “Challenge 25” policy and shall display notices on the premises to bring it to the customer’s attention.

Any persons who appear to be under 25 years of age shall be asked to produce suitable ID, namely Passport, DVLA driving licence photo ID card or a “Pass” approved and hologrammed scheme card.

All electronic tills shall have a prompt in relation to age-restricted products.

A refusals book or electronic log shall be kept at the premises and shall be used to record all refusals to sell alcohol for any reason. The details to be recorded must be as follows:

1. Time , day & date of refusal
2. Item refused
3. Name & address of customer (if given)
4. Description of customer
5. Details of ID offered (if shown)

The refusals book shall be regularly audited by the Designated Premises Supervisor (DPS) or duly appointed Key member of staff to assess employees’ compliance with refusing age-restricted sales and shall be made available to a representative of any responsible authority on request.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

As attached

NORTH LINCOLNSHIRE COUNCIL

Part B

Premises licence summary

Premises licence number

PRM34197

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
HA Stores 11 Henderson Avenue Scunthorpe North Lincolnshire	
Post Town: North Lincolnshire	Post Code: DN15 7RL
Telephone Number: 848840	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Sale of Alcohol for Consumption Off the Premises

The times the licence authorises the carrying out of licensable activities
Sale of Alcohol for Consumption Off the Premises - Authorised Hours
Monday to Sunday, 06:00 hrs to 22:00 hrs

The opening hours of the premises

Hours Premises Open to the Public

Monday to Sunday, 06:00 hrs to 22:00 hrs

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

Consumption Off the Premises

Name, (registered) address of holder of premises licence

BA Stores
11 Henderson Avenue
Scunthorpe
North Lincolnshire
DN15 7RL

Registered number of holder, for example company number, charity number (where applicable)

09172995

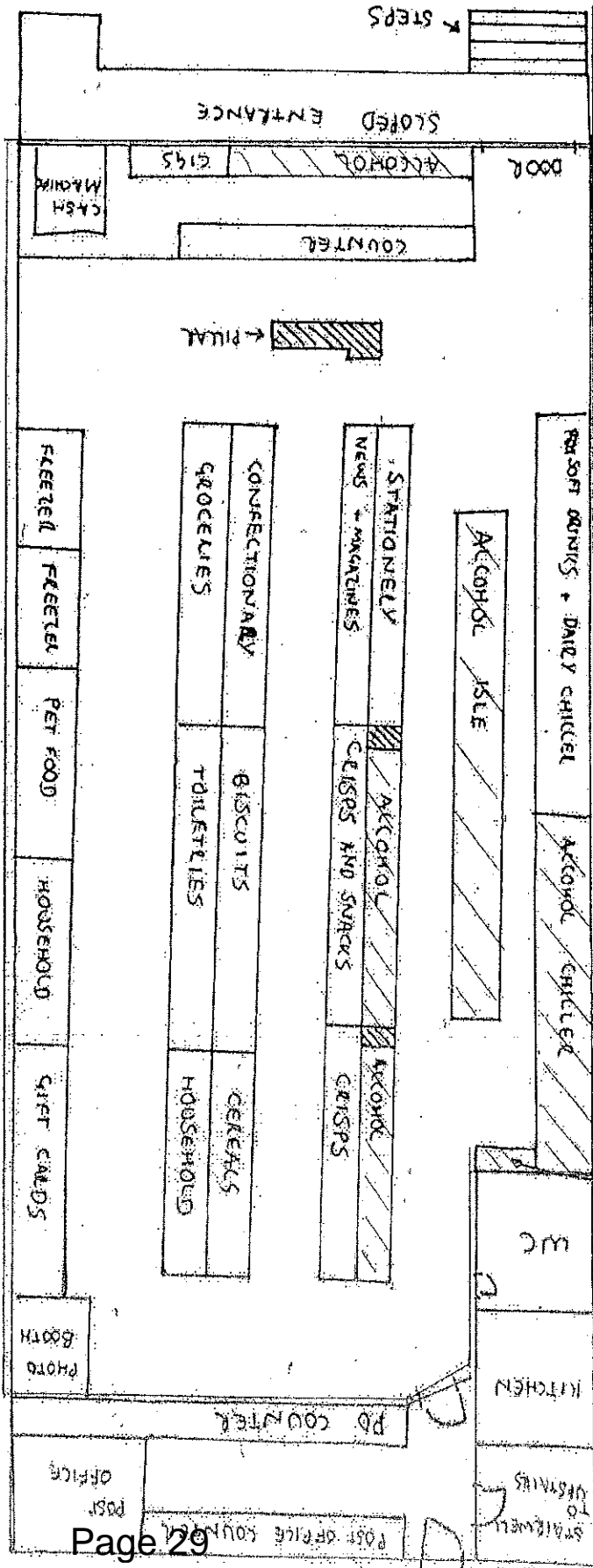
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Bharat Singh

State whether access to the premises by children is restricted or prohibited

Unrestricted

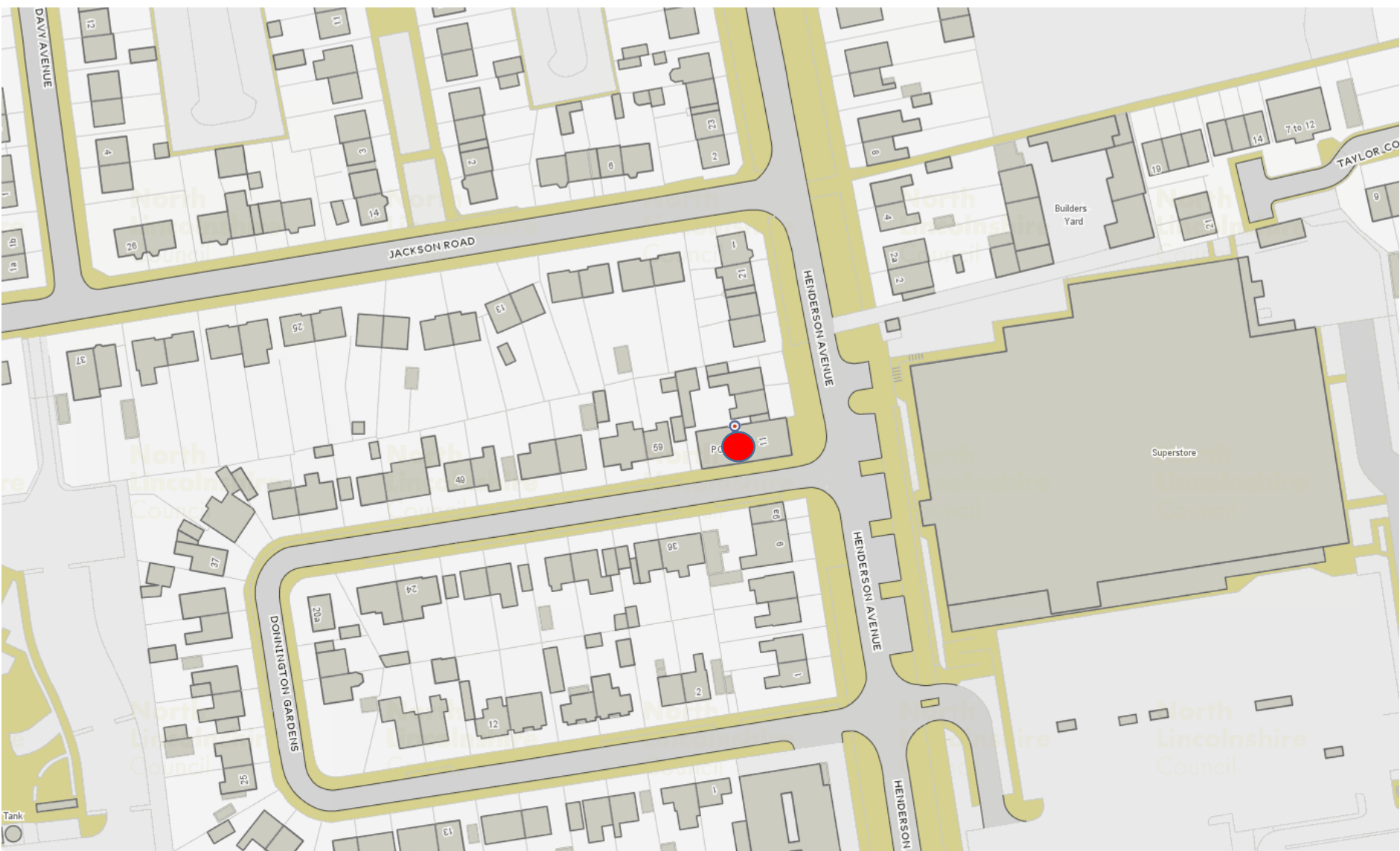
EXTERNAL SHOP AREA



SCALE - 1:100
 [Symbol] = PIVAL

HA STORES
 11 HENDERSON AVENUE
 SCARSDALE
 DN 15 9RL

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CHIEF CONSTABLE OF HUMBERSIDE POLICE

Applicant

-and-

BA RETAIL 2014 LTD

Respondent

**STATEMENT OF
PC 2360 GRANT JOHNSTON**

Introduction

1. My name is PC 2360 Grant JOHNSTON and I am a Licensing Officer in the Licensing Section of the Humberside Police based at Cromwell Road Police Station, Grimsby. I cover the county of North Lincolnshire. I am under the direction and control of the Chief Constable of Humberside Police ('the Chief Constable'). My duties include consideration of the impact of crime and disorder and the Chief Constable's response to licensing matters.
2. I have been a Police Constable since 2005. Prior to taking up my current role in the Licensing Team in July 2021, I worked as a neighbourhood beat officer for Grimsby Town Centre. I am therefore familiar with problems of alcohol related crime and disorder in both in my current and previous roles.
3. The Respondent, BA Retail 2014 Ltd, is the premises licence holder for the premises granted under Part 3 of the Licensing Act 2003 ('the Act') in respect of the premises known as H A STORES & POST OFFICE, situated at 11 HENDERSON AVENUE, SCUNTHORPE, NORTH LINCOLNSHIRE, DN15 7RL. Premises Licence PRM0106 relates to the premises.

4. I make this statement in support of North Lincolnshire Council's application for the review of the premises licence under Section 51 of the Licensing Act 2003 and is in addition to those papers already served on the authority. The information in this statement is either within my personal knowledge or is taken from files maintained by the Chief Constable.

Background

5. The Respondent is the holder of the Premise Licence, having successfully applied for the licence in October 2018, with Bharat Singh applying to be the DPS, who is also one of the company directors.
6. Mr SINGH also holds a Personal Licence issued by Selby District Council, licence number LN00002973. Mr SINGH is the DPS for another licensed premises within the Scunthorpe area, BOOZE MASTER, FRODINGHAM ROAD – Licence number PRM0034 and is linked to LUXE SALON, 69 DONCASTER ROAD – Licence number PRM29954.
7. The premises licence at HA Stores permits the sale of alcohol off the premises from Monday to Sunday, 0600 hours to 2200 hours.
8. The premises is situated in a predominantly a residential area. There is only one other licensed shop on HENDERSON AVENUE.
9. The licence is subject to conditions in addition to those that are mandatory they are listed in Annex 2 of the licence.

History

10. During Mr SINGH's management, British Gas Revenue Protection Officer attended H A STORES as then was no actual meter readings retrieved from the electric meter since AUGUST 2019. But the Revenue Protection Officer was refused entry to inspect the electric meter on the 11th November 2021. A further visit was conducted on 16th November 2021, where entry was allowed and they could see the system had been bypassed and an engineer would need to revisit. A follow up phone call was made to Mr SINGH on 17th November 2021, where he was obstructive towards the Protection Officer.
11. On Wednesday 15th December 2021 British Gas tried to execute a warrant under the Rights of Entry (Gas and Electricity Boards) Act 1954 to examine the electric meter. Again, British Gas Revenue Protection Officers were refused to inspect the electric meter.
12. At 11:00 hours two Police Officers attended H A STORES and spoke with an obstructive male who they believed was Mr SINGH. Mr SINGH refused to allow the British Gas Revenue Protection Officers to read the electric meter despite there being a warrant in place that they were in possession of.
13. Due to Mr SINGH declining access and his obstructive behaviour, a locksmith had to be called in order to gain access. It was necessary for Police officers to remain to prevent a breach of the peace.
14. A further two Police Community Support Officers attended H A STORES because Mr SINGH indicated that he would press his panic button at the store when entry was gained. The premises was then closed due to the electricity being switched off.
15. British Gas Revenue Protection Officers confirmed that the electric meter had been bypassed and that without the correct safety

measures this would put the public's safety at risk when using the shop and Post office.

16. At 13:10 hours all parties left H A STORES after the warrant was executed and a new meter installed.
17. There was no requirement for Police to attend if Mr SINGH had adhered to British Gas Revenue Protection Officer requests. This incident had taken two Police Officers and two Police Community Support Officers away from their normal duties away from serving the community. This was waste of police time and resources due to Mr SINGH declining to comply with the warrant and permit access.

Submissions

18. The view of the Chief Constable is supporting of North Lincolnshire Councils review of this premises and the other premises he is associated with. It is the view of the Chief Constable that Mr Singh is highly likely to continue to undermine the licensing objectives in the future if he was to continue as the DPS, and for the company, or him, to continue running the other premises he is associated with.
19. In this case, Mr Singh has undermined the Licensing objective of Public Safety by bypassing the electricity meter, which could have caused serious injury to those using the store, and the residents in the area.
20. The Chief Constable requests that the Licensing Committee consider the points made within this statement and requests to remove Mr SINGH as being a Personal Licence Holder and a Designated Premise Supervisor.

I believe the contents of this statement to be true.

Signed:
PC Grant Johnston

Dated: ...11/03/2022.....

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INFORMATION TO ACCOMPANY NOTICE OF HEARING

In the interests of timely, efficient and cost effective decision making the Authority strongly urges all parties involved in any hearing to ensure that they provide advance disclosure between the parties of any information on which they intend to rely at any hearing. Failure to do so may lead to discussions over the admissibility of such information and/or the adjournment of the hearing.

1. Right of Attendance

A party attending the hearing may be assisted or represented by any person whether or not that person is legally qualified.

2. Representations and Supporting Information

2.1 A party at the hearing shall be entitled to –

- a) give further information in response to the points raised (if any) under point 5 of this information. Any documents upon which you intend to rely should be served with the Counter-notice¹
- b) address the authority, and
- c) if given permission by the authority, question any other party.

2.2 A party who wishes to withdraw any representations they have made may do so -

- a) by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held, or
- b) orally at the hearing

3. Failure to attend the Hearing

- a) Where a Party informs the Authority that they do not intend to attend the hearing, then the hearing may proceed in their absence.
- b) Where a party has not so indicated and fails to attend or be represented at the hearing the Authority may –
 - (i) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (ii) hold the hearing in the party's absence.
- c) Where the Authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

¹ Papers served on the day of the hearing will only be considered if all parties to the hearing consent. If the document is particularly long or complex, this may lead to the hearing being adjourned.

- d) Where the Authority adjourns the hearing to a specified date it shall forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

4. Procedure at Hearing

1. Opening remarks and formalities, introduction by the Democratic Services Officer
2. Chairman is elected, opens meeting and explains procedure to parties present
3. Summary of the application by the Licensing Officer
4. Applications (including any applications for supporting persons to be allowed to address the Sub-Committee² and applications for adjournment)
5. Presentation by Applicant for the Review (opportunity to present case, call parties in support and produce documents: maximum 20 minutes)
6. Questions (by Members)
N.B³
7. Relevant Representations (opportunity to present case, call parties in support and produce documents: maximum 20 minutes per party).
 - a) Police
Followed by Questions by Members
 - b) Other Responsible Authorities
Followed by Questions by Members
 - c) Interested Parties
Followed by Questions by Members
8. Presentation by Premises Licence Holder (or their representative) (opportunity to present case, call parties in support and produce documents: maximum 20 minutes)
9. Questions to Premises Licence Holder (or their representative) (by Members).
10. Clarification of any issues arising by the Licensing Officer, if required, followed by questions by members if necessary.
11. Summary by Applicant for the Review: maximum 5 minutes
12. Summary by Parties making Relevant Representations: maximum 5 minutes per party
13. Summary by Premises Licence Holder (or their representative): maximum 5 minutes
14. All parties withdraw from hearing to allow members to consider the matter. (They may call in the Solicitor to help draft reasons for the decision. Any other advice must be repeated in open forum. If members need to seek clarification from any party, they will return to the meeting).
15. After consideration, Members return and the decision, including any conditions and reasons, is announced.

² Regulation 8(2) states that where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, permission must be requested from the authority in the counter notice, for such a person to appear. Details of the name of the person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request, will be required.

³ Regulation 23 states that cross examination by other parties shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, applications or notice as the case may require

16. All parties are informed of their right and time permitted to appeal the sub-committee's decision.
17. Meeting is closed or, if applicable, the next hearing begins..

5. Points upon which the authority requires clarification

If the Local Authority wish you to clarify certain points/issues arising from your application/objection this will be indicated under point 7 of the Committee Report.

6. Powers to extend time limits/adjourn the hearing

- a) The relevant parties must notify the Authority if they consider that the time limits set out in the procedure of hearing will not be sufficient.
- b) The Authority may extend the time limits if it believes that it shall be in the public interest to do so and shall forthwith give notice to the parties stating the period of the extension and the reason for it.
- c) The Authority may adjourn a hearing to a specified date or arrange for a hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party.
- d) Where the Authority adjourns the hearing to a specified date or additional dates, the parties must be notified forthwith of the date, time and place to which the hearing has been adjourned.

7. Right to dispense with hearing if all parties agree

- (1) The Authority may dispense with holding a hearing if all relevant persons agree that such a hearing is unnecessary and that they have given notice to the Authority that they consider a hearing to be unnecessary.
- (2) Where all relevant persons agree that a hearing is unnecessary and have given notice of this then the Authority shall forthwith give notice to all parties that the hearing has been dispensed with.

8. Hearing to be in public

- 8.1 The hearing shall place in public, however;
- 8.2 The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- 8.3 For theses purposes a party and any person assisting or representing a party may be treated as a member of the public.

9. Disruptive behaviour

The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may-

- (a) refuse to permit that person to return, or
- (b) permit him to return only on such conditions as the authority may specify, but such person may, before the end of the hearing, submit to the authority in writing any information, which they would have been entitled to give orally had they not been required to leave.

10. Record of proceedings

The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. **NB** ⁴

⁴ It is the Councils policy to tape record the proceedings of the Licensing sub-committee. Only the open part of the hearing shall be recorded. The tape recording shall then be kept in a secure environment.

COUNTER NOTICE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
BOOZE MASTER 149 – 153 FRODINGHAM ROAD, SCUNTHORPE,
DN15 7JR**

(please return this counter notice as a matter of urgency)

To: matthew.nundy@northlincs.gov.uk

From: (Applicant for the Review / Responsible Authority / Premises Licence Holder) (name and address) (please print)

.....
.....
.....

I confirm that I have received the Notice of Hearing for the meeting on **Tuesday 19 April 2022**, commencing at **9:30 am** in the **Conference Room, Church Square House, Scunthorpe**, together with a copy of the procedure which is to be adopted at the Hearing.

Please tick box as appropriate

1. I shall be attending the hearing

2. I shall not be attending the hearing because ¹.....
.....
.....

3. I do not consider a hearing to be necessary because².....

4. I intend to be represented at the hearing by ³.....(name of representative)

¹ See point 3 of the attached Information
² See point 7 of the attached Information

5. I request permission for the following supporting person(s) to appear at the hearing⁴:

Name of person(s):

Point(s) the person(s) will be covering:

6. I consider that the application can be dealt with on the date of the hearing

I do not consider that the application can be dealt with on the date of the hearing and would request an adjournment on the following grounds⁵

.....
.....
.....
.....

7. I enclose the full written statements of evidence upon which I intend to rely

Dated the day of 2022

Signed.....[Applicant for the Review / Responsible Authority / Premises Licence Holder]

Contact address:

Telephone number:

³ See point 1 of the attached Information

⁴ Evidence given by supporting persons must be seen to assist the authority in relation to the application. Also see point 4, footnote 2 of the attached Information

⁵ See point 6 of the attached Information

PROCEDURE AT REVIEW HEARINGS

1. Opening remarks and formalities, introductions by the Democratic Services Officer.
2. Chairman is elected, opens meeting and explains procedure to all parties present.
3. Summary of the application by the Licensing Officer
4. Applications and Variation of Procedure (includes applications for supporting persons to be allowed to address the committee, applications for adjournment, applications for extension of time limits and consideration of cross examination).
5. Presentation by Applicant for the Review (opportunity to present case, call parties in support and produce documents: maximum 20 minutes).
6. Questions to Applicant for the Review (by Members).
7. Relevant Representations (opportunity to present case, call parties in support and produce documents: maximum 20 minutes per party).
 - a) Police
Followed by Questions by Members
 - b) Other Responsible Authorities
Followed by Questions by Members
 - c) Interested Parties
Followed by Questions by Members
8. Presentation by Premises Licence Holder (or their representative) (opportunity to present case, call parties in support and produce documents: maximum 20 minutes).
9. Questions to Premises Licence Holder (or their representative) (by Members).

10. Clarification of any issues arising by the Licensing Officer, if required, followed by questions by members if necessary.
11. Summary by Applicant for the Review: maximum 5 minutes.
12. Summary by Parties making Relevant Representations: maximum 5 minutes per party.
13. Summary by Premises Licence Holder (or their representative): maximum 5 minutes.
14. Chairman concludes the hearing and all parties leave the room. (The sub-committee may call in the Solicitor to help draft reasons for the decision. Any other advice must be repeated in open forum. If members need to seek clarification from any party, all parties will return to the meeting).
15. Sub-Committee consider decision and the reasons for the decision.
16. Democratic Services Officer will notify all parties of the decision in writing within five working days of the hearing.

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
BOOZE MASTER 149 – 153 FRODINGHAM ROAD, SCUNTHORPE, DN15 7JR**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to review the Premises Licence for Booze Master. A summary of the application is attached as Appendix A to this report and a copy of the application as Appendix B.
- 1.2 The application to review the Licence has been submitted by the Licensing and Health and Safety Authority. There has been one further representation received from Humberside Police, which has been deemed relevant. A copy of this representation is attached as Appendix F.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and North Lincolnshire Council's scheme of delegation, all applications for the Review of a Licence must be determined by the Licensing (Activities) Sub-Committee.
- 2.2 When determining the application, the Sub-Committee should only consider issues which relate to the four Licensing Objectives. The Licensing Objectives are:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of a Public Nuisance
 - The Protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003, our Statement of Licensing Policy and our Cumulative Impact Policy if appropriate. Members of the Sub-Committee may deviate from the Statutory Guidance and Licensing Policies only if they deem that there is good reason to do so. Where Members do deviate from the statutory guidance or policies then full reasons must be provided.

- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.
- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided, which is relevant to the Licensing Objectives.
- 2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the licence
 - To exclude a licensable activity from the scope of the licence
 - To remove the designated premises supervisor
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
 - To take no action
- 2.7 Members of the Sub-Committee should be advised that the applicant for the Review, the holder of the Premises Licence or any other person who made relevant representations in relation to the application may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for review of a Premises Licence for Booze Master was received on 22 February 2022. A copy of the application is attached to the report at Appendix B.
- 3.2 A copy of the application and accompanying documents has been given to the holder of the Premises Licence and to each responsible authority, by the applicant on the same day as the day on which the application for review was given to the Licensing Authority.

4. OUTCOMES OF CONSULTATION

- 4.1 An applicant wishing to review a Premises Licence has to serve a copy of the application form and accompanying documents on the premises licence holder and responsible authorities the same day as the Licensing Authority receives its copy.
- 4.2 The other Responsible Authorities and anybody affected by the premises may join the review.

- 4.3 Ward Councillors have been made aware of the application.
- 4.4 In relation to this application, there has been one further representation received from Humberside Police, which has been deemed relevant. A copy of this representation is attached as Appendix F.

5. **OUTCOMES OF MEDIATION**

- 5.1 In accordance with paragraph 29(3) of our Licensing Policy no mediation is carried out on an application for a review.

6. **LICENSING OBJECTIVES & STATUTORY PROVISIONS**

6.1 Prevention of Crime & Disorder

6.1.1 Further information regarding this objective can be found in the Licensing Policy, pages 33-42.

6.1.2 Representations have been received raising concerns with regard to this Objective.

6.2 Public Safety

6.2.1 Further information regarding this objective can be found in the Licensing Policy, pages 43-49.

6.2.2 Representations have been received raising concerns with regard to this Objective.

6.3 Prevention of Public Nuisance

6.3.1 Further information regarding this objective can be found in the Licensing Policy, pages 50-55.

6.3.2 Representations have not been received raising concerns with regard to this Objective.

6.4 Protection of Children from Harm

6.4.1 Further information regarding this objective can be found in the Licensing Policy, pages 56-62.

6.4.2 Representations have not been received raising concerns with regard to this Objective.

7. FURTHER INFORMATION & CLARIFICATION

- 7.1 A copy of the current Licence is attached to the report as Appendix C and a copy of the plan accompanying the Premises Licence is attached as Appendix D. A location plan is attached to the report as Appendix E.

8. RECOMMENDATIONS

- 8.1 That the Sub-Committee determines the application for Review in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant, the premises licence holder and the parties/authorised bodies making relevant representations.
- 8.2 That the Sub-Committee determines the application for review in accordance with the options in paragraph 2.6.
- 8.3 That the Sub-Committee provides the reasons for its decision.

DIRECTOR: ECONOMY AND ENVIRONMENT

Church Square House
Scunthorpe
North Lincolnshire
DN15 6NL

Author: Julie Dean
Date: 28 March 2022

Background Papers used in the preparation of this report Nil

Summary of Application

Name of Premises	Booze Master	Type of Application	Premises Licence Review
-------------------------	---------------------	----------------------------	--------------------------------

Point Number	Detail	Action
1	<p>A review was submitted on 22 February 2022 by the Licensing and Health and Safety Authority, on the grounds of the following Licensing Objectives:</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder • Public Safety <p>The application for review states that Licence Holder has been found to be by-passing the electric meter in one of their licensed premises, which is a criminal offence and also a safety issue.</p>	

Summary of Representations/Conditions Requested (Responsible Authorities)

Point Number	Detail	Action
2	<p>Appendix B – Licensing and Health and Safety Authority. A review was submitted on 22 February 2022 on the grounds of the following Licensing Objectives:</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder • Public Safety <p>Further documentation will be provided by the Licensing and Health and Safety Authority prior to the hearing.</p>	
3	<p>Appendix F – Humberside Police Joined the review on the grounds of The Prevention of Crime and Disorder and Public Safety.</p>	

Summary of Statutory Guidance Issued under s182 of The Licensing Act 2003

Point Number	Detail	Action
4	Page 91-92, paragraph 11.16 – 11.23 – Powers of a licensing authority on the determination of a review	
5	Pages 93-94, paragraph 11.24-11.28 – Reviews arising in connection with crime.	

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Nicholas Bramhill

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Booze Master 149 - 153 Frodingham Road	
Post town Scunthorpe	Post code (if known) DN15 7JR

Name of premises licence holder or club holding club premises certificate (if known) Bharat Singh

Number of premises licence or club premises certificate (if known) PRM0034
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)
below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing and Health and Safety Authority North Lincolnshire Council PO Box 42 Scunthorpe DN15 6XQ
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

The licence holder has been found to be by-passing the electric meter in one of their licensed premises, which is a criminal offence and also a safety issue.

Please provide as much information as possible to support the application
(please read guidance note 2)

The licence holder has by-passed the electrical meter, resulting in the theft of electricity in a licensed premises. The applicant was obstructive when the officials attended the premises. the theft of electricity is a criminal offence and presents a safety issue to persons working in the premises and visitors.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

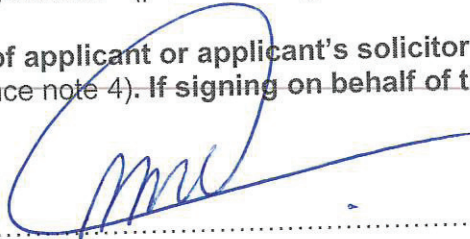
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 22 February 2022

Capacity Assistant Group Manager - Food and Licensing

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

NORTH LINCOLNSHIRE COUNCIL

Schedule 12

PREMISES LICENCE

Premises Licence Number

PRM0034

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description Booze Master 149 - 153 Frodingham Road Scunthorpe North Lincolnshire	
Post Town: Scunthorpe	Post Code: DN15 7JR
Telephone Number: N/A	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Sale of Alcohol for Consumption Off the Premises
--

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol for Consumption Off the Premises - Authorised Hours

Monday 05:00 hrs to 00:00 hrs
Tuesday 05:00 hrs to 00:00 hrs
Wednesday 05:00 hrs to 00:00 hrs
Thursday 05:00 hrs to 00:00 hrs
Friday 05:00 hrs to 00:00 hrs
Saturday 05:00 hrs to 00:00 hrs
Sunday 05:00 hrs to 00:00 hrs

The opening hours of the premises

Hours Premises Open to the Public

Monday 05:00 hrs to 00:00 hrs
Tuesday 05:00 hrs to 00:00 hrs
Wednesday 05:00 hrs to 00:00 hrs
Thursday 05:00 hrs to 00:00 hrs
Friday 05:00 hrs to 00:00 hrs
Saturday 05:00 hrs to 00:00 hrs
Sunday 05:00 hrs to 00:00 hrs

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

For Consumption Off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Bharat Singh
11 Henderson Avenue
Scunthorpe
North Lincolnshire
DN15 7RL

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Bharat Singh
11 Henderson Avenue
Scunthorpe
North Lincolnshire
DN15 7RL

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence issued by **Selby District Council**
Licence Number: **LN00003020**

Annex 1 – Mandatory conditions

Supply of Alcohol

1. No supply of alcohol may be made under this premises licence
 - a) at a time when there is no Designated Premises Supervisor in respect of this licence, or
 - b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

Alcohol Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);
 - (b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Drinks Promotions

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- a) a holographic mark, or
- b) an ultraviolet feature.

Annex 2 – Conditions consistent with the operating Schedule

General Conditions

No conditions attached

Prevention of Crime and Disorder

No conditions attached

Public Safety

The Fire alarm shall be maintained in good working order and in accordance with current legislation and safety standards.

Prevention of Public Nuisance

No conditions attached

Protection of Children from Harm

No conditions attached

Annex 3 – Conditions attached after a hearing by the licensing authority

The licence holder shall ensure that all staff must be trained in the sale and provision of alcohol. A log of all training shall be monitored at the premises and shall be kept at the premises at all times.

The premises shall operate a “Challenge 25” policy and shall only sell alcohol to persons who appear to be under the age of 25, on the production of either a valid DVLA driving licence, Passport or PASS accredited ID card. The premises shall display signs stating that a “Challenge 25” policy is in force.

A record shall be maintained in a numbered paginated book of all refusals.

The refusals book must be kept on the premises behind the sales counter and shall be available upon inspection by an authorised officer of the council, trading standards officer or employee of Humberside Police.

CCTV Conditions

CCTV must be provided in the form of a continuous recording system providing real time pictures of evidential quality in all lighting conditions. Facial recognition must be provided for pictures of access to and egress from the premises.

Cameras must be positioned to view all access to and egress from the premises [including fire exits] and all areas where the sale/supply of alcohol occurs.

Recordings must be correctly time and date marked.

Recordings must be in date order, numbered sequentially and kept for a minimum period of 31 days.

The Premises Licence Holder must ensure an appointed member of staff is capable of downloading CCTV footage in a recordable format at all times the premises are operating.

Recordings must be provided to officers under the direction and control of the Chief Constable of Humberside Police and employees of the Licensing Authority on request.

The recording equipment and all media used to record data shall be kept in a secure environment under the control of the DPS or other responsible named individual.

A monitor with a minimum 15” screen must be placed in such a position so as to be viewed by staff working in the [sales / public area] of the premises and by customers.

CCTV warning signs must be displayed in public areas of the premises

An operational daily log report must be maintained endorsed by signature, indicating the system has been checked by the DPS or other responsible named individual and is compliant, in the event of any failings actions taken must be recorded.

CCTV equipment must be maintained in good working order.

Annex 4 – Plans

As attached

NORTH LINCOLNSHIRE COUNCIL

Part B

Premises Licence Summary

Premises Licence Number

PRM0034

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Booze Master
149 - 153 Frodingham Road
Scunthorpe
North Lincolnshire

Post Town: Scunthorpe

Post Code: DN15 7JR

Telephone Number: N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale of Alcohol for Consumption Off the Premises

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol for Consumption Off the Premises - Authorised Hours

Monday 05:00 hrs to 00:00 hrs
Tuesday 05:00 hrs to 00:00 hrs
Wednesday 05:00 hrs to 00:00 hrs
Thursday 05:00 hrs to 00:00 hrs
Friday 05:00 hrs to 00:00 hrs
Saturday 05:00 hrs to 00:00 hrs
Sunday 05:00 hrs to 00:00 hrs

The opening hours of the premises

Hours Premises Open to the Public

Monday 05:00 hrs to 00:00 hrs
Tuesday 05:00 hrs to 00:00 hrs
Wednesday 05:00 hrs to 00:00 hrs
Thursday 05:00 hrs to 00:00 hrs
Friday 05:00 hrs to 00:00 hrs
Saturday 05:00 hrs to 00:00 hrs
Sunday 05:00 hrs to 00:00 hrs

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

For Consumption Off the Premises

Name, (registered) address of holder of premises licence

Mr Bharat Singh

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

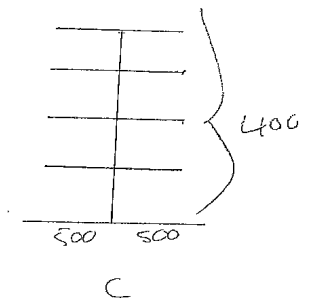
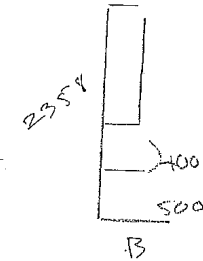
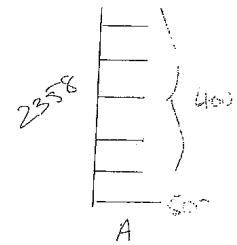
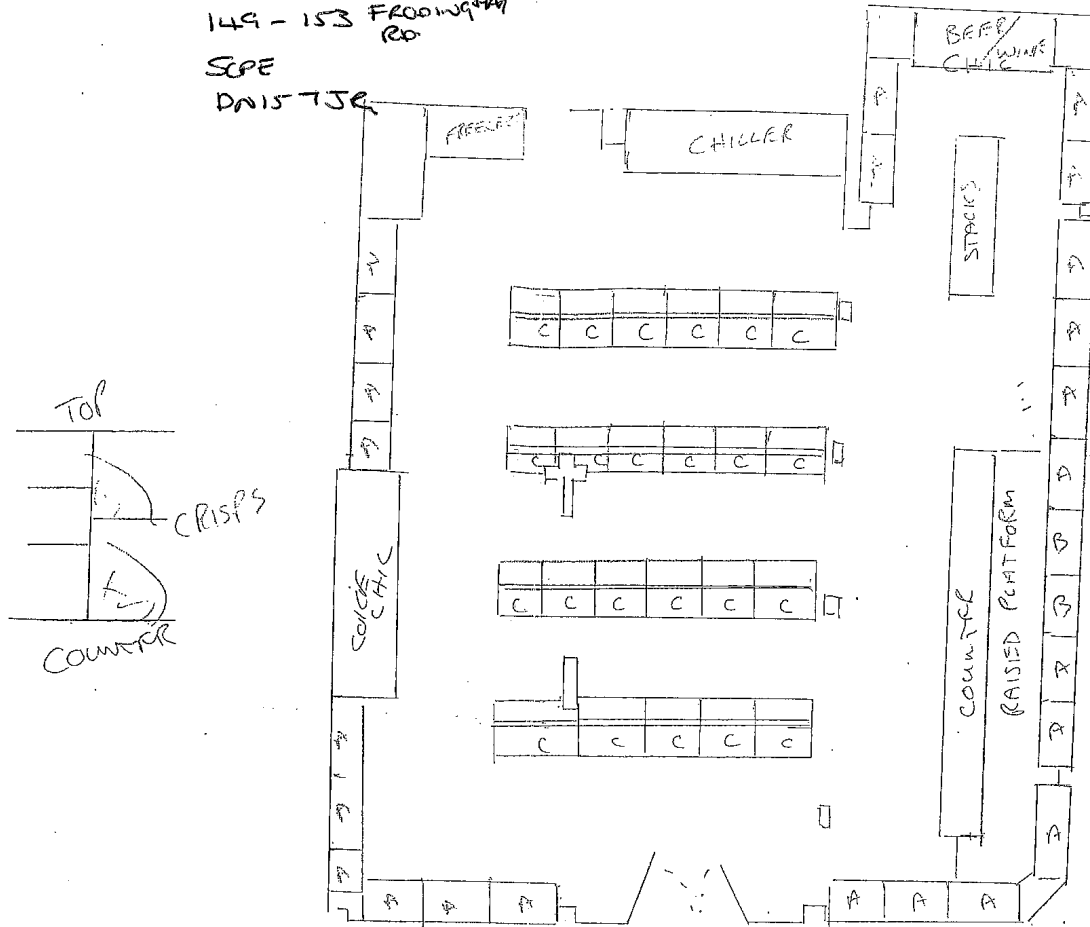
Mr Bharat Singh

State whether access to the premises by children is restricted or prohibited

Unrestricted

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PRM 0034
 BOOZE MASTER.
 149 - 153 FRODDINGHAM
 RD
 SCPE
 DN15TJR



Page 71

SCALE : 1 : 100
 REFERENCE : Vinny
 DATE DRAWN : 17.09.04
 DATE REVISED : DD / MM / YY
 DRAWING BY : NAME *[Signature]*

Retail Systems & Refrigeration

Tel : 07768 140523

Prepared For : MR G SINGH

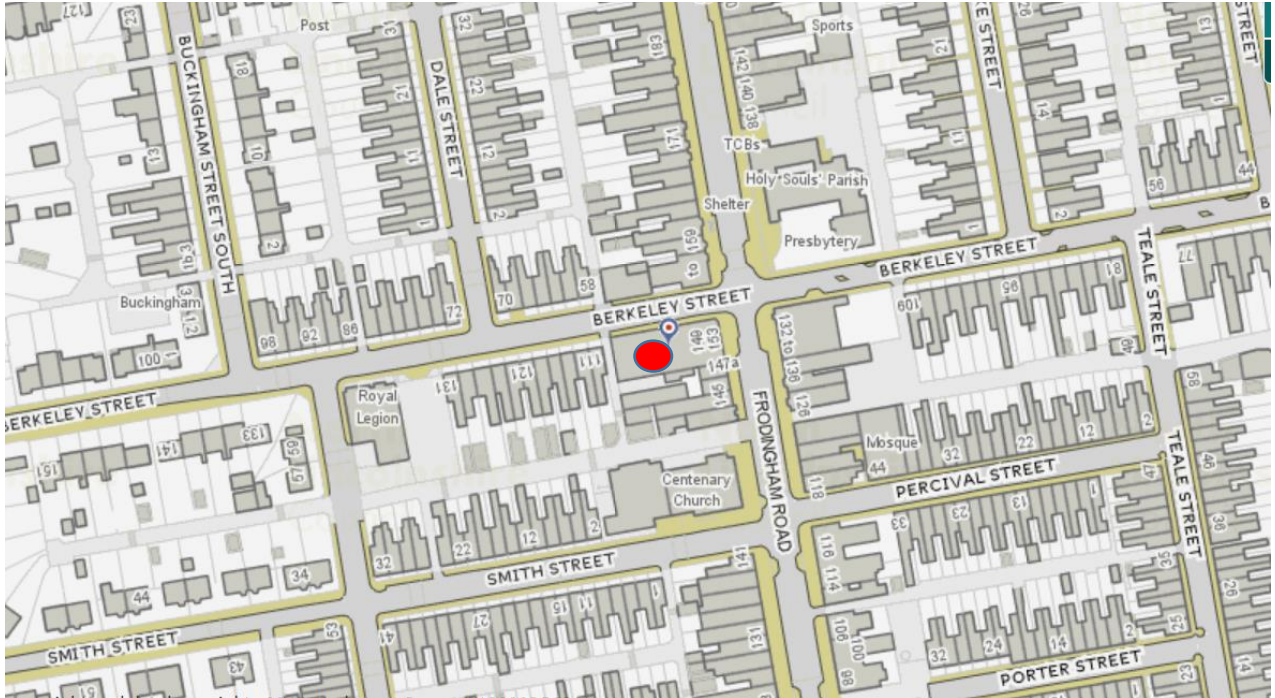
FRODDINGHAM RD SCWITHEFFE

ALL PLANS AND PROPERTY OF THE COMPANY. THE COPYRIGHT THEREFOR, NO ELEVATION SHALL AS A BASIS FOR OR COMPANIES PERMISSION PRO. THE COMPANY

Booze Master/PRM 0034/26 July 2004
 as at 2/5/14.

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LOCATION PLAN FOR BOOZEMASTER (PRM0034) 149-153 Frodingham Road,
DN15 7JR



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CHIEF CONSTABLE OF HUMBERSIDE POLICE

Applicant

-and-

BA RETAIL 2014 LTD

Respondent

**STATEMENT OF
PC 2360 GRANT JOHNSTON**

Introduction

1. My name is PC 2360 Grant JOHNSTON and I am a Licensing Officer in the Licensing Section of the Humberside Police based at Cromwell Road Police Station, Grimsby. I cover the county of North Lincolnshire. I am under the direction and control of the Chief Constable of Humberside Police ('the Chief Constable'). My duties include consideration of the impact of crime and disorder and the Chief Constable's response to licensing matters.
2. I have been a Police Constable since 2005. Prior to taking up my current role in the Licensing Team in July 2021, I worked as a neighbourhood beat officer for Grimsby Town Centre. I am therefore familiar with problems of alcohol related crime and disorder in both in my current and previous roles.
3. The Respondent, BA Retail 2014 Ltd, is the premises licence holder for the premises granted under Part 3 of the Licensing Act 2003 ('the Act') in respect of the premises known as H A STORES & POST OFFICE, situated at 11 HENDERSON AVENUE, SCUNTHORPE, NORTH LINCOLNSHIRE, DN15 7RL. Premises Licence PRM0106 relates to the premises.

4. I make this statement in support of North Lincolnshire Council's application for the review of the premises licence under Section 51 of the Licensing Act 2003 and is in addition to those papers already served on the authority. The information in this statement is either within my personal knowledge or is taken from files maintained by the Chief Constable.

Background

5. The Respondent is the holder of the Premise Licence, having successfully applied for the licence in October 2018, with Bharat Singh applying to be the DPS, who is also one of the company directors.
6. Mr SINGH also holds a Personal Licence issued by Selby District Council, licence number LN00002973. Mr SINGH is the DPS for another licensed premises within the Scunthorpe area, BOOZE MASTER, FRODINGHAM ROAD – Licence number PRM0034 and is linked to LUXE SALON, 69 DONCASTER ROAD – Licence number PRM29954.
7. The premises licence at HA Stores permits the sale of alcohol off the premises from Monday to Sunday, 0600 hours to 2200 hours.
8. The premises is situated in a predominantly a residential area. There is only one other licensed shop on HENDERSON AVENUE.
9. The licence is subject to conditions in addition to those that are mandatory they are listed in Annex 2 of the licence.

History

10. During Mr SINGH's management, British Gas Revenue Protection Officer attended H A STORES as then was no actual meter readings retrieved from the electric meter since AUGUST 2019. But the Revenue Protection Officer was refused entry to inspect the electric meter on the 11th November 2021. A further visit was conducted on 16th November 2021, where entry was allowed and they could see the system had been bypassed and an engineer would need to revisit. A follow up phone call was made to Mr SINGH on 17th November 2021, where he was obstructive towards the Protection Officer.
11. On Wednesday 15th December 2021 British Gas tried to execute a warrant under the Rights of Entry (Gas and Electricity Boards) Act 1954 to examine the electric meter. Again, British Gas Revenue Protection Officers were refused to inspect the electric meter.
12. At 11:00 hours two Police Officers attended H A STORES and spoke with an obstructive male who they believed was Mr SINGH. Mr SINGH refused to allow the British Gas Revenue Protection Officers to read the electric meter despite there being a warrant in place that they were in possession of.
13. Due to Mr SINGH declining access and his obstructive behaviour, a locksmith had to be called in order to gain access. It was necessary for Police officers to remain to prevent a breach of the peace.
14. A further two Police Community Support Officers attended H A STORES because Mr SINGH indicated that he would press his panic button at the store when entry was gained. The premises was then closed due to the electricity being switched off.
15. British Gas Revenue Protection Officers confirmed that the electric meter had been bypassed and that without the correct safety

measures this would put the public's safety at risk when using the shop and Post office.

16. At 13:10 hours all parties left H A STORES after the warrant was executed and a new meter installed.
17. There was no requirement for Police to attend if Mr SINGH had adhered to British Gas Revenue Protection Officer requests. This incident had taken two Police Officers and two Police Community Support Officers away from their normal duties away from serving the community. This was waste of police time and resources due to Mr SINGH declining to comply with the warrant and permit access.

Submissions

18. The view of the Chief Constable is supporting of North Lincolnshire Councils review of this premises and the other premises he is associated with. It is the view of the Chief Constable that Mr Singh is highly likely to continue to undermine the licensing objectives in the future if he was to continue as the DPS, and for the company, or him, to continue running the other premises he is associated with.
19. In this case, Mr Singh has undermined the Licensing objective of Public Safety by bypassing the electricity meter, which could have caused serious injury to those using the store, and the residents in the area.
20. The Chief Constable requests that the Licensing Committee consider the points made within this statement and requests to remove Mr SINGH as being a Personal Licence Holder and a Designated Premise Supervisor.

I believe the contents of this statement to be true.

Signed:
PC Grant Johnston

Dated: ...11/03/2022.....

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INFORMATION TO ACCOMPANY NOTICE OF HEARING

In the interests of timely, efficient and cost effective decision making the Authority strongly urges all parties involved in any hearing to ensure that they provide advance disclosure between the parties of any information on which they intend to rely at any hearing. Failure to do so may lead to discussions over the admissibility of such information and/or the adjournment of the hearing.

1. Right of Attendance

A party attending the hearing may be assisted or represented by any person whether or not that person is legally qualified.

2. Representations and Supporting Information

2.1 A party at the hearing shall be entitled to –

- a) give further information in response to the points raised (if any) under point 5 of this information. Any documents upon which you intend to rely should be served with the Counter-notice¹
- b) address the authority, and
- c) if given permission by the authority, question any other party.

2.2 A party who wishes to withdraw any representations they have made may do so -

- a) by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held, or
- b) orally at the hearing

3. Failure to attend the Hearing

- a) Where a Party informs the Authority that they do not intend to attend the hearing, then the hearing may proceed in their absence.
- b) Where a party has not so indicated and fails to attend or be represented at the hearing the Authority may –
 - (i) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (ii) hold the hearing in the party's absence.
- c) Where the Authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

¹ Papers served on the day of the hearing will only be considered if all parties to the hearing consent. If the document is particularly long or complex, this may lead to the hearing being adjourned.

- d) Where the Authority adjourns the hearing to a specified date it shall forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

4. Procedure at Hearing

1. Opening remarks and formalities, introduction by the Democratic Services Officer
2. Chairman is elected, opens meeting and explains procedure to parties present
3. Summary of the application by the Licensing Officer
4. Applications (including any applications for supporting persons to be allowed to address the Sub-Committee² and applications for adjournment)
5. Presentation by Applicant for the Review (opportunity to present case, call parties in support and produce documents: maximum 20 minutes)
6. Questions (by Members)
N.B³
7. Relevant Representations (opportunity to present case, call parties in support and produce documents: maximum 20 minutes per party).
 - a) Police
Followed by Questions by Members
 - b) Other Responsible Authorities
Followed by Questions by Members
 - c) Interested Parties
Followed by Questions by Members
8. Presentation by Premises Licence Holder (or their representative) (opportunity to present case, call parties in support and produce documents: maximum 20 minutes)
9. Questions to Premises Licence Holder (or their representative) (by Members).
10. Clarification of any issues arising by the Licensing Officer, if required, followed by questions by members if necessary.
11. Summary by Applicant for the Review: maximum 5 minutes
12. Summary by Parties making Relevant Representations: maximum 5 minutes per party
13. Summary by Premises Licence Holder (or their representative): maximum 5 minutes
14. All parties withdraw from hearing to allow members to consider the matter. (They may call in the Solicitor to help draft reasons for the decision. Any other advice must be repeated in open forum. If members need to seek clarification from any party, they will return to the meeting).
15. After consideration, Members return and the decision, including any conditions and reasons, is announced.

² Regulation 8(2) states that where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, permission must be requested from the authority in the counter notice, for such a person to appear. Details of the name of the person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request, will be required.

³ Regulation 23 states that cross examination by other parties shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, applications or notice as the case may require

16. All parties are informed of their right and time permitted to appeal the sub-committee's decision.
17. Meeting is closed or, if applicable, the next hearing begins..

5. Points upon which the authority requires clarification

If the Local Authority wish you to clarify certain points/issues arising from your application/objection this will be indicated under point 7 of the Committee Report.

6. Powers to extend time limits/adjourn the hearing

- a) The relevant parties must notify the Authority if they consider that the time limits set out in the procedure of hearing will not be sufficient.
- b) The Authority may extend the time limits if it believes that it shall be in the public interest to do so and shall forthwith give notice to the parties stating the period of the extension and the reason for it.
- c) The Authority may adjourn a hearing to a specified date or arrange for a hearing to be held on specified additional dates where it considers this to be necessary for its consideration of any representations or notice made by a party.
- d) Where the Authority adjourns the hearing to a specified date or additional dates, the parties must be notified forthwith of the date, time and place to which the hearing has been adjourned.

7. Right to dispense with hearing if all parties agree

- (1) The Authority may dispense with holding a hearing if all relevant persons agree that such a hearing is unnecessary and that they have given notice to the Authority that they consider a hearing to be unnecessary.
- (2) Where all relevant persons agree that a hearing is unnecessary and have given notice of this then the Authority shall forthwith give notice to all parties that the hearing has been dispensed with.

8. Hearing to be in public

- 8.1 The hearing shall place in public, however;
- 8.2 The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- 8.3 For theses purposes a party and any person assisting or representing a party may be treated as a member of the public.

9. Disruptive behaviour

The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may-

- (a) refuse to permit that person to return, or
- (b) permit him to return only on such conditions as the authority may specify, but such person may, before the end of the hearing, submit to the authority in writing any information, which they would have been entitled to give orally had they not been required to leave.

10. Record of proceedings

The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. **NB** ⁴

⁴ It is the Council's policy to tape record the proceedings of the Licensing sub-committee. Only the open part of the hearing shall be recorded. The tape recording shall then be kept in a secure environment.

COUNTER NOTICE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
LUXE SALON, 69 DONCASTER ROAD, SCUNTHORPE,
DN15 7RG**

(please return this counter notice as a matter of urgency)

To: matthew.nundy@northlincs.gov.uk

From: (Applicant for the Review / Responsible Authority / Premises Licence Holder) (name and address) (please print)

.....
.....
.....

I confirm that I have received the Notice of Hearing for the meeting on **Tuesday 19 April 2022**, commencing at **9:30 am** in the **Conference Room, Church Square House, Scunthorpe**, together with a copy of the procedure which is to be adopted at the Hearing.

Please tick box as appropriate

1. I shall be attending the hearing

2. I shall not be attending the hearing because ¹.....

.....
.....

3. I do not consider a hearing to be necessary because².....

4. I intend to be represented at the hearing by ³.....(name of representative)

¹ See point 3 of the attached Information

² See point 7 of the attached Information

³ See point 1 of the attached Information

5. I request permission for the following supporting person(s) to appear at the hearing⁴:

Name of person(s):

Point(s) the person(s) will be covering:

6. I consider that the application can be dealt with on the date of the hearing

I do not consider that the application can be dealt with on the date of the hearing and would request an adjournment on the following grounds⁵

.....
.....
.....
.....

7. I enclose the full written statements of evidence⁶ upon which I intend to rely

Dated the day of 2022

Signed.....[Applicant for the Review / Responsible Authority / Premises Licence Holder]

Contact address:

Telephone number:

⁴ Evidence given by supporting persons must be seen to assist the authority in relation to the application. Also see point 4, footnote 2 of the attached Information

⁵ See point 6 of the attached Information

PROCEDURE AT REVIEW HEARINGS

1. Opening remarks and formalities, introductions by the Democratic Services Officer.
2. Chairman is elected, opens meeting and explains procedure to all parties present.
3. Summary of the application by the Licensing Officer
4. Applications and Variation of Procedure (includes applications for supporting persons to be allowed to address the committee, applications for adjournment, applications for extension of time limits and consideration of cross examination).
5. Presentation by Applicant for the Review (opportunity to present case, call parties in support and produce documents: maximum 20 minutes).
6. Questions to Applicant for the Review (by Members).
7. Relevant Representations (opportunity to present case, call parties in support and produce documents: maximum 20 minutes per party).
 - a) Police
Followed by Questions by Members
 - b) Other Responsible Authorities
Followed by Questions by Members
 - c) Interested Parties
Followed by Questions by Members
8. Presentation by Premises Licence Holder (or their representative) (opportunity to present case, call parties in support and produce documents: maximum 20 minutes).
9. Questions to Premises Licence Holder (or their representative) (by Members).

10. Clarification of any issues arising by the Licensing Officer, if required, followed by questions by members if necessary.
11. Summary by Applicant for the Review: maximum 5 minutes.
12. Summary by Parties making Relevant Representations: maximum 5 minutes per party.
13. Summary by Premises Licence Holder (or their representative): maximum 5 minutes.
14. Chairman concludes the hearing and all parties leave the room. (The sub-committee may call in the Solicitor to help draft reasons for the decision. Any other advice must be repeated in open forum. If members need to seek clarification from any party, all parties will return to the meeting).
15. Sub-Committee consider decision and the reasons for the decision.
16. Democratic Services Officer will notify all parties of the decision in writing within five working days of the hearing.

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION FOR REVIEW OF A PREMISES LICENCE
LUXE SALON, 69 DONCASTER ROAD, SCUNTHORPE, DN15 7RG**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to review the premises licence for LUXE Salon. A summary of the application is attached as Appendix A to this report and a copy of the application as Appendix B.
- 1.2 The application to review the Licence has been submitted by Licensing & Health and Safety Authority. There has been 1 further representation received, which have been deemed relevant. A copy of this representation is attached to this report at Appendix C.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all applications for the review of a licence must be determined by the Licensing (Activities) Sub-Committee.
- 2.2 When determining the application the Sub-Committee should only consider issues which relate to the four licensing objectives. The licensing objectives are:
 - The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003, our Statement of Licensing Policy and our Cumulative Impact Policy if appropriate. Members of the Sub-Committee may deviate from the statutory guidance and licensing policies only if they deem that there is good reason to do so. Where Members do deviate from the statutory guidance or policies then full reasons must be provided.

- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on any applications for premises licences in their own ward.
- 2.5 Members of the Sub-Committee shall remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided, which is relevant to the licensing objectives.
- 2.6 The options available to the Licensing (Activities) Sub-Committee having considered all the relevant information are as follows:
- To modify the conditions of the licence
 - To exclude a licensable activity from the scope of the licence
 - To remove the designated premises supervisor
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
 - To take no action
- 2.7 Members of the Sub-Committee should be advised that the applicant for the review, the holder of the premises licence or any other person who made relevant representations in relation to the application may appeal to the Magistrates Court within 21 days of the date on which they were notified of the decision.

3. ISSUES FOR CONSIDERATION

- 3.1 The application for review of a premises licence for Luxe Salon was received on 22 February 2022. A copy of the application is attached to the report at Appendix B.
- 3.2 A copy of the application and accompanying documents has been given to the holder of the premises licence and to each responsible authority, by the applicant on the same day as the day on which the application for review was given to the licensing authority.
- 3.3 The licence holder surrendered the Premises Licence on 4 March 2022. A copy of the Premises Licence is attached at Appendix D.

4. OUTCOMES OF CONSULTATION

- 4.1 An applicant wishing to review a Premises Licence has to serve a copy of the application form and accompanying documents on the premises licence holder and responsible authorities the same day as the Licensing Authority receives its copy.

- 4.2 The other Responsible Authorities and anybody affected by the premises may join the review.
- 4.3 Ward councillors have been made aware of the application.
- 4.4 In relation to this application, Humberside Police have joined the review. Their representation is at Appendix C.

5. **OUTCOMES OF MEDIATION**

- 5.1 In accordance with paragraph 29(3) of our Licensing Policy no mediation is carried out on an application for a review.

6. **LICENSING OBJECTIVES & STATUTORY PROVISIONS**

6.1 Prevention of Crime & Disorder

- 6.1.1 Further information regarding this objective can be found in the Licensing Policy, pages 33-42.
- 6.1.2 Representations have been received raising concerns with regard to this objective.

6.2 Public Safety

- 6.2.1 Further information regarding this objective can be found in the Licensing Policy, pages 43-49.
- 6.2.2 Representations have been received raising concerns with regard to this objective.

6.3 Prevention of Public Nuisance

- 6.3.1 Further information regarding this objective can be found in the Licensing Policy, pages 50-55.
- 6.3.2 Representations have not been received raising concerns with regard to this objective.

6.4 Protection of Children from Harm

- 6.4.1 Further information regarding this objective can be found in the Licensing Policy, pages 56-62.
- 6.4.2 Representations have not been received raising concerns with regard to this objective.

7. **FURTHER INFORMATION & CLARIFICATION**

- 7.1 A location plan is attached to the report as Appendix E.

8. RECOMMENDATIONS

- 8.1 That the Sub-Committee determines the application for review in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant, the premises licence holder and the parties/authorised bodies making relevant representations.
- 8.2 That the Sub-Committee determines the application for review in accordance with the options in paragraph 2.6.
- 8.3 That the Sub-Committee provides the reasons for its decision.

DIRECTOR: ECONOMY & ENVIRONMENT

Church Square House
Church Square
Scunthorpe
North Lincolnshire

Author: Nicola Ellis
Date: 23 March 2022

Background Papers used in the preparation of this report Nil

Summary of Application

Name of Premises	LUXE Salon	Type of Application	Premises Licence Review
-------------------------	-------------------	----------------------------	--------------------------------

Point Number	Detail	Action
1	<p>A review was submitted on 22 February 2022 by the Licensing & Health and Safety Authority on the grounds of The Prevention of Crime and Disorder and Public Safety.</p> <p><u>Grounds for the Review:</u></p> <p>The Premises Licence Holder and the Designated Premises Supervisor (DPS) has by-passed the electrical meter, resulting in the theft of electricity in a licensed premises. The applicant was obstructive when the officials attended the premises. The theft of electricity is a criminal offence and presents a safety issue to persons working in the premises and visitors.</p>	

Summary of Representations/Conditions Requested (Responsible Authorities)

Point Number	Detail	Action
2	<p>Appendix B – Licensing & Health and Safety Authority</p> <p>A review was submitted on 22 February 2022 on the grounds of The Prevention of Crime and Disorder and Public Safety.</p> <p>Further documentation will be provided by the Licensing & Health and Safety Authority prior to the hearing.</p>	
3	<p>Appendix C – Humberside Police</p> <p>Joined the review on the grounds of The Prevention of Crime and Disorder and Public Safety.</p>	

Summary of Statutory Guidance Issued under s182 of The Licensing Act 2003

Point Number	Detail	Action
4	Page 91-93, paragraph 11.16-11.23 – Powers of a licensing authority on the determination of a review.	
5	Pages 93-94, paragraph 11.24-11.28 – Reviews arising in connection with crime.	

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Nicholas Bramhill

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Luxe Salon 69 Doncaster Road	
Post town Scunthorpe	Post code (if known) DN15 7RL

Name of premises licence holder or club holding club premises certificate (if known) Amaninder Johal
--

Number of premises licence or club premises certificate (if known) PRM29954

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing and Health and Safety Authority North Lincolnshire Council PO Box 42 Scunthorpe DN15 6XQ
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The licence holder has been found to be by-passing the electric meter in one of their licensed premises, which is a criminal offence and also a safety issue.

Please provide as much information as possible to support the application
(please read guidance note 2)

The licence holder has by-passed the electrical meter, resulting in the theft of electricity in a licensed premises. The applicant was obstructive when the officials attended the premises. the theft of electricity is a criminal offence and presents a safety issue to persons working in the premises and visitors.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

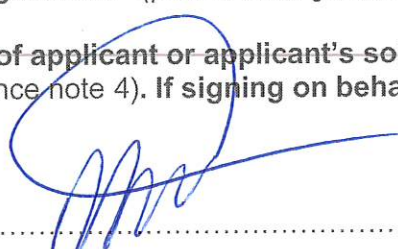
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 22 February 2022

Capacity Assistant Group Manager - Food and Licensing

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

CHIEF CONSTABLE OF HUMBERSIDE POLICE

Applicant

-and-

BA RETAIL 2014 LTD

Respondent

**STATEMENT OF
PC 2360 GRANT JOHNSTON**

Introduction

1. My name is PC 2360 Grant JOHNSTON and I am a Licensing Officer in the Licensing Section of the Humberside Police based at Cromwell Road Police Station, Grimsby. I cover the county of North Lincolnshire. I am under the direction and control of the Chief Constable of Humberside Police ('the Chief Constable'). My duties include consideration of the impact of crime and disorder and the Chief Constable's response to licensing matters.
2. I have been a Police Constable since 2005. Prior to taking up my current role in the Licensing Team in July 2021, I worked as a neighbourhood beat officer for Grimsby Town Centre. I am therefore familiar with problems of alcohol related crime and disorder in both in my current and previous roles.
3. The Respondent, BA Retail 2014 Ltd, is the premises licence holder for the premises granted under Part 3 of the Licensing Act 2003 ('the Act') in respect of the premises known as H A STORES & POST OFFICE, situated at 11 HENDERSON AVENUE, SCUNTHORPE, NORTH LINCOLNSHIRE, DN15 7RL. Premises Licence PRM0106 relates to the premises.

4. I make this statement in support of North Lincolnshire Council's application for the review of the premises licence under Section 51 of the Licensing Act 2003 and is in addition to those papers already served on the authority. The information in this statement is either within my personal knowledge or is taken from files maintained by the Chief Constable.

Background

5. The Respondent is the holder of the Premise Licence, having successfully applied for the licence in October 2018, with Bharat Singh applying to be the DPS, who is also one of the company directors.
6. Mr SINGH also holds a Personal Licence issued by Selby District Council, licence number LN00002973. Mr SINGH is the DPS for another licensed premises within the Scunthorpe area, BOOZE MASTER, FRODINGHAM ROAD – Licence number PRM0034 and is linked to LUXE SALON, 69 DONCASTER ROAD – Licence number PRM29954.
7. The premises licence at HA Stores permits the sale of alcohol off the premises from Monday to Sunday, 0600 hours to 2200 hours.
8. The premises is situated in a predominantly a residential area. There is only one other licensed shop on HENDERSON AVENUE.
9. The licence is subject to conditions in addition to those that are mandatory they are listed in Annex 2 of the licence.

History

10. During Mr SINGH's management, British Gas Revenue Protection Officer attended H A STORES as then was no actual meter readings retrieved from the electric meter since AUGUST 2019. But the Revenue Protection Officer was refused entry to inspect the electric meter on the 11th November 2021. A further visit was conducted on 16th November 2021, where entry was allowed and they could see the system had been bypassed and an engineer would need to revisit. A follow up phone call was made to Mr SINGH on 17th November 2021, where he was obstructive towards the Protection Officer.
11. On Wednesday 15th December 2021 British Gas tried to execute a warrant under the Rights of Entry (Gas and Electricity Boards) Act 1954 to examine the electric meter. Again, British Gas Revenue Protection Officers were refused to inspect the electric meter.
12. At 11:00 hours two Police Officers attended H A STORES and spoke with an obstructive male who they believed was Mr SINGH. Mr SINGH refused to allow the British Gas Revenue Protection Officers to read the electric meter despite there being a warrant in place that they were in possession of.
13. Due to Mr SINGH declining access and his obstructive behaviour, a locksmith had to be called in order to gain access. It was necessary for Police officers to remain to prevent a breach of the peace.
14. A further two Police Community Support Officers attended H A STORES because Mr SINGH indicated that he would press his panic button at the store when entry was gained. The premises was then closed due to the electricity being switched off.
15. British Gas Revenue Protection Officers confirmed that the electric meter had been bypassed and that without the correct safety

measures this would put the public's safety at risk when using the shop and Post office.

16. At 13:10 hours all parties left H A STORES after the warrant was executed and a new meter installed.
17. There was no requirement for Police to attend if Mr SINGH had adhered to British Gas Revenue Protection Officer requests. This incident had taken two Police Officers and two Police Community Support Officers away from their normal duties away from serving the community. This was waste of police time and resources due to Mr SINGH declining to comply with the warrant and permit access.

Submissions

18. The view of the Chief Constable is supporting of North Lincolnshire Councils review of this premises and the other premises he is associated with. It is the view of the Chief Constable that Mr Singh is highly likely to continue to undermine the licensing objectives in the future if he was to continue as the DPS, and for the company, or him, to continue running the other premises he is associated with.
19. In this case, Mr Singh has undermined the Licensing objective of Public Safety by bypassing the electricity meter, which could have caused serious injury to those using the store, and the residents in the area.
20. The Chief Constable requests that the Licensing Committee consider the points made within this statement and requests to remove Mr SINGH as being a Personal Licence Holder and a Designated Premise Supervisor.

I believe the contents of this statement to be true.

Signed:
PC Grant Johnston

Dated: ...11/03/2022.....

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NORTH LINCOLNSHIRE COUNCIL

Schedule 12

PREMISES LICENCE

Premises Licence Number

PRM29954

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description LUXE Salon 69 Doncaster Road Scunthorpe North Lincolnshire	
Post Town: Scunthorpe	Post Code: DN15 7RG
Telephone Number: N/A	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Sale of Alcohol for Consumption On the Premises

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol for Consumption On the Premises - Authorised Hours

Monday 09:00 hrs to 18:00 hrs
Tuesday 09:00 hrs to 18:00 hrs
Wednesday 09:00 hrs to 21:00 hrs
Thursday 09:00 hrs to 21:00 hrs
Friday 09:00 hrs to 18:00 hrs
Saturday 09:00 hrs to 18:00 hrs
Sunday 09:00 hrs to 12:30 hrs

The opening hours of the premises

Hours Premises Open to the Public

Monday 09:00 hrs to 18:00
Tuesday 09:00 hrs to 18:00
Wednesday 09:00 hrs to 21:00
Thursday 09:00 hrs to 21:00
Friday 09:00 hrs to 18:00
Saturday 09:00 hrs to 18:00
Sunday 09:00 hrs to 12:30

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

Sale of Alcohol for Consumption On the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Amaninder Kaur Johal
11 Henderson Avenue
Scunthorpe
North Lincolnshire
DN15 7RL

07801200031
amojohal@me.com

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Amaninder Kaur Johal
11 Henderson Avenue
Scunthorpe
North Lincolnshire
DN15 7RL

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence issued by: N/A
Licence Number: N/A

Annex 1 – Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under this premises licence
 - a) at a time when there is no Designated Premises Supervisor in respect of this licence, or
 - b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

Alcohol Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);

(b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Drinks Promotions

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- a. games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - iii. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee of the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - b. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - c. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone,

encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- d. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - a. a holographic mark, or
 - b. an ultraviolet feature.
 4. The responsible person must ensure that—
 - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
 - b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Annex 2 – Conditions consistent with the operating Schedule

General Conditions

No Conditions Attached.

The Prevention of Crime and Disorder

CCTV will be installed which monitor all entrances and exits of the premises.

Alcohol will not be sold to drunk or intoxicated customers.

Clear notices will be displayed warning customers of potential criminal activity in the area.

Public Safety

Internal and External Lighting will be fitted at the premises.

All fittings and fixtures within the premises shall be maintained and kept in good working order at all times.

The Prevention of Public Nuisance

Prominent, clear and legible notices will be displayed at the exit of the premises asking customers to leave the premises and area quietly.

Customers will not be allowed to enter the premises outside of the Opening Hours.

Custom will not be sought by personal solicitation within the vicinity of the premises.

Customers will be asked to use the premises in an orderly and respectful manner.

Any lighting on or outside the premises will be positioned and screened in such a way as to not cause a disturbance to nearby residents.

The Protection of Children from Harm.

A 'Challenge 25' Policy will be in place and used by fully trained staff at all times.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

As attached

NORTH LINCOLNSHIRE COUNCIL

Part B

Premises licence summary

Premises Licence Number

PRM29954

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

LUXE Salon
69 Doncaster Road
Scunthorpe
North Lincolnshire

Post Town: Scunthorpe

Post Code: DN15 7RG

Telephone Number: N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale of Alcohol for Consumption On the Premises

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol for Consumption On the Premises - Authorised Hours

Monday 09:00 hrs to 18:00 hrs
Tuesday 09:00 hrs to 18:00 hrs
Wednesday 09:00 hrs to 21:00 hrs
Thursday 09:00 hrs to 21:00 hrs
Friday 09:00 hrs to 18:00 hrs
Saturday 09:00 hrs to 18:00 hrs
Sunday 09:00 hrs to 12:30 hrs

The opening hours of the premises

Hours Premises Open to the Public

Monday 09:00 hrs to 18:00
Tuesday 09:00 hrs to 18:00
Wednesday 09:00 hrs to 21:00
Thursday 09:00 hrs to 21:00
Friday 09:00 hrs to 18:00
Saturday 09:00 hrs to 18:00
Sunday 09:00 hrs to 12:30

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

Sale of Alcohol for Consumption On the Premises

Name, (registered) address of holder of premises licence

Amaninder Kaur Johal

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Amaninder KaurJohal

State whether access to the premises by children is restricted or prohibited

Unrestricted



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