

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION TO VARY A PREMISES LICENCE
ONE STOP, 11-13 HIGH STREET, KIRTON IN LINDSEY, DN21 4LZ**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to vary a Premises Licence for One Stop, Kirton in Lindsey.
- 1.2 A summary of the application is attached as Appendix A to this report and a copy of the application as Appendix B.
- 1.3 There have been five representations received, which have been deemed relevant. These are detailed in paragraph 4.2. Copies of the representations are attached to this report at Appendices D to H.

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 a licence where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application the Sub-Committee should only consider issues which relate to the four Licensing Objectives, which 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, 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 Sub-Committee having considered all the relevant information are as follows:
 - To refuse to vary the licence
 - To vary the licence with additional conditions
 - To vary the licence without additional conditions
 - To vary the licence but restrict the licensable activities
 - To vary the licence with restricted times
- 2.7 As this is an application to vary an existing licence, only the additional elements contained within the application can be considered. The activities already licensed cannot be subject to any restriction or additional conditions.
- 2.8 Members of the Sub-Committee should be advised that the applicant, responsible authorities and other persons making relevant representations 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 An application to vary a premises licence for One Stop, 11-13 High Street, Kirton in Lindsey, DN21 4LZ, was received on 8 April 2022. A summary of the application is attached at Appendix A and a copy of the application is attached at Appendix B. A copy of the existing licence is attached at Appendix C.
- 3.2 North Lincolnshire Council's Environmental Protection and Trading Standards Teams, and Humberside Police, are Responsible Authorities. These three responsible authorities have stated they have no objections to the application. Copies of these representations are attached at Appendices D, E and G.
- 3.3 There have been two representations from other persons, which have been deemed relevant. The representations are detailed in paragraph 4.2 and are attached to this report as Appendices F and H.
- 3.4 The applicant has been made aware of the representations.

4. OUTCOMES OF CONSULTATION

4.1 A copy of an application to vary a Premises Licence must be served on the responsible authorities within 48 hours of the Licensing Authority receiving its copy.

4.2 The table below provides details of any representations received from the responsible authorities:

Responsible Authority	Detail
Humberside Police	"The Police have no objection"
Humberside Fire & Rescue Service	No response received within consultation period
Health & Safety	No response received
Environmental Health	"This department has no objections"
Trading Standards	"No issues"
Child Protection	No response received
Planning	No response received
Licensing Authority	No response received
Public Health	No response received
Other	N/A

4.3 Ward councillors have been made aware of the application.

5. OUTCOMES OF MEDIATION

5.1 We have a duty to mediate in accordance with our Licensing Policy. The results of the mediation will be reported at the meeting.

6. LICENSING OBJECTIVES & STATUTORY PROVISIONS

6.1 Prevention of Crime & Disorder

6.1.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 16 of their application in Appendix B attached to this report.

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

6.1.3 Representations have been received raising concerns with regard to this objective.

6.2 Public Safety

6.2.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 16 of their application in Appendix B attached to this report.

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

6.2.3 Representations have been received raising concerns with regard to this objective.

6.3 Prevention of Public Nuisance

6.3.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 17 of their application in Appendix B attached to this report.

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

6.3.3 Representations have been received raising concerns with regard to this objective.

6.4 Protection of Children from Harm

6.4.1 The applicant has described the steps they intend to take in order to promote this objective. These are detailed on page 17 of their application in Appendix B attached to this report.

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

6.4.3 Representations have been received raising concerns with regard to this objective.

6.5 Other Licensing Policy Issues/Statutory Provisions

6.5.1 The applicant did not propose any general conditions which cover all four Licensing Objectives.

7. FURTHER INFORMATION & CLARIFICATION

1.1 A location plan is attached to the report as Appendix I.

8. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

8.1 Not applicable.

9. RECOMMENDATIONS

9.1 That the Sub-Committee determines the application in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, Statement of Licensing Policy, the Cumulative Impact Policy if appropriate and the information contained within this report and having had due regard to the applicant and the responsible authorities making relevant representations.

9.2 That the Sub-Committee provides the reasons for its decision.

DIRECTOR: ECONOMY AND ENVIRONMENT

Church Square House
High Street
Scunthorpe
North Lincolnshire
DN15 6NL

Author: Rachael Edwards
Date: 11 May 2022

Background Papers used in the preparation of this report: Nil