

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION TO GRANT A PREMISES LICENCE**

**THE PAINT SHOP
253-255 ASHBY HIGH STREET, SCUNTHORPE, DN16 2SD**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that the Sub-Committee determines the application to grant a Premises Licence for The Paint Shop. A summary of the application is attached as Appendix A to this report and a copy of the application is attached as Appendix B.
- 1.2 There have been 9 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 L.

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. 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, and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so. Where Members do deviate from the statutory guidance or policy 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 Sub-Committee having considered all the relevant information are as follows:
 - To refuse to grant the licence
 - To grant the licence with additional conditions
 - To grant the licence without additional conditions
 - To grant the licence but restrict the licensable activities
 - To grant the licence with restricted times
- 2.7 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 The application to grant a premises licence for The Paint Shop was complete on 31 August 2023.
- 3.2 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 proposed Premises Plan is attached at Appendix C.
- 3.3 The Planning Authority have not made representation. However, they have stated that planning permission may be required. The applicant has been informed.
- 3.4 Humberside Fire and Rescue have made representation and have no objections. A copy of the representation is attached at Appendix D.
- 3.5 Environmental Protection have made representation and have requested that conditions be attached to any granted licence, which the applicant has agreed to. A copy of the representation is attached at Appendix E.
- 3.6 Humberside Police have made representation and have requested that conditions be attached to any granted licence, which the applicant has agreed to. A copy of the representation is attached at Appendix L.
- 3.7 There have been 6 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 to K.
- 3.8 The applicant has been made aware of the representations.

4. OUTCOMES OF CONSULTATION

4.1 A copy of an application to grant or 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	Representation on the grounds of The Prevention of Crime and Disorder, The Prevention of Public Nuisance and The Protection of Children from Harm. Received with conditions – Appendix L
Humberside Fire & Rescue Service	Acceptable – Appendix D
Health & Safety	No Response
Environmental Health	Representation on the grounds of The Prevention of Public Nuisance. Received with conditions – Appendix E
Trading Standards	No Response
Child Protection	No Response
Planning	No Objection
Licensing Authority	No Response
Public Health	No Response

4.3 The table below provides details of any representations received from other persons.

Other Persons	Detail
Mr Andrew Leeson	Representation made on the grounds of The Prevention of Public Nuisance – Appendix H
Deborah Kendray on behalf of Mrs Hare	Representation made on the grounds of The Protection of Children from Harm and The Prevention of Public Nuisance – Appendix G
Jane Addy	Representation made on the grounds of The Prevention of Crime and Disorder and The Prevention of Public Nuisance – Appendix F
Mrs Amanda Leahy	Representation made on the grounds of The Prevention of Crime and Disorder and The Prevention of Public Nuisance – Appendix I
B J Hutchins & J F L Hutchins	Representation made on the grounds of The Prevention of Crime and Disorder and The Prevention of Public Nuisance – Appendix K
Mr Nicholson	Representation made on the grounds of The Prevention of Crime and Disorder and The Prevention of Public Nuisance - Appendix J

4.4 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 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 17 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 17 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 18 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 A representation has been received raising concerns with regard to this Objective.

6.5 Other Licensing Policy Issues/Statutory Provisions

6.5.1 These are detailed in Appendix B, page 17.

7. FURTHER INFORMATION & CLARIFICATION

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

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, the Statement of Licensing Policy 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: COMMUNITIES

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Date: 3 October 2023

Background Papers used in the preparation of this report Nil