

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
APPLICATION TO GRANT A PREMISES LICENCE
ABDAL'S KITCHEN, SPRUCE LANE, ULCEBY, DN39 6UL**

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 Abdal's Kitchen. A summary of the application is attached as Appendix A to this report and a copy of the application as Appendix B.
- 1.2 There have been eight 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 K.

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 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, as stipulated by the Act. The Licensing Objectives are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of 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. In this case, our Cumulative Impact Policy is not relevant. 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, 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 Abdal's Kitchen was received on 25 November 2021. A summary of the application is attached at Appendix A. A copy of the application and plan are attached at Appendices B and C.
- 3.2 Trading Standards and Humberside Fire have responded with no objections. Copies of these representations are attached as Appendices D and E.
- 3.3 Humberside Police have objected to the application on the grounds of:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- A copy of the representation is attached at Appendix F.
- 3.4 Environmental Protection have objected to the application on the grounds of The Prevention of Public Nuisance. A copy of the representation is attached at Appendix K.
- 3.5 There have been four representations from another people, which have been deemed relevant. These representations are detailed in paragraph 4.2 and are attached to this report as Appendices G to J.
- 3.6 The applicant has been made aware of the representations.

4. OUTCOMES OF CONSULTATION

- 4.1 A copy of an application to grant 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	Objection on the grounds of all four Licensing Objectives. Conditions suggested.
Humberside Fire & Rescue Service	<i>"Acceptable"</i>
Environmental Protection	Objection on the grounds of The Prevention of Public Nuisance. Conditions suggested.
Trading Standards	<i>"No issues"</i>
Health & Safety	No response received
Child Protection	No response received
Planning	No response received
Licensing Authority	No response received
Public Health	No response received
Other	Four representations on the grounds of The Prevention of Crime and Disorder; and The Prevention of Public Nuisance.

- 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 Policy. The results of the mediation will be reported at the meeting.
- 5.2 The applicant has agreed to the conditions proposed in the representation by Humberside Police.

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 Five 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 A representation has 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 Six 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 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, under the heading of General.

7. FURTHER INFORMATION & CLARIFICATION

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

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
DN15 6NL

Author: Rachael Edwards
Date: 24 December 2021

Background Papers used in the preparation of this report Nil