

**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.
- 2.8 The review application was originally scheduled to be heard on 19 April 2022. However, following a request from the premises licence holders legal representative, it was resolved "That, following the written request from the premises licence holder's legal representative, the hearing be adjourned, and reconvened on Friday 6 May 2022".

### **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**

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**Background Papers used in the preparation of this report** Nil