

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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**AGENDA**

**Licensing Sub Committee**

**Thursday, 25th January, 2018 at 2.00 pm**

**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members:** Councillor David Cotton  
Councillor Mrs Angela Lawrence  
Councillor Mrs Jessie Milne

**1. To Elect a Chairman for this Meeting Only**

**2. Apologies for Absence**

**3. Members' Declarations of Interest**

*Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.*

**4. Procedure**

Please note the procedure to be taken by the committee (which is attached to this agenda marked A).

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**5. Licence Hearing**

**Reference Number:** TBC

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**Application type:** Application for the Grant of Premises Licence

**Premises:** "Sudbrooke Village Store" 1-2 Holme Drive,  
Sudbrooke, Lincolnshire LN2 2SF

**Applicant:** Mr Arvindkumar Rambhai Bhutiya

**Date of Hearing:** January 25 2018

**6. Note:**

This licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one member being unable to attend, their place will be substituted by another member. In the event of this substitution taking place all parties will be informed of the change of membership at the beginning of the hearing.

Mark Sturgess  
Interim Head of Paid Services  
The Guildhall  
Gainsborough

17 January 2018

## WEST LINDSEY DISTRICT COUNCIL

### LICENSING ACT 2003

#### PROCEDURE FOR HEARINGS

1. Election of Chair.
2. Chair's welcome and opening remarks
  - name of Applicant and the premises address
  - the introduction of the Members of the Sub-Committee and Officers
  - introduction of Applicant and Objector(s)
  - Chair to explain that all parties have been given notice to attend the hearing and that the hearing will proceed notwithstanding a party's failure to attend the hearing
  - the Legal Adviser to explain the procedure to the parties
  - the Senior Licensing Officer will present the application which will include any previous licensing history.
3. Applicant to present case
  - the Applicant(s) or his/her/their representative presents his/her/their case
  - the Applicant or their representative will then call any witnesses and/or give evidence in support of their case
  - the Objector(s) or their representatives may then question the Applicant and their witnesses
  - the Members of the Sub-Committee may ask questions of the Applicant and their witnesses
  - the Applicant or their representative will then be given a final opportunity to ask any further questions of their witnesses to clear up any points raised in the earlier questioning.
4. The Objector(s)/Objector(s) Representative's Case

This procedure will be followed for each individual objector

  - the Objector or his/her representative will give his/her reasons for objecting to the application
  - the Objector or his/her representative will then call any witnesses
  - the Applicant or his/her representative may then question the Objector or his/her representative and any witnesses
  - the Members of the Sub-Committee may ask questions of the Objector or his/her representative and any witnesses
  - the Objector or his/her representative will then be given a final opportunity of asking any further questions of their witnesses to clear up any points raised in the earlier questioning
5. The Applicant is asked by the Chair of the Sub-Committee whether, in light of the objections, he/she wishes to amend the application (when they retire Members will consider only the application before them at that time).

If the Applicant wishes to amend the application or indicates that he/she is prepared for Members to give consideration to an amended application if they are minded to refuse the original application, the Objector(s) are to be given the opportunity to comment on the amended application.

## 6. Closing Statement or Summary

The Objector(s) can summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce any new issues at this stage.

Applicants can summarise any points they wish to make and comment briefly on the Objector(s)' replies to questions. They cannot introduce new issues at this stage.

## 7. Conclusion

The Chair will then ask the Legal Adviser whether there are any other matters to be raised or resolved before the Sub-Committee retires to begin its deliberations. The Sub-Committee will exclude the press and public from its deliberations and its decision making.

The Chair will advise the hearing that they will retire to consider the application and that the Legal Adviser will be retiring with them but will not take part in the deliberation. If legal advice is given by the Legal Adviser in the course of deliberations, the Legal Adviser will reiterate this advice to the hearing when the hearing is reconvened.

Once a decision has been made everybody is invited back in and the Chair announces the decision and will give reasons for the decision including any conditions that have been attached and the right of appeal if necessary. The decision will subsequently be formally notified to the Applicant and the Legal Adviser in writing by the Clerk to the Committee within 5 working days.

***NB*** *If legal advice is given to Members by the Legal Adviser then this advice will be repeated in summary form by the Legal Adviser when the public are re-admitted.*

## WEST LINDSEY DISTRICT COUNCIL

### LICENSING ACT 2003

<b>Reference Number:</b>	TBC
<b>Application type:</b>	Application for the Grant of Premises Licence
<b>Premises:</b>	“Sudbrooke Village Store” 1-2 Holme Drive, Sudbrooke, Lincolnshire LN2 2SF
<b>Applicant:</b>	Mr Arvindkumar Rambhai Bhutiya
<b>Date of Hearing:</b>	January 25 2018

A Hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the Representations, Application or Notice as the case may require.

- 1.1 The application is for the grant of a new Premises Licence for the above named premises, made under Section 17 of the Licensing Act 2003. The statutory consultation period relative to this application ended on 01.01.2018.
- 1.2 The applicant placed a Notice in the local press and attached a Blue Notice on to the glass door of the property, in order to advertise the application.
- 1.3 The application submitted is requesting authorisation for the retail sale of alcohol (for consumption off the premises only). The full application with all the relevant details is attached as Appendix 1.

## 2 Background

- 2.1 This premises was originally issued a licence in August 2005 under the current licensing regime (Licensing Act 2003) but was also licensed under the previous licensing regime. The licence was transferred in 2010 and then again in 2011 where the licensee then surrendered the licence in 2016.

## 3 Promotion of the Licensing Objectives

- 3.1 In submitting the application the applicant is required to describe any steps intended to be taken in order to promote the following 4 licensing objectives, which are:
  - The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children from Harm
- 3.2 The steps the applicant intends to take are detailed in section 18 of the application form (Appendix 1).

#### **4 Representations – Responsible Authorities**

- 4.1 One representation has been received from Lincolnshire Police, which is attached at Appendix 2 for Members perusal. Although not objecting to the application in principle, the view from Lincolnshire Police is that the conditions submitted as part of the application are inadequate and do not fully promote the Licensing Objectives. Lincolnshire Police have indicated that their representation is relative to all four of the licensing objectives.

#### **5 Representations – Other Persons (previously known as Interested Parties)**

- 5.1 None.

#### **6 Considerations**

- 6.1 Each application must be considered on its own merits, **standardised conditions cannot be applied across the board** to all licences of a similar type.
- 6.2 Each representation must be considered and in each case the Members of the sub-committee must satisfy themselves whether or not the licensing objectives are being promoted by the applicant with respect to each matter.
- 6.3 The authority may only interfere with the operating schedule if it considers it appropriate in order to promote the licensing objectives. If it does interfere, then it must do so proportionately.
- 6.3.1 Therefore, before any conditions can be imposed on a licence, they have to be *appropriate for the promotion of the licensing objectives and where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives. Conditions must be proportionate, reasonable, and capable of being directly complied with by the licensee. Furthermore, conditions should be clear and understandable, not be imposed to achieve an ulterior motive outside the scope of the legislation, not over generalised and cannot override primary legislation. If the Sub-Committee are minded that a condition is not appropriate for the promotion of the licensing objectives, then it should not be imposed.*
- 6.3.2 The Sub-Committee should always be alive to the burdens/costs of additional conditions and if a lesser step can be taken, it should be.
- 6.3.3 Clearly, the Sub-Committee have to *consider extremely carefully* whether or not additional conditions need to be attached in order for the promotion of the licensing objectives?
- 6.4 In making its decision the committee must consider the application in line with the following:
- The Licensing Act 2003
  - The Section 182 Guidance made under the Act
  - The Licensing Authority's Licensing Policy Statement

## 6.5 Policy Considerations

- 6.5.1 When considering the application and representations received, attention is drawn to the Licensing Authority's Policy which can be found at the link below by clicking on the Download Tab, then downloading the Policy:  
<http://www.west-lindsey.gov.uk/businesses/licensing/licensing-and-gambling-policies/licensing-policy/104810.article>

## 6.6 Statutory Guidance

- 6.6.1 Attention is also drawn to the contents of the section 182 statutory guidance which can be found at the link below:  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

## 7 Options

- 7.1 Licensing Act 18(2) Subject to subsection (3) below, the authority must grant the licence in accordance with the application subject only to-
- (a) such conditions as are consistent with the operating schedule accompanying the application, and
  - (b) any conditions which must under section 19, 20 or 21 be included in the licence.

(3) Where relevant representations are made, the licensing authority must –

- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are –

- (a) to grant the licence subject to-
  - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
  - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application;

(5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

**Conditions cannot be attached with respect to any part of the application on which no representation(s) have been received.**

This is a matter for the committee to determine in light of the above matters and any others it considers relevant.

**N.B.** Whatever decision the Members of the Licensing Sub-Committee arrive at, they are reminded about the comments made in a court case, known as Hope and Glory, in relation to reasons for their decision making. The comments noted from this case stated: "*The fuller and clearer the reasons, the more force they are likely to carry*". Therefore taking these comments into account, Members are strongly advised to give good, clear, justifiable reasons in relation to their decision, which will have more chance of being upheld, should the decision be appealed against.

## **8 List of Appendices**

Appendix 1	Application Form
Appendix 2	Representation from Lincolnshire Police

## **9 Background Papers**

Licensing Act 2003  
WLDC Statement of Licensing Policy  
Guidance made under section 182 of the Licensing Act 2003



# Appendix 1

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="Sudbrooke village store"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

First name	<input type="text" value="ARVINDKUMAR"/>
Family name	<input type="text" value="RAMBHAI BHUTIYA"/>
E-mail	<input type="text" value="REDACTED"/>
Main telephone number	<input type="text" value="REDACTED"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

As the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason such as following a hobby.

Continued from previous page...

**Address**

Building number or name [REDACTED]  
Street [REDACTED]  
District [REDACTED]  
City or town [REDACTED]  
County or administrative area [REDACTED]  
Postcode [REDACTED]  
Country [REDACTED]

**Agent Details**

First name [REDACTED]  
Family name [REDACTED]  
E-mail [REDACTED]  
Main telephone number [REDACTED]  
Other telephone number [REDACTED]  
 Indicate here if you would prefer not to be contacted by telephone

Include country code.

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Your Address**

Building number or name [REDACTED]  
Street [REDACTED]  
District [REDACTED]  
City or town [REDACTED]  
County or administrative area [REDACTED]  
Postcode [REDACTED]  
Country [REDACTED]

Address official correspondence should be sent to.

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*Continued from previous page...*

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**


Are you able to provide a postal address, OS map reference or description of the premises?

- Address       OS map reference       Description

**Postal Address Of Premises**

Building number or name	SUDBROOKE VILLAGE STORE
Street	1-2 HOLME DRIVE
District	SUDBROOKE
City or town	LINCOLN
County or administrative area	
Postcode	LN2 2SF
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	16,750

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**Section 3 of 21**

**APPLICATION DETAILS**

1. What capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes  No

continued from previous page...

**Current Residential Address**

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name [REDACTED]

Street [REDACTED]

District [REDACTED]

City or town [REDACTED]

County or administrative area [REDACTED]

Postcode [REDACTED]

Country [REDACTED]

**Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail [REDACTED]

Telephone number [REDACTED]

Other telephone number [REDACTED]

Date of birth [REDACTED] / [REDACTED] / [REDACTED]

Nationality [REDACTED]

Documents that demonstrate entitlement to work in the UK

Add another applicant

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

*Continued from previous page...*

RESIDENTIAL AREA. THE SHOP PROPOSES TO REGAIN STATUS AS A LOCAL COMMUNITY STORE, WITH NEWSPAPERS AND OFF LICENCE

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

- Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

*Continued from previous page...*

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the day  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End



Continued from previous page...

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth     
dd mm yyyy

*Continued from previous page...*

**Enter the contact's address**

Building number or name

[REDACTED]

Street

[REDACTED]

District

[REDACTED]

City or town

[REDACTED]

County or administrative area

Postcode

[REDACTED]

Country

Personal Licence number  
(if known)

APPLYING FOR

Issuing licensing authority  
(if known)

SOUTH KESTEVEN

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

SUDBROOKE DPS

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

**Section 17 of 21**

**OURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start 07:00

End 23:00

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the day of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

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*Continued from previous page...*

List here steps you will take to promote all four licensing objectives together.

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The business will take into account the licence act 2003 and alcohol will be sold with all due care.

Cameras, refusal of sale of alcohol records will be kept. Posters indicating underage sales warnings to customers

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c) The prevention of crime and disorder

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PROVIDE A CAMERA SYSTEM THAT COVERS 31 DAYS RECORDING. THERE WILL BE A MINIMUM OF 10 CAMERAS .  
RECORDINGS WILL BE MADE AVAILABLE TO POLICE, SHOULD THEY BE REQUIRED.

ALL STAFF SERVING ALCOHOL WILL BE TRAINED EVERY 12 MONTHS ,  
TRAINING BOOK WILL BE KEPT BEHIND BAR COUNTER.

A REFUSALS BOOK WILL BE USED TO RECORD DETAILS , KEPT BEHIND BAR COUNTER.

PHOTO ID WILL BE CHECKED TO PREVENT UNDER AGE SALES. ALCOHOL SALES MADE BY USING TO CHALLENGE 21  
POLICY.

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d) Public safety

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SAFETY CHECKS INSIDE AND OUTSIDE OF PREMISE WILL BE MADE REGULARLY.

USE ADEQUATE AND APPROPRIATE LIGHTING. MAKE SURE ALL AREAS AVAILABLE TO CUSTOMERS ARE CLEAN AND CLEAR.

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e) The prevention of public nuisance

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ENSURE BINS ARE EMPTIED BETWEEN 7AM AND 11PM.

REFUSE TO SERVE CUSTOMERS CAUSING ANTI SOCIAL BEHAVIOUR

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f) The protection of children from harm

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DO NOT USE CHALLENGE 21 SCHEME. TO WATCH FOR FAKE I.D.

LOG REGISTER/REFUSAL BOOK AND TRAINING BOOK WILL BE USED AND KEPT BEHIND COUNTER

USE 'NO I.D. NO SALE' POSTERS . ACCEPT ONLY GOVERNMENT APPROVED I.D. PROMOTE AND OBTAIN 'PASS' LITERATURE  
FOR I.D. PURPOSES, PROOF OF AGE SCHEME.

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**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

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*Continued from previous page...*

### **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

#### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
  - An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
  - A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
  - A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
  - A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
  - A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
  - A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
  - A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
  - A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
  - A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
  - A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
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*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

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in terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Fee relating to non domestic rateable value of the premises

Fee amount (£)

190.00

**DECLARATION**

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

[Redacted]

Capacity

AGENT

Date

01 / 12 / 2017

dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/west-lindsey/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



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**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**OFFICE USE ONLY**

Applicant reference number	Sudbrooke village store
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

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# Appendix 2

## Licensing Act 2003

### Representation by a Responsible Authority

**Note:** Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the Licensing Panel hearings.

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

Please enter your details below:

Responsible Authority:	Lincolnshire Police
Contact Officer:	PC 37 Senescall
Address:	Lincolnshire Police HQ, Deepdale lane Nettleham LN2 2LT
Telephone Number:	01522 558380
E-mail:	countylicensinggroup@lincs.pnn.police.uk

Please provide details of the application to which your representation refers:

Name:	Sudbrooke Village Store
Address:	71-2 Holme Drive, Sudbrooke, Lincolns, LN2 2SF
Application Details:	Application for a Premises Licence
Date Application Received:	6 <sup>th</sup> December 2017

Please provide details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es):

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

In relation to this application, the following Guidance issued under Section 182 of the Licensing Act 2003 has been considered –

*From Section 9.2 - The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objectives.....The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.*

Although not objecting to the application in principle, it is Lincolnshire Police's belief the submitted conditions are inadequate and do not fully promote the Licensing Objectives.

The applicant did not consult with Lincolnshire Police Licensing Department prior to the application being submitted.

The applicant has fully agreed to adopt this wording on their premises licence on the phone, however he has not returned my email.

Due to licence conditions not being allowed to be agreed once an application has been made, without the submission of a Representation, Lincolnshire Police have no alternative but to submit this Representation.

Lincolnshire Police have been in contact with the agent Anil BHAWSAR, I attach in appendix A, a copy of the email from Anil confirming that he is happy with the licence wording Lincolnshire Police have suggested.

If possible, please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the **Licensing Objectives**:

The additional wording that Lincolnshire Police believes promotes the Licensing Objectives is as follows:-

**General**

*A CCTV system shall be installed, recording and maintained in working order and operated at the premises, specifically:*

- a) There shall be a minimum of one high resolution colour camera, fitted in a weatherproof housing, for external coverage of the entrance.*
- b) There shall be a minimum of one high-resolution colour camera fitted to each public entrance/exit. To provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.*
- c) There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas.*
- d) Recordings must be kept for a minimum of 31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).*
- e) Police and/or Authorised Licensing Officers shall be able on attendance to view immediate playback of any incident without the necessity for download.*
- f) Recordings of incidents at the premises must be provided to the police following lawful request.*
- g) A member of staff shall be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings shall be provided within 24 hours of the original request.*
- h) Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.*

**The Prevention of Crime and Disorder**

*An incident book shall be kept at the premises, in which details of crime and/or disorder or refusals relating to the premises shall be recorded. The Incident book shall contain the following details;*

- Time, date and location of incident/refusal.*
- Nature of the Incident/refusal.*
- Names, addresses and contact details of persons involved.*
- Result of the incident/refusal.*
- Action taken to prevent further such incidents.*
- Each entry signed by the DPS or other responsible person employed at the premises and so authorised by the DPS; and*
- Retained for a period of no less than 12 months and made available to Lincolnshire Police for inspection upon request.*

**Protection of Children From Harm**

*The premises shall operate the "Challenge 25" Proof of Age Policy to prevent the sale or supply of alcohol to persons under 18 years of age. The policy shall require any person who appears to be*



# Appendix a

## Senescall, Nicola

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**From:** [REDACTED] >  
**Sent:** 19 December 2017 10:31  
**To:** Senescall, Nicola  
**Cc:** [REDACTED] Tracy Gavins GCSX (Tracy.Gavins@west-lindsey.gcsx.gov.uk)  
**Subject:** Re: Sudbrooke Village Store

Hi

I am responding to your email last week. The applicant is happy with your proposal to change wording. Thanks.

Regards

[REDACTED]  
[REDACTED]  
[REDACTED]

On 14 Dec 2017, at 12:04, Senescall, Nicola [REDACTED]

Anil,

Following our phone call I attach below the suggested wording for the licensing objectives.

Whilst we do not object to the licence for the premises, we feel that you need to change the wording to cover the below within the licence. Had you consulted with the police as per the application process prior to submitting this application we could have advised you of this. We will be submitting a representation to WLDC advising that we would like this wording adding. This will delay your licence being issued. However should we all agree to the wording below this will not need to go to a full hearing.

Should you need to discuss this further please do not hesitate to contact me.

### **Suggested Conditions**

#### **A) General**

A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Lincolnshire Police, specifically:

- a) There shall be a minimum of one high resolution colour camera, fitted in a weatherproof housing, for external coverage of the entrance.
- b) There shall be a minimum of one high-resolution colour camera fitted to each public entrance/exit. To provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.
- c) There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas.
- d) Recordings must be kept for a minimum of 31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).



- e) Police and/or Authorised Licensing Officers shall be able on attendance to view immediate playback of any incident without the necessity for download.
- f) Recordings of incidents at the premises must be provided to the police following lawful request.
- g) A member of staff shall be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings shall be provided within 24 hours of the original request.
- h) Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.

**C) Public Safety**

An incident/refusals book shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. The Incident book shall contain the following details;

- Time, date and location of incident/refusals.
- Nature of the Incident/refusal.
- Names, addresses and contact details of persons involved.
- Result of the incident/refusals.
- Action taken to prevent further such incidents.
- Each entry signed by the DPS or other responsible person employed at the premises and so authorised by the DPS; and
- Retained for a period of no less than 12 months and made available to Lincolnshire Police for inspection upon request.

**d) The Prevention of public nuisance**

Customer notices to be displayed at all exits asking patrons to please leave the premises quietly and to respect the needs of the local residents.

**e) The Protection of children from harm**

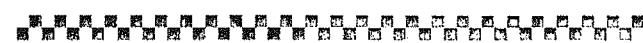
The premises shall operate the "Challenge 25" Proof of Age Policy to prevent the sale or supply of alcohol to persons under 18 years of age. The policy shall require any person who appears to be under the age of 25 years to produce one of the following forms of identification:

- A recognised proof of age card credited under the British Retail Consortiums Proof of Age Standards Scheme (PASS);
- Photo driving licence;
- Passport.

Notices shall be prominently displayed advising customers of the "Challenge 25" policy. All point of sale staff shall undergo training in the challenge 25 proof of age scheme and all other relevant policies with a record kept of the date of training, signed by the member of staff and the trainer. Each entry shall be retained for a period of 12 months from date of completion. This record shall be made available for inspection by Lincolnshire Police Officers or other relevant authority.

Kind regards

PC 37 Senescall

  
 Police Constable 37 Nicola Senescall  
 Licensing (Alcohol)

