

WEST LINDSEY DISTRICT COUNCIL

LICENSING ACT 2003

Licence Number: 32UHB01701

Hearing Type: Review of a Premises Licence

Applicant: Lincolnshire Police

Premises: 102 Trinity Street, Gainsborough, Lincolnshire DN21 1HS

Premises Licence Holder: Mr Zydrunas Gaubys

1 The Application for Review

- 1.1.1 An application for review of the Premises Licence for 102 Trinity Street has been made by Lincolnshire Police which was received on 13 March 2017. Lincolnshire Police are a Responsible Authority, as defined by Section 13(4) of the Licensing Act 2003 and are therefore entitled to apply for a review of a licence when of the opinion a premises is failing to operate with a view to promoting one or more of the licensing objectives. A copy of the application, outlining the grounds for review is attached at Appendix 1.
- 1.1.2 From the information detailed in the application for review, Lincolnshire Police have concluded that there is evidence that the licensing objectives for the prevention of crime and disorder and public safety are being undermined.
- 1.1.3 Lincolnshire Police visited the premises on 28 February 2017 where numerous licensing breaches were found, as well as alcohol which they believed to be non-duty paid. Statements from Lincolnshire Police provide further information at Appendices A and C, part of the information supplied by Lincolnshire Police.
- 1.2. The Licensing Act 2003 requires the applicant of a premises review to notify each Responsible Authority by way of a Notice containing details of the review application. The Licensing Authority must advertise the review application as defined by regulations which means a Notice is placed on its website, in the Guildhall main reception area and also onto or nearby the premises concerned, in order to invite representations to be made by Other Persons and Responsible Authorities. In this instance the Notice was displayed on the shop door (visible when the shop is open) and a second notice was displayed on the outside shutters (visible when the shop is shut).

2 The Premises

- 2.1 102 Trinity Street holds a licence authorising the sale of alcohol (for consumption off the premises). This was issued in January 2017 under the provisions of the Licensing Act 2003. A copy of the premises licence including any attached conditions is attached at Appendix 2.

2.2 The Premises Licence Holder is Mr Zydrunas Gaubys and has been since the licence was issued. The Designated Premises Supervisor (DPS) is Mr Virginijus Skarbalius and has been since issue of the Premises Licence.

3 Representations – Responsible Authorities

3.1 There have been no representations received from other Responsible Authorities within the statutory timescale.

4 Representations – Other Persons

4.1 There have been no representations received from any Other Persons within the statutory timescale.

5 Considerations

5.1 With respect to the review application, Members of the Licensing Sub-Committee must satisfy themselves whether or not the licence holder is satisfactorily promoting the licensing objectives in relation to the prevention of crime and disorder, and public safety.

5.2 In considering the application for review and making its decision the Licensing Sub-Committee must do so in line with:

- The Licensing Act 2003
- The Section 182 Guidance made under the Act
- The Licensing Authority's Statement of Licensing Policy

5.3 When considering the application and representations received, attention is drawn to the Licensing Authority's Policy which can be found at the link below on the right hand side of the page, headed 'Downloads':

<http://www.west-lindsey.gov.uk/businesses/licensing/licensing-and-gambling-policies/licensing-policy/104810.article>

5.4 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>

6 Options

6.1 The Licensing Sub-Committee (in its capacity as licensing authority) must, having regard to the application for review, take such steps, if any, it considers appropriate and proportionate for the promotion of the licensing objectives.

6.2 The steps available are:

- to modify the conditions of the licence
- to exclude a licensable activity from the scope of the licence
- to remove the designated premises supervisor from the licence
- to suspend the licence for a period not exceeding 3 months
- to revoke the licence

(For the avoidance of doubt, the conditions of a licence are modified if any of them are altered or omitted or any new condition is added).

- 6.3 Any action the Licensing Sub-Committee resolve to implement must be appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.
- 6.4 **N.B.** whatever decision the Members of the Licensing Sub-Committee arrive at, they are reminded that with regards to decision making, "*the fuller and clearer the reasons they give, the more force they are likely to carry*". Therefore, 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.
- 6.5 If the Licensing Sub-Committee resolve to implement any of the steps set out at 6.2 above, the action will not take effect until the end of the period for appeal (21 days) or if the decision is appealed against, until the appeal is disposed of.

7 List of Associated Papers

Appendix 1	Application for Review
Appendix A - C	RESTRICTED Statements and documents from Lincolnshire Police
Appendix 2	RESTRICTED Complete Premises Licence for 102 Trinity Street

8 Background Papers

Licensing Act 2003
Section 182 Government Guidance
WLDC Statement of Licensing Policy