



Licensing Sub Committee

Wednesday, 14 May 2025

Subject: Application for the Grant of Premises Licence

Report by:

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Purpose / Summary:

This report is being put before the Members of the Licensing Sub-Committee for them to determine the outcome of this application.

RECOMMENDATION(S):

That Members take into account all the information put before them, both within this report and presented to them at the hearing, by all parties in attendance.

Members will then need to decide which of the options presented to them in section 7 of this report are appropriate in determining this application, taking into account The Licensing Act 2003, s.182 Statutory Guidance and West Lindsey District Council's Licensing Policy.

IMPLICATIONS

Legal: The Licensing Act 2003, Schedule 5, Part 1 makes provision for the applicant of a premises licence and the licence holder and any other person who made relevant representations to appeal the outcome of the hearing.

Any appeal must be made to the Magistrates Court for the local justice area in which the premises concerned is situated.

Any appeal must be commenced within 21 days beginning with the day on which the appellant was notified by the authority of the decision appealed against.

Financial: N/A

Staffing: N/A

Equality and Diversity including Human Rights:

Article 6 – Right to a fair hearing in public before an independent and impartial tribunal.

Data Protection Implications: Personal data within the report appendices has been redacted where relevant.

Climate Related Risks and Opportunities: N/A

Section 17 Crime and Disorder Considerations:

(S.17 Crime and Disorder Act 1998) - (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Health Implications: N/A

Title and Location of any Background Papers used in the preparation of this report:

Licensing Act 2003

WLDC Statement of Licensing Policy

Guidance made under section 182 of the Licensing Act 2003

<https://www.west-lindsey.gov.uk/licensing/licensing-gambling-policies/licensing-policy>

Risk Assessment:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

☐

No

☐

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

☐

No

☐

WEST LINDSEY DISTRICT COUNCIL

LICENSING ACT 2003

Reference Number:	TBC
Application type:	Application for the Grant of Premises Licence
Premise:	Gainsborough Grill, 168 Trinity Street, Gainsborough, Lincolnshire, DN21 1JW
Applicant:	Nazilyarim Ltd
Date of Hearing	14th May 2025

1 The Application

- 1.1 The application made is for the grant of a new premises licence under Section 17 of the Licensing Act 2003.
- 1.2 The application submitted is requesting authorisation for the provision of late-night refreshment. The full application with all the relevant details is attached as Appendix 1. The proposed area to be licensed can be seen from the plan which forms part of the application within Appendix 1 for 168 Trinity Street.

2 Background

- 2.1 168 Trinity Street, Gainsborough was previously licensed for the provision of late-night refreshments until 02:00hrs operating under the authorisation of premises licence number 32UHB01805. However, at a licensing hearing to determine a review application submitted by Lincolnshire Police, held on 17th December 2020, members of the licensing sub-committee resolved to revoke that licence, due to not complying with the premises licence conditions and failure to adhere to legislation introduced as a result of the Covid pandemic.
- 2.2 The Current applicant was not the licence holder at that time but is related to that licence holder.

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 M (a-e), of the application form (Appendix 1).

4 Representations – Responsible Authorities

4.1 Three representations have been submitted –

- Licensing Team, West Lindsey District Council at Appendix 2.
- Lincolnshire Police at Appendix 3.
- Home Office Immigration at Appendix 4.

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 committee must satisfy themselves whether or not the licensing objectives are being met by the applicant with respect to each matter.

6.3 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.

6.3.1 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

- Decisions handed down from any relevant case law by the Courts where relevant

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 –
- such conditions as are consistent with the operating schedule accompanying the application, and
 - 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 –

- 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
- 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 –

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

Appendix 3 – Representation from Lincolnshire Police.

Appendix 4 – Representation from Home Office Immigration.

9 Background Papers

Licensing Act 2003

WLDC Statement of Licensing Policy

Guidance made under section 182 of the Licensing Act 2003