

# WEST LINDSEY DISTRICT COUNCIL

## LICENSING ACT 2003

<b>REPORT TO:</b>	LICENSING SUB-COMMITTEE
<b>DATE:</b>	1 <sup>st</sup> JUNE 2026
<b>SUBJECT:</b>	TODAYS EXTRA, 2 HORSEMARKET, CAISTOR, MARKET RASEN, LN7 6UP.
<b>PURPOSE:</b>	APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR  TO CONSIDER AN OBJECTION RECEIVED FROM THE CHIEF OFFICER OF LINCOLNSHIRE POLICE IN RESPECT OF AN APPLICATION SUBMITTED BY MR NANTHAKUMAR MURUKAN.
<b>REPORT OF:</b>	SENIOR LICENSING OFFICER
<b>REPORT AUTHOR:</b>	KIMBLE ENDERBY
<b>WARD(S) AFFECTED:</b>	CAISTOR AND YARBOROUGH
<b>EXEMPT REPORT?</b>	NO

### SUMMARY

This is a report to consider a notice given by the Chief Officer of Lincolnshire Police objecting to an application under Section 37 of the Licensing Act 2003. The application seeks to specify MR NANTHAKUMAR MURUKAN as Designated Premises Supervisor for Todays Extra, 2 Horsemarket, Caistor, Market Rasen, LN7 6UP.

### RECOMMENDATIONS

It is recommended that the Sub-Committee take into account all evidence and information received from Lincolnshire Police and Mr Murukan and resolve to either grant or reject the application.

## REASONS FOR RECOMMENDATIONS

The Licensing Act 2003 requires that the Licensing Sub-Committee determine an application where a notice of objection is received from the Chief Officer of Police.

The Sub-Committee must give full reasons for their decisions.

## OTHER OPTIONS CONSIDERED

None

## 1. BACKGROUND

1.1 Section 39 (3) of the Licensing Act 2003 states that where a notice is given under section 37(5) (and not withdrawn) the authority must-

- Hold a hearing to consider it, unless the authority, the applicant and the person who gave the notice agree that a hearing is not necessary, and
- Having regard to the notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.

## REPORT

2.1 Today's Extra is a convenience store at 2 Horsemarket, Caistor. A premises licence authorising the sale by retail of alcohol for consumption off the premises only and the provision of late-night refreshment has been held since September 2005.

On 23<sup>rd</sup> July 2025 an application seeking a review of the premises licence was submitted by Lincolnshire Police.

A premises licence review hearing took place on 10<sup>th</sup> October 2025. The decision was taken by the Licensing sub-committee to revoke the premises licence.

This decision was appealed by the premises and an appeal hearing is scheduled to be held at Lincoln Magistrates Court on 21st May 2026.

A copy of the Premises Licence is attached at **APPENDIX 1**.

2.2 On 23<sup>rd</sup> April 2026 an application to specify Mr Murukan as Designated Premises Supervisor was submitted. (Mr Murukan is also seeking to transfer the premises licence into his name, the transfer application was submitted on 19th April 2026).

2.3 The application states that the applicant wishes this to take immediate effect in accordance with Sections 38 of the Licensing Act 2003.

2.4 Section 38 of the Licensing Act 2003 states:

1. Where an application made in accordance with section 37, in respect of a premises licence which authorises the supply of alcohol, includes a request that the variation applied for should have immediate effect.
2. By virtue of this section, the premises licence has effect during the application period as if it were varied in the manner set out in the application.
3. For this purpose “the application period” means the period which-
  - (a) begins when the application is received by the relevant licensing authority, and
  - (b) ends-
    - (i) if the application is granted, when the variation takes effect,
    - (ii) If the application is rejected, at the time the rejection is notified to the applicant, or
    - (iii) if the application is withdrawn before it is determined, at the time of the withdrawal

2.5 A copy of the application, which was correctly completed, is attached at **APPENDIX 2.**

2.6 Where the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, they must give the relevant licensing authority notice stating the reasons why they are so satisfied. Such notice must be given within the period of 14 days beginning with the day on which they are notified of the application.

2.7 A notice of objection was submitted under S37(5) of the Licensing Act 2003 on behalf of the Chief Officer of Lincolnshire Police, within the necessary time frame, on 1<sup>st</sup> May 2026 stating the grounds for being satisfied that the exceptional circumstances of the case were such that granting the application would undermine the crime prevention objective. A copy of the notice is provided at **APPENDIX 3.**

### **3. CONCLUSION**

3.1 The options available to the sub-committee are to either grant or reject the application to specify Mr Murukan as the Designated Premises Supervisor. There are no other options, such as appending additional conditions to the premises licence, available to the Sub-Committee. In making its decision, the Sub-Committee must consider the application and objection notice in accordance with the act and must have regard for and give appropriate weight 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>
- 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>

- The submissions, including supporting information, presented by all parties.

3.2 The Sub-Committee's attention is drawn, in particular, to the following paragraphs of the Section 182 Guidance.

*Paragraph 4.39 - The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns.*

*Paragraph 4.40 – Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.*

- 3.3 Should the Sub-Committee depart from the statutory guidance or the Statement of Licensing Policy, reasons for doing so must be given.
- 3.4 In determining the application, the Sub-Committee should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Human Rights Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.
- 3.5 The sub-committee, in its decision making, must have due regard to its public sector equality duty under section 149 of the Equality Act 2010.
- 3.6 Whether the application is granted or rejected, notice of that decision must be provided to all parties. The notice must state the authority's reasons for granting or rejecting the application.
- 3.7 If the application is granted the decision notice must specify the time when the variation takes effect. A decision to reject the application takes effect when the rejection is notified to the applicant.

## **4. Appeal**

- 4.1 Where the licensing authority rejects an application the applicant may appeal against the decision. Where the licensing authority grants an application the Chief Officer of Police may appeal against the decision.
- 4.2 Any appeal must be made within 21 days of the day on which all parties were notified, in writing by the licensing authority, of the decision to be appealed.

## **DATA PROTECTION**

This is an exempt report under Schedule 12A Part 1 Paragraph 7 of the Local Government Act 1972 which exempts information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

## **FINANCIAL**

This hearing is being undertaken as part of the normal duties carried out by the Licensing Team with no additional costs involved.

## **RISK MANAGEMENT**

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

## **STAKEHOLDER / CONSULTATION / TIMESCALES**

A notice of objection from the Chief Officer of Lincolnshire Police must be heard by a sub-committee of the Licensing Committee within 20 working days of the last date for which objections to an application can be submitted.

## **REPUTATION**

There is a risk that the Council's reputation could be damaged if the requirements of licensing legislation are not implemented in the prescribed manner.

## **CONTRACTS**

There are no contractual implications.

## **CRIME AND DISORDER**

The Council has a duty to promote and ensure compliance with the licensing objectives of, the prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.

## **EQUALITY AND DIVERSITY/ HUMAN RIGHTS**

**Equality Implications:** Under the Human Rights Act 1998, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

**Human Rights:** The licensing authority must have due regard to its public sector equality duty under section 149 of the Equality Act 2010.

<b>APPENDICES</b>	
Appendices are listed below and attached to the back of the report: -	
APPENDIX 1	Copy of Premises Licence
APPENDIX 2	Application for the variation of a Premises Licence to specify an individual as Designated Premises Supervisor
APPENDIX 3	Notice of objection from the Chief Officer of Lincolnshire Police and supporting evidence.

**BACKGROUND PAPERS**

*None*

**CHRONOLOGICAL HISTORY OF THIS REPORT**

*A report on this item has not been previously considered by a Council body.*

**REPORT APPROVAL**

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Approved for publication:	Not applicable