

Mr A Twiddy

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15 July 2021

XXXX

DECISION NOTICE

Dear Sir,

**Licensing Act 2003 – Review of a Premises Licence
Licensing Sub-Committee Hearing - 14 July 2021
Costcutter (also known as Louth Premier Store), 103-105 Newmarket,
Louth, LN11 9EG**

The Licensing Act 2003 Sub-Committee held on 14 July 2021 considered the above premises licence review application. The application for licence review was submitted by Lincolnshire Police under Section 51 of the Licensing Act 2003.

The Sub-Committee carefully considered the representation made to it, both in writing and verbally at the hearing, and decided to revoke the premises licence.

REASONS FOR THE REVOCATION DECISION:

The Licensing Act 2003 Sub-Committee (the Sub-Committee) read and heard all of the information before them, and in reaching their decision had due regard of all of the information put to them, along with the Section 182 Guidance to Licensing Authorities, the Council's Licensing Policy and the licensing objectives under the Licensing Act 2003.

Lincolnshire Police confirmed that they were happy for the review hearing to be held in public session.

The Sub-Committee were disappointed that the Premises Licence Holder (PLH) did not appear before them at the hearing, but heard from Lincolnshire Police and Mr Brooks (Licensing Compliance Officer) as to the efforts undertaken on several occasions to contact the PLH but they had been unable to contact him,

and how all legal requirements had been adhered to in calling the review hearing. The Sub-Committee retired to deliberate and determined that it was in the public interest for the review hearing to go ahead despite the PLH's non-attendance.

The Sub-Committee were aware that the PLH was also the Designated Premises Supervisor (DPS) for the business, and heard details from Lincolnshire Police of the issues encountered at the premises across two visits, namely:

- stock without price labels,
- staff were unable to work the CCTV,
- CCTV operating not in accordance with requirements,
- no written authorisation from the DPS for other staff to sell alcohol, and
- an illegal worker encountered working at the premise.

Additionally, it was reiterated to the Sub-Committee by Lincolnshire Police and Mr Twiddy (Principal Licensing Officer) that this Authority is of the view that the main purpose of the DPS is to ensure that there is always one specified individual at a premise, who can be readily identified as holding day-to-day responsibility for running the premises. The behaviour experienced on the part of the DPS/PLH for this business was not what they expected from a responsible DPS/PLH who was running a lawful premise and upholding the licensing objectives.

The Sub-Committee noted how there had been some improvements undertaken at the premise following the first Police visit:

- price labels were now shown,
- staff were able to work the CCTV,
- a written authorisation was now in place,
- along with some evidence of staff training.

However, the Sub-Committee had strong regard for the distinct lack of contact had with the DPS/PLH and were very concerned that not only could staff not get in contact, neither could Lincolnshire Police or Licensing Officers.

The Sub-Committee noted that the written authorisation indicated that the DPS/PLH had been made aware of the Police's visit, and yet the Sub-Committee assumed that he had decided not to take any steps to contact Lincolnshire Police to discuss the issues, or to attend the premises licence review hearing.

The Sub-Committee were also gravely concerned to hear that an illegal worker was found to be working at the premise; and were aware that this is an offence.

The Sub-Committee noted that it is a legal requirement to check an employee's right to work status, and the Sub-Committee considered this to be further evidence of the lack of care and management, and regard for the licensing objectives on the part of the DPS/PLH.

Taking all of the above into consideration, the Sub-Committee decided that it was reasonable and proportionate for the promotion of the licensing objectives to revoke the premises licence. The Sub-Committee did not consider that there were any conditions they could be modified on the premises licence that would

rectify the issues encountered, and simply removing the DPS would leave the same individual as PLH; thereby not addressing the issue satisfactorily in the Sub-Committee's mind.

The Sub-Committee also did not consider that simply suspending the premises licence would send the correct message as to the severity of the issues encountered at the premises, nor would issuing a warning.

The Sub-Committee considered revocation of the premises licence would send a clear message as to the expectations of the Licensing Authority as to the level of responsibility required to be a DPS and PLH. Accordingly, the Sub-Committee determined that the premises licence should be revoked.

RIGHT TO APPEAL:

I would advise you that you have the right to appeal to the Magistrates Court against the above revocation decision.

Any appeal must be made to the Lincoln Magistrates Court, The Court House, 358 High Street, Lincoln, LN5 7QA, (email: li-lincolnmcadmin@hmcts.gsi.gov.uk) (Tel: 01522 528218) within 21 days of the date of being notified of this decision.

Please note that the premises licence revocation will not take effect until the end of the period for the submission of an appeal or if an appeal is submitted until such time as the appeal is determined.

If you decide to appeal to the Magistrates Court, then I would be obliged if you would advise the Licensing Team of the date that you submit the appeal to the Court - please email: licensing@e-lindsey.gov.uk

FURTHER INFORMATION:

If you require any further information or advice, please do not hesitate to contact the Licensing Team by email: licensing@e-lindsey.gov.uk

Yours sincerely

A Twiddy
Principal Licensing Officer