

**Bolsover District Council**

**Licensing and Gambling Acts Sub-Committee**

**21st October 2020**

**Determination of a Premises Licence Application under the Licensing Act  
2003**

**Report of the Licensing Team Leader**

This report is public

**Purpose of the Report**

- To consider an application for a review of the premises licence for, Town Street Stores, 3 Town Street, Pinxton, Nottingham, NG16 6HH.

**1 Report Details**

- 1.1 Town Street Stores, 3 Town Street, Pinxton is a small independent shop located on the main road through Pinxton.
- 1.2 There has been a premises licence for these premises since the introduction of the Licensing Act in 2005 and the licence has been in the name of Mr Krishnapillai Krishnakugan (Mr K) since the 22 September 2015. Mr K is also the Designated Premises Supervisor (DPS) named on the licence.
- 1.3 The premises are licenced for the sale by retail of alcohol for consumption off the premises at the following times:

Monday to Saturday	08:00 to 23:00
Sunday	10:00 to 22:30
<u>Non Standard Timings</u>	
Christmas Day	12:00 to 15:00 and 19:00 to 22:30
Good Friday	08:00 to 22:30

The premises are permitted to open 24 hours a day.

A copy of the premises licence is attached at Appendix 1.

- 1.4 The premise licence has a number of licence conditions which are set out at Annex 2 of Appendix 1.
- 1.5 On the 2<sup>nd</sup> September 2020 the Licensing Team received an application for the review of the premises licence from Derbyshire Police under the following licensing objectives:
- The prevention of crime and disorder
  - Public safety

A copy of the review application is attached at Appendix 2.

To assist Members the reasons for the review application are:

*This application for a review Premise Licence and Designated Premises Supervisor for Town Street Stores, 3 Town Street, Pinxton.*

*The Premises Licence Holder and the Designated Premises Supervisor is held by Mr Krishnapillai Krisnakugan.*

*This review is submitted for the concerns that the licensing objectives of Prevention of Crime and Disorder and Public Safety will be undermined if the current Premises Licence Holder and Designated Premises Supervisor is allowed to continue in his role at the premises.*

Initial information provided to support the application is detailed at Appendix 2 to the report. In addition to this, the Police have also provided confidential information.

- 1.6 The current statement of licensing policy adopted by the Council sets out the following information in relation to the review of a premises licence:

*7.25 At any stage following the grant of a premises licence or club premises certificate a Responsible Authority, any person or business, may ask for a review. Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives. Where a review Hearing is held the Licensing Authority has a variety of options it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g. the use of premises for the purchase and consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.*

*7.26 The Licensing Authority encourage and support a proactive approach by licensees to tackling the problem of illegal drugs and*

*unidentified substances in licensed premises. There is a strong link between illegal recreational drugs and the night time economy. Should the licence holder fail to take appropriate steps to mitigate a drug problem then the premises licence could be taken for review. Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crime then revocation of the licence will be seriously considered.*

## **2 Conclusions and Reasons for Recommendation**

2.1 The Licensing Sub-Committee may;

- take no action; or
- issue a verbal or written warning; or
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times; or
- exclude a licensable activity from the scope of the licence; or
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management; or
- suspend the licence for a period not exceeding three months; or
- revoke the licence.

## **3 Consultation and Equality Impact**

3.1 Not applicable

## **4 Alternative Options and Reasons for Rejection**

4.1 None

## **5 Implications**

### **5.1 Finance and Risk Implications**

An appeal against this decision would incur costs in preparing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed.

Costs could be awarded against the Authority in the event that the appeal is successful.

## 5.2 Legal Implications including Data Protection

The aforementioned parties have the right to make an appeal to the Magistrates' Court if they are not satisfied with the outcome of the hearing

## 5.3 Human Resources Implications

None

## 6 Recommendations

- 6.1 That the Licensing Sub-Committee considers the representation/s; and determines the application in line with the options outlined in 2.1 above.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	Not applicable
<b>Links to Council Plan priorities or Policy Framework</b>	Supporting our Communities to be Healthier, Safer, Cleaner and Greener

## 8 Document Information

Appendix No	Title
1	Application for a Premises Licence
2	Application for review of the premises licence (Exempt)
3	Confidential Information provided by the Police (Exempt)

<b>Background Papers</b>	
Statement of Licensing Policy Revised Guidance issued under Section 182 of the Licensing Act 2003.	
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