



LICENSING ACT 2003

REPORT TO LICENSING SUB-COMMITTEE FOLLOWING RECEIPT OF AN APPLICATION TO REVIEW A PREMISES LICENCE

**Go Local
T/A Lifestyle Express
52 Littlefield Lane
Grimsby
DN34 4PL**

NORTH EAST LINCOLNSHIRE COUNCIL
LICENSING AUTHORITY

LICENSING ACT 2003

Report to Licensing Sub-Committee
following receipt of an Application to Review a Premises Licence

1. Premises Licence Details -

- 1.1 Premises:**
Go Local t/a Lifestyle Express, 52 Littlefield Lane, Grimsby, DN34 5PL
- 1.2 Premises licence holder:**
Sandeep Kumar Gaddu
- 1.3.1 Relevant licensable activity authorised by the premises licence:**
Supply of Alcohol – off supplies/retail
- 1.4 Times when the relevant licensable activity is permitted by the premises licence:**
Please see attached Premises Licence - Please see Appendix 1
- 1.5 Designated Premises Supervisor:**
Barinderjeet Gaddu

2. Summary of Review Application –

Full details are set out on the review application form and supporting statements are attached

Exhibit 01 – Review Application
Exhibit 02 – Immigration review Pack including IO statements
Exhibit 03 – Representation & evidence from John Barkers
Exhibit 04 – Supporting evidence from Humberside Police AKS/01 to AKS/03
Exhibit 05 – Proposed conditions (Annexe 1) from Humberside police
Exhibit 06 – Representation - Humberside Police

- 2.1 Date review application received:** 17 October 2022
- 2.2 Person making application for review:**
Home Office Immigration Enforcement
- 2.3 Licensing objective affected:**
The Prevention of Crime and Disorder/Immigration offences

3. Representations –

3.1 2 representations were received in relation to this premises, one in support of the review from Humberside Police and one in support of the premises from Sandeep Gaddu.

3.2 There were no other representations from the other responsible authorities or any interested parties.

4. Statement of Licensing Policy -

The following sections of North East Lincolnshire Council's Statement of Licensing Policy 2015 to 2020 are considered relevant to this review application:

- Licensing Objectives: 2.1 – 2.4, 9.1 – 9.1.9
- Premises Licence: 8.2.1 – 8.2.9
- Representations: 8.7.1 - 8.7.4
- Reviews: 8.8.1 – 8.8.2, 8.8.5 - 8.8.6
- Prevention of Crime and Disorder: 9.2.1 – 9.2.7

5. Guidance issued under Section 182 of the Licensing Act 2003 –

This guidance is provided for Licensing Authorities carrying out their functions. It is regarded by the Government as a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality. It does not however replace any statutory provisions of the 2003 Act and it is for the Licensing Authority to take their own professional and legal advice about its implementation.

The following sections of the Guidance are considered to be relevant to this review application:

- Crime and Disorder 2.1 - 2.3 and 2.5 - 2.6
- Licensable Activities 3.1 to 3.2
- Home Office Immigration Enforcement Acting as a Responsible Authority 9.25
- Reviews 11.1 – 11.11
- Reviews arriving from connection with crime 11.27 – 11.28
- Right of Appeal 12.32 – 12.33

6. General Advice on Determination of the Application –

6.1 The sub-committee are advised that findings on any issues of fact should be on the balance of probability.

6.2 The sub-committee are advised that in arriving at any decision, it must

have regard to relevant provisions of national guidance and North East Lincolnshire Council's Statement of Licensing Policy. Reasons must be given for any departure.

- 6.3** The sub-committee are advised that the final decision should be based on the individual merits of the application and the factual findings made at the hearing.
- 6.4** Section 52 of the Act states that the Licensing Authority must, having regard to the application for review and any relevant representations, take such of the steps set out below as it considers **appropriate** for the promotion of the licensing objectives:
- Modify the conditions of the licence (i.e. alter, omit or modify conditions).
 - Exclude the licensable activity from the scope of the licence.
 - Remove the designated premises supervisor.
 - Suspend the licence (or an aspect of it) for a period not exceeding 3 months.
 - Revoke the licence.
- 6.5** The conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to 3 months. It may also be decided that no action is necessary and consideration given to whether a warning should be issued to the licence holder and/or recommend improvement within a particular period of time.
- 6.6** Conditions should be proportionate to the size, style and characteristics of the premises and the activities proposed or taking place and must be **appropriate**.
- 6.7** Paragraph 11.20 of the Section 182 guidance recommends that in deciding which powers to invoke, licensing authorities should so far as possible seek to establish the cause or causes of the identified problem and direct proportionate responses at these areas as a means of remedial action.
- 6.8** Paragraph 11.18 of the Section 182 guidance points out that it may be the case that the licensing authority decides that no further steps are necessary in order to promote the licensing objectives or that an informal warning is considered sufficient. However it also states that where responsible authorities have already issued warnings that have not been heeded, this approach should not be repeated.
- 6.9** The sub-committee are advised that they must take into account the following Human Rights provisions:

- Everyone is entitled to peaceful enjoyment of their possessions (includes licences), although a person can be deprived of their possession if it is in the “public interest”.
- Everyone affected by a decision has a right to a fair hearing.
- Everyone has the right to his private and family life, his home and his correspondence.

6.10 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

7. Observations –

7.1 This is a first offence at the Littlefield Lane premises, however the owner and DPS are both controlling parties in PS News Ltd who are also responsible for Chelmsford Avenue. This is the third immigration offence across both Chelmsford Avenue & Littlefield Lane.

7.2 Under Section 182 of the Licensing Act 2003 (revised Guidance April 2018), section 2 refers to the Licensing Objectives, starting with Crime and Disorder, subsection 2.6 specifies “The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises’. The evidence suggests the Crime and Disorder Licensing Objective has been undermined in this respect.

Furthermore Subsection 11.28 states that “where reviews arise, and the licensing authority determines that the crime prevention objective is being undermined.....it is expected that revocation of the licence – even in the first instance – should be seriously considered”

**Report prepared by: Linda Milner - Licensing Enforcement Officer
28 November 2022**