

# LICENSING ACT 2003

## Report to Licensing Sub-Committee following receipt of Relevant Representations

Spice of Life  
8-12 Wellowgate  
Grimsby  
DN32 0RA

**NORTH EAST LINCOLSHIRE COUNCIL**  
**LICENSING AUTHORITY**

**LICENSING ACT 2003**

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**following receipt of Relevant Representations**

**1. Summary Of Application -** (Full details in Application Form)

**1.1 Premises:** Spice of Life, 8 – 12 Wellowgate, Grimsby, DN32 0RA

**1.2 Applicant:** Popadom & Chutney Ltd

**1.3 Date Application Received:** 1 February 2024

**1.4 The Proposed Operation:**

The applicant applied for a Premises Licence to include the following:

**Live Music (Indoors)/ Recorded Music (Indoors)/ Performance of Dance (Indoors)**

Sunday to Thursday: 23:00 to 01:00  
Friday to Saturday: 23:00 to 02:00

**Anything of a similar description to the above (Indoors)**

Sunday to Thursday 12:00 to 01:00  
Friday to Saturday: 12:00 to 02:00

**Late Night Refreshment**

Sunday to Thursday: 23:00 to 01:00  
Friday to Saturday: 23:00 to 02:00

**Supply of Alcohol**

Sunday to Thursday: 12:00 to 01:00  
Friday to Saturday: 12:00 to 02:00

**Hours Premises Open to the Public**

Sunday to Thursday: 12:00 to 01:30  
Friday to Saturday: 12:00 to 02:30

### **Proposed conditions:**

- A tamper resistant CCTV system shall be installed, maintained in working order and operated at the premises.
- CCTV images shall be retained for a period of no less than 28 days.
- Recordings of incidents at the premises must be made secure for inspection by the police, or licensing authority, and provided on lawful request. This means that a member of staff shall be available within 24 hours or by prior appointment who can operate the CCTV system and providing recordings in accordance with lawful requirements.
- The premises licence holder will operate a full Human Resources (HR) management system, where all relevant documents are stored for each individual member of staff. All copies of relevant documents for members of staff will be retained for a period of 24 months post termination of employment, and will be made available to Police, Immigration, or Licensing Officers upon request.
- The premises licence holder will carry out checks on the Home Office website and verify identification documents, such as right to work, to ensure all new members of staff can be legally employed.
- No member of staff shall be able to work at the premises unless they have provided satisfactory proof of identification and right to work.
- A refusals book, or electronic record, shall be kept recording all instances where service of alcohol is refused. Records to be retained for at least 12 months and shall be made available for inspection to the police, or authorised officers of a responsible authority, upon request.
- All staff responsible for selling alcohol shall receive training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained for a period of no less than 12 months and made available upon request to police and authorised officers of the Licensing Authority.
- An incident book shall be kept at the premise in which details of crime and/or disorder that relate to, or are linked with, licensable activities at the premises shall be recorded. The incident book shall be retained for a minimum period of 12 months from date of completion and contain the following details;
  - a) time, date and location of incident.
  - b) nature of the incident
  - c) the result of the incident.
  - d) action taken to prevent further such incidents.
  - e) each entry signed by the DPS or other responsible person employed at the premises and so authorised by the DPS.

The incident book shall be made available to police, or authorised officers of the licensing authority, upon request. Each entry shall be retained for a minimum period of 12 months from date of completion.

- During private functions held at the premises, management and staff shall control the music volume so as to prevent noise nuisance.
- Challenge 21 shall be implemented, and a proof of age policy is to be applied with the accepted means of proof of age being:
  - a) Passport
  - b) Photo Driving Licence
  - c) A recognised valid photo-id card bearing the PASS hologram

## **2. Summary of Representations –**

Humberside Police have made representations with regards to the application for both the premises licence and the designated premises supervisor, as they are not satisfied that the people involved in the running of the business/premises are upholding the licensing objectives and that they are repeatedly undermining the Licensing Act 2003 and its objectives in relation to immigration offences. Furthermore, Humberside Police have highlighted the sale of alcohol at the premises when the premise does not hold a premises licence or temporary event notice to do so.

### **2.1 Representation 1:**

**2.1.1 Date representations received:** 29 February 2024

**2.1.2 Persons making representation:** Humberside Police

**2.1.3 Licensing objectives affected:** The Prevention of Crime and Disorder

**2.1.4 Summary of Recommendations:** To refuse the application for a new premises licence.

**2.16 Mediation** – No mediation has been undertaken.

## **3. Statement of Licensing Policy**

The following sections of North East Lincolnshire Council's Statement of Licensing Policy 2015 – 2020 are considered relevant to these representations:

- Licensing Objectives: 2.1 – 2.4, 9.1 – 9.1.9
- Licensing Decisions: 7.1 - 7.9
- Applications: 8.1.4
- Premises Licence: 8.2.1 – 8.2.9
- Representations: 8.7.1 - 8.7.4
- Prevention of Crime and Disorder: 9.2.1 – 9.2.7

#### **4.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 relevant to these representations:

- Crime and Disorder 2.1, 2.3, 2.5 - 2.6,
- Police Objections to New Designated Premises Supervisor 4.69 – 4.70,
- Responsible Authorities 8.7,
- Determining Applications 9.1, 9.3, 9.12,
- Hearings 9.31, 9.38 - 9.44,

#### **5. General Advice on Determination of the Application –**

- 5.1** The sub-committee are advised that findings on any issues of fact should be on the balance of probability.
- 5.2** 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.
- 5.3** 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.
- 5.4** Section 18 of the Licensing Act 2003 states that where relevant representations have been made and a hearing is held to consider them, the sub-committee can take such of the steps set out below as it considers **appropriate** for the promotion of the licensing objectives – in this case if it is considered the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance or the Protection of Children from Harm are likely to be affected.
- Grant the licence with modified conditions. This means the proposed conditions could be altered or omitted or new conditions added.
  - Exclude any licensable activity to which the application relates.
  - Reject the application

If none of these steps are considered appropriate the application should be granted in the form it was made.

- 5.5** Conditions should be proportionate to the size, style and characteristics of the premises and the activities proposed or taking place and must be appropriate
- 5.6** The sub-committee are advised that they must take into account the following Human Rights provisions:
- 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.
- 5.7** 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

## **6. Observations**

- 6.1** The applicant applied for a new premises licence following the lapse of the previous premises licence due to the dissolution of the company that held it.
- 6.2** Humberside Police have objected to the application due to concerns about the management of the premises along with the ongoing and repeated employment of illegal workers. This is despite previous warnings and fines from Immigration and resulting reviews of the premises licence and subsequent conditions being added to the licence. Humberside Police conclude that, despite this, the premises and its management continue to undermine the Licensing Act 2003 and its objectives in relation to immigration offences with illegal workers being found on all four visits from Immigration.
- 6.3** Management have also been found to be allowing the sale of alcohol at the premises when the premise does not hold a premises licence or temporary event notice to do so.
- 6.4** The new applicant for the licence is Papadom & Chutney Ltd, with Lovely Begum Hussain being the sole director, however the premises is still run by the same people, Mr Salique, his son Shahir with other family members also being involved. Mr Salique is the designated premises supervisor on the application. These are the same people that have been running the premises on all four occasions when Immigration visited, and the offences were found. Section 182 of the Licensing Act 2003 (11.28) states that, if a crime prevention objective is undermined, then revocation of the licence should be seriously considered even if it is a first offence.
- 6.5** The Chief Constable of Humberside Police requests that the Licensing Committee consider the objection and accompanying statements and refuse this application for a new premises licence.

**Report prepared by  
Jo Bennett,  
Licensing Enforcement Officer**

**Date: 12/4/2024**