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# **Application for a variation of an existing premises licence**

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)  
Sub-Committee

Decision to be taken on/Date of meeting: 03 July 2024

Lead director/officer: Deborah Bragg

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## Useful information

- Ward(s) affected: Westcotes
- Report author: Lynsay Coupe
- Author contact details: 0116 454 3065
- Report version number: 1

### 1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a variation to an existing premises licence for Best One, 77 Hinckley Road, Leicester and summarises the representations received. It also highlights the licensing objectives and the relevant parts of both the statutory guidance and the Licensing Authority's Licensing Policy.

### 2. Determination to be made

- 2.1 Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
  - Modify the conditions of the licence
  - Reject the whole application

### 3. Application and promotion of the licensing objectives

- 3.1 An application was received on 15 May 2024 from Mr Kanjibhai Patel for a variation of an existing premises licence for Best One, 77 Hinckley Road. A copy of the application is attached at Appendix A.

- 3.2 The variation application is as follows:

Licensable activity	Current hours	Proposed hours
Supply of Alcohol (off)	Monday to Sunday 06.00 – 00.00	Monday to Sunday 00.00 – 00.00
Opening hours	00.00 – 00.00	00.00 – 00.00

- 3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section 16 of Appendix A).
- 3.4 The existing licence is attached at Appendix B.
- 3.5 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.
- 3.6 Location Plan



#### 4. Representations

- 4.1 A representation was received on 10 June 2024 from the Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. The Police have some concerns about the application but believe the inclusion of some additional conditions will reduce the likelihood of crime, disorder and anti-social behaviour in the future and help promote and uphold the licensing objectives. They have reached agreement with the applicant. A copy of the representation and agreement is attached at Appendix C1.
- 4.2 A representation was received on 10 June 2024 from the Noise team. The representation relates to the prevention of public nuisance. The Noise team are concerned regarding noise implications for local residents with the later hours and proposed serving hatch. A copy of the representation is attached at Appendix C2.

## 5. Conditions

- 5.1 The conditions that are consistent with the application and the representation/agreement from the Police are attached at Appendix D.

## 6. Statutory guidance and statement of licensing policy

- 6.1 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the government has issued guidance under section 182 of the Licensing Act 2003. The parts of the guidance that are particularly relevant in this case are as follows:

Section	Heading
1.2 – 1.5	Licensing objectives and aims
1.15 – 1.16	General Principles
1.17	Each application on its own merits
2.1 – 2.6	Crime & Disorder
2.7 – 2.14	Public Safety
2.15 – 2.21	Public nuisance
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.10	Proportionality
10.13 - 10.15	Hours of trading
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

- 6.2 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
4	Promotion of the Licensing Objectives
5	General Principles
6	Premises Licences and Club Premises Certificates
8	Areas of Specific Interest and Consultation

## 7. Points for clarification

- 7.1 The applicant and the parties making the representations have been asked to clarify certain points at the hearing, as follows:

*By the applicant*

1. Whether the applicant considers that the concerns outlined in the representations are valid, and if not why not.
2. In the light of the representations made, whether the applicant wishes to propose any additional steps for the promotion of the licensing objectives.

*By the parties making the representations*

1. Whether they have any additional information to support the representation they have made.
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives.

## **8. Financial, legal, equalities, climate emergency and other implications**

### **8.1 Financial implications**

None.

### **8.2 Legal implications**

Legal advice specific to the application will be provided at the meeting by Legal Officers.

### **8.3 Equalities implications**

None.

### **8.4 Climate Emergency implications**

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process. Aidan Davis, Sustainability Officer, Ext 28 3384.

### **8.5 Other implications**

Crime and Disorder – see paragraph 4.

## **9. Background information and other papers:**

None

## **10. Summary of appendices:**

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representations

Appendix D – Conditions consistent with the application and representation/agreement from the Police

**11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

**12. Is this a “key decision”? If so, why?**

No