



Leicester  
City Council

**WARDS AFFECTED**  
**Castle**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
**Hearing under the Licensing Act 2003**

**Friday, 17<sup>th</sup> January 2020**

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**Application for a new premises licence within a Cumulative Impact Zone**  
**Massawa Eritrean and Ethiopian Restaurant**  
**41-43 Churchgate, Leicester, LE1 3AL**

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**Report of the Director of Neighbourhood and Environmental Services**

**1. Purpose of Report**

- 1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

**2. Determination to be made**

- 2.1. Having considered the application and representation(s), Members must consider whether to
- Grant the licence without modification
  - Grant the licence subject to conditions
  - Exclude from the licence any of the licensable activities
  - Refuse to accept the proposed premises supervisor
  - Reject the application

**3. Summary**

- 3.1 This report outlines an application for a new premises licence for Massawa Eritrean and Ethiopian Restaurant within the Churchgate area Cumulative Impact Zone and summarises the representations received. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

#### 4. Location Plan



#### 5. Existing Application

5.1 An application was received on 1<sup>st</sup> November 2019 from Mrs Frewyni Michel & Mr Yonas Hedgu for a new premises licence for Massawa Eritrean and Ethiopian Restaurant within the Churchgate area Cumulative Impact Zone. A copy of the application is attached at Appendix A.

5.2 The application is as follows:

Licensable activity	Current Hours	Proposed Hours
Supply of Alcohol	Monday to Thursday Friday to Saturday Sunday	12 (noon) to 11.00pm 12 (noon) to 01.00am 12 (noon) to 00.00 (midnight)
Opening hours	Monday to Sunday	09.00am to 11.00pm

- From 18<sup>th</sup> December to 2<sup>nd</sup> January annually, the applicants requested permission to sell alcohol until 01.00am each day with the exception of (1) Christmas Day when they will close at 12 (midnight) and (2) New Year's Day when they will remain open selling alcohol until 03.00am.

## **6. Steps to Promote the Licensing Objectives**

- 6.1 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and promote the licensing objectives are set out in the operating schedule (see section M of Appendix A).
- 6.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

## **7. Representation**

- 7.1 A relevant representation was received on Tuesday, 10<sup>th</sup> December 2019 from Leicestershire Police. The representation relates to all four licensing objectives. Police are concerned that the present application fails to promote the four licensing objectives and that the applicants have failed to address how they will reduce their footprint within the established Cumulative Impact Zone.  
A copy of the representation is attached at Appendix B.

## **8. Conditions**

- 8.1 The conditions that are consistent with the operating schedule and the representation are attached at Appendix C.

## **9. Cumulative Impact**

- 9.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Churchgate area, which refers specifically to on and off licences. The licensing authority must have regard to the special policy. However, this does not change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

## **10. Statutory Guidance**

- 10.1 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:

<b>Section</b>	<b>Heading</b>
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
2.22 – 2.31	Protection of children from harm
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.13 – 9.19	Licensing Authorities acting as 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
14.20 – 14.23	What is cumulative impact?
14.39 – 14.43	Effect of special policies
14.44 – 14.46	Limitations on special policies relating to cumulative impact
14.47 – 14.48	Other mechanisms for controlling cumulative impact
14.51 – 14.52	Licensing Hours

## 11. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cumulative Impact
4	Policy on Cumulative Impact
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
10	Protection of Children from Harm
12	Duplication
13	Standardised conditions

## 12. Points for Clarification

- 12.1 The applicant and the party making the representation 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, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

*By the party making the representation*

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?

**13. Other Implications**

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within Supporting information</b>
Equal Opportunities	No	
Policy	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder	Yes	7.1 – police representation is partly based on concerns about crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

**14. Background Papers – Local Government Act 1972**

None.

**15. Consultations**

The Licensing Authority is not obliged to consult any parties with regard to applications made under the Licensing Act 2003. However, the applicant is required to consult with the responsible authorities as set out in the 2003 Act.

**16. Report Author**

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<b>APPENDIX</b>	<b>CONTENT</b>
A	Application
B	Representation
C	Conditions consistent with application and representation

