

Leicester
City Council

WARDS AFFECTED
Westcotes

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

29th March 2021

**Application for a review of an existing premises licence
Uni, 39 Western Boulevard, Leicester, LE2 7HN**

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

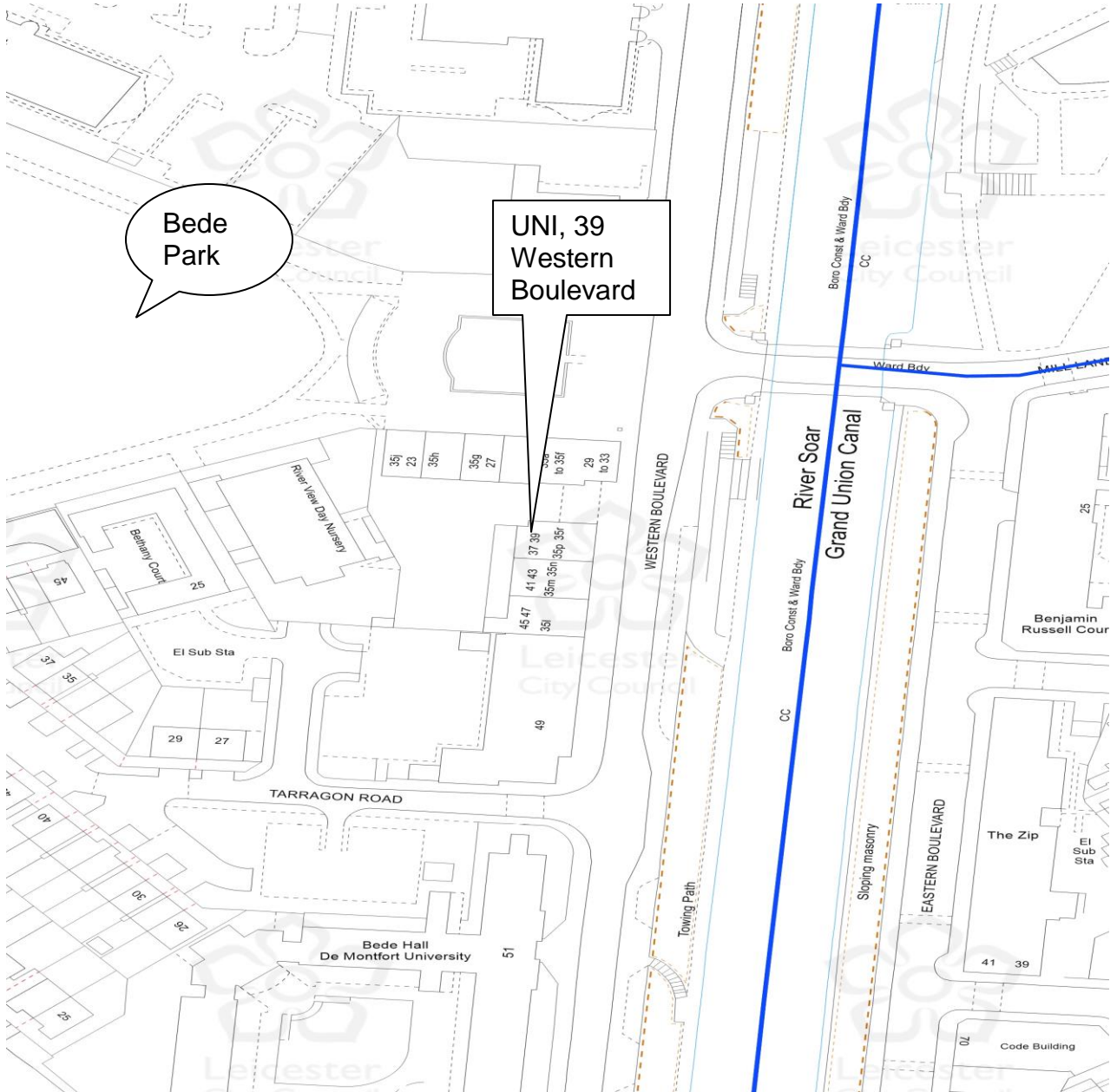
- Reject the review application
- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

3.1 This report outlines an application for a review of an existing premises licence for Uni, 39 Western Boulevard, Leicester 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 Licence

- 5.1. The existing licence is attached at Appendix A.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Supply of Alcohol (consumption off the premises)	Mon – Sun 07:00am to midnight
Opening hours	Mon – Sun 07:00am to midnight

6. Review application

- 6.1 An application was received on Monday, 8th February 2021 from Leicestershire Police for a review of the existing premises licence for Uni, 39 Western Boulevard, Leicester. The application was made on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm. A copy of the application is attached at Appendix B. Attached at B1 – B3 is further information in support of the application submitted by Leicestershire Police.
- 6.2 Leicestershire Police have stated that in recent months there have been multiple incidents regarding the premises – illegal foreign cigarettes being sold from the premises, a public order incident and coronavirus offences. The Police have had no success in engaging with the licence holder, who has repeatedly shown a disregard for the law, the conditions of his Leicester City Council premises licence and has demonstrated that he is unwilling to support the fundamental principles of the licensing objectives.
- 6.3 The application also states that in May 2014, the premises was subject of a licensing review after Leicestershire Police raised concerns about alcohol being sold to persons under the legal age. At the time the premises had a different licence holder and Designated Premises Supervisor. As a result of the review hearing in 2014, the Licensing Authority attached a number of conditions to the licence. These additional conditions are included within Annex 3 of the licence.
- 6.4 The Police have submitted Bodycam Footage of a visit by PC Jeff Pritchard to the premises on 29 January 2021 – this footage has been viewed in advance of the hearing by all parties.

7. Representations

- 7.1 Attached at B4 is information from Trading Standards sent to Leicestershire Police in support of the review application
- 7.2 Attached at B5 is information from Public Health sent to Leicestershire Police in support of the review application.
- 7.3 The Solicitor for the licence holder has submitted a letter in response to the review application this is attached at B6

8 Steps to Promote the Licensing Objectives

- 8.1 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

9. Statutory Guidance

- 9.1 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 relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.5	The licensing objectives
1.15	General principles
1.16	Each application on its own merits
2.1 – 2.6	Crime and disorder
2.7 – 2.14	Public safety
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
9.20 – 9.24	Health bodies acting as responsible authorities
9.25	Home Office Immigration Enforcement acting as responsible authority
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
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.29	Reviews
14.51 – 14.52	Licensing hours

10. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
10	Protection of Children from Harm
12	Duplication
13	Standardised conditions

11. Points for Clarification

- 11.1 The licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?

2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application 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?

12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Parag. 6 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

13. Background Papers – Local Government Act 1972

None.

14. Consultations

14.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

15. Report Author

Valentina Cenic

Licensing Officer
0116 454 3081
valentina.cenic@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application for review
B1 – B3	Additional Information submitted by Leicestershire Police
B4	Statements from Trading Standards
B5	Public Health Response
B6	Letter from Solicitor in response to review application