



Leicester
City Council

WARDS AFFECTED

BELGRAVE

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

14th April 2021

**Application for a variation of an existing premises licence
Vitaz Superstore, 66 Canon Street, Leicester, LE4 6NG**

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

3. Summary

- 3.1 This report outlines an application for a variation to an existing premises licence for the Vitaz Superstore 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.

6. Application

6.1 An application was received on 2nd March 2021 from Greenhill Consultancy on behalf of Vijaykumar Hingu, the premises licence holder, for a variation to an existing premises licence for the Vitaz Superstore. A copy of the application is attached at Appendix B.

6.2 The variation sought by the application is as follows:

Licensable activity	Current Hours	Proposed Hours
Supply of Alcohol (consumption off the premises)	Mon-Sun 07:00-23:00	Sun-Thurs 06:00-00:00 Fri-Sat 06:00-02:00
Opening hours	Mon-Sun 07:00-23:00	Sun-Thurs 06:00-00:00 Fri-Sat 06:00-02:00

7. Steps to Promote the Licensing Objectives

- 7.1 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M of Appendix B and existing licence at Appendix A).
- 7.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

8. Representations

- 8.1 A representation was received on 6th March 2021 from a ward councillor. The representation relates to the prevention of public nuisance the protection of children from harm, the prevention of crime and disorder and public safety. Councillor Solanki is concerned that if the application is granted it would cause disruption to nearby residences and the increase to hours would exacerbate the existing issues of street drinking, noise, litter and general anti-social behaviour in the area. In addition, there are concerns about elderly and young residents in the area as this is a main route for residents walking to schools and places of worship. A copy of the representation is attached at Appendix C1.
- 8.2 Representations have been received from a local resident and a local temple who also submitted photographs. The representations relate to the prevention of public nuisance, public safety, the prevention of harm to children and crime and disorder. They are jointly concerned that customers leaving late at night and the early hours will increase the already unacceptable noise levels and disruption that currently exists and increase anti-social behaviour in the vicinity of the premises. There is also concerns about urinating in the street. The existing litter problems, street drinking and gatherings will also be likely to increase into the early hours if the application is granted. Copies of the representations are attached at Appendix C2 -C3 and the photographs at C3.
- 8.3 A representation was received on 22nd March 2021 from the noise team within Leicester City Council. The representation relates to the prevention of public nuisance. The Noise team are concerned that if the hours are increased in line with the application there will be an increase in noise and disturbance from vehicles, stereos, car doors slamming and talking into the early hours and this will impact on the lives of local residents and likely increase noise complaints in the area. A copy of the representation is attached at Appendix C4.
- 8.4 A representation was received on 22nd March 2021 from the Leicestershire Police. The representation relates to the prevention of crime and disorder, the prevention of public

nuisance, public safety and the protection of children from harm.

The police are concerned that if the application is granted there will be an increase in noise levels, litter, street drinkers and anti-social behaviour. A copy of the representation is attached at Appendix C5.

On the 24th March 2021 additional information was received from the Leicestershire Police whereby they submitted information on other local premises in the area and reported incidences. This is attached at Appendix C5 (photos and info).

On the 25th of March a further statement was received from Leicestershire police as indicated on the original representation. This is also attached at Appendix C5 (statement).

- 8.5 Discussions have taken place between the applicant's representative, the applicant and the Local Beat Officer PC Martin Rawlings about the potential to amend the hours of application to Midnight every night. A verbal agreement was made at the meeting however no formal written agreement has been made and therefore the application before you is as originally applied for.
- 8.6 The applicant's representative has submitted a signed petition which is in support of the application. This is attached at C6 to the report.

9. Conditions

- 9 The conditions that are consistent with the operating schedule are attached at Appendix D. There are no conditions consistent with either the noise team or the police' representation as both have recommended refusal.

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:

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
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
9.31 – 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
13.10 – 13.11	Giving reasons for decisions
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
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
10	Protection of Children from Harm
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

12 Points for Clarification

12.1 The applicant and the parties 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?
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 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?

13 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	

Crime and Disorder	Yes	Representations relate to 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

- a. None

15 Consultations

- a. As this application was received electronically, the Licensing Authority was required to consult with the relevant responsible authorities as set out in the Licensing Act 2003.

16 Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application
C1 – C6	Representations and additional information
D	Conditions consistent with application