



Leicester  
City Council

**WARDS AFFECTED**  
**Westcotes**

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

**20 April 2021**

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**Application for a new premises licence**  
**Fosse Foods Discount Store, 143 Fosse Road South, Leicester LE3 0FW**

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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 representations, 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 143 Fosse Road South, 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. Application

- 5.1 An application was received on 4<sup>th</sup> March 2021 from Mr Sahdev Rathod for a new premises licence for 143 Fosse Road South, Leicester LE3 0FW. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

Licensable activity	Proposed Hours
Supply of Alcohol (for consumption off the premises) & Opening Hours	Monday to Sunday 10.00 – 22.00

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

- 6.1 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section 18 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 Representations have been received from three local residents one of which includes a petition with 27 signatures on. Their concerns are that the premise is close to residential properties and that if a licence is granted this may lead to inappropriate behaviour, noise nuisance and anti-social behaviour. The representations can be found at Appendices B1 to B3.
- 7.2 Leicestershire Police have been in contact with the applicant and agreed amendments to the Operating Schedule which would satisfy the Police that the Licensing Objectives would not be adversely impacted if a licence was granted. This is attached at Appendices B4.

## **8. Conditions**

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

## **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 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
8.41 – 8.49	Steps to promote the licensing objectives
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
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## 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
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

## 11. Points for Clarification

11.1 The applicant and the party / 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 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?

## 12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder		Possibly – depends on circumstances
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	

Health Inequalities Impact	No	
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**13. Background Papers – Local Government Act 1972**

13.1. None.

**14. Consultations**

14.1. 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.

**15. Report Author**

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<b>APPENDIX</b>	<b>CONTENT</b>
A	Application
B1 – B4	Representations
C	Conditions consistent with application