



Leicester
City Council

WARDS AFFECTED
Westcotes

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

7 December 2021

Application for a new premises licence within a Cumulative Impact Zone
Manishkumar Murubhai Sonraj, C T Supermarket, 85 Hinckley Road, Leicester

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 Manishkumar Murubhai Sonraj, C T Supermarket, 85 Hinckley Road, Leicester within the Braunstone Gate 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. Application

- 5.1 An application was received on 15th October 2021 from Greenhill Licences for a new premises licence for Manishkumar Murubhai Sonraj, C T Supermarket, 85 Hinckley Road, Leicester within the Braunstone Gate area Cumulative Impact Zone. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

Licensable activity	Proposed Hours
Supply of Alcohol - Off sales only	Monday to Sunday 08:00 – 21:00
Opening hours	Monday to Sunday 08:00 – 21:00

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 representation was received on 20th of October 2021 from a member of the public. The representation relates to the prevention of crime and disorder / the

prevention of public nuisance / public safety/ protection of children from harm. The representation highlights the area is part of the Cumulative Impact Zone and that local residents already have to deal with noise disturbances and antisocial behavior. Representation also highlights there are already four off licence in the close proximity. A copy of the representation is attached at Appendix B1.

- 7.2 A representation was received on 7th of November 2021 from a member of public. The representation relates to the prevention of crime and disorder / the prevention of public nuisance / public safety/ protection of children from harm. The representation highlights the area is part of the Cumulative Impact Zone and it would go against the licensing objectives if granted. The representation also highlights that the premises backs on to the entrance to a nursery and that's this could cause the children to be at risk. The representation states there are currently significantly high issues with crime and disorder, public nuisance and public safety. A copy of the representation is attached at Appendix B2.
- 7.3 A representation was received on 10th of November 2021 from Jeff Pritchard at 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. Leicestershire Police are concerned that the application fails to promote all four licensing objectives. They also highlight that the premises fall within cumulative impact zone and there are currently 16 licensed premises nearby of which 12 sell alcohol. Of these 12, 6 other retail premises supply alcohol for consumption off the premises. A copy of the representation is attached at Appendix B3.
- 7.4 A representation was received on 11th of November 2021 from a member of public. The representation relates to the prevention of crime and disorder / the prevention of public nuisance / public safety/ protection of children from harm. The representation highlights concerns for children attending the nursery at the rear of the store due to an increase in delivery vehicles at the back of store, street drinking and a greater footfall of strangers. A copy of the representation is attached at Appendix B4.

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 2005, Leicester City Council introduced a special policy on cumulative impact in the Braunstone Gate 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:

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
3.12 – 3.20	Late night refreshment
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
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

12. Points for Clarification

- 12.1 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?

13. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder	YES	Yes, see para 7
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

- 15.1 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.

16 Report Author

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APPENDIX	CONTENT
A	Application
B	Representations
C	Conditions consistent with application and representation
D	Additional info from the representees