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# **Application for a new premises licence**

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)  
Sub-Committee

Decision to be taken on/Date of meeting: 18 August 2022

Lead director/officer: Deborah Bragg

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## Useful information

- Ward(s) affected: Castle
- Report author: Lynsay Coupe
- Author contact details: 0116 454 3065
- Report version number: 1

### 1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for Vicky's Chippy, 27 Avenue Road Extension, Leicester, LE2 3EP and summarises the representations received. It also highlights the licensing objectives and the relevant parts of both the statutory guidance and the Licensing Authority's Licensing Policy.

### 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
  - Reject the application

### 3. Application and promotion of the licensing objectives

- 3.1 An application was received on 27 June 2022 from MSF Venture Ltd for a new premises licence for Vicky's Chippy, 27 Avenue Road Extension, LE2 3EP. A copy of the application is attached at Appendix A.

- 3.2 The application is as follows:

Licensable activity	Proposed hours
Late night refreshment	Sunday to Thursday 23.00 – 01.00 Friday to Saturday 23.00 – 02.00
Opening hours	Sunday to Thursday 09.00 – 01.00 Friday to Saturday 09.00 – 02.00

- 3.3 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).
- 3.4 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

### 3.5 Location Plan.



## 4. Representations

- 4.1 A representation was received on 30 June 2022 from the Licensing Enforcement team, Leicester City Council. The representation relates to the prevention of public nuisance. The representee is concerned that the premises is situated in an area heavily populated with residential premises and that the increase in hours, plus the delivery driver activity could result in a noise nuisance. They have proposed reduced hours and conditions to be attached to the licence, if granted, and have reached agreement with the applicant. A copy of the representation is attached at Appendix B1.
- 4.2 A representation was received on 07 July 2022 from an interested party – a local ward councillor. The representation relates to the prevention of public nuisance. The representee is concerned that noise disturbances will be caused to local residents, if the premises is permitted to open later. A copy of the representation is attached at Appendix B2.

- 4.3 A representation was received on 08 July 2022 from a member of the public. The representation relates to the prevention of public nuisance. The representee is a local resident and is concerned that anti-social behaviour and noise disturbance will be created by the premises opening later. A copy of the representation is attached at Appendix B3.
- 4.4 A representation was received on 08 July 2022 from a member of the public. The representation relates to the prevention of public nuisance. The representee is a local resident and is concerned that the premises opening later will cause a noise nuisance. The representation also refers to the purchase of alcohol but members should note that the application does not include a request to sell alcohol and therefore this part of the representation should be disregarded. A copy of the representation is attached at Appendix B4.
- 4.5 A representation was received on 08 July 2022 from a member of the public. The representation relates to the prevention of public nuisance. The representee is a local resident and is concerned that if the premises is granted a licence, then noise nuisance would occur in the early hours. A copy of the representation is attached at Appendix B5.
- 4.6 A representation was received on 22 July 2022 from a member of the public. The representation relates to the prevention of public nuisance. The representee is a local resident and is concerned that this premises is located away from the main area of Queens Road and is on a residential street, where opening late at night will cause noise disturbance. They are also concerned regarding the noise of the flue and subsequent smell. A copy of the representation is attached at Appendix B6.
- 4.7 A representation was received on 24 July 2022 from an interested party. The representation relates to the prevention of public nuisance. The representee is concerned that allowing the premises to open beyond 23:00 would attract customers from outside the area, either on foot, by car, or by proxy via food delivery couriers, creating noise nuisance for local residents. The representation is attached at Appendix B7.

## 5. Conditions

- 5.1 The conditions that are consistent with the application and representation/agreement with the Licensing Enforcement Team are attached at Appendix C.

## 6. Statutory guidance and statement of licensing policy

- 6.1 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
2.15 – 2.21	Public nuisance
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
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

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

Section	Heading
2	Fundamental Principles
5	Licensing Hours
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

## 7. Points for clarification

7.1 The applicant and the parties making the representations 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, whether the applicant wishes 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.

## 8. Financial, legal, equalities, climate emergency and other implications

### 8.1 Financial implications

None.

**8.2 Legal implications**

Legal advice specific to the application will be provided at the meeting by Legal Officers.

**8.3 Equalities implications**

None.

**8.4 Climate Emergency implications**

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process. Aidan Davis, Sustainability Officer, Ext 28 3384.

**8.5 Other implications**

None.

**9. Background information and other papers:**

None

**10. Summary of appendices:**

Appendix A – Application

Appendix B – Representations

Appendix C – Conditions consistent with the application and representation/agreement from Licensing Enforcement.

**11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

**12. Is this a “key decision”? If so, why?**

No