
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: 27th July 2023

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Rushey Mead
- Report author: Valentina Cenic
- Author contact details: 0116 454 3081
- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for The Paan Express, 32 Barkby Road, Leicester 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 representation, 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. Application and promotion of the licensing objectives

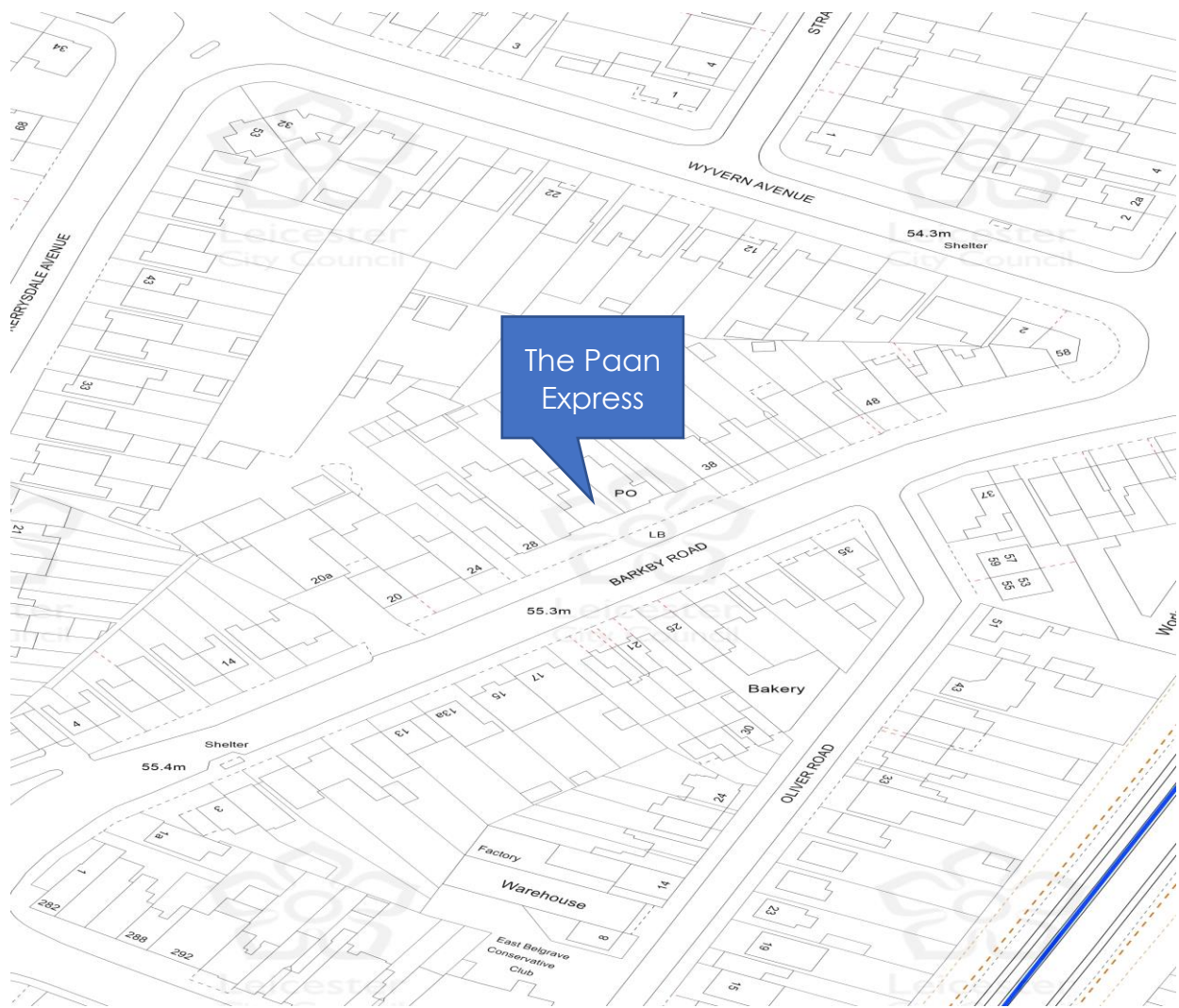
- 3.1 An application was received on 01 June 2023 from Mr Karsan Modhwadia for a new premises licence for The Paan Express, 32 Barkby Road, Leicester. A copy of the application is attached at Appendix A.

- 3.2 The application is as follows:

Licensable activity	Proposed hours
Sale of alcohol off licence	Monday to Sunday 07.00 – 23.00
Opening hours	Monday to Sunday 06.00 – 00.00

- 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. Representation(s)

- 4.1 A representation was received on 12 June 2023 from the Licensing Enforcement team. The representation relates to the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm. The Enforcement team are concerned about the effects issuing the licence may have on the local community, both business and residential. This relates to control of the age range of the persons buying alcohol and also the detail of the operating schedule that has been applied for. However, an agreement was reached between the applicant and Enforcement Team. A copy of the representation/agreement is attached at Appendix B1.
- 4.2 A representation was received on 20 June 2023 from a member of public. The representation relates to prevention of public nuisance. The representee is concerned that there are already persons congregating and drinking in front of the nearby shops until late in the evening and this does not need to be encouraged by granting the licence, especially as there are children living in close proximity. A copy of the representation is attached at Appendix B2.

- 4.3 A representation was received on 22 June 2023 from a member of public. The representation relates to public safety and prevention of public nuisance. The representee states that there are already three off licence shops in the area and adding another one might cause congestion and parking problems for the residents, but the most important issue is that the area might become more prone to fights and anti-social behaviour due to intoxicated people. It might also cause noise pollution disturbing residents. A copy of the representation is attached at Appendix B3.
- 4.4 A representation was received on 28 June 2023 from a member of public. The representation relates to public safety and prevention of public nuisance. The representee is concerned that as there are already several shops nearby selling alcohol, there might be more anti-social behaviour in this mainly residential area. A copy of the representation is attached at Appendix B4.
- 4.5 A petition signed by local residents was received on 29 June 2023 in support of the application. A copy of the petition is attached at Appendix B5.

5. Conditions

- 5.1 The conditions that are consistent with the application 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
2.1 – 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

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

Section	Heading
4	Promotion of the licensing objectives
5	General Principles
6	Premises Licences and Club Premises Certificates

7. Points for clarification

7.1 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, 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 (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

9. Background information and other papers:

None

10. Summary of appendices:

Appendix A – Application

Appendix B – Representations/Agreement

Appendix C – Conditions consistent with the application

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