

Leicester
City Council

**WARDS AFFECTED
WESTCOTES**

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

3 OCTOBER 2014

**Application for a new premises licence
General Store, 44 Beaconsfield Road, Leicester LE3 0FE**

Report of the Director of Environmental and Enforcement 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

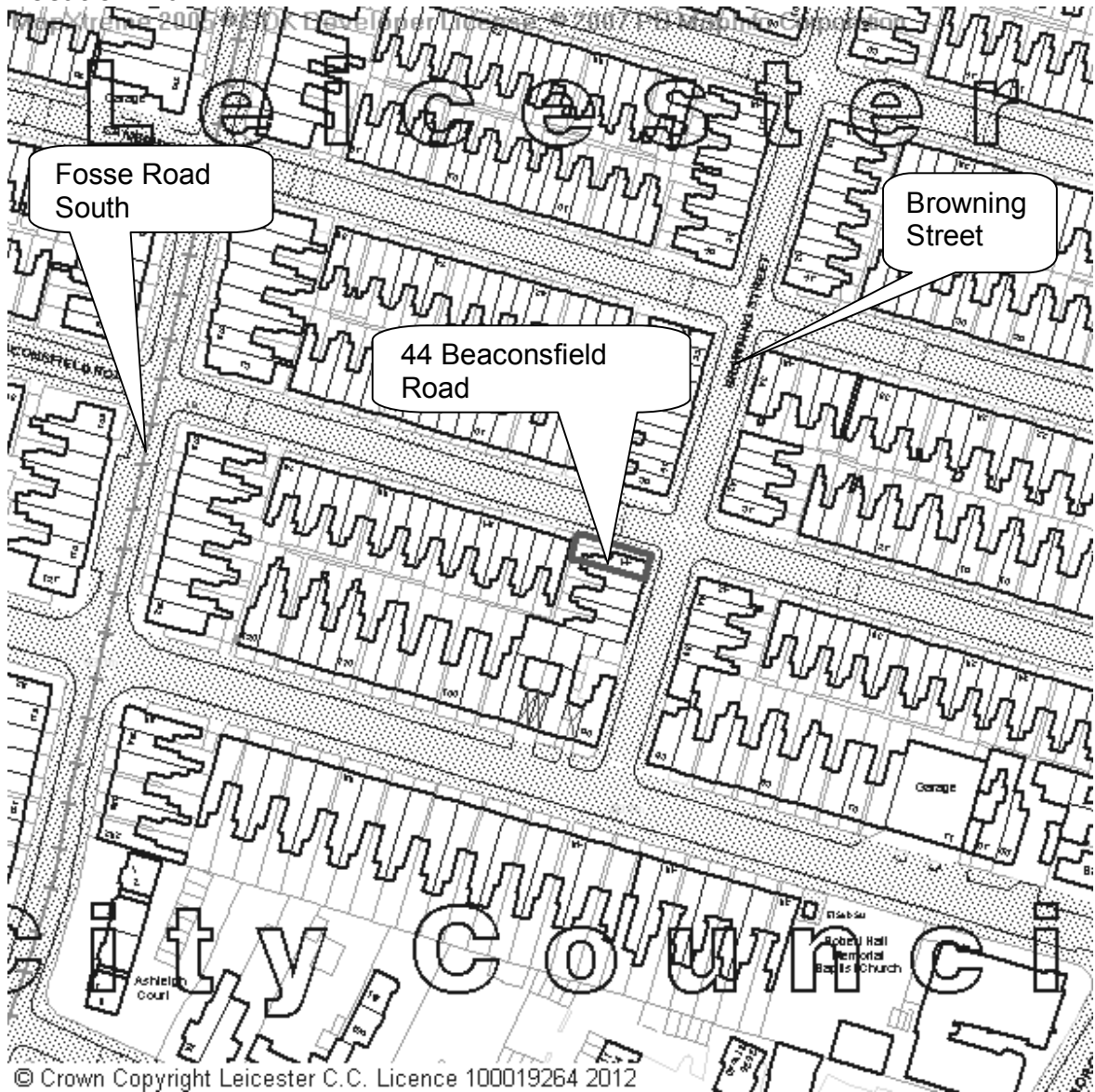
- 2.1. Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
 - Grant the licence subject to conditions
 - Refuse to accept the proposed premises supervisor
 - Reject the application

3. Summary

- 3.1 This report outlines an application for a new premises licence for a General Store, 44 Beaconsfield Road, Leicester LE3 0FE 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.

Continued.....

4. Location Plan



5. Application

- 5.1. An application was received on 18 August 2014 from Mr Arshad Aziz for a new premises licence for a general store at 44 Beaconsfield Road, Leicester. A copy of the application is attached at Appendix A.
- 5.2 The hours sought by the application are as follows:

Licensable activity	Proposed Hours
Supply of Alcohol (off sales)	Monday to Saturday 8am – midnight Sunday 9am – 10pm
Opening hours	Monday to Saturday 8am – midnight Sunday 9am – 10pm

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 P 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. Representations

- 7.1 A representation was received on 28 August 2014 from Councillor Russell. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. Councillor Russell is concerned that granting the licence will lead to an increase in anti-social behaviour, street drinking and disturbances particularly with the late hours sought. A copy of the representation is attached at Appendix B1.
- 7.2 A representation was received on 9 September 2014 from a local resident. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The resident is concerned that granting the licence will lead to an increase in anti-social behaviour, street drinking and disturbances. This representation is in the form of a letter supported by a petition signed by 56 residents. A copy of the representation is attached at Appendix B2.
- 7.3 A representation was received on 10 September 2014 from a local resident. The representation relates to the prevention of public nuisance. The resident is concerned that an off licence at this location will bring more people into what is a quiet residential area, and that it will worsen an existing problem with begging and anti-social behaviour. A copy of the representation is attached at Appendix B3.
- 7.4 Members should note that some of the representations refer to matters that are outside the scope of the Licensing Act 2003 (ie, the need for a licensed premises). These parts of the representations should not be taken into account during the hearing or the decision making process.

8. Conditions

- 8.1 The conditions that are consistent with the operating schedule 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:

Section	Heading
1.2 – 1.5	Licensing objectives and aims
1.15 – 1.17	General Principles – each application on its own merits
2.1 – 2.7	Crime & Disorder
2.18 – 2.24	Public nuisance

8.34 – 8.42	Steps to promote the licensing objectives
9.13 – 9.19	Licensing Authorities acting as responsible authorities
9.27 – 9.37	Hearings
9.38 – 9.40	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.5	Conditions - general
10.8 – 10.13	Imposed conditions
10.24 – 10.59	Mandatory conditions in relation to the supply of alcohol
13.42 – 13.43	Licensing Hours

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
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 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, 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	Yes	Representation 7.1
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

13. Background Papers – Local Government Act 1972

13.1. None

14. Consultations

14.1. The Licensing Authority is not obliged to consult any parties with regard to applications made under the Licensing Act 2003. However, the applicant is required to consult with the responsible authorities as set out in the 2003 Act.

15. Report Author

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APPENDIX	CONTENT
A	Application
B	Representations
C	Conditions consistent with the application.