

Leicester
City Council

WARDS AFFECTED
Type in Ward

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

19 August 2016

**Application for a review of an existing premises licence
Schnaps, 28 Charles Street, Leicester LE1 3FG**

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 representation, Members must consider whether to

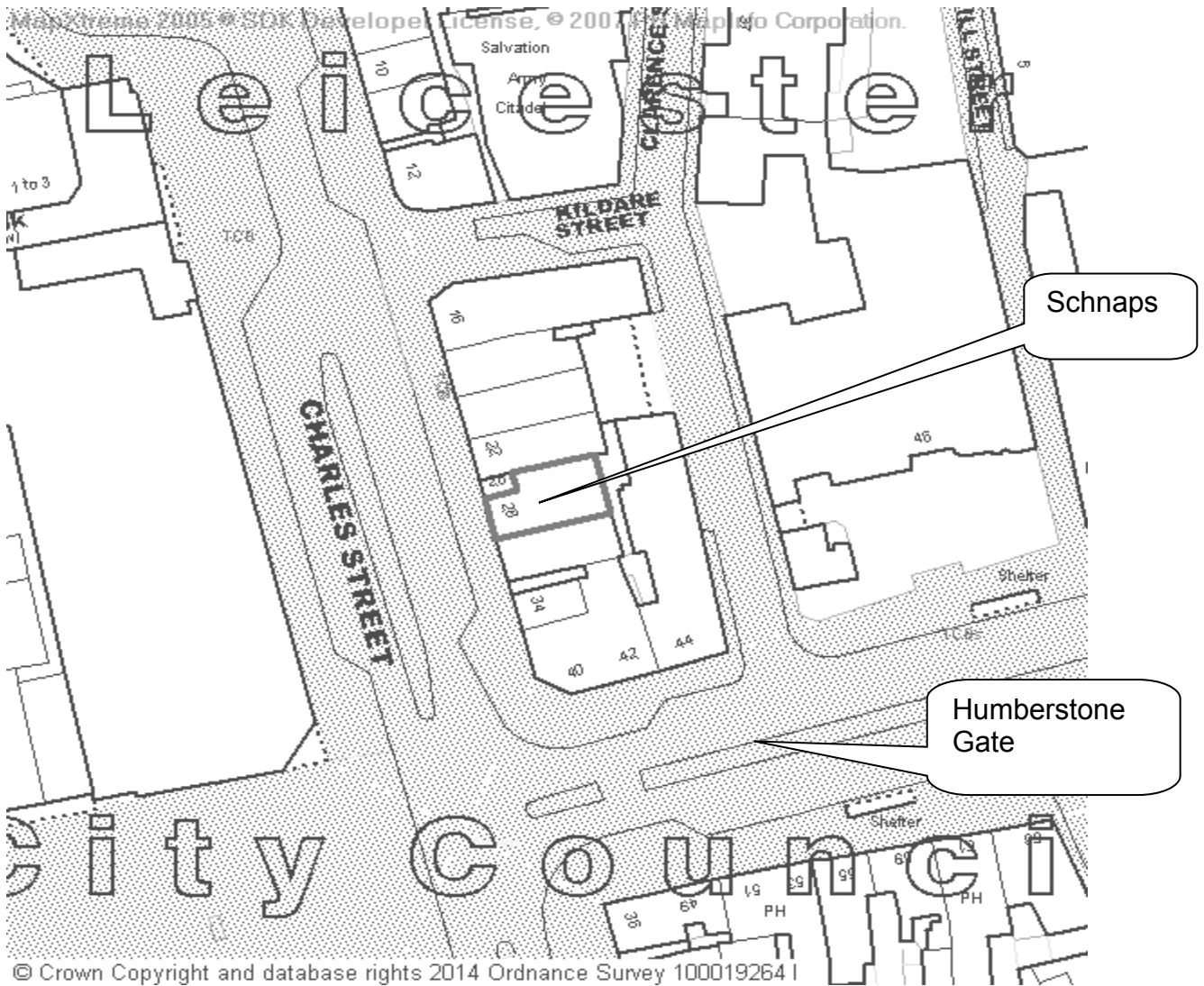
- Reject the review application
- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

3.1 This report outlines an application for a review of an existing premises licence for Schnaps, 28 Charles Street Leicester LE1 3FG and summarises the representation 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. Existing Licence

- 5.1. The existing licence is attached at Appendix A.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Supply of Alcohol	Monday to Sunday 7am until 11pm
Opening hours	Monday to Sunday 7am until 11pm

6. Review application

- 6.1 An application was received on 5th July 2016 from Leicestershire Police for a review of the existing premises licence for Schnaps, 28 Charles Street Leicester LE1 3FG. The application was made on the ground of the prevention of crime and disorder, public safety, and the prevention of public nuisance. A copy of the application is attached at Appendix B.

6.2 Leicestershire Police are concerned that this premises has failed to uphold or promote the licensing objectives, putting members of public at risk. This is due to the premises selling high strength alcohol products to members of the public who then cause crime and disorder, public nuisance and impact on public safety.

7. Representations

7.1 A representation was received on 27th July 2016 from Trading Standards, Leicester City Council. The representation relates to the prevention of crime and disorder, public safety, and the protection of children from harm. Trading Standards say that there is a history of illicit tobacco being sold at the premises, as well as a failed test purchase when cigarettes were sold to an underage test purchaser. They are concerned that the licence holder will not uphold the licensing objectives in the future. A copy of the representation is attached at Appendix B.

8 Steps to Promote the Licensing Objectives

8.1 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

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 relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.5	The licensing objectives
1.15	General principles
1.16	Each application on its own merits
2.1 – 2.5	Crime and disorder
2.6 – 2.13	Public safety
2.14 – 2.20	Public nuisance
2.21 - 2.30	Protection of children from harm
8.33 – 8.41	Steps to promote the licensing objectives
9.12	Representations from the Police
9.30 – 9.40	Hearings
9.41 – 9.43	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.27 – 10.68	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.33	Reviews
13.44 – 13.45	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
8	Public Safety
9	Prevention of Public Nuisance
10	Protection of Children from Harm
12	Duplication

11. Points for Clarification

11.1 The licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application 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	Parag. 6 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

13. Background Papers – Local Government Act 1972

- a. None

14. Consultations

14.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

15. Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application for review
C	Representation