



Leicester
City Council

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

23 October 2017

Application for a new premises licence within a Cumulative Impact Zone
Braunstone Fryer, 53 Braunstone Gate, 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.

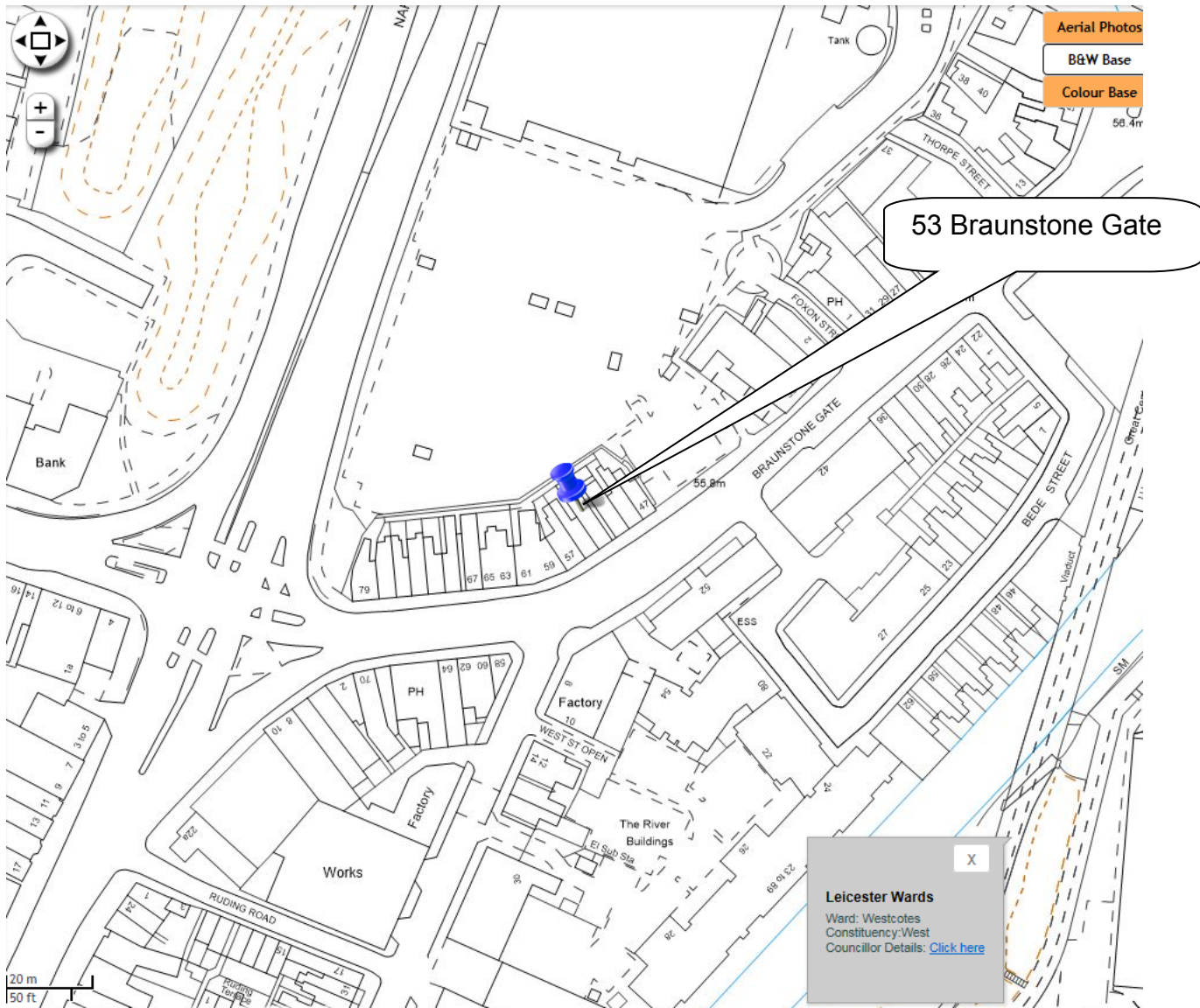
2. Determination to be made

- 2.1. Having considered the application and 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. Summary

- 3.1 This report outlines an application for a new premises licence for Braunstone Fryer, 53 Braunstone Gate within the Braunstone Gate area Cumulative Impact Zone 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. Application

5.1 An application was received on 23 August 2017 from Zuber Patel for a new premises licence for Braunstone Fryer 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 Days	Proposed Hours
Late night refreshment	Monday to Thursday Friday/Saturday	23.00 - 00.30 23.00 - 02.30
Opening hours	Monday to Thursday Friday/Saturday	16.00 - 00.30 16.00 - 02.30

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 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. Representation

- 7.1 A relevant representation was received on 7 September 2017 from Leicestershire Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. A copy of the representation is attached at Appendix B.

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 2011 Leicester City Council introduced a special policy on cumulative impact in the Braunstone Gate area, which refers to on and off licences. This creates a rebuttable presumption that an application for a new premises licence will be refused, unless the applicants can show that their premises are unlikely to add to the problems of saturation.

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
3.12 – 3.20	Late night refreshment
8.38 – 8.46	Steps to promote the licensing objectives
9.12	Representations from the Police
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	Giving reasons for decisions
14.20 – 14.23	What is cumulative impact?
14.30 – 14.35	Effect of special policies
14.36 – 14.39	Limitations on special policies relating to cumulative impact
14.40 – 14.41	Other mechanisms for controlling cumulative impact
14.44 – 14.45	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
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	Yes	The premises is within a cumulative impact

		area
Sustainable and Environmental	No	
Crime and Disorder	Yes	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

14. Background Papers – Local Government Act 1972

a. None

15 Consultations

b. 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.

16. Report Author

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APPENDIX	CONTENT
A	Application
B	Representation
C	Conditions consistent with application