



Leicester
City Council

**WARDS AFFECTED
WESTCOTES**

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

7 September 2018

**Application for a new premises licence
Pizza Magic, 130 Fosse Road South, Leicester, LE3 0JT**

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 representations, 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 Pizza Magic, 130 Fosse Road South, Leicester, LE3 0JT 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.

4. Location Plan



5. Application

5.1. An application was received on 6th July 2018 from Mr Attulah Mamozai and Mr Sefat Mosukhel for a new premises licence for 130 Fosse Road South, Leicester. A copy of the application is attached at Appendix A.

5.2 The application is as follows:

Licensable activity	Proposed Hours
Late night refreshment	Monday to Saturday 23:00 – 04:00 Sunday 23:00 – 00:00
Opening hours	Monday to Saturday 16:00 – 04:00 Sunday 14:00 – 02:00

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 M 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 representation was received on 24th July 2018 from the Noise and Pollution Team. The representation relates to the prevention of public nuisance. The Noise Team are concerned that there is an increased likelihood of noise disturbance and complaints about the activities inside and outside the premises, customer activity and traffic movement. A copy of the representation is attached at Appendix B.

7.2 A representation was received on 9th August 2018 from Leicestershire Police. The representation relates to all four licensing objectives. The Police are concerned that if the application was successful it is likely that the premises will attract customers of the night time economy and that incidents of noise and disorder will increase in the area. A copy of the representation is attached at Appendix B2.

8. Conditions

8.1 The conditions that are consistent with the operating schedule and the representation 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 – 1.16	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
3.12 – 3.20	Late night refreshment
8.41 – 8.49	Steps to promote the licensing objectives
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

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
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

11. Points for Clarification

11.1 The applicants and the parties making the representation have been asked to clarify certain points at the hearing, as follows:

By the applicants

1. Whether the applicants consider that the concerns outlined in the representations are valid, and if not why not?
2. In the light of the representations made, do the applicants wish to propose any additional steps for the promotion of the licensing objectives?

By the parties 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	Paragraph 7.2
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 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 application