

Leicester
City Council

HEARING UNDER THE LICENSING ACT 2003

DATE: THURSDAY, 9 APRIL 2009

TIME: 9:30 am

**PLACE: COMMITTEE ROOM 2, TOWN HALL, TOWN HALL
SQUARE, LEICESTER LE1 9BG**

Members of the Hearing Panel

Councillors Byrne, Marriott and Thomas

Members of the Hearing Panel are requested to attend the above meeting to consider the items of business listed overleaf.

for Town Clerk

Officer contact: Julie Harget
*Democratic Support, Resources Department
Leicester City Council
Town Hall, Town Hall Square, Leicester LE1 9BG
Tel: 0116 229 8809 Fax: 0116 229 8819
email: julie.harget@leicester.gov.uk*

INFORMATION FOR MEMBERS OF THE PUBLIC

ACCESS TO INFORMATION AND MEETINGS

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council.

There are procedures for you to ask questions and make representations to Scrutiny Committees, Community Meetings and Council. Please contact Democratic Support, as detailed below for further guidance on this.

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Dates of meetings are available at the Customer Service Centre, King Street, Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

WHEELCHAIR ACCESS

Meetings are held at the Town Hall. The Meeting rooms are all accessible to wheelchair users. Wheelchair access to the Town Hall is from Horsefair Street (Take the lift to the ground floor and go straight ahead to main reception).

BRAILLE/AUDIO TAPE/TRANSLATION

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

INDUCTION LOOPS

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Julie Harget, Democratic Support on (0116) 229 8809 or email julie.harget@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 252 6081

PUBLIC SESSION

AGENDA

- 1. APPOINTMENT OF CHAIR**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business on the agenda.

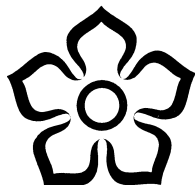
- 3. APPLICATION FOR A NEW PREMISES LICENCE: Appendix A
SALVADOR DELI, 50 QUEENS ROAD, LEICESTER
LE2 1TU**

Report Attached. A copy of the associated documentation is attached for members only. Further copies are available on the Council's website at www.cabinet.leicester.gov.uk or by phoning Democratic Support on 229 8809.

- 4. APPLICATION FOR A NEW PREMISES LICENCE: Appendix B
TESCO STORES LTD, 40 GRANBY STREET,
LEICESTER, LE1 6FB**

Report Attached. A copy of the associated documentation is attached for members only. Further copies are available on the Council's website at www.cabinet.leicester.gov.uk or by phoning Democratic Support on 229 8809.

- 5. ANY OTHER URGENT BUSINESS**



Leicester
City Council

Appendix A

WARDS AFFECTED: CASTLE

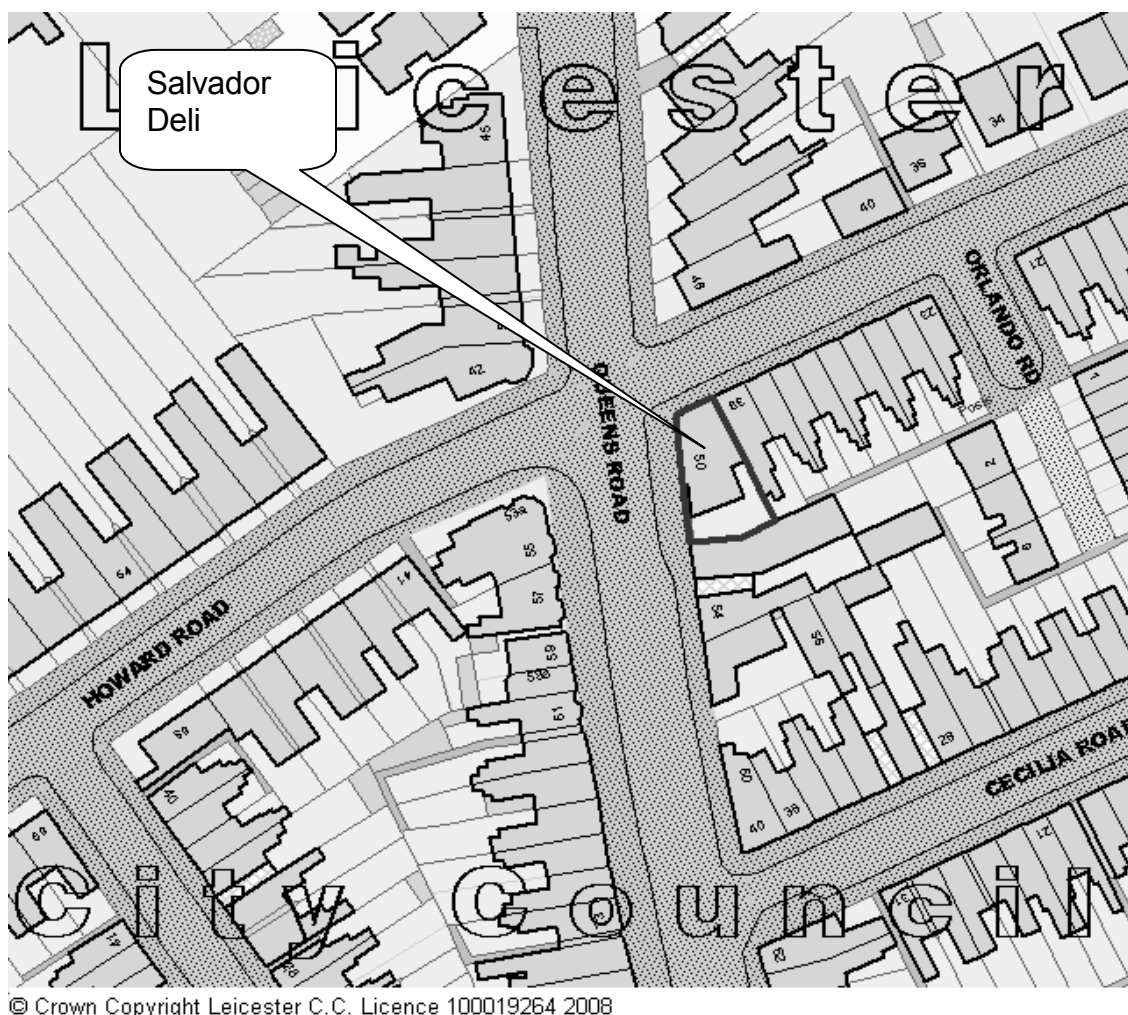
HEARING UNDER LICENSING ACT 2003

9 APRIL 2009

APPLICATION FOR A NEW PREMISES LICENCE SALVADOR DELI, 50 QUEENS ROAD, LEICESTER LE2 1TU

Report of the Licensing Officer

1 Location Plan



2 Purpose of Report

- 2.1 This report outlines an application for a new premises licence for a Delicatessen/Cafe, 50 Queens Road, Leicester 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.

3 Application

- 3.1 An application was received on 20 February from Mr Jhan Husain & Mr Anwar Husain, for a premises licence for a Delicatessen & Café at 50 Queens Road, Leicester. A copy of the application is attached at Appendix A.

4 The hours sought by the application are as follows.

4.2

Licensable activity	Proposed Hours
Anything similar to live/recorded music or dance.	Monday – Sunday 08.00 – 20.00
Provision of facilities for entertainment similar to making music or dance.	
Supply of Alcohol (for consumption on & off the premises)	
Opening hours	

5 Steps to Promote the Licensing Objectives

- 5.1 The steps the applicant proposes to take to promote the licensing objectives are set out in Section P of Appendix A.
- 5.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

6 Representation

- 6.1 A representation was received on 18 March 2009 from Steve Joyce, Noise Team, Environmental Health, Leicester City Council. The representation relates to the prevention of public nuisance. Steve Joyce is concerned about potential noise nuisance from the premises by the operation of audiovisual equipment affecting the adjoining house at 39 Howard Road, which shares a party wall. Steve Joyce requests the addition of a condition to the licence. The applicants have agreed the condition. A copy of the representation and condition are attached at Appendix B1.
- 6.2 Representations have been received from six local residents in the area. The representations relate to the prevention of crime & disorder, public safety, prevention of public nuisance and protection of children from harm. The residents are concerned about nuisance and inconvenience being caused by further congestion due to extra vehicles parking in a residential area with no additional off-road parking facilities available at the premises. They have concerns about noise disturbance caused by audio equipment and from customers, outside of normal working hours. They also have concerns about the supply of alcohol for consumption off the premises and access to alcohol by persons under the age of 18yrs.
- 6.3 The premises licence application was made at the same time as an application for consent for a pavement cafe. Some of the representations appear to relate to both applications, and others refer to planning matters. The representations have been accepted in order to give interested parties the opportunity to make their feelings known, but members should be aware

that not all of the comments relate to the licensing objectives. The hearing should focus on steps to promote the licensing objectives and not ancillary matters that relate to other regulatory processes.

7 Conditions

- 7.1 The conditions that are consistent with the operating schedule and the representation are attached at Appendix C.

8 Statutory Guidance

- 8.1 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 – 1.4	The Licensing Objectives
1.15	General Principals – each application on its own merits
1.16	General Principals – avoiding duplication
1.17 – 1.19	General Principals – hours of opening
1.26	Related legislation & strategies – control of individuals away from licensed premises
2.1 – 2.18	Crime & Disorder
2.32 – 2.40	Public nuisance
2.19 – 2.31	Public Safety
2.41 – 2.51	Protection of children from harm
9.19 – 9.28	Hearings
10.1 – 10.6	Conditions - general
10.11 – 10.12	Imposed conditions
10.15 – 10.18	Duplication with other statutory provisions
10.13 – 10.14	Proportionality
13.40	Licensing Hours

9 Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cumulative Impact
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
17	Live Music, Dancing, Theatre, Circuses and Street Arts

10 Points for Clarification

- 10.1 The applicant and the 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?

11 Determination to be made

11.1 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

12 Report Author

Susan Hall

Licensing Officer

0116 252 8554

susan.hall@leicester.gov.uk

APPENDIX	CONTENT
A	Application
B	Details of representees (private)
B1-B7	Representations
C	Conditions consistent with application and representation / agreement

APPENDIX C

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE
The Licence holder will maintain a CCTV system
CONDITIONS CONSISTENT WITH THE REPRESENTATION FROM NOISE TEAM, ENVIRONMENTAL HEALTH, LEICESTER CITY COUNCIL
Any plasma screens/audio equipment affixed to the party wall between the premises and 39 Howard Road, or sited within 2 metres of that wall shall not be used to provide any audio entertainment.

020934

[Insert name and address of relevant licensing authority and its reference number (optional)]

Leicester City Council
Council Offices
Welford Place
LEICESTER LE1 6ZG**Application for a Premises Licence to be Granted
under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in BLOCK capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

(1) ~~I~~ [We] (2)

Jhan Husain and Anwar Husain

(1) Delete as
applicable.(2) Insert name(s)
of applicant(s).

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and (1) ~~I am~~ [we are] making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description

50 Queens Road

Post town Leicester

Post code LE2 1TU

Telephone number at premises (if any)

0116 2704186

Non-domestic rateable value of premises

£ 6,300.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ☒ yes

(a) an individual or individuals*

☒ please complete section (A)

(b) a person other than an individual*

(i) as a limited company

☐ please complete section (B)

(ii) as a partnership

☐ please complete section (B)

(iii) as an unincorporated association or

☐ please complete section (B)

(iv) other (for example a statutory corporation)

☐ please complete section (B)

(c) a recognised club

☐ please complete section (B)

(d) a charity

☐ please complete section (B)

(e) the proprietor of an educational establishment

☐ please complete section (B)

(f) a health service body

☐ please complete section (B)

(g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital

☐ please complete section (B)

(h) the chief officer of police of a police force in England and Wales

☐ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick ☒ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☒

Mrs ☐

Miss ☐

Ms ☐

Other title ☐
(for example, Rev.)

Surname

Husain

First names

Jhan

Please tick ☒

Yes

I am 18 years old or over

☒

Current postal
address if
different from
premises address

Post Town

Leicester

Postcode

Daytime contact telephone number

E-mail address
(optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☒

Mrs ☐

Miss ☐

Ms ☐

Other title ☐
(for example, Rev.)

Surname

Husain

First names

Anwar

Please tick ☒

Yes

I am 18 years old or over

☒

Current postal
address if
different from
premises address

Post Town

Leicester

Postcode

Daytime contact telephone number

0116 2708408

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	4	0 2 2 0 0 9

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

Delicatessen and Cafe situated on a busy High Street. The Cafe area where alcohol will be sold for consumption on and off the premises is marked with a red outline on the plans appended to this application. The rest of the premises will be licensed for sale of alcohol for consumption off the premises. The entertainment set out in the operating schedule below will take place across the whole premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ☒ Yes

- (a) plays (if ticking yes, fill in box A)
- (b) films (if ticking yes, fill in box B)
- (c) indoor sporting events (if ticking yes, fill in box C)
- (d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- (e) live music (if ticking yes, fill in box E)
- (f) recorded music (if ticking yes, fill in box F)
- (g) performances of dance (if ticking yes, fill in box G)
- (h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

x

Provision of entertainment facilities for:

- (i) making music (if ticking yes, fill in box I)
- (j) dancing (if ticking yes, fill in box J)
- (k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

x

Provision of late night refreshment (if ticking yes, fill in box L)

--

Supply of alcohol (if ticking yes, fill in box M)

x

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</u>			
			Indoors			
			Outdoors			
			Both			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Tue						
Wed						
Thur						
Fri					<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing We will be providing video entertainment played on plasma screens in the premises.		
			Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	x
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	08.00	20.00	We will show promotional and educational videos relating to the goods which are sold in the premises.		
Tue	08.00	20.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Wed	08.00	20.00			
Thur	08.00	20.00			
Fri	08.00	20.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	08.00	20.00			
Sun	08.00	20.00			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	
Day	Start	Finish	Indoors	
			Outdoors	
			Both	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur				
Fri				
Sat			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	
			Please give a description of the facilities for dancing you will be providing	
Day	Start	Finish	Indoors	
			Outdoors	
			Both	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur				
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing We will be providing dvd and media players to provide video entertainment on plasma screens within the premises.	
			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The equipment will be used to show educational and promotional videos about the goods sold in the premises.	
Mon	08.00	20.00		
Tue	08.00	20.00	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)	
Wed	08.00	20.00		
Thur	08.00	20.00	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	08.00	20.00		
Sat	08.00	20.00		
Sun	08.00	20.00		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box <input checked="" type="checkbox"/>) (please read guidance note 7)		On the premises	
					Off the premises	
					Both	x
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon	08.00	20.00				
Tue	08.00	20.00				
Wed	08.00	20.00				
Thur	08.00	20.00				
Fri	08.00	20.00				
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	08.00	20.00				
Sun	08.00	20.00				

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name	Jhan Husain
Address	
Postcode	
Personal Licence number (if known)	LEIPRS0462
Issuing licensing authority (if known)	Leicester City Council

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
None.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	20.00	Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	08.00	20.00	
Wed	08.00	20.00	
Thur	08.00	20.00	
Fri	08.00	20.00	
Sat	08.00	20.00	
Sun	08.00	20.00	

P

Describe the steps you intend to take to promote the four licensing objectives:

(a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

1. The premises will maintain a CCTV system.

(b) The prevention of crime and disorder

N/A

(c) Public safety

N/A

(d) The prevention of public nuisance

N/A

(e) The protection of children from harm

N/A

Please tick ☒ yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 11).
If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent
(please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Barlows 1 Berridge Street Leicester DX 10810 Leicester 1 (Ref: DSB/TW/Husain)	
Post town	Post code LE1 5JT
Telephone number (if any) 0116 251 8295	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on. If you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Part A

Consent of Individual to Being Specified as Premises Supervisor

(1) Insert full
name of
prospective
premises
supervisor.

I (1) Jhan Husain

(2) Insert home
address of
prospective
premises
supervisor.

of (2)

(3) Insert type
of application.

hereby confirm that I give my consent to be specified as the designated premises
supervisor in relation to the application for (3) A Premises Licence

(4) Insert name
of applicant.

by (4) Jhan Husain and Anwar Husain

(5) Insert number
of existing licence,
if any.

relating to a premises licence (5)

(6) Insert name
and address of
premises to which
the application
relates.

for (6) 50 Queens Road Leicester LE2 1TU

and any premises licence to be granted or varied in respect of this application
made by (4) Jhan Husain and Anwar Husain

concerning the supply of alcohol at (6)
50 Queens Road Leicester LE2 1TU

(7) Delete as
applicable.

I also confirm that I (7) ~~am applying for~~ (7) ~~intend to apply for~~ (7) ~~currently hold~~
a personal licence, details of which I set out below.

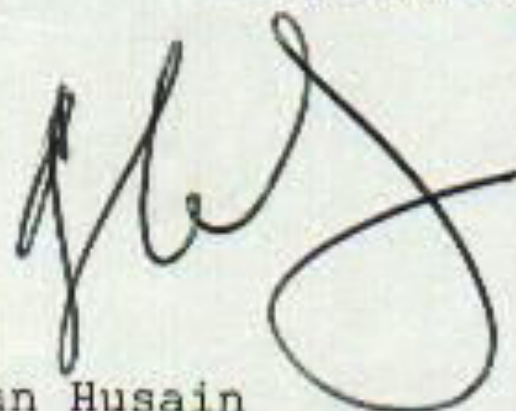
(8) Insert personal
licence number, if
any.

Personal licence number (8) LEIPRS0462

(9) Insert name
and address and
telephone number
of personal licence
issuing authority, if
any.

Personal licence issuing authority (9) Leicester City Council

Signed

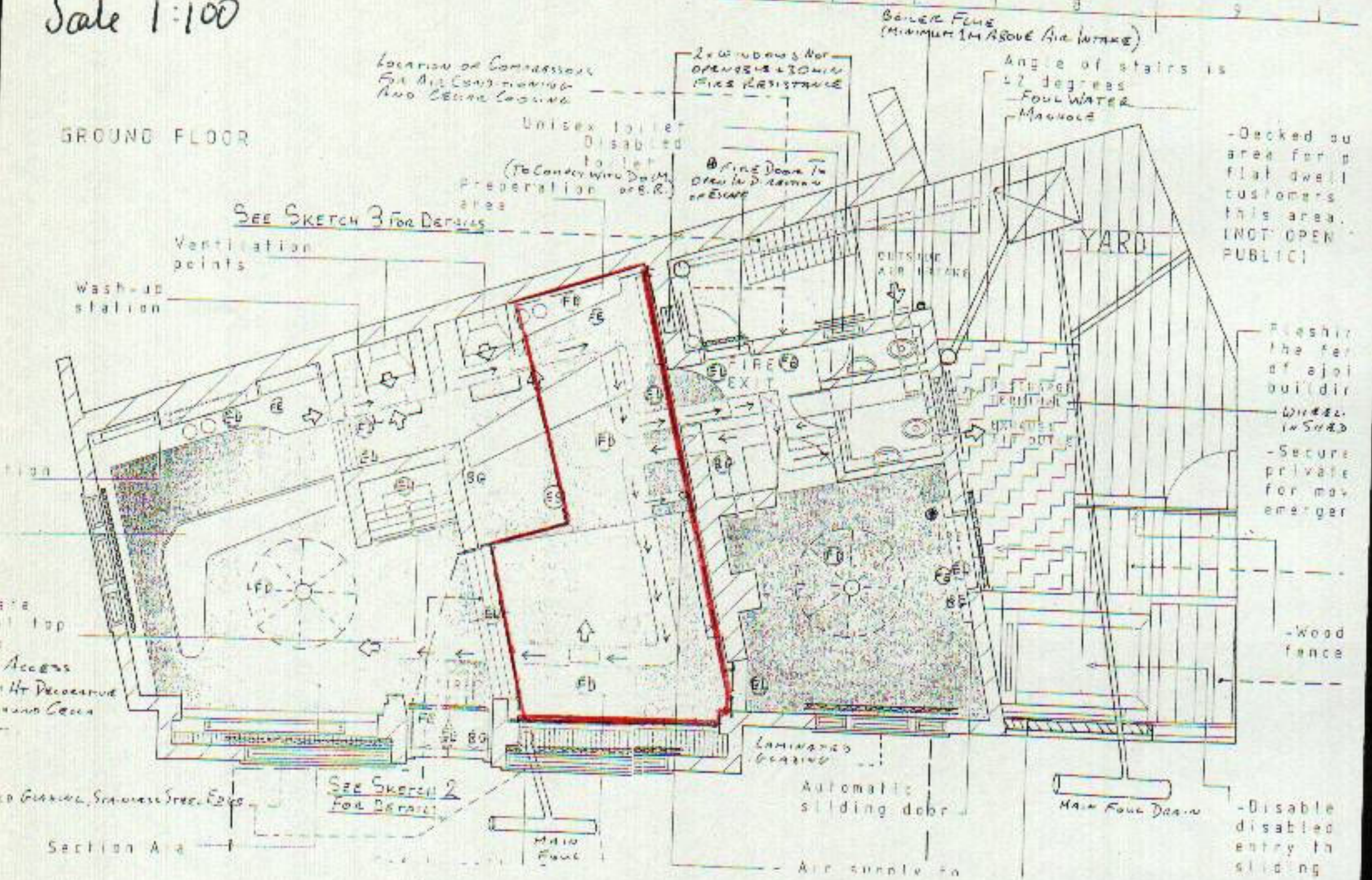


Name (10) Jhan Husain

Dated 3.2.09

(10) Please print.

Scale 1:100



AREA EDGED RED IS AREA FOR SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES

CONTACT DETAILS:
D. OUGLEY
MI.PAD@HOTMAIL.COM
07850896029

BARLOWS

– SOLICITORS –

Incorporating Barlow Poyner Foxon & Hefford Johnson & Co

LICENSING SECTION

RECEIVED

19 FEB 2009

LEICESTER CITY COUNCIL

Leicester City Council
Licensing Department
Council Offices
Welford Place
LEICESTER
LE1 6ZG

Our Ref:
DSB/TW/1275044/Husain

Your Ref:

Monday 16th February 2009

Dear Sirs

**Re: Mr A and Mr J Husain
50 Queens Road Leicester LE2 1TU**

We act for our clients Mr A and Mr J Husain and enclose Licensing Application in respect of 50, Queens Road, Leicester. We confirm that the application has been served upon the appropriate authorities. We also enclose our clients' cheque in the sum of £190.00 being the fee payable.

Yours faithfully



BARLOWS

Encs

1 Berridge Street Leicester LE1 5JT DX 10810 Leicester 1
Tel: 0116 2518295 Fax: 0116 2537850 www.barlowssolicitors.com

Also at 49A High Street Market Harborough Leicestershire LE16 7AF Tel: 01858 410040
Partners: R J Poyner J Hefford C D Gooch R D Foxon
Regulated by the Solicitors Regulation Authority



Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	Steve Joyce (Noise Team)
Your Address:	Noise Team Environmental Health Regeneration and Culture Leicester City Council A4 New Walk Centre Welford Place Leicester LE1 6ZG

Details of premises representation is about	
Name of Premises:	Salvador Deli
Address of premises:	50 Queens Road Leicester LE2 1TU
Application No. (if known)	X 020934

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	yes
Protection of children from harm	<input type="checkbox"/>

Please summarise your concerns about this application:

I am concerned about potential noise nuisance from these premises from the operation of audio visual equipment affecting the adjoining house 39 Howard Road which shares a party wall with Salvador Deli, 50 Queens Road.

The Noise Team has received a noise complaint from the occupier of 39 Howard Road, and we are waiting for further details from the complainant before investigating this matter further.

Whilst the applicant has indicated that the audio visual equipment will be used to advertise products for sale in the shop the licence if granted would not restrict the equipment to just this use.

So to reduce the risk of any nuisance I have agreed a condition with the applicant to be attached to the premises licence:

CONDITION

Any plasma screens/audio equipment affixed to the party wall between the premises and (insert address) or sited within 2 metres of that wall shall not be used to provide any audio entertainment.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

The introduction of audio visual equipment into these premises increases the risk Of noise nuisance being caused to residential occupiers of 39 Howard Road, which share a party wall.

Noise transmission through the party wall (particularly lower frequency noise) would be increased if audio visual equipment is attached to this wall as the fixings will penetrate the party wall and the noise source will be close to the party wall. The proposed condition should deal with these issues.

Return your completed form to:

By Post:

Licensing Authority Office
Leicester City Council
New Walk Centre
Leicester
LE1 6ZG

By Email:

licensing@leicester.gov.uk

Sent: 16 March 2009 13:50

To: David Brown

Subject: Premises licence with alcohol Salvador Deli 50 Queens Road

Further to our telephone conversation I am emailing you a condition which I would ask you to refer to your client for consideration.

If we can agree this condition it will remove the need for an objection to be made against this application by the Noise Team.

Please let me know if this condition will be acceptable to your client by close of play on 18th March 2009.

CONDITION

The Plasma screen and audio equipment installed inside the premises should be played at a level so that no noise or vibration is perceptible within adjoining residential premises.

Thank you
Steve

Steve Joyce
Environmental Health Officer
Noise Team
Leicester City Council

Subject: RE: Salvador delli, 50 Queens Road, Leicester
Received: Thu, 19 Mar 2009 16:18:49 -0000
From: "David Brown" <dbrown@barlowssolicitors.com>
To: "Susan Hall" <Susan.Hall@leicester.gov.uk>

I can confirm the agreement with you - the condition should read:

"Any plasma screens/audio equipment affixed to the party wall between the premises and 39 Howard Road or sited within 2 metres of that wall shall not be used to provide any audio entertainment."

Regards

David



Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation

Your Name:

Your Address:

Details of premises representation is about

Name of Premises: Salvador Deli

Address of premises: 50 Queens Road
Leicester

Application No.
(if known)

Please tick one or more of the licensing objectives that your representation relates to:

Prevention of crime and disorder	<input type="checkbox"/> yes
Public Safety	<input type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> yes

Please summarise your concerns about this application:

My understanding is that this premises application relates to the licensing of the premises for on-sales, off-sales and for video screening.

I would request that this application be turned down. Queens Road is a single small local shopping street with a recent influx of bars, cafes and off-sales in a residential area of tightly packed terraced houses. There is now a major problem with parking, noise and disturbance for local residents. The number of licensed premises has reached saturation point. To license any more premises for off and on sales would exacerbate an already intolerable situation.

Planning permission has already been granted for Salvador Deli for day opening, despite no additional off-road parking being provided for the deli customers. If permission is given for this application, the local streets simply will not be able to accommodate the extra cars which will be generated. Previous applications have made much of sustainable access, and how facilities will serve local people who will walk or cycle. I can assure you this is not the case. The establishments on Queens Road have no carparking, and most of their customers drive from outside the immediate area and use the surrounding streets as a carpark. As a local resident I am now frequently having to park further and further afield, often four or five streets

away from my house. This then means that noise and disturbance is taken further and further away from the Queens Road area into streets that were previously quiet.

Planning permission has been given for a cafe at these premises so that the items sold in the delicatessen could be "sampled", but the main use of the premises was as a delicatessen. Now it would appear that the area within the premises that has been designated by the Planning Authority for use as a cafe has already been exceeded, and a street cafe licence has been applied for which would increase the area used as a cafe even more.

I do not understand why video screening is required in a delicatessen, and am most concerned this is an attempt to change the usage of the premises. If a licence is granted then screening of football games and TV would be possible without extra permissions, and I am aware that the owners of the Salvador Deli also own adjoining premises which are used in this way. Granting of a licence for video screening would bring additional people into the area, causing further noise problems both for adjoining properties and from people entering and leaving the premises together with more problems with carparking.

My major concern is the applicants are attempting to eventually secure the usage of all their premises in a linked way, and drive other local businesses out so they can take over more premises, thus owning a large area with bars, food facilities, video and TV screening and live music which is too large an attraction for the area to accommodate, is out of keeping with the character of the small, single local shopping street, and would cause atrocious noise and disturbance problems.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives



Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	
Your Address:	

Details of premises representation is about	
Name of Premises:	Salvador Deli
Address of premises:	50 Queens Road Leicester
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/> yes
Public Safety	<input checked="" type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> yes

Please summarise your concerns about this application:
<ul style="list-style-type: none"> Noise – This is a residential area which over the last several years has become much noisier and congested in the evenings owing to the number of bars which have sprung up in Queens Rd. Creating another cafe/bar 3 doors away from my house which would allow people to sit outside and consume their food and alcohol cannot be justified. (The original submission was for a deli not a café bar). The resulting noise from customers conversations and revelry which echo around this terraced road will further control which rooms I can use in my house and when I am allowed to sleep! There may also be an increase in rowdy behaviour which is noisy and sometimes frightening. Drinking at tables put out before 8.00am and taking in at 11.00pm will create another daily noise nuisance. While alcohol under the proposals will not be sold after 8.00pm, what conditions will prevent people sitting at the tables outside until 11.00pm drinking alcohol? Parking – It is already a nightmare trying to park near your house in this area in the evenings and I often find myself walking from streets away when I have parked my car. Double yellow lines put down in this area for emergency service access are regularly parked on. Another café/bar will bring more

vehicles into the area and inconvenience residents further. (In January I was rushed into hospital on a Friday evening. The ambulance had to double park in Queens Rd because all spaces by the pavement, including double yellow lines were taken up by bar/restaurant customers' vehicles.)

- **Another alcohol outlet** – How many bars do we need in Queens Rd? What do the police think about these proposals? This is not the city centre and doesn't require "regeneration" to make it another "no go" area like the city centre in the evenings. This is a residential area. Unlike the city centre it is not an area I can avoid!
- **Intimidation**- In the summer walking past "Bar Dos" 52 Queens Rd can be an intimidating experience when the windows are fully open and customers under the influence of alcohol are leering out of them or making comments as pedestrians walk by. Under the new proposal this situation will be exacerbated by a significant number of people under the influence of alcohol. It will also affect people (children, young women, OAPs, people with disabilities) getting off the 44 bus who will be confronted by the assembled customers outside "Salvador Deli" and of course passengers waiting for the bus may be made to feel uncomfortable.
- **Planning Permission Conditions** – According to the conditions the designated area for on licence sales does not tally with these latest proposals. Surely the licensed area should be that restricted to that allowed by planning. I am concerned also by the plans for a street café to late hours, which I feel indicates an intention to change the nature of the premises. I ask for a condition that 'on' sales of alcohol should only be drunk indoors, similar to a condition applied to Babelas on Queens Rd in recognition of the problems that occur locally when alcohol is drunk on the street.
- **Video**- conditions should be applied to control noise before 9.00am and after 6.00pm

Please give further details of why you believe this application will have an adverse effect on the licensing objectives



Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation

Your Name:

Your Address:

Details of premises representation is about

Name of
Premises:

Salvador Deli

Address of
premises:

50 Queens Road
Leicester

Application No.
(if known)

Please tick one or more of the licensing objectives that your representation relates to:

Prevention of crime and disorder

☐

Public Safety

☐

Prevention of public nuisance

☐ yes

Protection of children from harm

☐ yes

Please summarise your concerns about this application:

This is an application for both off and on sales in premises where many homes are nearby, including a house that shares a party wall – yet no measures except CCTV are proposed to promote the licensing objectives.

I am also concerned as to how this application relates to the other one at these premises for a street café. Noise from people outside is much more difficult to control, and more disturbing to a wider number of residents.

I also feel that licensing should not be used to change the character of the premises and gain more than the planning permission allows.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

I have no objection in principle to the off-sales at these premises as an adjunct to other food/drink sales. However as children will be regular visitors to the shop, particular measures need to be taken to prevent under-age sales/theft. This especially so since the applicant indicated during the planning process that there would be free food/drink tasting throughout the premises.

It is not clear which area they intend for off-sales? The cellar is shown on the plans as part of the premises though labelled as a store. **I would object to the cellar being licensed** as this would increase the proportion of alcohol sales and be 'hidden'.

The premises shares a party wall with a house and is in a dense housing area that already suffers noise problems from a wide range of sources. It is not suitable for more than a minimal amount of licensed café, indeed I could argue it is not suitable at all. The area shown to be 'on-licensed' is different from that designated in the planning permission, which made it quite clear this is not an A3, A4 or A5 premises. This indicates a disregard for agreed conditions which is worrying in licensed premises, **and the 'on' licensed area should be restricted to that allowed by planning.**

Alcohol should only be served with food – in line with the applicants stated intention in their planning application

I am puzzled also by the plans for a street café to 11pm - later hours than this application, which might indicate an intention to change the nature of the premises, or to allow customers to eat/drink previously bought items outside after the shop has closed. Outdoor noise is difficult to control and can disturb widely. There have been examples of this at other premises locally –including the applicants adjoining premises where noise from their unauthorised smoking area reached my home, as can noise from people congregating outside the bars. There is also potential, in a residential area where youngsters may be out unaccompanied, that they may get hold of unfinished drinks left out on tables. I know this to have happened elsewhere.

I ask for a condition that alcohol should only be drunk indoors, neither on nor off sales being drunk in any outdoor areas managed by the premises.

I don't object to the video, but ask that **conditions be applied to control noise levels to protect the adjoining residents.**

Also I feel the **starting hour is too early for 'on' sales and video** because of the shared party wall with a house.

APPENDIX B5

From: Licensing Licensing
To: Susan Hall
Date: 20/03/2009 10:56
Subject: Fwd: 50 Queens Road

Dear Sir/Madam

50 Queens Road

I am writing in objection to the licensing application for seating on the pavement outside the above premises.

We are concerned about the noise that will be created by customers sitting outside. We have two young children aged under 3 years and have already experienced problems with outside noise from the bars on Queens Road, particularly in summertime when there is a need to have windows open. I assume alcohol will be consumed outside the premises therefore increasing the possibility of loud noise. Our children go to bed at 7pm - and will be kept awake by noise after this time.

Please can the considerations of parents with young children be paramount when assessing this planning applications. Perhaps alcohol could be served only inside the premises? This should reduce noise levels. The application would allow customers to carry on drinking alcohol outside until 11pm - this is far too late and will be disturbing to residents living just yards from the area. We'd like alcohol to only be available with food which would help to discourage heavy drinkers. We are also concerned about the video screens which could also add to the noise.

Yours faithfully



Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	
Your Address:	

Details of premises representation is about	
Name of Premises:	Salvador Deli
Address of premises:	50 Queens Road Leicester
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input type="checkbox"/> yes
Public Safety	<input type="checkbox"/> yes
Prevention of public nuisance	<input type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> yes

Please summarise your concerns about this application:
<ul style="list-style-type: none"> Noise – This is a residential area which over the last several years has become much noisier and congested in the evenings owing to the number of bars which have sprung up in Queens Rd. Creating another cafe/bar 3 doors away from my house which would allow people to sit outside and consume their food and alcohol cannot be justified. (The original submission was for a deli not a café bar). The resulting noise from customers conversations and revelry which echo around this terraced road will further control which rooms I can use in my house and when I am allowed to sleep! There may also be an increase in rowdy behaviour which is noisy and sometimes frightening. Drinking at tables put out before 8.00am and taking in at 11.00pm will create another daily noise nuisance. While alcohol under the proposals will not be sold after 8.00pm, what conditions will prevent people sitting at the tables outside until 11.00pm drinking alcohol? Parking – It is already a nightmare trying to park near your house in this area in the evenings and I often find myself walking from streets away when I have parked my car and as a sufferer of rheumatoid arthritis this is distressing. Double yellow lines put down in this area for emergency service access are

regularly parked on. Another café/bar will bring more vehicles into the area and inconvenience residents further.

- **Another alcohol outlet** – How many bars do we need in Queens Rd? What do the police think about these proposals? This is not the city centre and doesn't require "regeneration" to make it another "no go" area like the city centre in the evenings. This is a residential area. Unlike the city centre it is not an area I can avoid!
- **Intimidation**- In the summer walking past "Bar Dos" 52 Queens Rd can be an intimidating experience when the windows are fully open and customers under the influence of alcohol are leering out of them or making comments as pedestrians walk by. Under the new proposal this situation will be exacerbated by a significant number of people under the influence of alcohol. It will also affect people (children, young women, OAPs, people with disabilities) getting off the 44 bus who will be confronted by the assembled customers outside "Salvador Deli" and of course passengers waiting for the bus may be made to feel uncomfortable.
- **Planning Permission Conditions** – According to the conditions the designated area for on licence sales does not tally with these latest proposals. Surely the licensed area should be that restricted to that allowed by planning. I am concerned also by the plans for a street café to late hours, which I feel indicates an intention to change the nature of the premises. I ask for a condition that 'on' sales of alcohol should only be drunk indoors, similar to a condition applied to Babelas on Queens Rd in recognition of the problems that occur locally when alcohol is drunk on the street.
- **Video**- conditions should be applied to control noise before 9.00am and after 6.00pm

Please give further details of why you believe this application will have an adverse effect on the licensing objectives



Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	
Your Address:	

Details of premises representation is about	
Name of Premises:	Salvador Deli
Address of premises:	50 Queens Rd Leicester
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input type="checkbox"/> yes
Public Safety	<input checked="" type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input checked="" type="checkbox"/> yes

Please summarise your concerns about this application:
<p>that granting full 'on and of' licence facilities without regard to restricting conditions already existing from the planning department's consents would be extremely adverse to these consents and not <u>FAIR</u> practice.</p>

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

On licence drinking must be limited to the existing premises as previously consented to by the planning dept..

The proposed Street cafe area must not be allowed to become a licenced pavement area which would be extremely detrimental to the local neighbourhood but also any persons using the bus stop area - including children

Off licence products must not be allowed to be consumed in the proposed street cafe area.

No noise controls have been suggested relating to either the alcohol or video presentations by licencees

Please refer to planning permission letter 27/02/07 application 20070367 sections 2) 3) 6) 7) 8)

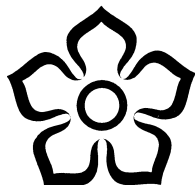
Return your completed form to:

By Post:

Licensing Authority Office
Leicester City Council
New Walk Centre
Leicester
LE1 6ZG

By Email:

licensing@leicester.gov.uk



Leicester
City Council

Appendix B

WARDS AFFECTED: CASTLE

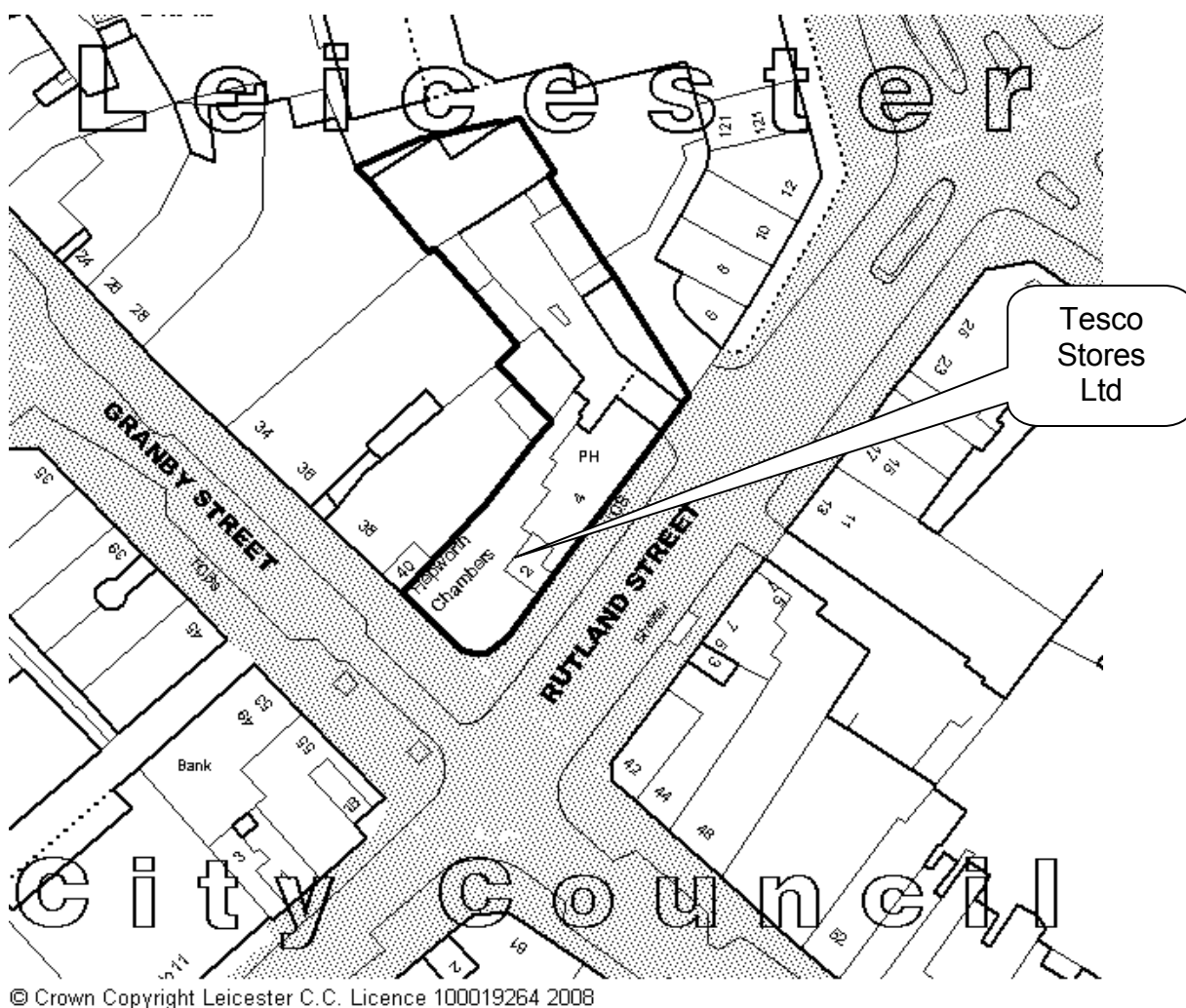
HEARING UNDER LICENSING ACT 2003

9 APRIL 2009

**APPLICATION FOR A NEW PREMISES LICENCE
TESCO STORES LTD, 40 GRANBY STREET, LEICESTER, LE1 6FB**

Report of the Licensing Officer

1 Location Plan



2 Purpose of Report

- 2.1 This report outlines an application for a new premises licence for Tesco Stores Ltd, 40 Granby Street, Leicester 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.

3 Application

- 3.1 An application was received on 19th February 2009 from Tesco Stores Ltd for a new premises licence for Tesco, 40 Granby Street, Leicester. A copy of the application is attached at Appendix A.
- 3.2 The application is as follows:

Licensable activity	Proposed Hours
Supply of Alcohol	Mon – Sun 06.00 – 23.00
Opening hours	Mon – Sun 06.00 – 23.00

4 Steps to Promote the Licensing Objectives

- 4.1 The steps the applicant proposes to take to promote the licensing objectives are set out in Section P of Appendix A.
- 4.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

5 Representation

- 5.1 A representation was received on 7th March 2009 from a local businessman. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The businessman is concerned that people may gather within the vicinity of the premises, which may lead to conflicts and anti social behaviour and there may be increased amounts of litter on the street. A copy of the representation is attached at Appendix B.

6 Conditions

- 6.1 The conditions that are consistent with the operating schedule and the representation are attached at Appendix C.

7 Statutory Guidance

- 7.1 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 – 1.4	The Licensing Objectives
1.15	General Principals – each application on its own merits
1.16	General Principals – avoiding duplication
1.17 – 1.19	General Principals – hours of opening
1.26	Related legislation & strategies – control of individuals away from licensed premises
2.1 – 2.18	Crime & Disorder
2.32 – 2.40	Public nuisance
9.19 – 9.28	Hearings
10.1 – 10.6	Conditions - general
10.11 – 10.12	Imposed conditions
10.15 – 10.18	Duplication with other statutory provisions
10.13 – 10.14	Proportionality
13.40	Licensing Hours

8 Statement of Licensing Policy

- 8.1 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

9 Points for Clarification

- 9.1 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?

10 Determination to be made

- 10.1 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

11 Report Author

Amy Day
Licensing Officer
0116 252 8550
amy.day@leicester.gov.uk

APPENDIX	CONTENT
A	Application
B	Representation
C	Conditions consistent with application and representation

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We	Tesco Stores Ltd
-------------	------------------

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
40 Granby Street Leicester			
Post town	Leicestershire1	Post code	LE1 6FB

Telephone number at premises (if any)	-
Non-domestic rateable value of premises	Not Yet Assessed, but enclosing cheque for £315.00 to cover fee

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i. as a limited company	X	please complete section (B)
	ii. as a partnership		please complete section (B)
	iii. as an unincorporated association or		please complete section (B)
	iv. other (for example a statutory corporation)		please complete section (B)
c)	a recognised club		please complete section (B)

d)	a charity	please complete section (B)
e)	the proprietor of an educational establishment	please complete section (B)
f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

X

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				Please tick yes	
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				Please tick yes	
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Tesco Stores Ltd
Address Tesco House Delamare Road Cheshunt Waltham Cross Herts EN8 9SL
Registered number (where applicable) Company Number: 00519500
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01707 298345
E-mail address (optional) licensing.team@uk.tesco.com PLEASE NOTE THIS EMAIL ADDRESS HAS RECENTLY CHANGED.

Part 3 Operating Schedule

When do you want the premises licence to start?

Day As soon as possible
Month
Year

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day
Month
Year

Please give a general description of the premises (please read guidance note1)

Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- | | | |
|----|--|--|
| a) | plays (if ticking yes, fill in box A) | |
| b) | films (if ticking yes, fill in box B) | |
| c) | indoor sporting events (if ticking yes, fill in box C) | |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | |
| e) | live music (if ticking yes, fill in box E) | |
| f) | recorded music (if ticking yes, fill in box F) | |
| g) | performances of dance (if ticking yes, fill in box G) | |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | |

Provision of entertainment facilities:

- | | | |
|----|--|--|
| i) | making music (if ticking yes, fill in box I) | |
|----|--|--|

j)	dancing (if ticking yes, fill in box J)	
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	
Provision of late night refreshment (if ticking yes, fill in box L)		
Supply of alcohol (if ticking yes, fill in box M)		X

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thurs			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>				
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)			Indoors	
						Outdoors	
						Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)				
Mon							
Tue							
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)				
Wed							
Thurs							
			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)				
Fri							
Sat							
Sun							

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors Outdoors Both
			<u>Please give a description of the facilities for dancing you will be providing</u>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thurs			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thurs			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	
					Outdoors	
Day	Start	Finish			Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thurs						
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	
				Off the premises	X
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A		
Mon	06.00	23.00			
Tue	06.00	23.00			
Wed	06.00	23.00			
Thur	06.00	23.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) N/A		
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	06.00	23.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Greg Bartley	
Address 39 Offley Road Hitchin Herts	
Postcode	SG5 2BB
Personal Licence number (if known) HARLOW/PERS/0094	
Issuing licensing authority (if known) Harlow District Council	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

Hours premises are open to the public
Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	06:00	23:00
Tue	06:00	23:00
Wed	06:00	23:00
Thur	06:00	23:00
Fri	06:00	23:00
Sat	06:00	23:00
Sun	06:00	23:00

State any seasonal variations (please read guidance note 4)

N/A

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

N/A

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. We have introduced our 'Think 21' policy to all of our stores in July 2004, this policy is brought to customer's attention through point of sale material at the checkout and where alcohol is displayed for sale. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine, should we be successful with our application. Images will be retained for a minimum of 21 days and made available on enforcement request. Ordinarily, a member of the Management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open.

c) Public safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community.
We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

e) The protection of children from harm

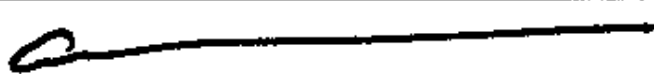
All staff will be trained and regularly refreshed in the corporate 'Think 21' Policy. Staff will be trained to look at the customer and 'Think 21' when selling age restricted products.
A till prompt will appear on the initial sale of alcohol that will remind the seller of the Think 21 policy and remind staff not to sell alcohol to anyone under the age of 18.
The store will display signage around the premises informing both staff and customers of our 'Think 21' policy.

Please tick yes	
<input type="checkbox"/>	I have made or enclosed payment of the fee
<input type="checkbox"/>	I have enclosed the plan of the premises
<input type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable
<input type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
<input type="checkbox"/>	I understand that I must now advertise my application
<input type="checkbox"/>	I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	12 th February 2009
Capacity	Greg Bartley - Licensing Manager

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Greg Bartley Licensing Team, Tesco Stores Ltd, Cirrus Building C, Shire Park			
Post town	Welwyn Garden City	Post code	AL7 1ZR
Telephone number (if any)		01707 298348	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) licensing.team@uk.tesco.com			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I,

[Insert full name of applicant] GREG BARTLEY

[Date of Birth]

of

39 Offley Road, Hitchin, Herts. SG5 2BB

[Insert full home address and postcode]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for varying a premises licence to specify an individual as designated premises supervisor under section 37 of the Licensing Act 2003 by Tesco Stores Ltd relating to a premises licence:

[Insert existing Premises Licence Number if any]

for

Tesco Stores Ltd
40 Granby Street
Leicester
Leicestershire
LE1 6FB

[Insert name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of the application made by Tesco Stores Ltd concerning the supply of alcohol at the above premises.

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

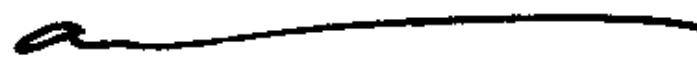
Personal licence number

[Insert personal licence number, if any] HARLOW/PERS/0094

Personal Licence issuing authority

Harlow District Council

Signed



Name (Please Print)

GREG BARTLEY

Date

12th February 2009

APPENDIX C

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE
The premises will have a digital CCTV system that covers many areas of the shop floor, including the proposed area to be used for beer and wine.
Images will be retained for a minimum of 21 days and made available on enforcement request.
A member of the management team will be on the premises all the time the store is open and will be trained to manage the store.
The store will adhere to all rules and regulations relating to public safety.
The store intends to be an active member of the community and will be happy to liase with Police and enforcement authorities, should the need arise.
All staff will be trained and regularly refreshed in the corporate 'Think 21' policy and the store will display signage around the premises.

From: [REDACTED]

[REDACTED]
To: <licensing@leicester.gov.uk>
Date: 07/03/2009 16:25
Subject: Tesco Express

[REDACTED]

[REDACTED]

Dear Sir/Madam,

I am writing in connection to Tesco Express application to open on Granby St. I strongly oppose a decision to be made in the supermarket's favour. The points given below outline the reasons for my opposition.

Firstly, if Tesco Express open will ultimately mean a greater access to cheap alcohol – and this comes at a time when the government is trying to curb under-age and binge drinking, having seen what implications it has on the communities overall health. It is common knowledge that supermarkets offer cut-price alcohol deals, if Tesco Express is allowed to open then cheap alcohol will be readily available until late hours – surely, this cannot be beneficial for the people of Leicester.

Secondly, people will be gathering in the vicinity of the supermarket – this may lead to conflicts, especially if they are fuelled by the cheap alcohol, this is sure to increase the police workload as they may have to control disorderly behaviour. There will also be an increase in the amount of litter on the streets in the area. Another issue independent shopkeepers are concerned about is the security of their businesses – more people will be encouraged to stay in the area and under the influence of alcohol, they may damage shopfronts, break shop windows, cars and public property.

Thirdly, I categorically believe that allowing Tesco Express's to open will have a detrimental effect on the local community. It will lead to homogenising the high street as giving the supermarket more power is certain to push small independent shops into bankruptcy. The implications of this will be damaging to both consumers, who will have a smaller choice of products, and local businesses which support their employees and their families. It may be the first step to Leicester city centre losing its unique diverse character.

There is no justification for Tesco Express's to open trade and there is certainly no demand for this. The independent stores that operate in the city centre area satisfy the community's shopping needs.

I sincerely hope you will consider my objection and will not allow Tesco Express's to open

Yours faithfully,

[REDACTED]

