



Leicester  
City Council

### **HEARING UNDER THE LICENSING ACT 2003**

**DATE: FRIDAY, 7 FEBRUARY 2014**

**TIME: 9:30 am**

**PLACE: THE COUNCIL CHAMBER - FIRST FLOOR, TOWN HALL,  
TOWN HALL SQUARE, LEICESTER**

### **Members of the Hearing Panel**

Councillors Byrne, Naylor, Shelton.

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

for Monitoring Officer

**Officer contact: Anita Popper**  
*Democratic Support,  
Leicester City Council*  
Town Hall, Town Hall Square, Leicester LE1 9BG  
Tel: 0116 454 6358  
email: [anita.popper@leicester.gov.uk](mailto:anita.popper@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. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. 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.

You also have the right to see copies of agendas and minutes. Agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk) or by contacting us as detailed below.

Dates of meetings are available at the Customer Service Centre, 91 Granby 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 Anita Popper, Democratic Support on 0116 454 6358 or email [anita.popper@leicester.gov.uk](mailto:anita.popper@leicester.gov.uk) or call in at the Town Hall.**

**Press Enquiries - please phone the Communications Unit on 0116 454 4150**

## **PUBLIC SESSION**

### **AGENDA**

1. **APPOINTMENT OF CHAIR**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

4. **APPLICATION FOR A NEW PREMISES LICENCE Appendix A  
WITHIN A CUMULATIVE IMPACT ZONE: TWOJSMAK,  
23 NARBOROUGH ROAD, LEICESTER, LE3 0LE**

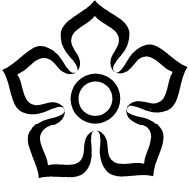
The Director of Environmental Services submits a report on an application for a new premises licence within a cumulative impact zone, Twojsmak, 23 Narborough Road, Leicester, LE3 0LE.

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](http://www.cabinet.leicester.gov.uk) or by phoning Democratic Support on 0116 4546358.

5. **ANY OTHER URGENT BUSINESS**



# Appendix A



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**WARDS AFFECTED**  
**Westcotes**

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

**7<sup>th</sup> February 2014**

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## **Application for a new premises licence within a Cummulative Impact Zone Twojsmak, 23 Narborough Road, Leicester, LE3 OLE**

### **Report of the Director of Environmental Services**

#### **1. Purpose of Report**

- 1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

#### **2. Determination to be made**

- 2.1. Having considered the application and representation(s), 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 Twojsmak, 23 Narborough 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.

#### 4. Location Plan



#### 5. Application

- 5.1 An application was received on 16<sup>th</sup> December 2013 from Kasraw Abdulla Said for a new premises licence for Twojsmak, 23 Narborough Road Leicester, which is part of the cumulative impact zone. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

Licensable activity	Proposed Hours
Supply of Alcohol for consumption off the premises	08.00 – 23.00 daily
Opening hours	08.00 – 23.00 daily

#### 6. Steps to Promote the Licensing Objectives

- 6.1 The steps the applicant proposes to take to promote the licensing objectives are set out in

the operating schedule (see section P of Appendix B).

- 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 7<sup>th</sup> January 2014 from Leicestershire Police. The representation relates to the prevention of crime and disorder, and the prevention of public nuisance. Leicestershire Police is concerned that the premises falls in the Cumulative Impact area and the applicant has made no mention of this in their application. They say that although this application is for a small convenience store it will still have an impact on the area which already has existing local problems and concerns. A copy of the representation is attached at Appendix B.

## **8. Conditions**

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

## **9. Cumulative Impact**

- 9.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Braunstone gate / Narborough Road area. This creates a rebuttable presumption that an application for a new premises licence will be refused, unless the applicants can show that their premises are unlikely to add to the problems of saturation.

## **10. Statutory Guidance**

- 10.1 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the government has issued guidance under section 182 of the Licensing Act 2003. The parts of the guidance that are particularly relevant in this case are as follows:

<b>Section</b>	<b>Heading</b>
1.2 – 1.5	Licensing objectives and aims
1.15 – 1.17	General Principles – each application on its own merits
2.1 – 2.7	Crime & Disorder
2.8 - 2.17	Public Safety
2.18 – 2.24	Public nuisance
8.34 – 8.42	Steps to promote the licensing objectives
9.12	Representations from the Police
9.27 – 9.37	Hearings
9.38 – 9.40	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.5	Conditions - general
10.8 – 10.13	Imposed conditions
10.24 – 10.59	Mandatory conditions in relation to the supply of alcohol
13.29 – 13.34	Effect of special policies
13.34 – 13.38	Limitations on special policies relating to cumulative impact

13.39	Other mechanisms for controlling cumulative impact
13.42 – 13.43	Licensing Hours

## 11. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cummulative Impact
4	Policy on Cummulative Impact
5	Licensing Hours
7	Prevention of Crime and Disorder
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

## 13. Points for Clarification

13.1 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?

## 14. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	<b>The premises is within a cumulative impact area</b>
Sustainable and Environmental	No	
Crime and Disorder	Yes	7.1 – representation refers to crime and disorder



Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

**15. Background Papers – Local Government Act 1972**

- a. None

**16. Consultations**

- a. 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.

17. **Report Author**  
Sarah Miller  
Licensing Officer  
0116 4543052  
Sarah.miller@leicester.gov.uk

<b>APPENDIX</b>	<b>CONTENT</b>
A	Application
B	Representation
C	Conditions consistent with application and representation

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Appendix A



Leicester  
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3404/CSO18/CSZ  
2 AO.

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 KASRAW ABDULLA SAID  
*(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

23 NARBOROUGH ROAD

Post town

LEICESTER

Postcode

LE3 0LE

Telephone number at premises (if any)

Non-domestic rateable value of premise

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- 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 in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>ABDULLA SAID</b>		First names <b>KASRAW</b>		
I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes		
Current postal address different from premises address		[REDACTED]		
Post town		[REDACTED]		
Daytime contact number		[REDACTED]		
E-mail address (optional)		[REDACTED]		

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address		<p>Mrs. J. P. ...</p>			
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
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? **ASAP**

DD	MM	YYYY
-	-	-

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

DD	MM	YYYY
-	-	-

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

**15.05 MITER DEPTH, ~~3.5~~ 3.5 width  
3 MITER HIGH**

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

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 any that apply

- 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 late night refreshment** (if ticking yes, fill in box I)

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

**In all cases complete boxes K, L and M**

A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed					
Thur			<b>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</b> (please read guidance note 5)		
Fri					
Sat					
Sun					



**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)	
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)	
Thur			<b>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</b> (please read guidance note 5)	
Fri				
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			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 (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)	
Thur				
Fri			<b><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></b> (please read guidance note 5)	
Sat				
Sun				

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FORM 18

Consent of individual to being specified as premises supervisor

I KASRAW ABDULLA SAID  
[full name of prospective premises supervisor]

of TWOJSMAGROCERY



supervisor in relation to the application for to be specified as the designated premises

APPLYING FOR NEW LICENCES FOR NEW SHOP/  
[type of application]  
BUSSINES  
by -

KASRAW ABDULLA SAID  
[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

23 NARBOROUGH ROAD, LEICESTER LE3 0LE  
[name and address of premises to which the application relates]

FORM 18

and any premises licence to be granted or varied in respect of this application made by

KASRAW ABDULLA SAAD  
[name of applicant]

concerning the supply of alcohol at

23 NARBOROUGH ROAD, LEICESTER LE3 0LE  
[name and address of premises to which application relates]

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.

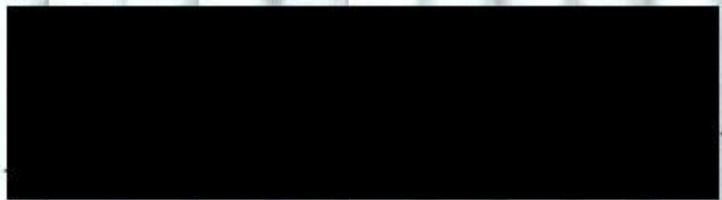
Personal licence number

LE1PRS2113  
[insert personal licence number, if any]

Personal licence issuing authority

LEICESTER CITY COUNCIL  
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

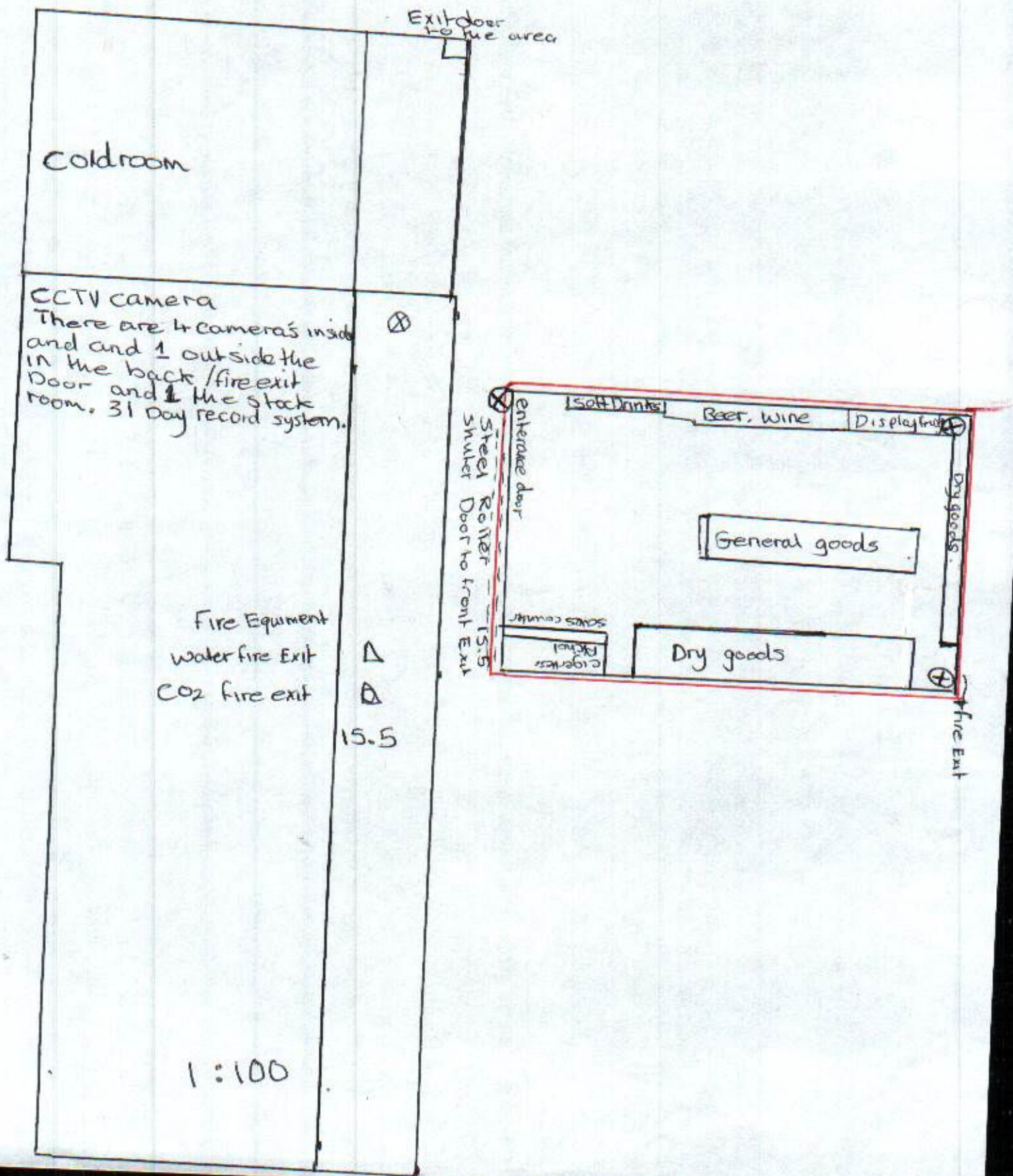
KASRAW ABDULLA SAAD

Date

13/12/13

Two's smok  
23 Warborough Road  
Leicester  
LE3 0LE

plan





Appendix B

## Leicestershire Police

### Licensing Act 2003 – Representation in respect of New Premises Application

Details of person or body making representation	
Your Name:	Insp Nigel Rixon
Your Address:	Force Licensing Department, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG

Details of premises representation is about	
Name of Premises:	Twoj Smak
Address of premises:	23 Narborough Road Leicester LE3 0LE
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"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

Please summarise your concerns about this application:
<p>I write in my capacity as Inspector for the Leicestershire Police on the authority delegated to me by the Chief Constable.</p> <p>I am satisfied that to allow the premises to be used in accordance with the application would undermine the above crossed licensing objectives.</p> <p>Leicester City Council has adopted a Special Policy in relation to applications for <b>new licences</b> and material variations in this Cumulative Impact Area. The effect of this policy is set out in the Council's current policy.</p> <p>Paragraph 4.13 of that policy states:</p>

*"The effect of the special policies will be to create a rebuttable presumption that applications for new premises licences or club premises certificates, or material variations, will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their operating schedules."*

The applicant has made no mention in their application of the Cumulative Impact Zone and it must be assumed that within the application they have failed to take into account the local problems and concerns.

Although this is an application for a small convenience store on Narborough Road it will still have an impact on the area. The cumulative impact zone covers just a short distance of the Narborough Road where there are at present 13 alcohol licences issued just to shops and a further 20 plus issued to restaurants and bars. This is not including those licences issued to shops, restaurants and bars on Braunstone Gate, New Park Street and Hinckley Road which are also part of the 'cumulative impact area'

The purpose of this representation therefore is to engage the discretion of the licensing authority in considering the Councils own policy in relation to this application.

Whilst not wishing to restrain the discretion of the Committee the police ask that the following steps be considered should they decide to grant this licence.

- (a) The licence holder will ensure that staff are trained in responsible alcohol retailing at six monthly intervals and that the training is documented and signed for.
- (b) The licence holder will operate and maintain a refusals register which will be kept on the premises and made available to the responsible authorities on request.
- (c) The licensee will ensure that CCTV is installed following advice from the Leicestershire Police and maintained in accordance with the Information Commissioners CCTV Code of Practice.
- (d) All recordings are to be kept for a minimum of 28 days and made available to the Police and/or Licensing Authority within 24 hours of a request being made.

Insp 915 Nigel Rixon  
7<sup>th</sup> January 2014



## CONDITIONS

<b>CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE</b>
The licence holder will ensure that no one under the age of eighteen will be served alcohol
The licence holder will ensure that staff are aware of customers who seem to have consumed too much alcohol and that these customers will be not be served and asked to leave the premises.
The licence holder will ensure, if appropriate, notices will be displayed asking customers to respect our neighbours when leaving the premises.
<b>CONDITIONS CONSISTENT WITH THE REPRESENTATION FROM LEICESTERSHIRE CONSTABULARY</b>
The licence holder will ensure that staff are trained in responsible alcohol retailing at six monthly intervals and that the training is documented and signed for.
The licence holder will operate and maintain a refusals register which will be kept on the premises and made available to the responsible authorities on request.
The licensee will ensure that CCTV is installed following advice from the Leicestershire Police and maintained in accordance with the information Commissioners CCTV Code of practice.
All recordings are to be kept for a minimum of 28 days and made available to the Police and/or Licensing Authority within 24 hours of a request being made.

