



Leicester
City Council

WARDS AFFECTED
Belgrave

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

24 April 2020

Application for a review of an existing premises licence
The Local Store, 116 Bruin Street, Leicester LE4 5JW

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

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

2. Determination to be made

- 2.1. Having considered the application and representation, Members must consider whether to
- Reject the review application
 - Modify the conditions of the licence
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence
- 2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

3.1 This report outlines an application for a review of an existing premises licence for The Local Store and summarises the representation(s) received. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

4. Location Plan



5. Existing Licence

- 5.1. The existing licence is attached at Appendix A.
- 5.2. The activities and hours permitted by the existing licence are as follows:
- 5.3.

Licensable activity	Current Hours
Supply of Alcohol – for consumption off the premises	Monday to Friday 06.00 until 21.00
Opening hours	Monday to Friday 06.00 until 21.00

6. Review application

- 6.1 An application was received on 26th February 2020 from from Bobby Smiljanic, Licensing Team Manager for a review of the existing premises licence for The Local Store. The application was made on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. A copy of the application is attached at Appendix B.
- 6.2 The Licensing Manager is concerned that the premises is being used for on sales as the licence holder is allowing customers to drink on the premises, which is an unauthorised licensable activity. There are also concerns that conditions of the premises licence are not being met. This is with regards to CCTV, age verification policy, staff training and refusals register.
- 6.3 On 18 March 2020 an application to Transfer the premises licence and Vary the Designated Premises Supervisor was received from Anilkumar Tandel. No representations were received from Leicestershire Police and therefore Mr Tandel is the new licence holder and Designated Premises Supervisor. The Licensing Team Manager for Enforcement still has concerns regarding the premise despite the change in ownership and therefore the review application still requires determining by members.

7. Representations

- 7.1 A representation was received on 13th March 2020 from Leicestershire Constabulary. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety, the protection of children from harm. The Deputy Licensing Manager – Mr Brathwaite is concerned about how the premises is being run and that there are unauthorised licensable activities are taking place and that the licence holder has no control over what takes place there. A copy of the representation is attached at Appendix C.
- 7.2 Representations have also been received from two local residents on 19 March 2020 and 25 March 2020 who are concerned about drinking being allowed on the premise which is leading to anti social behaviour and other types of anti social behaviour such as spitting, inconsiderate parking and drunken behaviour. Copies of the representations are attached at Appendix D and E.

8 Steps to Promote the Licensing Objectives

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

9. Statutory Guidance

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

Section	Heading
1.2 – 1.5	The licensing objectives
1.15	General principles
1.16	Each application on its own merits
2.1 – 2.6	Crime and disorder
2.7 – 2.14	Public safety
2.15 – 2.21	Public nuisance
2.22 – 2.31	Protection of children from harm
8.41 – 8.49	Steps to promote the licensing objectives
9.13 – 9.19	Licensing Authorities acting as responsible authorities
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.29	Reviews
14.51 – 14.52	Licensing hours

10. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
10	Protection of Children from Harm
12	Duplication
13	Standardised conditions

11. Points for Clarification

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

By the premises licence holder

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

By the applicant for review

1. Whether they have any additional information to support the review application they have made?
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives?

12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Parag. 6 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

13. Background Papers – Local Government Act 1972

- a. None

14. Consultations

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

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

for 28 days.

15. Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application for review
C	Representation from Leicestershire Police
D	Representation from Local Resident
E	Representation from Local Resident