



Leicester  
City Council

**WARDS AFFECTED**  
Troon

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

**Tuesday, 26<sup>th</sup> January**

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**Application for a new premises licence**  
**Fairfax Store, 46 Fairfax Road, Leicester, LE4 9EH**

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**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.

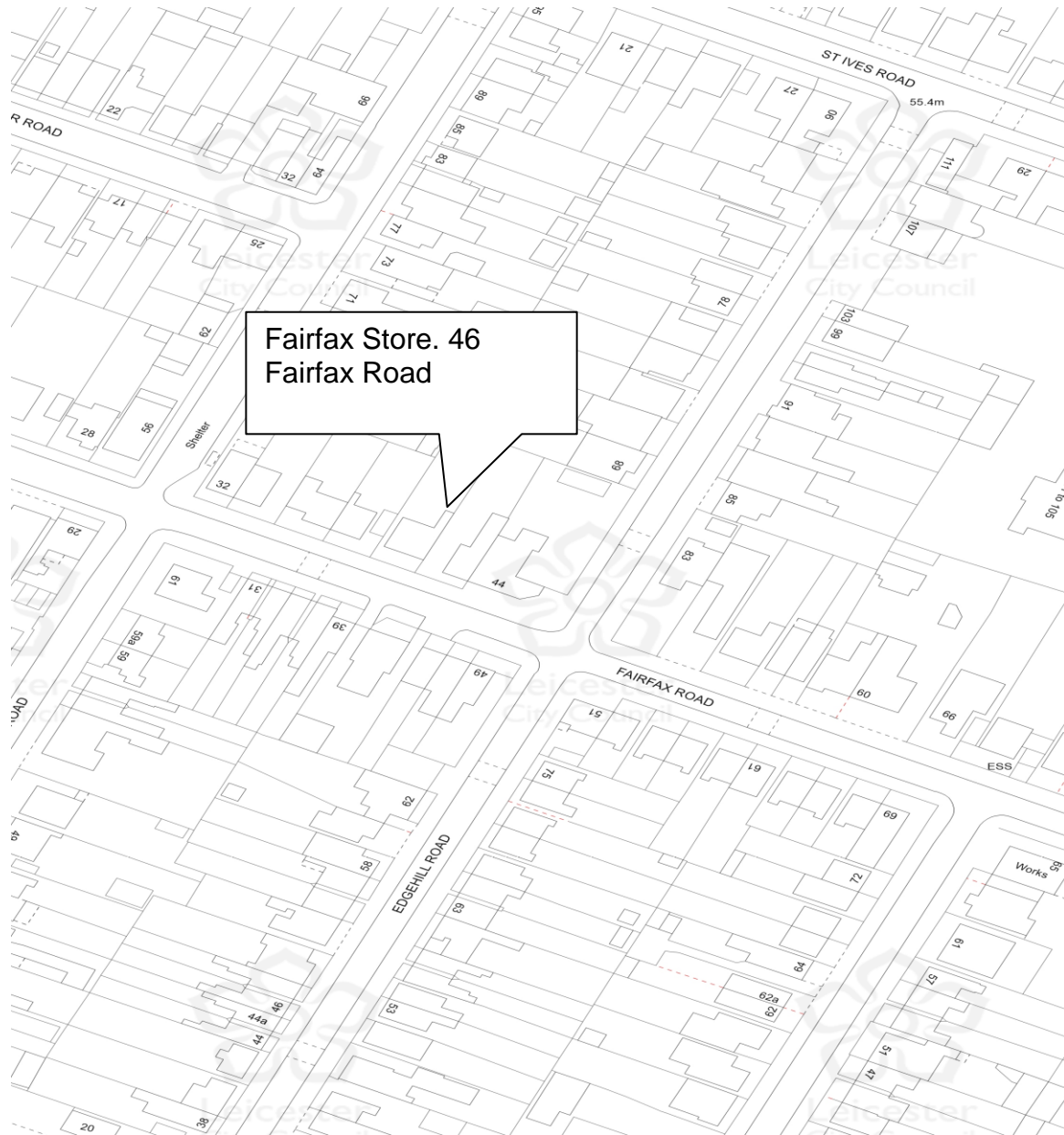
**2. Determination to be made**

- 2.1. Having considered the application and representation(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 Fairfax Store, 46 Fairfax Road, Leicester, LE4 9EH 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 6<sup>th</sup> December 2020 from Mr Bharat Khunti for a new premises licence for Fairfax Store, 46 Fairfax Road, Leicester, LE4 9EH. A copy of the application is attached at Appendix A.

5.2 The application is as follows:

<b>Licensable activity</b>	<b>Current Hours</b>	<b>Proposed Hours</b>
Supply of Alcohol (Off Sales)		Monday to Sunday 06:00 – 23:00
Opening hours		Monday to Sunday 06:00 – 23:00

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

- 6.2 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M of Appendix A).
- 6.3 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

## **7 Representations**

- 7.1 Five representations were received between 26<sup>th</sup> December 2020 and 3<sup>rd</sup> January 2021 from local residents. The representations relate to all four licensing objectives. The residents are concerned that the grant of this application will have an adverse impact on the quality of their lives. The area is for quiet residential homes and people and families with young children, and having this shop open until late in the evening seven days a week will create issues in respect of crime and disorder, e.g. groups congregating outside the shop, which might lead to late night noise disruption and alcohol-related anti-social behaviour. Granting this application could also lead to an increase in youth crime, due to the proposed trading hours (young people could hang around after school and through to the late night and that might lead to problems such as underage drinking and disruption to the community). The junction where the premises is located is also the scene for regular road traffic accidents. It also means it will be difficult for local residents to find a parking space (and this is the area where parking space is already hard to find – currently, parking is often dense in the vicinity of the Fairfax Road/Edgehill Road junction. Many nearby houses lack drives or garages, so vehicles are parked on the road or pavement). Also, the residents state there is already a licensed premises shop selling alcohol in close proximity, which closes at a reasonable time and causes no problem, so they do not wish another place where alcohol will be sold, especially at late hours.
- 7.2 Copies of the representations are attached at Appendix B1-B5.

## **8 Conditions**

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

## **9 Statutory Guidance**

- 11.1 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 – 1.16	General Principles
1.17	Each application on its own merits
2.1 – 2.6	Crime & Disorder
2.7 – 2.14	Public Safety
2.15 – 2.21	Public nuisance
2.22 – 2.31	Protection of children from harm
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.13 – 9.19	Licensing Authorities acting as responsible authorities
9.20 – 9.24	Health bodies 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
10.10	Proportionality
10.13 - 10.15	Hours of trading
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

## **12 Statement of Licensing Policy**

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

<b>Section</b>	<b>Heading</b>
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

## **13. Points for Clarification**

13.1 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 parties making the representation*

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

**14. Other Implications**

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within Supporting information</b>
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

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

- a. None.

**16. Consultations**

- a. As this application was received electronically, the Licensing Authority was required to consult with the relevant responsible authorities as set out in the Licensing Act 2003.

**17. Report Author**

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

