



Representation in respect of a New Premises Application

Licensing Act 2003

Details of person or body making representation:	
Your Name:	Tj Mavani
Your position/role:	Licensing Enforcement Manager

Details of premises representation is about:	
Name of Premises:	The Paan Express
Address of premises:	32 Barkby Road Leicester LE4 9HL
Application No. (if known)	154151

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 checked="" type="checkbox"/>
Prevention of Public Nuisance	<input checked="" type="checkbox"/>
Protection of Children from Harm	<input checked="" type="checkbox"/>

Authority Declarations:
<p>I write in my capacity as Licensing Enforcement Manager for Leicester City Council Licensing Authority on the authority delegated to me.</p> <p>Please take notice that I am satisfied that allowing the premises to be used in accordance with the application would undermine the above stated Licensing Objectives and as such submit our representations.</p>

Representations:
<p>We would like to submit our representations for this premises application based upon the above stated licensing objectives.</p>

The application is for a new Premises Licence for the sale/supply of alcohol off the premises from 07:00hrs to 23:00hrs Monday to Sunday.

The premises is open to the public from 06:00hrs to 00:00hrs Monday to Sunday.

No seasonal variations have been requested.

The premises is located on the ground floor of 32 Barkby Road a busy road in Leicester in the Rushey Mead ward of the city. The area consists mainly of retail shops, eating establishments, commercial businesses and residential properties. A pavement and vehicular road runs along the front of the premises and there is a forecourt and on street parking.

There are several premises in the vicinity licensed for the sale of alcohol for both on and off the premises.

The applicant intends to run the premises as a local shop selling paan, groceries, soft drinks, tobacco, non-foods, household products and alcohol off premises. Spirits will be kept behind the counter.

The proposed area to be licensed is on the ground floor using the front door for both access and egress. Internally there will be shelving for goods, alcohol is to be kept in a fridge on a side wall either towards the rear of the store or opposite the counter, and behind the retail counter. There is a storeroom along the left-hand side, and a staff toilet at the rear of the shop. Beyond there is an external door which leads to an enclosed yard.

The shop comprises of 1 property as part of a semi-detached building with a Post Office adjacent. There are other businesses on either side. Opposite is a row of terraced residential properties. There is an occupied living space above and the access is via the side of the premises.

Elizabeth Arculus, Licensing Intel Officer and Licensing Enforcement Officer Nicola Marsh from Leicester City Council visited the applicant Mr Karsan Modhwadia at 11.00am on Tuesday 6th June 2023. He was accompanied by his agent Anil Bhawsar from Greenhill Licences. The purpose of the facility was explained to them. They discussed the general operation of the premises and Mr Modhwadia was asked to explain some of the methods to counter some of the concerns that they raised.

Some of the specifics that Mr Modhwadia relayed were that he will be the designated premises supervisor and has held a personal licence since June 2006. The applicant also holds a current HCV/DRV licence. He plans to run the shop mainly on his own.

The shop currently operates as a bicycle shop under a different owner, but will be moving to a different premises mid-June. Mr Modhwadia will then commence the re-fit of the shop. The Licensing Officers were able to enter the premises and view the proposed layout. Mr Modhwadia relayed that works to refurbish the shop should be complete by mid-July 2023.

Subsequently there were no up to date CCTV cameras installed in the premises. As per the plan submitted to the Licensing Authority there will be 2 external camera covering the street and shop entrance, and 4 internal cameras. The CCTV would be of a high quality and include provision for clear facial recording. Mr Modhwadia stated that he would be able to access the recordings and images via his mobile phone. The CCTV will be available for 30 days.

Mr Modhwadia understood that he needed to ask for ID in line with the Challenge 25 procedure, which ID to look for, and how to check it was genuine. He also understood his obligations with regards to maintaining a refusals log for under age and proxy sales.

The Licensing Enforcement Officer queried the need to open the shop from 06:00hrs to 00:00hrs as licensable hours requested were only 07:00hrs to 23:00hrs, as it would be difficult to prevent customers if they tried to buy alcohol at the beginning or end of the day. Mr Modhwadia verbally agreed with the suggestion that his opening hours be changed to 07:00hrs to 23:00hrs Monday to Sunday.

It was also suggested that a follow up visit is undertaken by a Licensing Enforcement Officer once the shop is open and ready for business, and Mr Modhwadia was amenable to this.

The Licensing Authority do have concerns about the premises and the effects it may have on the local community, both business and residential. This relates to the control of the age range of the persons buying alcohol and also the detail of the operating schedule that has been applied for.

The operating schedule does lay out some of the intentions of the applicant however it is loose in outlining specifically how they would uphold the licensing objectives.

We believe that with the amendments and additions shown below that the premises and applicant could promote the licensing objectives in line with conducting their business in a safe manner.

Conditions Details:

We believe the below additions/amendments of conditions in full, which we believe are reasonable, proportionate and enforceable, may assist the Licence Holder in upholding the licensing objectives.

We have detailed, for clarity, those that

- (a) We believe should be replaced from the applied operating schedule with our proposed wording
- (b) Those to be removed from the operating schedule and;
- (c) Those that are in addition.

Any wording on the operating schedule that is not detailed below to remain on any licence

(a) Conditions to be replaced from Operating Schedule

Wording contained within the applied operating schedule as copied below be replaced with Requested Condition/s:

Operating Schedule Wording:

ALL STAFF EMPLOYED WILL GO THROUGH IN HOUSE ALCOHOL RETAIL TRAINING.

The premises shall install and maintain a digital CCTV system

The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 28 days.

All staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.

An incident log will be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;

- a) All crimes reported to the premises (where relevant to the licensing objectives)*
- b) Any incidents of disorder*

When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.

All spirits will be stored and behind the counter.

Premises will not admit persons who are visibly intoxicated and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.

All areas within the public area will be kept clear from obstruction.

Deliveries to the premises shall be conducted in a manner that will not cause any nuisance

A Register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person'.

All staff engaged in the sale of alcohol to be trained in Challenge 25. Training records shall be kept on the premises and produced to the police or an 'authorised person'

Proxy signs will be on display warning adults about the law surrounding buying alcohol for children

Staff will monitor the outside area to identify any potential proxy purchasing concerns

The premises shall operate a Challenge 21 policy. Such policy shall be written down and kept at the premises.

Prominent, clear and legible Challenge 21 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated. No ID No sale posters placed in the premises.

To be replaced with:

The licence holder will ensure a high definition, coloured CCTV camera system is installed, operational and recording whilst the premises is open to the public. The system must permit the identification of individuals in all lighting conditions. Cameras must cover all areas that the public have access to, including the entrance, exit and pavement area immediately outside the front of the premises.

The licence holder will ensure CCTV images must be securely stored, display an accurate date/time stamp and retained for a minimum of 31 days.

The licence holder will ensure that viewable CCTV images are provided in a downloadable format to an officer from a responsible authority within fourteen days of a request.

The licence holder shall take reasonable steps to prevent public nuisance being caused by customers outside the premises by displaying prominent notices requesting customers respect the needs of local residents.

The licence holder will operate a Challenge 25 policy with the only acceptable proof of age identification consisting of a current passport, photo card driving licence, citizen card or identification carrying a PASS logo. A training record must be kept on the premises, retained for twelve months and produced to an officer from a responsible authority upon request.

The licence holder will ensure that a full fire risk assessment will be conducted and reviewed and implemented in line with Fire Safety Legislation annually.

The licence holder will ensure regular safety and security checks will be conducted every day before the premises opens for business, and all checks will be recorded in a log book which will be kept on site.

The licence holder will ensure all refusals and incidents are recorded and logged. These records will be kept on site and made available to the authorities upon request.

The Challenge 25 policy will be adopted and there will be documented training of all staff (paid or unpaid) before they are allowed to sell alcohol. These records will be made available to the authorities upon request.

The licence holder shall take reasonable steps to prevent public nuisance being caused by customers outside the premises.

(b) Conditions to be removed from Operating Schedule

Wording contained within the applied operating schedule as copied below be removed:

Operating Schedule Wording to be removed:

ALL DUTIES TO BE A RESPONSIBLE WILL BE CONDUCTED IN A MANNER SUTIALBE NOT TO UNDERMINE THE OBJECTIVES OF THE LICENCE ACT 2003.

(c) Requested Additional Conditions

Condition/s wording below to be added in full to any granted licence:

The opening hours of the premises:
07:00hrs to 23:00hrs Monday to Sunday

The Licence is subject to Leicester City Council's Standard Conditions for Places of Public Entertainment, published on the Licensing Authority's website www.leicester.gov.uk/licensing

Appendix:

Appendix 1	N/A
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Authority Signatures:

Tj Mavani
Licensing Enforcement Manager
Leicester City Council
12/06/2023

Reporting Officer
Elizabeth Arculus

Licensing Authority Details:

Licensing Authority
Licensing Enforcement
York House
91 Granby Street
LE1 6FB

Tel: 0116 4540049
Email: licensingenforcement@leicester.gov.uk
www.leicester.gov.uk/licensing

Notice Sent to:

Please note that this representation has been sent to:

- (1) Licensing Authority Applications Team, Leicestershire Police Licensing, Noise Pollution Team, Leicestershire Fire & Rescue Service
- (2) Applicant and/or Agent

Agreement Notice Applicant (if applicable & only valid if signed)

Notification to Local Authority of Agreement regarding Licensing Authority Enforcement Concerns.

Dear Licensing Authority,

I write in my capacity as the applicant/agent in relation to the above matter & application.

Discussions have taken place with Leicester City Council Licensing Enforcement in relation to their concerns and have been made aware of the above conditions that should be replaced/removed or added to any granted licence.

Please note:

I as the ~~applicant~~ agent agree to all these conditions & amendments as detailed and do not, therefore consider that a hearing is necessary.

Signed 1:

Name in block capitals: ANIL BHAWSAR

Application Capacity: LICENSING AGENT C/O GREENHILL LICENCES

Date: 21/06/2023

Signed 2:

Name in block capitals:

Application Capacity:

Date:

Licensing Enforcement Agreement Confirmation (if applicable & only valid if signed)