



Leicester
City Council

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

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