



Leicester
City Council

WARDS AFFECTED: CASTLE

HEARING UNDER LICENSING ACT 2003

9 APRIL 2009

**APPLICATION FOR A NEW PREMISES LICENCE
SALVADOR DELI, 50 QUEENS ROAD, LEICESTER LE2 1TU**

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 a Delicatessen/Cafe, 50 Queens 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.

3 Application

- 3.1 An application was received on 20 February from Mr Jhan Husain & Mr Anwar Husain, for a premises licence for a Delicatessen & Café at 50 Queens Road, Leicester. A copy of the application is attached at Appendix A.

4 The hours sought by the application are as follows.

4.2

Licensable activity	Proposed Hours
Anything similar to live/recorded music or dance.	Monday – Sunday 08.00 – 20.00
Provision of facilities for entertainment similar to making music of dance.	
Supply of Alcohol (for consumption on & off the premises)	
Opening hours	

5 Steps to Promote the Licensing Objectives

- 5.1 The steps the applicant proposes to take to promote the licensing objectives are set out in Section P of Appendix A.
- 5.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

6 Representation

- 6.1 A representation was received on 18 March 2009 from Steve Joyce, Noise Team, Environmental Health, Leicester City Council. The representation relates to the prevention of public nuisance. Steve Joyce is concerned about potential noise nuisance from the premises by the operation of audiovisual equipment affecting the adjoining house at 39 Howard Road, which shares a party wall. Steve Joyce requests the addition of a condition to the licence. The applicants have agreed the condition. A copy of the representation and condition are attached at Appendix B1.
- 6.2 Representations have been received from six local residents in the area. The representations relate to the prevention of crime & disorder, public safety, prevention of public nuisance and protection of children from harm. The residents are concerned about nuisance and inconvenience being caused by further congestion due to extra vehicles parking in a residential area with no additional off-road parking facilities available at the premises. They have concerns about noise disturbance caused by audio equipment and from customers, outside of normal working hours. They also have concerns about the supply of alcohol for consumption off the premises and access to alcohol by persons under the age of 18yrs.
- 6.3 The premises licence application was made at the same time as an application for consent for a pavement cafe. Some of the representations appear to relate to both applications, and others refer to planning matters. The representations have been accepted in order to give interested parties the opportunity to make their feelings known, but members should be aware

that not all of the comments relate to the licensing objectives. The hearing should focus on steps to promote the licensing objectives and not ancillary matters that relate to other regulatory processes.

7 Conditions

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

8 Statutory Guidance

- 8.1 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
2.19 – 2.31	Public Safety
2.41 – 2.51	Protection of children from harm
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

9 Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cumulative Impact
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
10	Protection of Children from Harm
11.4 – 11.5	Planning
12	Duplication
17	Live Music, Dancing, Theatre, Circuses and Street Arts

10 Points for Clarification

- 10.1 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 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?

11 Determination to be made

11.1 Having considered the application and representations, 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

12 Report Author

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APPENDIX	CONTENT
A	Application
B	Details of representees (private)
B1-B7	Representations
C	Conditions consistent with application and representation / agreement