
Application for a new premises licence

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)
Sub-Committee

Decision to be taken on/Date of meeting: 23 November
2023

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Amy Day
- Author contact details: 0116 454 3054
- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for Belgian Chips, 55 Granby Street, Leicester and summarises the representations received. It also highlights the licensing objectives and the relevant parts of both the statutory guidance and the Licensing Authority's Licensing Policy.

2. Determination to be made

- 2.1 Having considered the application and representations, Members must consider whether to
- Grant the licence without modification;
 - Grant the licence subject to conditions;
 - Reject the application.

3. Application and promotion of the licensing objectives

- 3.1 An application was received on 02 October 2023 from Belgian Chips Leicester Ltd for a new premises licence for Belgian Chips, 55 Granby Street, Leicester. A copy of the application is attached at Appendix A.

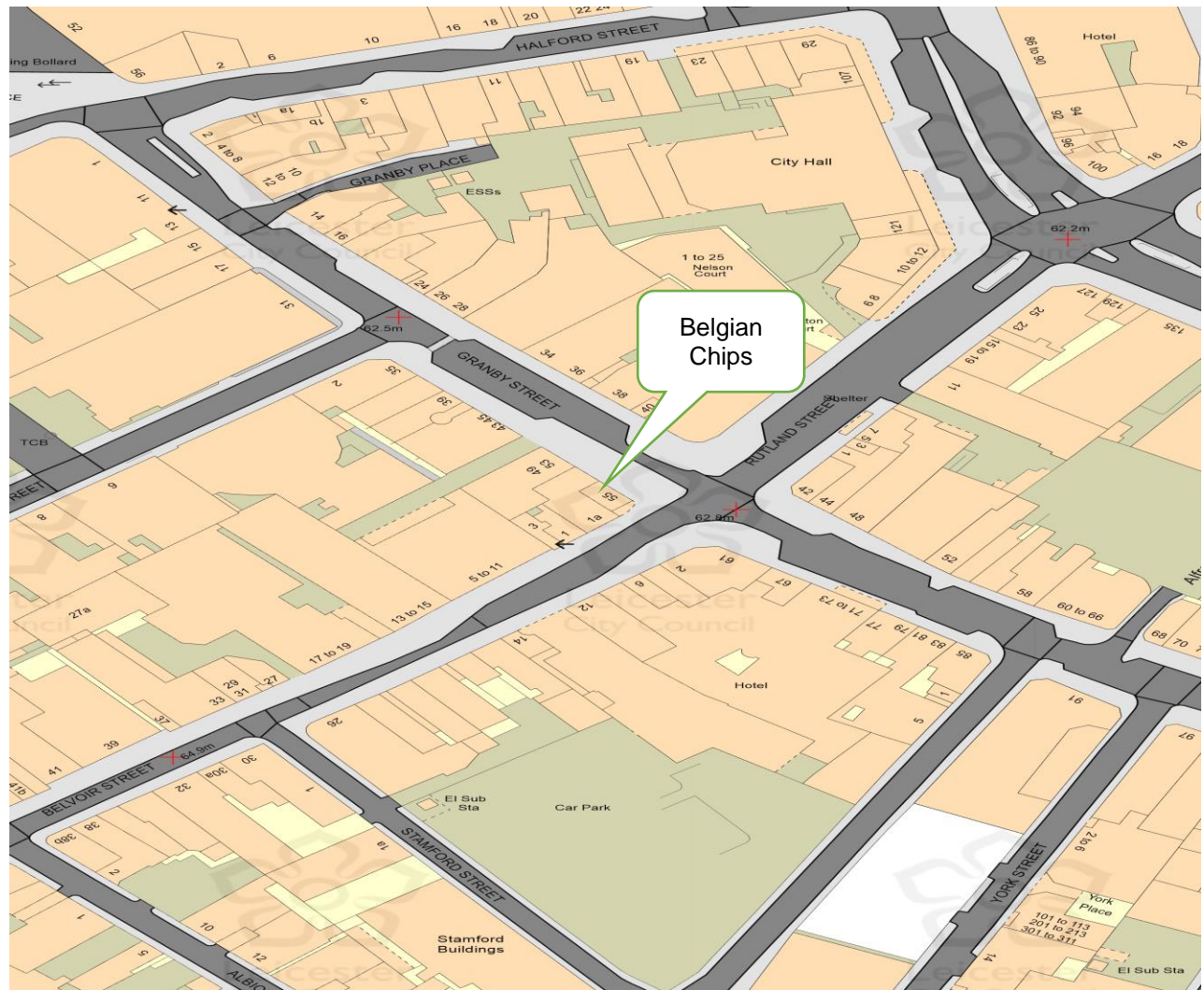
- 3.2 The application is as follows:

Licensable activity	Proposed hours
Late night refreshment	Sun – Thurs 23.00 – 02.00 Fri – Sat 23.00 – 04.00
Opening hours	Sun – Thurs 11.00 – 02.00 Fri – Sat 11.00 – 04.00

Non-standard hours: Terminal hour extended until 04.00 on bank holidays and Sundays immediately preceding bank holiday Mondays.

- 3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section 18 of Appendix A).
- 3.4 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

3.5 Location Plan



4. Representations

- 4.1 A representation was received on 25 October 2023 from the Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. The Police are concerned about the proposed operating hours and the application fails to promote three of the licensing objectives. They have been in contact with the applicant and have agreed conditions. A copy of the representation and agreement is attached at Appendix B1.
- 4.2 A representation was received on 26 October 2023 from the Licensing Enforcement team. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. The Enforcement Team are concerned that the timings applied for, operation of the CCTV and details in the operating schedule are not specific to uphold the licensing objectives. They have been in contact with the applicant and have agreed conditions. A copy of the representation and agreement is attached at Appendix B2.

- 4.3 A representation was received on 27 October 2023 from the Noise team. The representation relates to the prevention of public nuisance. The Noise team are concerned that the timings applied for will increase noise complaints and cause disturbances for nearby residents. They have been in contact with the applicant and have agreed conditions. A copy of the representation and agreement is attached at Appendix B3.
- 4.4 A representation was received on 30 October 2023 from a member of the public. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The member of public is concerned that granting this licence will increase chaos and noise from late night drinkers congregating outside the premises. Also noise and smells from the premises will have an impact on nearby residents. A copy of the representation is attached at Appendix B4.

5. Conditions

- 5.1 The conditions that are consistent with the application and the representations are attached at Appendix C.
- 5.2 Members are asked to seek clarification on the agreed conditions contained within the three representations and agreements with the applicant from the Noise Team, Police and Licensing Enforcement.
- 5.3 In particular the times agreed between the Noise Team and the applicant, and the times agreed between the Police, Licensing Enforcement Team and the applicant.
- 5.4 In addition the wording of conditions relating to CCTV which are within the Police and Licensing Enforcement Team agreements.

6. Statutory guidance and statement of licensing policy

- 6.1 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:

Section	Heading
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
3.12 – 3.20	Late night refreshment
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
9.31 – 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
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

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

Section	Heading
4	Promotion of the licensing objectives
5	General Principles
6	Premises Licences and Club Premises Certificates
8	Areas of Specific Interest and Consultation

7. Points for clarification

7.1 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, whether the applicant wishes 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.

8. Financial, legal, equalities, climate emergency and other implications

8.1 Financial implications

None.

8.2 Legal implications

Legal advice specific to the application will be provided at the meeting by Legal Officers.

8.3 Equalities implications

None.

8.4 Climate Emergency implications

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process. Aidan Davis, Sustainability Officer, Ext 28 3384.

8.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None.

9. Background information and other papers:

None

10. Summary of appendices:

Appendix A – Application

Appendix B – Representations

Appendix C – Conditions consistent with the application and representations

11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

12. Is this a “key decision”? If so, why?

No