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# **Application for a variation of an existing premises licence**

Licensing (Hearings) Sub-Committee

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

Decision to be taken on/Date of meeting: 24 April 2025

Lead director/officer: Tj Mavani

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## Useful information

- Ward(s) affected: Stoneygate
- Report author: Sarah Miller
- Author contact details: 0116 454 3052
- Report version number: 1

### 1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a variation to an existing premises licence for Morrison's Daily, 170 - 178 Evington Road, 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;
  - Modify the conditions of the licence;
  - Reject the whole application.

### 3. Application and promotion of the licensing objectives

- 3.1 An application was received on 17 December 2024 for a variation of an existing premises licence for Morrison's Daily on Evington Road, Leicester. A copy of the application is attached at Appendix A.

- 3.2 The variation application is as follows:

Licensable activity	Current hours	Proposed hours
Sale of alcohol	Monday to Sunday 7am until 22.00	Monday to Sunday 6am until Midnight
Late Night Refreshment	N/A	Monday to Sunday 23.00 until Midnight
Opening hours	Monday to Sunday 7am until 22.00	Monday until Sunday 6am until Midnight

#### Conditions to be removed:

*The licence holder operates a Challenge 25 age verification policy in store and for deliveries of alcohol. At the point of delivery if the customer is unable to provide valid ID, alcohol will be refused and returned to the store and the customer will be refunded.*

*Deliveries will only be made to the address on the order and no sales will be made to customers attempting to "flag down" a delivery van.*

**Conditions to add:**

*A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.*

*The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.*

*Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.*

*The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.*

*The system will display, on any recording, the correct time and date of the recording.*

*The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.*

*There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the Licensing Authority and the Police.*

*Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises*

*The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.*

*Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.*

- 3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section 16 of Appendix A).
- 3.4 The existing licence is attached at Appendix B.
- 3.5 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

3.6 Location Plan



#### 4. Representations

- 4.1 A total of 12 representations were received between 9<sup>th</sup> and 14<sup>th</sup> January 2025 from 11 local residents and a local councillor acting on behalf of the Stoneygate Councillors including Cllr Yasmin Surti and Cllr Manjula Sood. The representations relate to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representees are all concerned that the proposed increase in hours will add to the noise, litter and anti social behaviour that already exists in the area. They feel that as it is a residential area it will have a negative impact on the area and only exacerbate the various existing issues in the area like parking, crime and sleep disruption due to late night deliveries. A copy of the representations are attached at Appendix C1 to C12.
- 4.2 A representation was received on 10 January 2025 from the Police .The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. The representee is concerned that as this is a densely populated area any increase in hours to the existing licence will add to the existing issues that already exist including noise, litter, parking, crime and anti social behaviour. A copy of the representation is attached at Appendix C13.

#### 5. Conditions

- 5.1 There are no conditions that are consistent with the application and the representation(s) as all parties making representation are recommending refusal of the application to vary.

#### 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
2.1 – 2.7	Crime & Disorder
2.8 – 2.20	Public Safety
2.21 – 2.27	Public nuisance
2.28 – 2.38	Protection of children from harm
8.41 – 8.49	Steps to promote the licensing objectives
8.66 – 8.77	Variation Applications
9.1– 9.9	Determining Applications
9.11 – 9.12	The 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
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

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 parties making the representations 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 representation(s) 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/ parties making the representation(s)*

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

There are no significant financial implications arising from the contents of this report.  
 Jade Draper Principal Accountant  
 26<sup>th</sup> March 2025

### 8.2 Legal implications

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

### 8.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

There are no direct equalities implications arising from the report. However it is important to consider issues of accessibility to the application process and its associated activities (such as lodging an appeal); The criteria used during determination of an application and its associated activities (such as lodging an appeal).

Signed: Surinder Singh, Equalities Officer

#### 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

#### 8.5 Other implications

### **9. Background information and other papers:**

None

### **10. Summary of appendices:**

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representations

### **11. Is this a private report**

No

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

No