

Leicester
City Council

WARDS AFFECTED: CASTLE

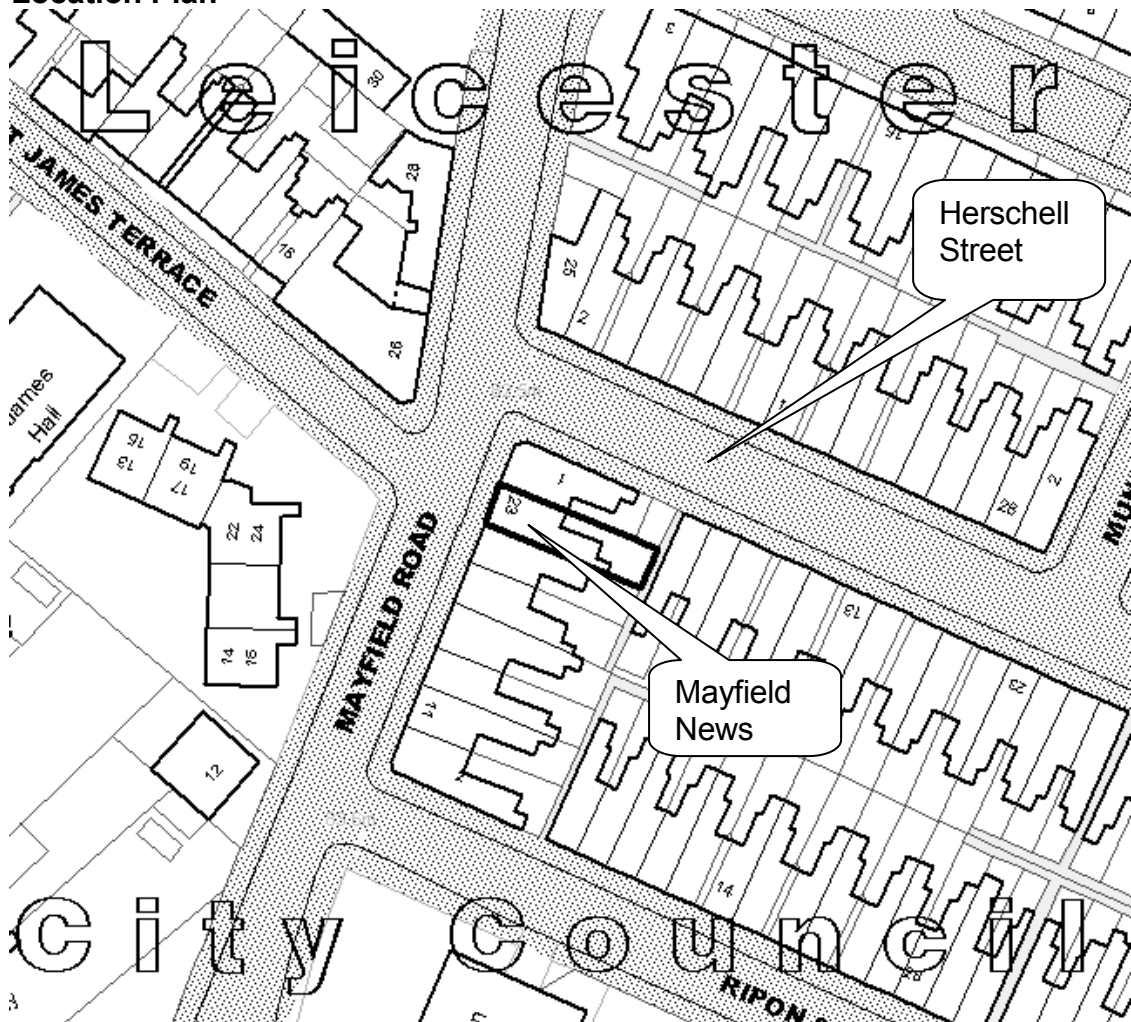
HEARING UNDER LICENSING ACT 2003

13 NOVEMBER 2009

APPLICATION FOR A REVIEW OF A PREMISES LICENCE
MAYFIELD NEWS, 23 MAYFIELD ROAD, LEICESTER, LE2 1LR

Report of the Licensing Officer

1 Location Plan



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2 Purpose of Report

- 2.1 This report outlines an application for a review of an existing premises licence for Mayfield News, 23 Mayfield 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 Existing Licence

3.1 The existing licence is attached at Appendix A.

4 Review Application

4.1 An application for a review of the premises licence for Mayfield News, Leicester was received on 21st September 2009 from Leicestershire Constabulary. A copy of the application is attached at Appendix B.

4.2 The current licence allows the following licensable activities:

Licensable activity	Current Hours
Supply of Alcohol	Sunday 10 – 10.30 Mon – Sat 8.00am – 11.00pm Christmas Day Noon – 3.00pm and 7.00pm – 10.30pm Good Friday 8.00 am – 10.30pm
Opening hours	Unrestricted

5 Steps to Promote the Licensing Objectives

5.1 The review application was received on 21st September 2009 from Leicestershire Constabulary. The application relates to the prevention of crime & disorder and the protection of children from harm. Leicestershire Constabulary are concerned that two test purchases have been failed at the premises, i e alcohol has been sold.

5.2 Leicestershire Constabulary have also submitted supporting documents. Which include witness statements, records of contemporaneous Interviews and a letter. Copies of these are attached at Appendix B1.

5.3 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

6 Statutory Guidance

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 relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.4	The licensing objectives
1.15	General principles – each application on its own merits
1.16	General principles – avoiding duplication
1.17 – 1.19	General principles – hours of opening
2.1 – 2.18	Crime and disorder
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
10.13 – 10.14	Proportionality
10.15 – 10.18	Duplication with other statutory provisions
11.1 – 11.28	Reviews

13.40	Licensing hours
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7 Statement of Licensing Policy

7.1 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
10	Protection of Children from Harm
12	Duplication

8 Conditions

8.1 The case of Bristol Council v Bristol Magistrates' Court concerned conditions imposed by a licensing authority. This case reiterates that any conditions imposed by a licensing authority must be necessary and proportionate with regard to the promotion of the licensing objectives, and must not duplicate duties already imposed by other legislation.

9 Points for Clarification

9.1 The Licence Holder and the applicant making the review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application 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 for review and representation(s), Members must consider whether to

- Reject the review application
- Modify the conditions of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

11.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

12 Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application for review
B1	Supporting documents