

Leicester
City Council

WARDS AFFECTED: WESTCOTES

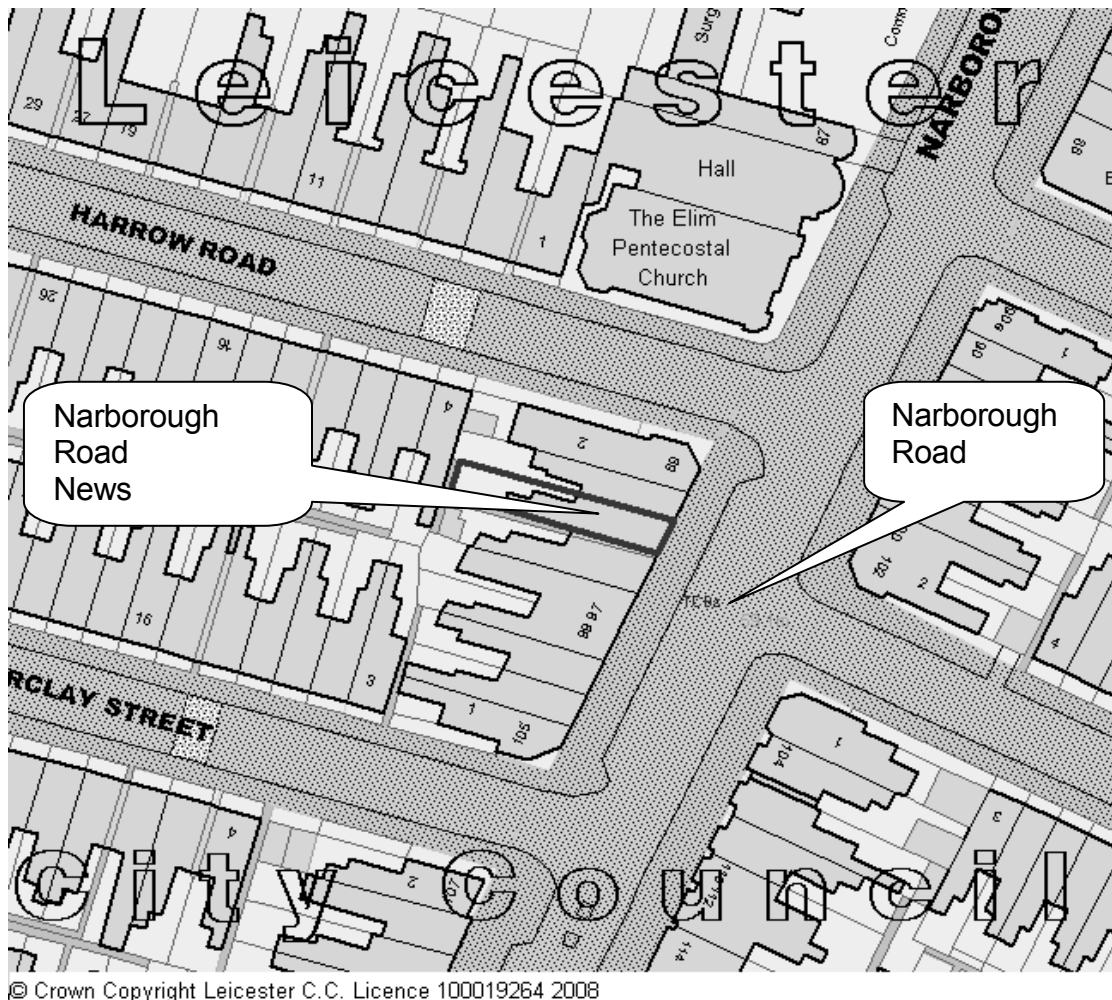
HEARING UNDER LICENSING ACT 2003

13 NOVEMBER 2009

**APPLICATION FOR A NEW PREMISES LICENCE
NARBOROUGH ROAD NEWSAGENTS,
93 NARBOROUGH ROAD, LEICESTER LE3 0PA**

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 Narborough Road Newsagents, 93 Narborough Road, Leicester LE3 0PA 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 25th September 2009 from Mr Chandulal Shah for a new premises licence for Narborough Road Newsagents, 93 Narborough Rd, Leicester LE3 0PA. A copy of the application is attached at Appendix A.

4 The hours sought by the applicant are as follows:

Licensable activity	Proposed Hours
Supply of Alcohol Opening Hours	Monday to Sunday 05.00 – 23.00

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 16th October 2009 from a local resident. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. The resident is concerned that violence & littering would increase in the area if the licence were granted. A copy of the representation is attached at Appendix B1.
- 6.2 A representation was received on 16th October 2009 from a local resident Mr Chand. The representation relates to the prevention of crime & disorder, the prevention of public nuisance and public safety. The resident is concerned that the grant of this licence would bring further aggressive, rude and drunken people to the area and more litter and people urinating in the alleyway next to his property. However since the representation was received, a phone call was received in the Licensing Authority Office on 26th October 2009 from a Mr Chand who has received the acknowledgement letter for a representation but denies writing the objection letter. He has been asked to write in and confirm he did not write the original letter but nothing has been received at the time of writing this report. A copy of the representation is attached at Appendix B2.

7 Conditions

- 7.1 The conditions that are consistent with the operating schedule are attached at Appendix C.
- 7.2 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.

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 Principles – each application on its own merits
1.16	General Principles – avoiding duplication
1.17 – 1.19	General Principles – 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
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
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
12	Duplication

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 parties making the representations

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
- Refuse to accept the proposed premises supervisor
- Reject the application

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APPENDIX	CONTENT
A	Application
B	Representation
C	Conditions consistent with the operating schedule