

Leicester
City Council

WARDS AFFECTED
Westcotes

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Hearing under the Licensing Act 2003

16th April 2014

Application for a new premises licence within a Cumulative Impact Zone
Twoj Smak, 23 Narborough Road, Leicester, LE3 0LE

Report of the Director of Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

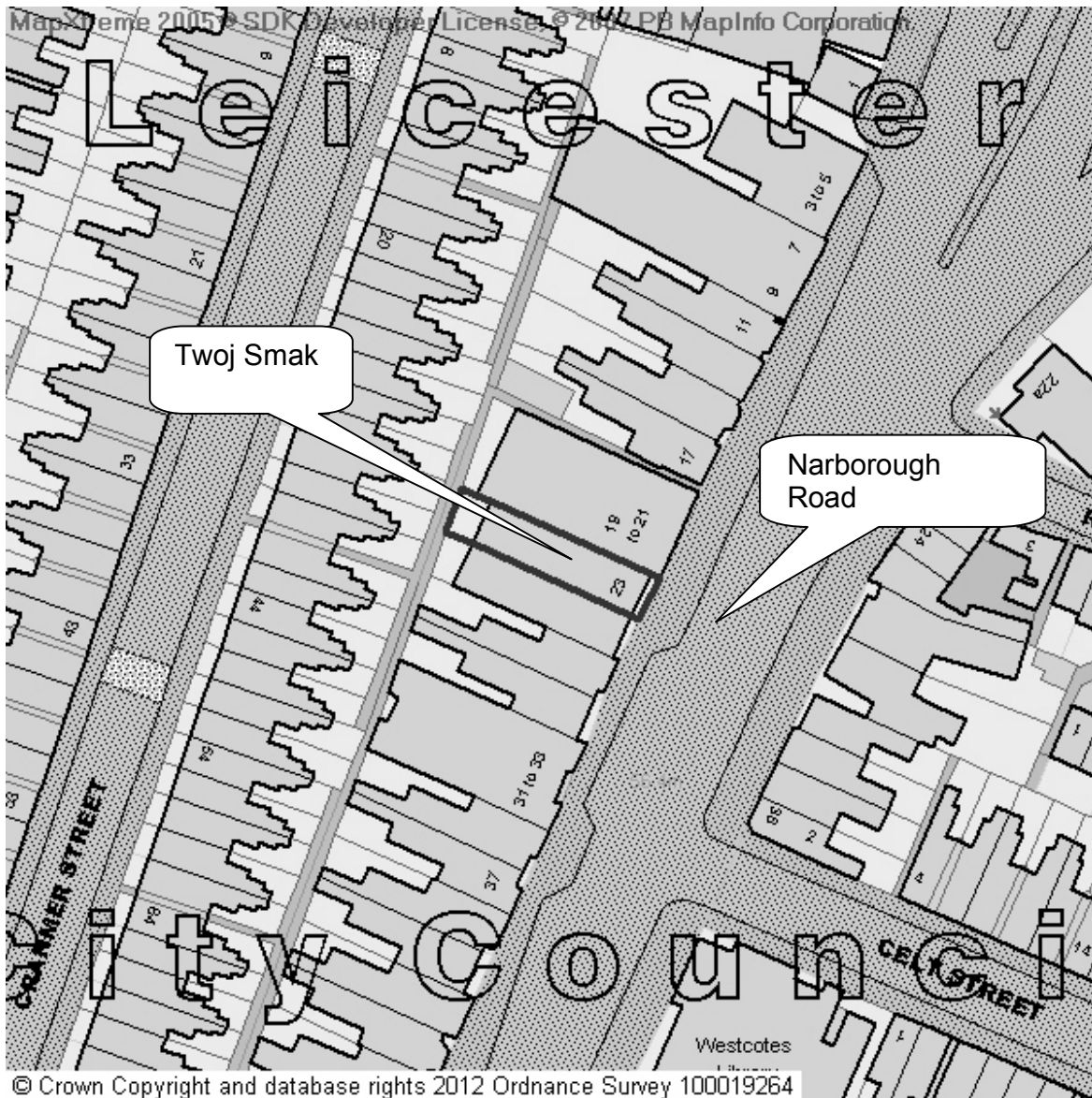
2. Determination to be made

- 2.1. Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
 - Grant the licence subject to conditions
 - Exclude from the licence any of the licensable activities
 - Refuse to accept the proposed premises supervisor
 - Reject the application

3. Summary

- 3.1 This report outlines an application for a new premises licence for Twoj Smak within the Braunstone Gate / Narborough Road area Cumulative Impact Zone 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.

4. Location Plan



5. Application

- 5.1 An application was received on 3rd March 2014 from Mr Kasraw Said for a new premises licence for Twoj Smak within the Braunstone Gate / Narborough Road area Cumulative Impact Zone. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

Licensable activity	Proposed Hours
Supply of Alcohol (off the premises)	09:00-21:00
Opening hours	09:00-21:00

6. Steps to Promote the Licensing Objectives

- 6.1 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and promote the licensing objectives are set out in the operating schedule (see section P of Appendix A).
- 6.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

7. Representation

- 7.1 A relevant representation was received on 24th March 2014 from Leicestershire Police. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The Police are concerned that the applicant has not addressed or acknowledged that the premises are in a cumulative impact area and that the applicant has a recent conviction for possessing tobacco without the correct warnings. A copy of the representation is attached at Appendix B1.

A relevant representation was received from the Trading Standards team on 26th March 2014 who share the Police concern over the applicant's recent conviction for selling tobacco without the required warnings and they are concerned that the objective of the prevention of crime and disorder will not be upheld by the applicant. A copy of the representation is attached at Appendix B2.

8. Conditions

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

9. Cumulative Impact

- 9.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Braunstone Gate/ Narborough Road area. This creates a rebuttable presumption that an application for a new premises licence will be refused, unless the applicants can show that their premises are unlikely to add to the problems of saturation.

10. Statutory Guidance

- 10.1 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 – each application on its own merits
2.1 – 2.7	Crime & disorder
2.18 – 2.24	Public nuisance
8.34 – 8.42	Steps to promote the licensing objectives

9.12	Representations from the Police
9.27 – 9.37	Hearings
9.38 – 9.40	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.5	Conditions - general
10.8 – 10.13	Imposed conditions
10.24 – 10.61	Mandatory conditions in relation to the supply of alcohol
13.29 – 13.34	Effect of special policies
13.34 – 13.38	Limitations on special policies relating to cumulative impact
13.39	Other mechanisms for controlling cumulative impact
13.42 – 13.43	Licensing Hours

11. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cumulative Impact
4	Policy on Cumulative Impact
5	Licensing Hours
7	Prevention of Crime and Disorder
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

12. Points for Clarification

12.1 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, 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?

13. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder	Yes	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

14. Background Papers – Local Government Act 1972

- a. None

15. Consultations

The Licensing Authority is not obliged to consult any parties with regard to applications made under the Licensing Act 2003. However, the applicant is required to consult with the responsible authorities as set out in the 2003 Act.

16. Report Author

Vicky Whitehead
 Licensing Officer
 0116 454 3048
 victoria.whitehead@leicester.gov.uk

APPENDIX	CONTENT
A	Application
B	Representations
C	Conditions consistent with application and representation