



Appendix B1

Leicestershire Police

Licensing Act 2003 – Representation in respect of New Premises Application

Details of person or body making representation	
Your Name:	Insp Nigel Rixon
Your Address:	Force Licensing Department, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG

Details of premises representation is about	
Name of Premises:	Twoj Smak
Address of premises:	23 Narborough Road Leicester LE3 0LE
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:

Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

Please summarise your concerns about this application:

I write in my capacity as Inspector for the Leicestershire Police on the authority delegated to me by the Chief Constable.

I am satisfied that to allow the premises to be used in accordance with the application would undermine the above crossed licensing objectives.

Leicester City Council has adopted a Special Policy in relation to applications for **new licences** and material variations in this Cumulative Impact Area. The effect of this policy is set out in the Council's current policy.

Paragraph 4.13 of that policy states:

"The effect of the special policies will be to create a rebuttable presumption that applications for new premises licences or club premises certificates, or material variations, will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their operating schedules."

The applicant has previously made an application for the same premises which was refused by the committee. At that hearing the applicant failed to demonstrate that the premises would not impact on the cumulative impact area or that he understood what the cumulative impact zone was.

He has again failed within this application to make direct reference to the cumulative impact zone and it must be assumed that within the application they have failed to take into account the local problems and concerns.

Although this is an application for a small convenience store on Narborough Road it will still have an impact on the area. The cumulative impact zone covers just a short distance of the Narborough Road where there are at present 13 alcohol licences issued just to shops and a further 20 plus issued to restaurants and bars. This is not including those licences issued to shops, restaurants and bars on Braunstone Gate, New Park Street and Hinckley Road which are also part of the 'cumulative impact area'

There are further concerns that the applicant will not have due regard for the licensing act due to a recent conviction in January 2014 relating to possessing tobacco products which did not carry written and pictorial health warnings. Although not a relevant offence under the Licensing Act it does show a degree of disregard for the laws which govern restricted items sold in a retail environment.

The purpose of this representation therefore is to both engage the discretion of the licensing authority in considering the Councils own policy in relation to the cumulative impact policy and to inform the committee of the applicants recent court appearance and its impact on this application.

The police ask that this application is refused.

However whilst not wishing to restrain the discretion of the Committee the police ask that should the licence be granted that the following conditions be considered.

- (a) The licence holder will ensure that staff are trained in responsible alcohol retailing at six monthly intervals and that the training is documented and signed for.
- (b) The licence holder will operate and maintain a refusals register which will be kept on the premises and made available to the responsible authorities on request.
- (c) The licensee will ensure that CCTV is installed following advice from the Leicestershire Police and maintained in accordance with the Information Commissioners CCTV Code of Practice.
- (d) All recordings are to be kept for a minimum of 31 days and made available to the Police and/or Licensing Authority within 24 hours of a request being made.

Inspector 915 Rixon
24th April 2014