

Leicester
City Council

WARDS AFFECTED
Westcotes

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

11 July 2014

Application for a review of an existing premises licence
Schnaps Off Licence, 39 Western Boulevard, Leicester, LE2 7HN

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.

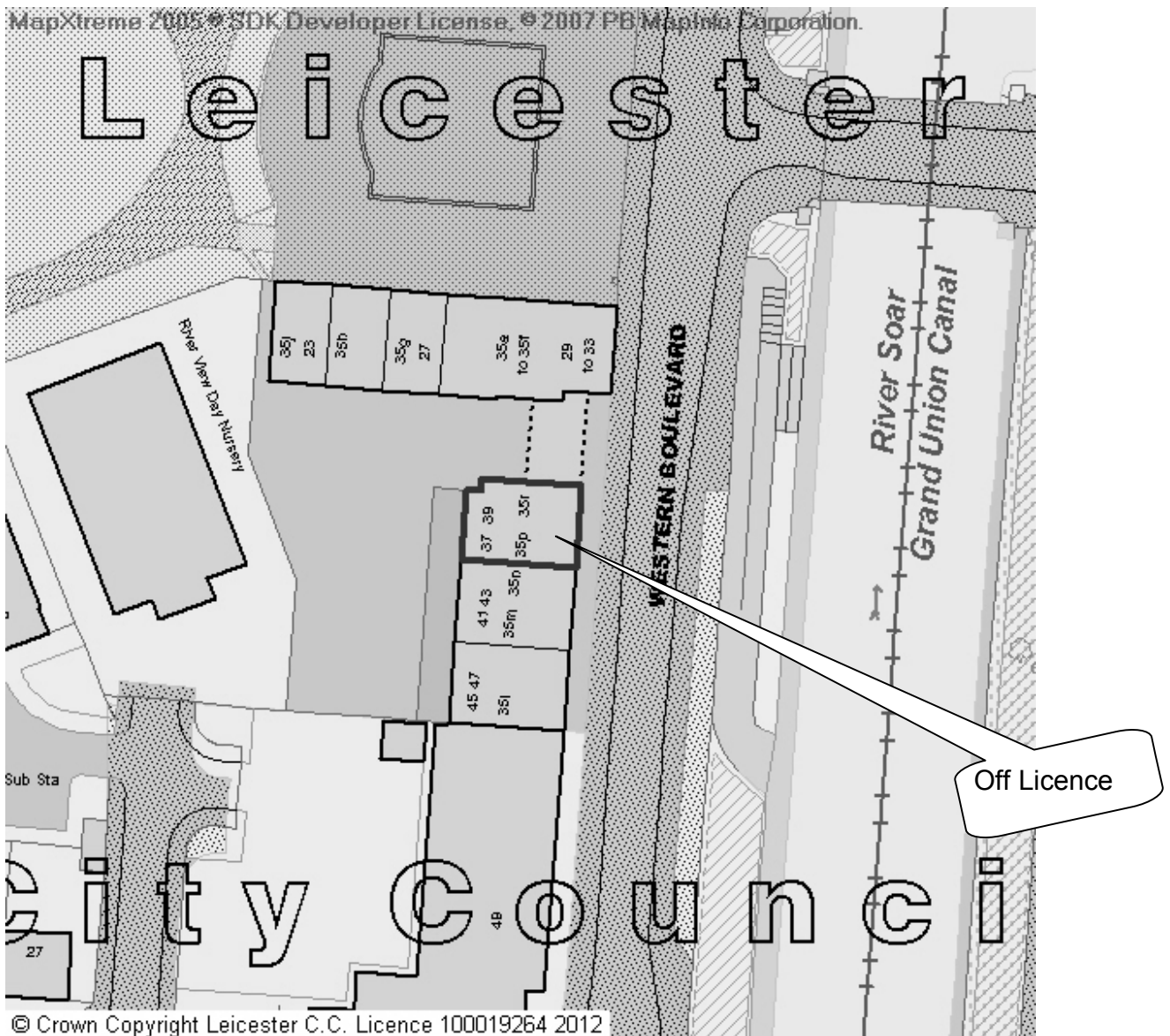
2. Determination to be made

- 2.1. Having considered the application and representation(s), Members must consider whether to
- Reject the review application
 - Modify the conditions of the licence
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence
- 2.2 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.

3. Summary

- 3.1 This report outlines an application for a review of an existing premises licence for Schnaps Off Licence, 39 Western Boulevard, Leicester, LE2 7HN and summarises the representation 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. Existing Licence

- 5.1. The existing licence is attached at Appendix A.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Supply of Alcohol	Monday-Sunday 07.00 – 00.00
Opening hours	Monday-Sunday 07.00 – 00.00

6. Review application

- 6.1 An application was received on 28 May 2014 from Leicestershire Police for a review of the existing premises licence for Schnaps, 39 Western Boulevard, Leicester. The application was made on the ground of the protection of children from harm. A copy of the application is attached at Appendix B.
- 6.2 Leicestershire Police are concerned that in the last 12 months the premises failed two test purchases by selling alcohol to underage persons despite requesting a Challenge 21 pack from the Licensing Team at Leicestershire Police in 2012, and keeping a refusals register and staff training. Leicestershire Police ask that a number of conditions be considered by the Committee to address the problems and that the Committee consider the licence be suspended. A further request for the Designated Premises Supervisor to be removed has been superseded by an application to change the DPS. This application was granted on 30 May 2014.

7 Steps to Promote the Licensing Objectives

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

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 – 1.5	The licensing objectives
1.15 – 1.17	General principles – each application on its own merits
2.1 – 2.18	Crime and disorder
2.41 – 2.51	Protection of children from harm
8.34 – 8.44	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
10.12 – 10.42	Imposed conditions
10.43 – 10.81	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.33	Reviews
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
10	Protection of Children from Harm
12	Duplication
13	Standardised conditions

10. Points for Clarification

10.1 The licence holder and the applicant for 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?

12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

13. Background Papers – Local Government Act 1972

None

14. Consultations

14.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

15. Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application for review
B.1	Additional information
B.2	Refusals Log
B.3	Staff Training Checklist
C	Restricted
C.1	Restricted