

Title of Report	APPLICATION FOR A GRANT OF PREMISES LICENCE	
Presented by	Paul Dennis Licensing Enforcement Officer	
Background Papers	Revised Guidance issued under Section 182 of the Licensing Act 2003 Statement of Licensing Policy – Issue 7	Public Report: Yes
Purpose of Report	<p>To determine an application for a grant of a premises licence in respect of the premises The Spar, Delven Lane, Castle Donington, Derby, LE65 2LJ.</p> <p>This report outlines the application and also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority’s Licensing Policy.</p>	
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.	

1. Background

- 1.1. On 3 August 2021, Liluben Odedra submitted an application for a premises licence grant at The Spar, Delven Lane, Castle Donington, Derby DE74 2LJ. A copy of the application is presented as **Appendix 1**. A plan of the premises is presented as **Appendix 2**.
- 1.2. An aerial view of the site is presented as **Appendix 3** and a map is presented as **Appendix 4**.

1.3. The application identifies that if the premises licence variation is granted, the following opening hours and licensable activities will occur.

Opening Hours	Timings	
	Everyday	07:00 hours - 22:00 hours
Licensable activity	Timings	
Supply by retail of alcohol	Everyday	07:00 hours - 22:00 hours

1.4. As part of the application, the applicant has specified the steps they intend to take in order to promote the four licensing objectives. These are as follows:-

- **General**

All licensing objectives will be met and the business will undertake all responsibilities under the Licence Act 2003.

- **The prevention of crime and disorder**

28 days cctv recording to be kept and can be viewed by officers.
Posters of Challenge 25 and 'no id no sale' will be displayed throughout the shop.
Staff will be trained appropriately.
Refusals log register will be kept.

- **Public safety**

All due diligence to be kept when keeping customers safe from harm. Floors will be clear from hazards.

- **The prevention of public nuisance**

Refuse collection will be between 07:00 and 18:00.

- **The protection of children from harm**

Children under 18 will not be allowed to purchase alcohol.
Third party sales will not be permitted.
'No id no sale' poster will be on display at point of purchase.

1.5 The premises are not currently trading and therefore the licensing authority have not received any complaints in relation to the premises.

2 Representations

- 2.1. In respect of an application for the grant of a premises licence, the applicant is responsible for advertising the application by way of a notice in specified form at the premises for not less than 28 consecutive days and in a local newspaper. The applicant placed a notice in the Loughborough Echo on Wednesday 11 August 2021 and officers are satisfied that the correct notices have been displayed at the premises.
- 2.2 Each of the responsible authorities have been served a copy of the application, namely; the Police, Fire Authorities, Home Office, Trading Standards Department, the District Council's Health and Safety, Environmental Protection, Public Health Authority and Planning Sections. We have received no representations from the responsible authorities.
- 2.3 One relevant representation has been received from a member of the public on the grounds of prevention of crime and disorder, prevention of public nuisance and public safety. This representation is presented as **Appendix 5**.
- 2.4 Two further representations were received from members of the public which were deemed to be "irrelevant" and were rejected. These representations are presented as **Appendices 6 - 8**. The acknowledgement and rejection letters are presented as **Appendices 9 and 10**.

3. Statutory Guidance

- 3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 1.1 to 1.5, 1.13 to 1.17, 2.1 to 2.6, 2.7 to 2.9, 2.15 to 2.21, 2.22 to 2.31, 3.1 to 3.2, 8.13 to 8.14, 8.34, 8.41 to 8.49, 8.80 to 8.87, 9.1, 9.3 to 9.9, 9.31 to 9.44, 10.1 to 10.10, 10.13 to 10.15, 13.10, 14.1 to 14.3, may have a bearing upon the application.

4. Statement of Licensing Policy

- 4.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 2.1 to 2.5, 3.0, 4.1 to 4.4, 5.1 to 5.4, 6.1 to 6.4, 7.1 to 7.4, 11.0, 19.2, 22.0, 23.0, and 26.0 may have a bearing upon the application.

5. Observations

- 5.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:
 - a. The prevention of crime and disorder;
 - b. Public safety;
 - c. The prevention of public nuisance;
 - d. The protection of children from harm.

5.2 The Committee may take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives:

- Grant the application and issue the premises licence as requested.
- Modify the conditions of the licence, by altering or omitting or adding to them.
- Reject the whole or part of the application.

5.3 There is a right of appeal to the Magistrates' Court against the decision of the Sub-Committee by the applicant and persons who made relevant representations.

Policies and other considerations, as appropriate	
Council Priorities:	Business and Jobs, Homes and Communities
Policy Considerations:	Statement of Licensing Policy – Issue 7
Safeguarding:	To determine the application in accordance with the Licensing Act 2003 objectives
Equalities/Diversity:	Equality Impact Assessment already undertaken, issues identified actioned
Customer Impact:	Not applicable
Economic and Social Impact:	Customers may be impacted by any decision made
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Leicestershire Police, Leicestershire Fire and Rescue Service, The Home Office, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, Health Authority and members of the public/local businesses by way of notice at the premises, in a local newspaper, on the Council's website and at the Council Offices, Coalville.
Risks:	The risk of incurring costs arising from an appeal against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.
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