

Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Monitoring Officer:	The report is satisfactory.
Consultees:	<ul style="list-style-type: none"> • Leicestershire Police • Leicestershire Fire and Rescue • Environmental Health • Trading Standards • Health and Safety • Local Licensing Authority • Local Planning Authority • Local Health Authority • Members of the public/local businesses by way of a notice at the premises, in local paper and at the council offices/website.
Background Papers:	<ul style="list-style-type: none"> • https://www.legislation.gov.uk/ukpga/2003/17/contents • https://www.legislation.gov.uk/uksi/2005/44/contents/made • https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003 • https://www.oadby-wigston.gov.uk/files/documents/statement_of_licensing_policy_2011_2014/Statement%20of%20Licensing%20Policy%202020-2025.pdf <p>3.0 Licensable activities 4.0 Sale and supply of alcohol 9.0 Premises licences 16.0 application process 18.0 representations 19.0 determining and granting applications 20.0 conditions 21.0 mandatory conditions 22.0 alternative mandatory conditions 31.0 Cumulative impact</p> <ul style="list-style-type: none"> • https://www.police.uk/your-area/leicestershire-police/wigston/?yourlocalpolicingteam=about-us&tab=crimemap
Appendices:	<ol style="list-style-type: none"> 1. Application for a New Premises Licence at 283 Leicester Road, Wigston 2. Plan of the Premise 3. Google Map of Leicester Road 4. Anonymised Report of Objections

1. Application/Representation Received

- 1.1 The Application as submitted, advertised and circulated to the responsible authorities, is for the following regulated activities.
- 1.2 The application is to propose off licensable activities the sale of alcohol from 11:00hrs to 23:00hrs daily Monday to Sunday.

- 1.3 A copy of the application can be found at **Appendix 1.**
- 1.4 A copy of the premises plan can be found at **Appendix 2.**
- 1.5 Google map of Leicester Road can be found at **Appendix 3**
- 1.6 All of the required advertising and notifications have been undertaken. No representations have been received from the responsible authorities.

2. Objections

- 2.1 Representations have been made received from 13 persons relating to the application, all of whom live in adjacent residential properties. Copies of these representations can be found on an anonymised report at **Appendix 4.**

3. Determination of the Application

- 3.1 The licensing Sub-Committee have responsibility to discharge the functions delegated to it as defined under Part 2 of the Licensing Act 2003.
- 3.2 When considering and determining the application, the Sub- Committee, is required by Section 3 of the Licensing Act 2003 to carry out is functions with a view to promoting the 4 Licensing objections which are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance: and
 - The protection of children from harm in doing so, it should balance the views of both the applicant and any objectors in a balanced and proportionate way.
- 3.3 Section 4 of the Licensing Act 2003 also require the Licensing Authority to have regard to the relevant provisions of the guidance issued pursuant to Section 182 of the Act (Secretary of State’s Guidance August 2023) and the Council’s own Statement of Licensing Policy (2020- 2025). Officers believe that the relevant sections include but are not limited to:
 - 3.3.1 1.2 - 1.5 Licensing Objective and Aims
 - 3.3.2 1.15 - 1.17 General Principles – Each Application on Its Own Merits
 - 3.3.3 2.0 - 2.32 The Licensing Objectives
 - 3.3.4 8.41 - 8.49 Steps To Promote The Licensing Objectives
 - 3.3.5 8.50 Variations
 - 3.3.6 9.31 - 9.41 Hearings
 - 3.3.7 9.42 - 9.44 Determining Actions That Are Appropriate for The Promotion of The Licensing Objectives
 - 3.3.8 10.1 - 10.3 Conditions – General
 - 3.3.9 10.8 - 10.9 Imposed Conditions
 - 3.3.10 14.51 - 14.52 Licensing Hours
- 3.4 The Sub-Committee, may if it considers it to be in the public interest, or if it considers it necessary for further consideration of any representations made by a party, adjourn the hearing to a specified date or arrange for a hearing to be held on a specified additional dates (paragraphs 11 to 13 of the Licensing Act 2003 (Hearings) Regulations 2005).
- 3.5 The Sub-Committee is reminded of its duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of its decisions and the Licensing Authority’s responsibility to co-operate in the reduction of crime and disorder in the Borough.

3.6 Section 52(3) of the Licensing Act 2003 sets that the Licensing Authority must give regard to the application and any relevant representations and takes such steps as it considers necessary, if any, for the promotion of the licensing objectives.

3.7 The steps which the Sub-Committee may consider necessary are:

- To modify the conditions of the new licence
- To exclude a licensable activity from the scope of the licence
- Refuse to specify a person in the licence as the premises supervisor; and/or
- Refuse the application

4. Legal

4.1 Where a party to the decision is aggrieved with the decision, they have a right to appeal the Decision of the Sub-committee to the Magistrates' Court

5. Financial

5.1 There is a risk of costs arising from an appeal against the decision of the Sub-Committee. In order to mitigate the risk of the cost awarded against the Council, the Sub-Committee should give clear reasons for its decisions and any such reasons should be capable of being substantiated on appeal.