City of Bradford Metropolitan District Council

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Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Bradford Area Licensing Panel to be held on 16 December 2011.

E

Subject:

Application for a Premises Licence for 4/6 The Square, Lower Grange, Bradford.

Summary statement:

Application for a new premises licence for the sale of alcohol for consumption off the premises.

John Major Assistant Director

Environmental & Regulatory Services

Report Contact: Melanie McGurk

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Portfolio:

Environment & Waste Management

Overview & Scrutiny Area:

Environment & Waste Management Safer & Stronger Communities









Ward: Clayton & Fairweather Green

1. SUMMARY

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises.

2. BACKGROUND

2.1 The applicant

Mr Zahid Mehmood Dar

A copy of the application is included at Appendix 1.

2.2 The Premises

4/6 The Square, Lower Grange, Bradford

2.3 Designated Premises Supervisor

Zahid Mehmood Dar

2.4 Application

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises

Hours of licensable activities:

Monday to Friday: 08.00 to 23.00 Saturday & Sunday: 09.00 to 23.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

a) Prevention of crime and disorder will be achieved by;

Drugs Policies/Notices
Use of a communication link to other licensed premises in the area

b) Public safety will be achieved by;

CCTV cameras being installed for public safety and to reduce disorder First Aid provision

c) Prevention of public nuisance will be achieved by;

Litter clearance

d) Protection of children from harm will be achieved by;

Proof of age scheme EG Challenge 21

e) General – all four licensing objectives

Staff Training on licensing issues Installing a suitable CCTV system following consultation with the West Yorkshire Police

2.6 Relevant Representations Received

Interested Parties

Local Businesses – Two letters of representation have been received. The representations raise concerns of age restricted products being sold to underage children and anti-social behaviour and noise nuisance from youths congregating in the area.

The representations are attached at Appendix 2.

3. OVERVIEW AND SCRUTINY COMMITTEE CONSIDERATION

Not applicable.

4. OTHER CONSIDERATIONS

Legal Appraisal

- 4.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:
 - a) the prevention of crime and disorder
 - b) public safety
 - c) the prevention of public nuisance
 - d) the protection of children from harm
- 4.2 The Council must also have regard to the guidance issued by the Department of Culture Media and Sport under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.
- 4.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 4.4 Only "relevant representations" by or expressly on behalf of a defined "interested party" or "responsible authority" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 4.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

Statement of Policy Issues

- 4.6 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder), Part 6 (prevention of public nuisance) and Part 7 (protection of children from harm).
- 4.7 The Annexes to the Policy sets out various types of model condition that could be considered.

5. OPTIONS

- 5.1 Members may:
 - (a) Grant a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
 - (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
 - (c) Refuse the application for a premises licence.
- 5.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

6. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

7. RISK MANAGEMENT

There are no apparent risk management implications.

8. LEGAL APPRAISAL

Referred to in part 4 of this report.

9. OTHER IMPLICATIONS

9.1 EQUAL RIGHTS

There are no apparent equal rights implications.

9.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

9.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent greenhouse gas emissions impacts.

9.4 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 4.1 of this report.

9.5 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance with the general interest. The Council's powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant's rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels' usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

9.6 TRADE UNION

Not applicable

9.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

10. NOT FOR PUBLICATION DOCUMENTS

None.

11. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing interested parties, determine the related application.

12. APPENDICES

- 1. Application form received 26 October 2011. (In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).
- 2. Letters of representation.

13. BACKGROUND DOCUMENTS

Application form, plan etc.

City of Bradford Metropolitan District Council

www.bradford.gov.uk

Licensing Team, 6th Floor North, Jacobs Well, Bradford, BD1 5RW

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

or t	the premises described in Part 1 below (th	ises licence under section 17 of the Licensing Act 200 ne premises) and I/we are making this application to you not with section 12 of the Licensing Act 2003
o ar	t 1 – Premises Details	
Po L ₁	stal address of premises or, if none, ordno	ance survey map reference or description SWER CIRANGE BRADFORD
Po	St town BRAD FORD	Post code BD8 DQB
Tel	ephone number at premises (if any)	01274881023
No	n domestic rateable value of premises	£5,100 ru cheched
ar	t 2 – Applicant Details	Band B E199
lea	se state whether you are applying for a Prem	nises Licence as:
a)	an individual or individuals*	Please tick Yes please complete section (A
b)	a person other than an individual*	
	i. as a limited company	please complete section (E
	ii. as a partnership	please complete section (E
	iii. as an unincorporated association or	please complete section (E
	iv. Other (for example a statutory corporate	tion) please complete section (E
c)	a recognised club	please complete section (E
d)	a charity	please complete section (E
e)	the proprietor of an educational establishme	ent please complete section (E
f)	a health service body	please complete section (B
g)	a person who is registered under Part 2 of tl Standards Act 2000 (c14) in respect of an in hospital	

g) a person who is registered under Chapter 2 of part 1 of the a. Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h) the chief officer of police of a police force in England and Wales	please complete section (B)
If you are applying as a person described in (a) or (b) please confirm:	Please tick ✓ Yes
I am carrying on or proposing to carry on a business which inventor licensable activities; or	olves the use of the premises
I am making the application pursuant to a Statutory function; or A function discharged by virtue of Her Majesty's prerogative	
A) INDIVIDUAL APPLICANTS (fill in as applicable)	Will'A GIHAS :-
Mr Mrs Miss Ms First names	Other title (for example, Rev)
DAR ZAHID	MEHMOOD
	Please tick ✓ Yes
I am 18 years old or over	
Current postal address if different from premises address	LOWER CIRANCIE
Post Town BRAD FORD Postco	BD8 DQB
Daytime contact telephone number 073664221	104
Email address (optional) 2AH i) 786@ F	HOTMAIL.CO.UK

Mr Mrs M	fliss Ms	Other title (for example, Rev)
Surname	First names	
		Please tick ✓ Yes
l am 18 years old or over		Land to the second and the second
Current postal address if different from premises address		
Post Town	1	Postcode
Daytime contact telephone number		
E-mail address (optional)		
B) OTHER APPLICANTS lease provide name and registered a	address of applicant in full. \	Where appropriate please give any (other than a body corporate), please give
lease provide name and registered a	ership or other jóint venture	Where appropriate please give any (other than a body corporate), please give
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lease provide name and registered a egistered number. In case of a partner name and address of each party of Name Address Registered number (where applicable)	ership or other joint venture concerned.	(other than a body corporate), please give

Part 3 - Operating Schedule	
When do you want the premises licence to start?	Day Month Year 2 0 1 1 2 0 1 1
f you wish the licence to be valid only for a limited period, when do you want it to end?	Day Month Year
f 5000 or more people are expected to attend the prer state the number expected to attend	mises at any one time, please
Please give a general description of the premises (plea	ase read guidance note 1)
THE PREMISES IS A.	MID TERRACED SHOP
CONSISTS OF TWO FRE	TORS THE GROUND FLOOR
WILL BE USED TO SE	IL ALCOHAL WHILE
THE SOFIRST FLOOR I	WILL ISC USED "
RESIDENCE.	10011
	V7 FACILITIES WILL
BE PROVIDED ON T	THE PREMISES.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

What licensable activities do you intend to carry on from the premises? (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision	of regulated entertainment Please	tick ✓ Yes
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performance of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
Provision	of entertainment facilities for:	
i)	making music (if ticking yes, fill in box I)	
j)	dancing (if ticking yes, fill in box J)	
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	
Provision	n of late night refreshment (if ticking yes, fill in box L)	
Sale by r	etail of alcohol (if ticking yes, fill in box M)	

In all cases complete boxes N, O and P

lays			Will the performance of a play take place	Indoors
tanda	rd days a	nd .	indoors or outdoors or both – please tick (✓) (please read guidance note 2)	
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			Non standard timings. Where you intend to performance of plays at different times to the the left, please list (please read guidance note	ose listen ili tire commin on
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Wed			State any seasonal variations for the exhibit guidance note 4)	tion of films (please lead
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Fri			Non standard timings. Where you intend to exhibition of films at different times to those left please list (please read guidance note 5)	se listed in the column on the
			Non standard timings. Where you intend to exhibition of films at different times to thos left, please list (please read guidance note 5)	se listed in the column on the

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enterta Standa timings	ng or wrestainment ard days a s (please nce note 6	and read	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors Outdoors
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Wed		 	State any seasonal variations for the boxing (please read guidance note 4)	or wrestling entertainment
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Wed			State any seasonal variations for the performance read guidance note 4)	nance of live music (please
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Fri			Non standard timings. Where you intend to performance of live music at different times on the left, please list.	use the premises for the to those listed in the column
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F

	ded mus		Will the playing of recorded music take place indoors or outdoors or both – please	Indoors
timings	s (please ce note 6	read	tick (✓) (please read guidance note 2)	Outdoors
Day	Start	Finish		Both
Mon			Please give further details here (please read s	guidance note 3)
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Wed			State any seasonal variations for the playing read guidance note 4)	of recorded music (please
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Fri			Non standard timings. Where you intend to playing of recorded music at different times on the left, please list. (please read guidance	to those listed in the column
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Standard days and timings (please read guidance note 6)		read	Will the performance of dance take place indoors or outdoors or both − please tick (✓) (please read guidance note 2)	Indoors Outdoors
guidaı Day	Start	6) Finish		Both
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Thur				
Fri			Non standard timings. Where you intend to use performance of dance at different times to the left, please list. (please read guidance note	se listed in the column on
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Anyth descr falling (g) Standatiming guidar Day Mon	iption to within (ard days s (please nce note (that e), (f) or and read 6)	Will this entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2) Please give further details here (please read guidance read guidance note 2) State any seasonal variations for the entertain description to that falling within (e), (f) or (g) (guidance note). Non standard timings. Where you intend to us entertainment of a similar description to that falling within (e).	Indoors Outdoors Both aidance note 3) Imment of a similar please read guidance note 4) se the premises for the alling within e), f) or g) at

for ma Standa		sic nd timings	Please give a description of the facilities for a providing.	making music you will be		
	e read gu	idance	Will the facilities for making music be	Indoors		
note 6)			indoors or outdoors or both – please tick (✓)	Outdoors		
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WOII			loade give tariner detaile nere (preserves a			
Tue			A second			
Tue						
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)			
Thur						
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Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)			
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Provision of facilities for dancing Standard days & timings			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance/note 2)	Indoors		
(please read guidance note 6)				Outdoors		
Day	Start	Finish		Both		
Mon			Please give a description of the facilities for dancing you will be providing			
Tue			Please give further details here (please read guidance note 3)			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur						
Fri		1/				
		1/	Non standard timings. Where you intend to	use the premises for the		
Sat		/	provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)			
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Provision of facilities for entertainment of a similar description to that falling within (i) or		ent of a ption to	Please give a description of the type of entertainment facility you will be providing				
(j) Standard days and timings (please read guidance note 6)			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors Outdoors			
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Mon			Please give further details here (please read g	guidance note 3)			
Wed			State any seasonal variations for the provision entertainment of a similar description to that	ons of facilities for falling within (i) or (j) (please			
Thur			read guidance note 4)				
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Standa	ard days		Will the provision of late night refreshment take place indoors or outdoors or both − please tick (✓)/(please read guidance note 2)	Indoors			
_	timings (please read guidance note 6)		please tick (*)/(please read guidance flote 2)	Outdoors			
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Mon			Please give further details here (please read g	uidance note 3)			
Tue							
Wed			State any seasonal variations for the provisio (please read guidance note 4)	n of late night refreshment			
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Fri			Non standard timings. Where you intend to u provision of late night refreshment at differen column on the left, please list. (please read gu	t times to those listed in the			
Sat			Coldinii on the left, please list. (please read gu	idance fiole 5)			
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Sale of alcohol Standard days and		ind	Will the sale of alcohol be for consumption on or off the premises or both – please tick	On the premises	
timings (please read guidance note 6)			(✓) (please read guidance note 7)	Off the premises	/
Day	Start	Finish		Both	
Mon	0800	2300	State any seasonal variations for the sale of note 4)	alcohol (please	read guidance
Tue	0800	2300	None		
Wed	0800	2300			
Thur	6300	2300	Non standard timings. Where you intend to use the premises for the sa of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri	0300	2300			
Sat	0900	2300			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor					
Name	2 AHID MEHMOOD DAR				
Address	4/6 THE SQUARE LOWER GRANGE	BRAD FORD			
Postcode	BOS ORB				
Personal lie	cence number (if known)				
Issuing lice	ensing authority (if known)				

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Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

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Hours premises are open to the public Standard days and timings (please read guidance note 6)		olic and read	State any seasonal variations (please read guidance note 4)
Day	Start	Finish	,8
Mon	0800	2300	Nord
Tue	0360	2300	
Wed	0800	2300	
Thur	0300	2300	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Fri	D800	2300	0
Sat	6900	2500	Norê
Sun	0900	2300	

P

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

STAFF TRAINING ON LICENSING ISSUES.
INSTALLING A SUITABLE CCTV SYSTEM FOLLOWING CONSULTATION WITH THE WEST YOURSHIPE POLICE.

b) The prevention of crime and disorder

DRUGS POLICIES/NOTICES.

USE OF A COMMUNICATION LINK TO OTHER LICENSED PLEMISES IN THE AREA.

c) Public safety

CC TV CAMERA.S BEING INSTALLED FOR PUBLIC SAFETY AND TO REDUCE DISORDER.

FIRST AID PROVISION.

d) The prevention of public nuisance

LITTER CLEARANCE.

e) The protection of children from harm

PROOF OF AGE SCHEME, E, 9' CHALLENGE 21

 I have enclosed the plan of the prem 	n ises	V
 I have sent copies of this application where applicable 	and the plan to responsible authorities and others	
 I have enclosed the consent form co supervisor, if applicable 	ompleted by the individual I wish to be premises	V
 I understand that I must now adverti 	se my application	V
 I understand that if I do not comply v rejected 	with the above requirements my application will be	V
IT IS AN OFFENCE, LIABLE ON CONVICTION UNDER SECTION 158 OF THE LICENSING CONNECTION WITH THIS APPLICATION	ON TO A FINE UP TO LEVEL 5 ON THE STANDAR ACT 2003 TO MAKE A FALSE STATEMENT IN OR	D SCALE
Part 4 - Signatures (please read guidand	ce note 10)	
Signature of applicant or applicant's solicing signing on behalf of the applicant please	itor or other duly authorised agent. (See guidance state in what capacity.	note 11).
Signature		*** * * * * * * * * *
Date 25-10-2011		
	•••••••••••••••••••••••••••••••••••••••	
(please read guidance note 12). If signing or	icant or 2 nd applicant's solicitor or other authorise n behalf of the applicant please state in what capa	icity.
Signature		
Date		*********
Capacity		
	n) and postal address for correspondence associa	ated
with this application (please read guidance	note 19)	
Post town	Post code	Hill Children Service and Commence
Telephone number (if any)		
If you would prefer us to correspond with	you by e-mail, your e-mail address (optional)	
in you would prefer us to correspond with	, 100 by e-mail, your e-mail address (optiolidi)	

I have made or enclosed payment of the fee

ENTROMONIME REGULATORY SERVICES LICENSING TEAM, 6 th FLOOR NURTH, JA LORS'S WELL. BRODENES BOI SRW.

THE SOUARE LOW ER GRANGE BIRAD FORD BD8 OQB.

1 St NovonsGR 2011

4 THE SQUARE

Dear Sir maden.

my name is mr.

and

own Newragent & Off livense at the above address I have been at this address for 27 years During libes time I have had ups and downs with my business. I with my wife are just about "Heering our head above water" with our business with whent situation. There is also an off linense business across the road at 3 and 5 The source which armed by Mr If a new liverse is granted at 4.6 The Square (Right next door to my business) I will be stor struggling to keep going with my busines, also I would like to point out the Jollowy problems which will arise if a new diense is granted 1) Late night opening until 11 pm willy nusance and noise and young ter hunging round by the shop (2) As I pointed out there are 2 off-liberses water withing 30 metre radious providing more than adequate services to the whole area.

P.T. 5.

(3) If a another lieene is growted which is to tally not required I with my wife will definitely be struggling to keep going and may have to clin our business down

I with my wife would very much appreciate if you would beingty kindly consider our objecteurs for the new application of off-

of your personnel regarding this matter We are begging you to refuse for you granting.

There you commenty

To whom it may concern,

I would like to raise an objection for the council granting the an premises off licence to Lower Grange Convenience Store, 4-6 The Square, Lower Grange, Bradford BD8 0QB. The reasons for my objection are as follows:

- I believe they maybe selling cigarettes to underage children. My shop
 is opposite from there and we have turned children away because they
 were underage or unable to provide i.d. however the children have then
 gone to the shop in question and walked out with cigarettes in their
 hands.
- 2. The shop owners were also accused of behaving inappropriately to young children and also of taking photographs of them. The police was involved so you can check what happened with this.

3. They may also be selling black market cigarettes as customers that usually go to their shop come to ours when they are closed asking for cheap cigarettes.

4. Customers that started going to their shop when they first opened have now stopped after complaining that the shop always smelled of marijuana. If they are running the shop under the influence of this then how can they follow the rules and regulations of running an off licence on every occasion needed?

Please take these objections into account when making your decisions.

Many thanks

The Square
Bradford -2 1:04 2011
BD8 OQB LEG/LIC/