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# **Application for a variation of an existing premises licence**

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)  
Sub-Committee

Decision to be taken on/Date of meeting: 13 January 2025

Lead director/officer: Deborah Bragg

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## Useful information

- Ward(s) affected: Castle
- Report author: Valentina Cenic
- Author contact details: 0116 454 3081
- Report version number: 1

### 1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a variation to an existing premises licence for Shisha Café, 161 Belgrave Gate, Leicester and summarises the representation received. It also highlights the licensing objectives and the relevant parts of both the statutory guidance and the Licensing Authority's Licensing Policy.

### 2. Determination to be made

- 2.1 Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
  - Modify the conditions of the licence
  - Reject the whole application

### 3. Application and promotion of the licensing objectives

- 3.1 An application was received on 27<sup>th</sup> November 2024 for a variation of an existing premises licence for Shisha café, 161 Belgrave Gate. A copy of the application is attached at Appendix A.

- 3.2 The variation application is as follows:

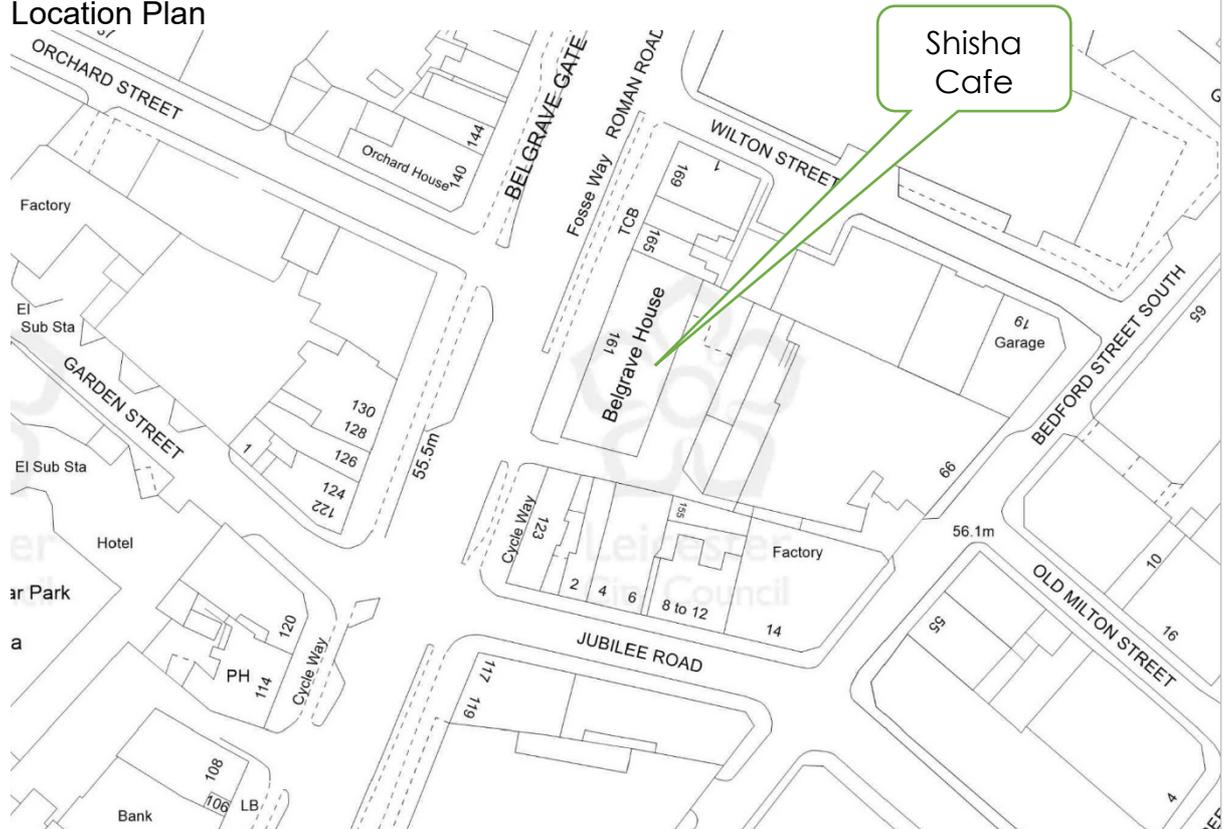
| Licensable activity  | Current hours                     | Proposed hours                    |
|--|-----------------------------------|-----------------------------------|
| Opening hours  | Monday to Sunday<br>10:00-02:00   | Monday to Sunday<br>07:00 – 02:30 |
| Late night refreshment   | Monday to Sunday<br>23:00 – 02:00 | Remain the same                   |
| Sale of alcohol (on/off)   | Monday to Sunday<br>10:00 – 01:00 | Monday to Sunday<br>10:00 – 02:00 |
| Live music (indoors)<br>Recorded music<br>Dance<br>Anything similar to above |                                   | Monday to Sunday<br>17:00 – 23:59 |

- 3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section 16 of Appendix A).

- 3.4 The existing licence is attached at Appendix B.

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

### 3.6 Location Plan



## 4. Representations

4.1 A representation was received on 11 December 2024 from the Noise team. The representation relates to the prevention of public nuisance. The Noise Team have concerns due to the fact that the shisha café must be at least 50% open. Music is always a concern and following previous nuisance from the premise the ability to play music was removed from the licence at review hearing in December 2022 by adding a condition as follows:-

*'no live music or recorded music, whether amplified or not, shall be played at the premises between 10pm and 11pm daily. This condition has been added under Section 177A(4) of the Licensing Act 2003 on review of the licence so that the exemption otherwise detailed in Section 177A (1) and (2) does not apply.'*

A copy of the representation is attached at Appendix C along with a signed agreement regarding a condition to be attached to the licence should members agree to vary the licence.

4.2 A representation was received on 17 December 2024 from the Leicestershire Police. The representation relates to all four licensing objectives. The Police state that the application lacks specific details about how the applicant will promote and uphold the licensing objectives, given that it will be operating in the night-time economy when alcohol related violent crimes rise. The Police are concerned that the applicant

wishes to remove the existing security provision condition, due to the increased risk to both customers and general public.

In December 2024 Police visited the premises and identified five breaches of the licence conditions, as well as the premises licence not being displayed, as a result a warning letter was served upon the responsible persons. The Police believe not enough time has passed in order for the premises licence holder to prove themselves as a responsible operator and for this reason request the application is rejected.

A copy of the representation is attached at Appendix C1.

- 4.3 A representation was received from Licensing Enforcement Team on 18 December 2024. The representation relates to all four licensing objectives. The Licensing Enforcement Team have concerns about the premises and the effect it may have on the local community, both business and residential. This relates to the control of the age range of persons attending the premise and details in the operating schedule.

The Licensing Enforcement Team believe that with the amendments and additions they have proposed in their representation that the premises and applicant could promote the licensing objectives and conduct their business in a safe manner.

A copy of the representation is attached at Appendix C2 along with a signed agreement regarding conditions to be attached to the licence should members agree to vary the licence.

## 5. Conditions

- 5.1 The conditions that are consistent with the application and the representation(s) are attached at Appendix D.
- 5.2 The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 amended the Licensing Act 2003 in relation to the provision of regulated entertainment. Certain entertainment does not require a licence subject to audience limits, between 08.00 and 23.00 hours each day. These exemptions may affect the application under consideration because conditions may not be imposed at this stage to control live or recorded music that is unregulated. However, if problems do occur as a result of that entertainment then conditions may be imposed to control such music in the future after a formal review.

## 6. Statutory guidance and statement of licensing policy

- 6.1 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 parts of the guidance that are particularly relevant in this case are as follows:

| Section     | Heading                       |
|-------------|-------------------------------|
| 1.2 – 1.5   | Licensing objectives and aims |
| 1.15 – 1.16 | General Principles            |

|               |  |
|---------------|--|
| 1.17          | Each application on its own merits   |
| 2.1 – 2.6     | Crime & Disorder   |
| 2.15 – 2.21   | Public nuisance  |
| 8.41 – 8.49   | Steps to promote the licensing objectives  |
| 9.11 – 9.12   | Role of responsible authorities  |
| 9.31 – 9.41   | Hearings   |
| 9.42 – 9.44   | Determining actions that are appropriate for the promotion of the licensing objectives |
| 10.1 – 10.3   | Conditions - general   |
| 10.8 – 10.9   | Imposed conditions   |
| 10.10         | Proportionality  |
| 10.13 - 10.15 | Hours of trading   |
| 10.25 – 10.66 | Mandatory conditions in relation to the supply of alcohol                              |
| 13.10 – 13.11 | Giving reasons for decisions   |
| 14.51 – 14.52 | Licensing Hours  |

6.2 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

| Section | Heading  |
|---------|--|
| 4       | Promotion of the Licensing Objectives            |
| 5       | General Principles                               |
| 6       | Premises Licences and Club Premises Certificates |
| 8       | Areas of Specific Interest and Consultation      |

## 7. Points for clarification

7.1 The applicant and the party making the representation have been asked to clarify certain points at the hearing, as follows:

*By the applicant*

1. Whether the applicant considers that the concerns outlined in the representation are valid, and if not why not.
2. In the light of the representation made, whether the applicant wishes to propose any additional steps for the promotion of the licensing objectives.

*By the party making the representation*

1. Whether they have any additional information to support the representation 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.

## 8. Financial, legal, equalities, climate emergency and other implications

### 8.1 Financial implications

There are no significant financial implications arising from the contents of this report.

Signed: Jade Draper

Dated: 23 December 2024

## 8.2 Legal implications

Legal advice specific to the application will be provided at the meeting by Legal Officers.

## 8.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

There are no direct equalities implications arising from the report. However it is important to consider issues of accessibility to the application process and its associated activities (such as lodging an appeal); The criteria used during determination of an application and its associated activities (such as lodging an appeal).

Signed: Surinder Singh, Equalities Officer  
Dated: 23 December 2024

## 8.4 Climate Emergency implications

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process.

Signed: Aidan Davis, Sustainability Officer  
Dated: 23 December 2024

## 8.5 Other implications

Crime and Disorder – see paragraph 4.

## **9. Background information and other papers:**

None

## **10. Summary of appendices:**

Appendix A – Application

Appendix B – Existing licence

Appendix C, C1, C2 – Representations

Appendix D – Conditions consistent with the application

**11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

**12. Is this a “key decision”? If so, why?**

No