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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: 02 June 2025

Lead director/officer: Bobby Smiljanic

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## Useful information

- Ward(s) affected: Westcotes
- Report author: Sarah Miller
- Author contact details: 0116 454 3052
- 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 3 Little Birds Restaurant Ltd, 40a – 42 Hinckley Road, Leicester LE3 0RB and summarises the representations 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 10 April 2024 for a variation of an existing premises licence for 3 Little Birds Restaurant Ltd 40a-42 Hinckley Road Leicester. A copy of the application is attached at Appendix A.

- 3.2 The variation application is as follows:

Licensable activity	Current hours	Proposed hours
Recorded Music	Mon-Thurs 11am until midnight Fri – Sat 11 until 2am Sunday 11 until 23.00	Sunday before a Bank Holiday to open until 2am. Boxing Day and New Year’s Eve until 2am
Late Night Refreshment	N/A	Monday to Thursday 11pm until midnight. Friday and Saturday 11pm until 2am. Sunday before a Bank Holiday to open until 2am Boxing Day and New Year’s Eve until 2am
Sale of alcohol	Mon-Thurs 11am until midnight Fri – Sat 11 until 2am Sunday 11 until 23.00	Sunday before a Bank Holiday to open until 2am Boxing Day and New Year’s Eve until 2am

Opening hours	Mon-Thurs 11am until midnight Fri – Sat 11 until 2am Sunday 11 until 23.00	Sunday before a Bank Holiday to open until 2am Boxing day and New Year's Eve until 2am
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Non standard hours: All Sundays before a Bank Holiday to open until 2am Boxing Day and New years Eve until 2am.

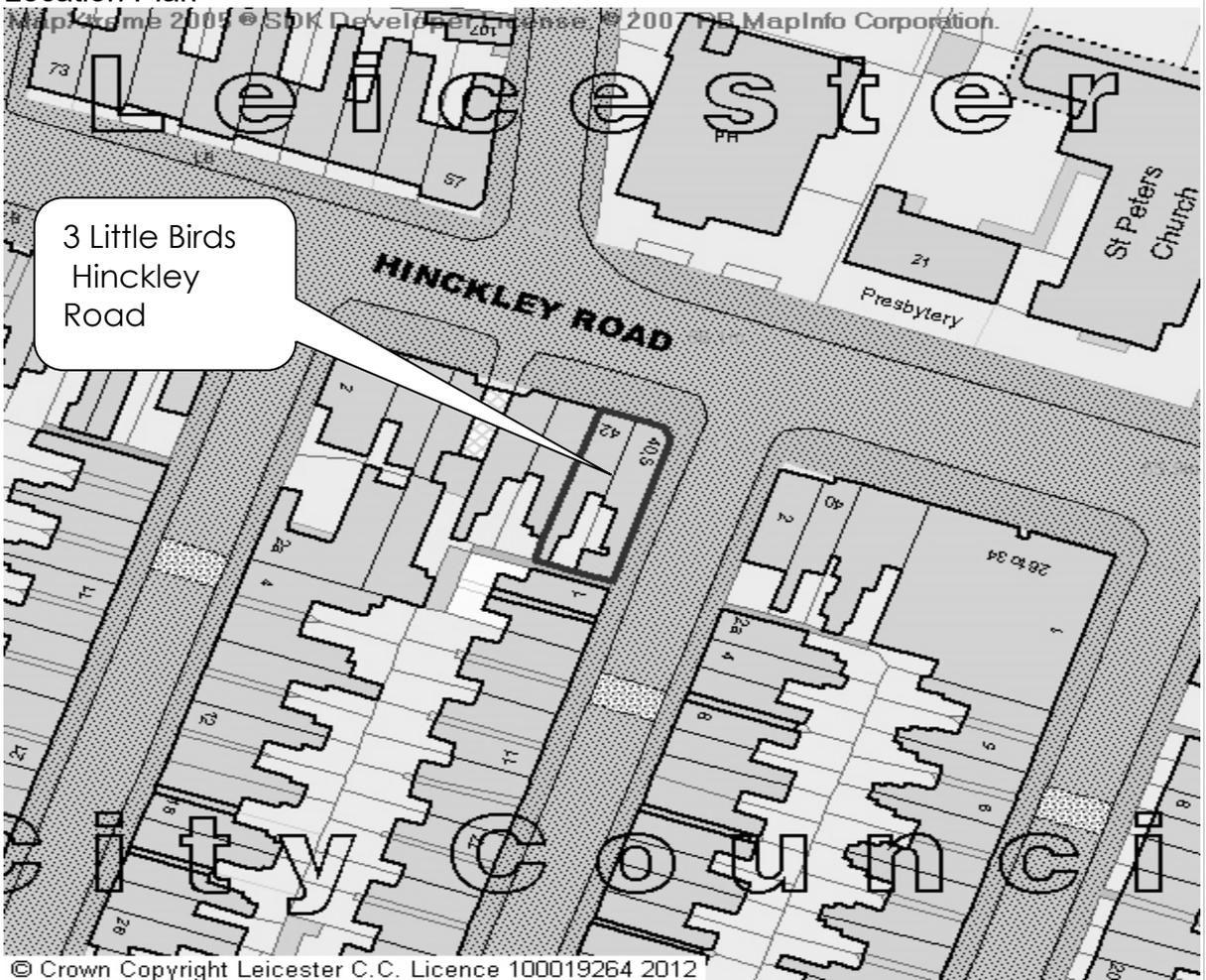
Conditions to be removed: None

3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M 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 02 May 2024 from a member of the public .The representation relates to the prevention of public nuisance. The representee is concerned that any increased hours will add to the existing noise issues from the music's bass beat. Additionally, as the rear door is often left open noise can be heard from bottles being thrown into a skip. People leaving the premises often make excessive noise. They also pointed out that there is strict planning permission (hours) in place already for these premises which is regularly breached. I have confirmed with planning and the property does have a restriction in place until 23.00 hours. A copy of the representation is attached at Appendix C1.
- 4.2 A representation was received on 08 May 2024 from a member of the public The representation relates to the prevention of public nuisance. The representee is concerned that any extension to any hours will add to the existing noise nuisance. A copy of the representation is attached at Appendix C2.

## 5. Conditions

- 5.1 The conditions that are consistent with the application are attached at Appendix D.

## 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
2.15 – 2.21	Public nuisance
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.13 – 9.19	Licensing Authorities acting as responsible authorities
9.20 – 9.24	Health bodies acting as responsible authorities
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
16.1 – 16.69	Regulated entertainment

- 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 parties making the representations 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(s) are valid, and if not why not.
2. In the light of the representations made, whether the applicant wishes to propose any additional steps for the promotion of the licensing objectives.

*By the party/ parties making the representation(s)*

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

None.

### 8.2 Legal implications

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

### 8.3 Equalities implications

None.

### 8.4 Climate Emergency implications

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process. Aidan Davis, Sustainability Officer, Ext 28 3384.

### 8.5 Other implications

None

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

None

**10. Summary of appendices:**

Appendix A – Application

Appendix B – Existing licence

Appendix C – 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