



Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: THURSDAY, 16 JUNE 2016

TIME: 9:30 am

PLACE: Meeting Room G.03, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Sub-Committee

Councillors Thomas, Byrne and Cank

Members of the Sub-Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

Officer contact: Anita James
Democratic Support
Leicester City Council
City Hall, 115 Charles Street, Leicester, LE1 1FZ
Tel: 0116 454 6358
email: anita.james2@leicester.gov.uk

Information for members of the public

Attending meetings and access to information

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- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Anita James, **Democratic Support on (0116) 454 6358 or email anita.james2@leicester.gov.uk** or call in at City Hall, 115 Charles Street.

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PUBLIC SESSION

AGENDA

FIRE/EMERGENCY EVACUATION

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1. APPOINTMENT OF CHAIR

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed.

4. MINUTES OF PREVIOUS MEETINGS

Appendix A

The minutes of the previous meeting of the Licensing (Hearings) sub-committee held on 17th May 2016 have been circulated and Members will be asked to confirm them as a correct record.

5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: HARVEYS, 43 BELVOIR STREET, LEICESTER LE1 6SL

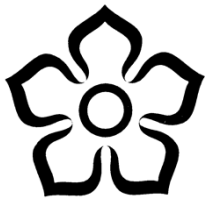
Appendix B

The Director of Neighbourhood and Environmental Services submits a report on an application for a variation of an existing premises licence within a cumulative impact zone for Harveys, 43 Belvoir Street, Leicester LE1 6SL.

Report attached. A copy of the associated documentation is attached for Members only. Further copies are available on the Council's website at www.Cabinet.leicester.gov.uk or by telephoning Democratic Support on 0116 4546358.

(Wards affected: Castle)

6. ANY OTHER URGENT BUSINESS



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: TUESDAY, 17 MAY 2016 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Hunter

* * * * *

1. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they may have in the business on the agenda.

Councillor Thomas declared that he had an "other interest" in the St Andrews Sports Club as he had been a sportsman for many years and knew of this football club. Councillor Thomas declared that he had also read recent comments in the Leicester Mercury but maintained an open mind.

In accordance with the Council's Code of Conduct, the interest was not considered so significant that it was likely to prejudice Members' judgement of the public interest and Councillor Thomas, therefore was not required to withdraw from the meeting.

4. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the Licensing (Hearings) sub-committee held

on 18 March 2016, 1 April 2016, 21 April 2016 and 29 April 2016 be confirmed as an accurate record.

5. APPLICATION FOR A NEW PREMISES LICENCE: ST ANDREWS SPORTS CLUB, CANAL STREET, LEICESTER LE2 8LX

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine an application for a new premises licence for St Andrews Sports Club, Canal Street, Leicester LE2 8LX

The sub-committee noted that a representation had been received in respect of the application which necessitated that the application be considered by Members.

Mr Brett Wells, the applicant was present, as was the Noise Team officer, the Licensing Team Manager and the Solicitor to the sub-committee.

Introductions were led by the Chair and the procedure for the meeting was outlined to those present.

It was noted that additional information in the form of documentary evidence relating to an online petition from Mr Wells, the applicant had been circulated to Members prior to the hearing, as this contained individual names and addresses it was not for publication.

The Licensing Team Manager presented the report. It was noted that six representations had been received from a Noise Pollution Officer, a Ward Councillor and four residents that related to the licensing objective namely the prevention of public nuisance and concerns had been raised that loud music from the event would cause a nuisance to nearby residents and premises users.

The sub-committee were informed that discussions and a meeting had taken place between the applicant, the Ward Councillor, a representative of the Noise Team and a licensing officer.

The sub-committee were also informed that a mediation process had been offered to all of the representees after the representation period had ended.

The applicant had proposed a number of additional conditions that were circulated to all representees. Five representees had responded that they continued to have concerns and one representee was in agreement with the conditions put forward. The Licensing Officer circulated a copy of the proposed additional conditions.

The Noise Team officer outlined the reasons for the representation and responded to questions from Members.

It was noted that the other representees were not present and their written representations were before the sub-committee. Councillor Clarke (ward

councillor) had sent apologies that he was unable to attend and the sub-committee confirmed that Councillor Clarke's written representation and additional comments had been read and noted.

Mr Wells, the applicant was then given the opportunity to outline the application, respond to the points made and to answer questions from Members.

All parties were then given the opportunity to sum up their positions and make final comments.

Prior to Members considering the application, the Solicitor to the sub-committee advised Members of the options available to them in making a decision. Members were advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision Members felt that they should deliberate in private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place in the presence of the parties.

The Licensing Team Manager, the Solicitor to the sub-committee, the Noise Team officer and Mr Wells, the applicant then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the sub-committee was then recalled to the meeting to give advice on the wording of the decision.

The Licensing Team Manager, the Noise Team officer and Mr Wells, the applicant then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the sub-committee for advice on the wording of their decision.

RESOLVED:

that the application for a new premises licence: St Andrews Sports Club, Canal Street, Leicester LE2 8LX be granted subject to the conditions consistent with the operating schedule (at appendix C of the report) together with the additional conditions proposed by the Applicant and amended as follows:

1. The licence holder to ensure that the event ends at 10pm prompt,
2. The licence holder to ensure that there is no live music before 4pm and amplified music shall be reduced between 1pm and 4pm (to avoid unduly interfering with the weddings in the vicinity),
3. The licence holder to ensure a travel plan is in place to direct ticket holders away from the immediate vicinity of the event and to guide people to organised parking spots at British Gas and Saffron Lane Stadium and that this is strictly adhered to, (Event volunteers, performers and private hire vehicles will be granted access)
4. The licence holder to ensure that there are adequate numbers of bins

around the site to reduce litter and to ensure that litter is collected throughout the event and the following morning,

5. The licence holder to ensure there is a single point contact telephone number for the day for local residents to use should issues arise.

After considering the application and objections carefully the sub-committee decided to grant the licence with the additional conditions as agreed to by the applicant.

6. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: HARVEYS, 43 BELVOIR STREET, LEICESTER LE1 6SL

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine an application for a variation of an existing premises licence within a cumulative impact zone for Harveys, 43 Belvoir Street, Leicester LE1 6SL.

Members noted that a representation had been received in respect of the application which necessitated that the application be considered by Members.

The Licensing Team Manager and the Solicitor to the sub-committee were present. The applicant, the applicant's solicitor and the representees were not present.

The Licensing Team Manager informed Members that the applicant's solicitor had requested an adjournment by email as he was unable to attend. All parties had been informed of the request for an adjournment and there were no specific objections to an adjournment being granted.

Members considered the request for an adjournment and agreed that it was in the public interest to adjourn to a new date.

RESOLVED:

That the application for a variation of an existing premises licence within a cumulative impact zone: Harveys, 43 Belvoir Street, Leicester LE1 6SL be adjourned to Thursday 16th June 2016 at 9.30am.

7. CLOSE OF MEETING

There being no other business the meeting closed at 11.15am.



Leicester
City Council

WARDS AFFECTED
Castle

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Hearing under the Licensing Act 2003

16th June 2016

**Application for a variation of an existing premises licence within a
Cumulative Impact Zone
Harveys, 43 Belvoir Street, Leicester, LE1 6SL**

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

2. Determination to be made

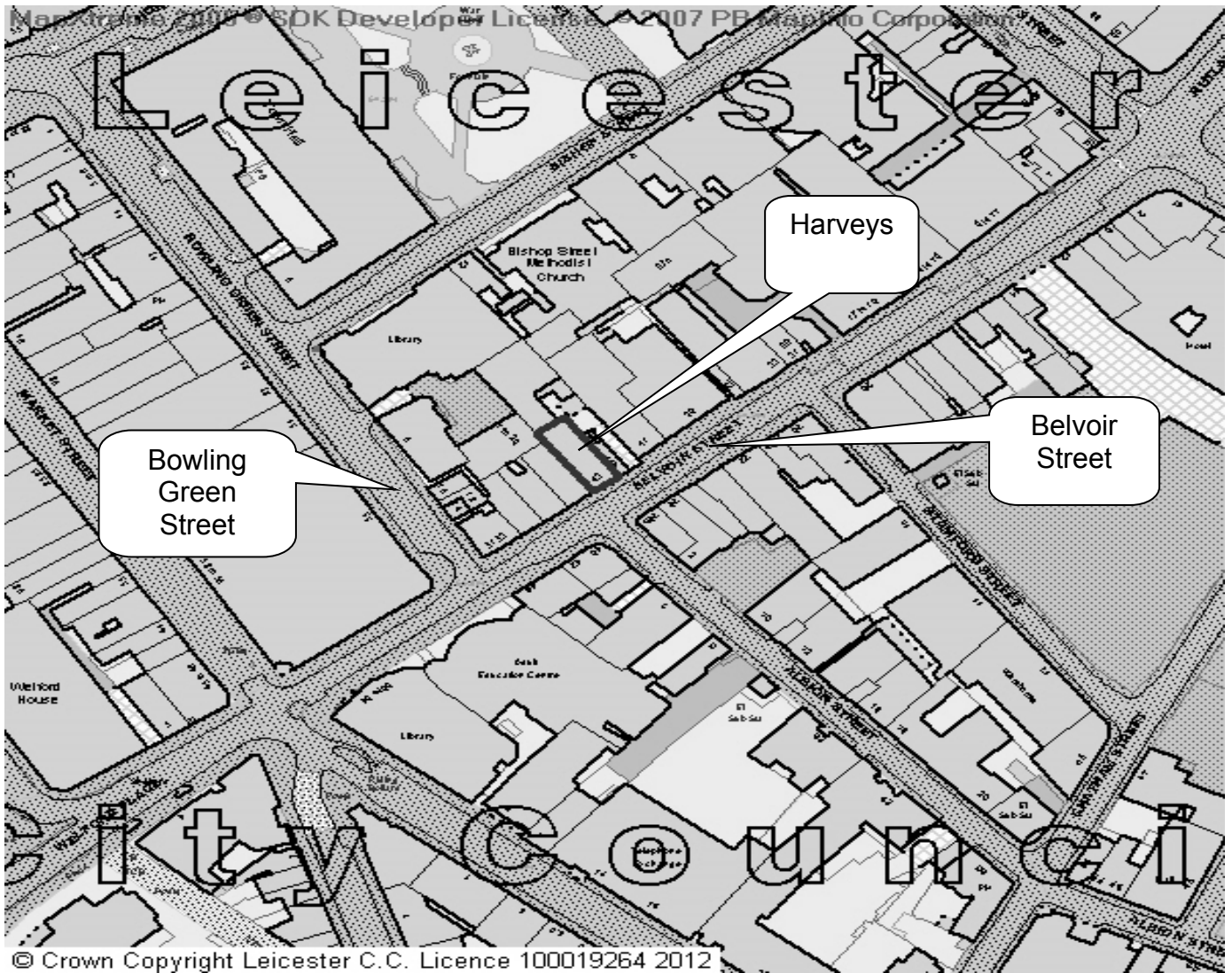
2.1. Having considered the application and representations, Members must consider whether to

- Grant the licence without modification
- Modify the conditions of the licence
- Reject the whole application

3. Summary

3.1 This report outlines an application for a variation to an existing premises licence for Harveys within the Belvoir Street area Cumulative Impact Zone and summarises the representations received. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

4. Location Plan



5. Existing Licence

5.1. The existing licence is attached at Appendix A.

6. Application

6.1 An application was received on 31st March 2016 from Mr Abdul Caratella for a variation to an existing premises licence for Harveys within the Belvoir Street area Cumulative Impact Zone. A copy of the application is attached at Appendix B.

6.2 The variation sought by the application is as follows:

Licensable activity	Current Hours	Proposed Hours
Live Music	Mon – Sun 10.00 – 01.30	Sun – Weds 10.00 – 02.00 Thurs – Sat 10.00 06.00
Recorded Music	Mon – Sun 10.00 – 01.30	Sun – Weds 10.00 – 02.00 Thurs – Sat 10.00 06.00
Performances of Dance	Mon – Sun 10.00 – 01.30	Sun – Weds 10.00 – 02.00 Thurs – Sat 10.00 06.00
Anything similar to live/recorded music or dance	Mon – Sun 10.00 – 01.30	Sun – Weds 10.00 – 02.00 Thurs – Sat 10.00 06.00
Late night refreshment	Mon – Sun 23.00 – 02.30	Sun – Weds 23.00 – 02.30 Thurs – Sat 23.00 05.00
Supply of Alcohol	Mon – Sun 10.00 – 02.00	Sun – Weds 10.00 – 02.00 Thurs – Sat 10.00 06.00
Opening hours	Mon – Sun 10.00 – 03.00	Sun – Weds 10.00 – 02.30 Thurs – Sat 10.00 06.30

- Licensable hours for all bank holidays, Christmas Eve, Boxing day and New Year's Eve to be 10.00 – 06.00 the following day
- Removal of the following condition from Annex 3 – No sale of alcohol for consumption off the premises
- Amend existing condition in Annex 3 to - All staff who will be serving alcohol will be trained to ensure that no person who is intoxicated will be served alcohol, such training to be dated, documented and made available to Leicestershire Police any responsible authority on request.

7. Steps to Promote the Licensing Objectives

- 7.1 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and promote the licensing objectives are set out in the operating schedule (see section M of Appendix B).
- 7.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

8. Regulated Entertainment

- 8.1 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.
- 8.2 The above exemptions do not affect the application under consideration because the additional hours requested are after 23.00 and before 08.00 hours.

9. Representation

- 9.1 Two representations have been received, one from Leicestershire Police and one from a Ward Councillor. The representations relate to the prevention of crime and disorder, the prevention of public nuisance and public safety. Leicestershire Police and the Ward Councillor are concerned that the increased hours and removal of an existing condition may increase further incidents in the area. Copies of the representations are attached at Appendix C1-2.

10. Conditions

- 10.1 The conditions that are consistent with the operating schedule are attached at Appendix D.

11 Cumulative Impact

- 11.1 In February 2005 Leicester City Council introduced a special policy on cumulative impact in the Belvoir Street area, which refers specifically to on and off licences. This creates a rebuttable presumption that an application for a new premises licence will be refused, unless the applicants can show that their premises are unlikely to add to the problems of saturation.

12. Statutory Guidance

- 12.1 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	General Principles
1.16	Each application on its own merits
2.1 – 2.5	Crime & disorder
2.6 – 2.13	Public Safety
2.14 – 2.20	Public nuisance
3.11 – 3.18	Late night refreshment
8.33 – 8.41	Steps to promote the licensing objectives
9.12	Representations from the Police
9.30 – 9.40	Hearings
9.41 – 9.43	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.27 – 10.68	Mandatory conditions in relation to the supply of alcohol
13.30 – 13.35	Effect of special policies
13.36 – 13.39	Limitations on special policies relating to cumulative impact
13.40 – 13.41	Other mechanisms for controlling cumulative impact
13.44 – 13.45	Licensing Hours
15.1 – 15.69	Regulated entertainment

13. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cumulative Impact
4	Policy on Cumulative Impact
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

14 Points for Clarification

14.1 The applicant and the party / parties 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 representations are valid, and if not why not?
2. In the light of the representations made, does the applicant wish 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?

15. Other Implications

OTHER IMPLICATIONS	YES /NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	

Crime and Disorder	Yes	9.1 – police representation is partly based on concerns about crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

16. Background Papers – Local Government Act 1972

There have been two variations since this licence was first granted. Both were to remove or amend conditions relating to restrictions on the sale or supply of alcohol.

17. Consultations

The Licensing Authority is not obliged to consult any parties with regard to applications made under the Licensing Act 2003. However, the applicant is required to consult with the responsible authorities as set out in the 2003 Act.

18. Report Author

Amy Day
Licensing Officer
0116 454 3054
Amy.day@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application
C	Representations
D	Conditions consistent with application

Licensing Act 2003
Premises Licence

LEIPRM1416



Leicester
City Council

Local Services & Enforcement
 Leicester City Council
 York House
 91 Granby Street
 Leicester
 LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Harveys

43 Belvoir Street, Leicester, LE1 6SL.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

Expires **no expiry**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	10:00am	1:30am
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	1:30am
G. Performance of dance (Indoors)	Monday to Sunday	10:00am	1:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	10:00am	1:30am
I. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	2:30am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	2:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	3:00am



Licensing Act 2003

Premises Licence

LEIPRM1416



Leicester
City Council

Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Abdul Caratella

20 Daneshill Road, Leicester, LE3 6AL.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jose Leandro Fernandes TEIXEIRA

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. LEIPRS0384

Issued by Leicester





Leicester
City Council

Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

ANNEXES**Annex 1 - Mandatory conditions**

No supply of alcohol may be made under the premises licence -

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supplied alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a) a holographic mark, or
- b) an ultraviolet feature.

The responsible person shall ensure that-

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 2 - Conditions consistent with the operating schedule

The licence holder will ensure that staff are trained to be vigilant and report anything unusual to a member of the management.



Licensing Act 2003
Premises Licence

LEIPRM1416



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ANNEXES continued ...

Annex 3 - Conditions attached after a hearing by the Licensing Authority

The licence holder will ensure that CCTV is installed following advice from the Leicestershire Constabulary and maintained in accordance with the Information Commissioners CCTV Code of Practice.

The licence holder will ensure a "Challenge 21" policy requiring the production of "proof of age" for any sale that takes place where there is any suspicion that the customer is under 21. Such proof may include a pass conforming to the PASS accreditation system, photo driving licence, student cards and passports.

The licence holder will ensure that there will be adequate security alarms.

On a Friday and Saturday night from 22.00 the Premises Licence Holder will provide door staff at a ratio of 1 member of door staff for the first 30 customers and a 2nd member of door staff for 31-100 customers and thereafter 1 for every 100 customers or part thereof. Such door staff shall carry out random searches and ID checks on customers when it is felt appropriate to do so and there will be 1 member of door staff on each floor that is trading.

Substantial refreshment will be available from when the premises open, for the provision of licensable activities, until 22.00.

All staff who will be serving alcohol will be trained to ensure that no person who is intoxicated will be served alcohol, such training to be dated, documented and made available to Leicestershire Police on request.

There shall be no sale of alcohol for consumption off the premises.

A member of staff will be available, upon reasonable request, to download CCTV images and provide those images to Leicestershire Police.

The identity of any event promoter and the type of event used by the Premises Licence Holder outside of the normal course of trading shall be notified to Leicestershire Police 21 days before the event.



Premises Licence Summary**LEIPRM1416**

Leicester
City Council

Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Harveys

43 Belvoir Street, Leicester, LE1 6SL.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	3:00am



Premises Licence Summary

LEIPRM1416



Leicester
City Council

Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Abdul Caratella

20 Daneshill Road, Leicester, LE3 6AL.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jose Leandro Fernandes TEIXEIRA

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restricted as per Licensing Act



081696
28/04/16Leicester
City Council**Application to vary a premises licence 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 that 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.

I/We ABDUL CARATELLA*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LEIPRM1416

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description HARVEYS 43 BELVOIR STREET
--

Post town	LEICESTER	Postcode	LE1 6SL
-----------	-----------	----------	---------

Telephone number at premises (if any)	[REDACTED]
---------------------------------------	------------

Non-domestic rateable value of premises	£20,750
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Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
-------------------------------------	------------

E-mail address (optional)	[REDACTED]
---------------------------	------------

Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Extension of hours for licensable activities as listed in application.
 The following activities extension are requested:
 Live Music, Recorded Music, Performance of Dance, anything of a similar description, Provision of Late night refreshment and Sale by retail of alcohol.

Regulated Entertainment (as stated): Sunday to Wednesday – 01:30 to 02:00 hours
 Thursday to Saturday – 01:30 to 06:00 hours

Late Night Refreshment: Thursday to Saturday – 02:30 to 05:00 hours

Sale by retail of Alcohol: Thursday to Saturday – 02:00 to 06:00 hours

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	10:00	02:00			
Tue	10:00	02:00			
			State any seasonal variations for the performance of live music (please read guidance note 5) To take into account British Summer Time changes		
Wed	10:00	02:00			
Thur	10:00	06:00			
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) All Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve – Licensable Hours to be 10:00 until 06:00 the following day		
Fri	10:00	06:00			
Sat	10:00	06:00			
Sun	10:00	02:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00			
Thur	10:00	06:00			
Fri	10:00	06:00			
Sat	10:00	06:00			
Sun	10:00	02:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	02:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	10:00	02:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) To take into account British Summer Time changes		
Wed	10:00	02:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) All Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve – Licensable Hours to be 10:00 until 06:00 the following day		
Thur	10:00	06:00			
Fri	10:00	06:00			
Sat	10:00	06:00			
Sun	10:00	02:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	02:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	02:00	<u>Please give further details here</u> (please read guidance note 4)		
Wed	10:00	02:00			
Thur	10:00	06:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) To take into account British Summer Time changes		
Fri	10:00	06:00			
Sat	10:00	06:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) All Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve – Licensable Hours to be 10:00 until 06:00 the following day		
Sun	10:00	02:00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23:00	02:30			
Tue	23:00	02:30			
Wed	23:00	02:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) To take into account British Summer Time changes		
Thur	23:00	05:00			
Fri	23:00	05:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) All Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve – Licensable Hours to be 10:00 until 06:00 the following day		
Sat	23:00	05:00			
Sun	23:00	02:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) To take into account British Summer Time changes		
Mon	10:00	02:00			
Tue	10:00	02:00			
Wed	10:00	02:00			
Thur	10:00	06:00			
Fri	10:00	06:00			
Sat	10:00	06:00			
Sun	10:00	02:00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) All Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve – Licensable Hours to be 10:00 until 06:00 the following day		

K

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 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) To take into account British Summer Time changes
Day	Start	Finish	
Mon	10:00	02:30	
Tue	10:00	02:30	
Wed	10:00	02:30	
Thur	10:00	06:30	
Fri	10:00	06:30	Non standard timings. Where you intend 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 6) All Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve – Opening Hours to be 10:00 until 06:30 the following day
Sat	10:00	06:30	
Sun	10:00	02:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The condition relating to 'no sale of alcohol for consumption off the premises' to be removed as currently licensed for off sales.

The wording 'Leicestershire Police' to be changed to 'any responsible authority'.

Please tick as appropriate

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

We are fully aware of the premises being situated within the special policy on cumulative impact within the area of Belvoir Street.

Along with the conditions from the current licence being carried over other than the amendments stated in the previous section, we have identified further measures that is believed to fully promote the licensing objectives and not add to the cumulative impact identified in the area.

b) The prevention of crime and disorder

All previous conditions to be carried over.

An incident log book will be maintained and made available to any responsible authorities on request. CCTV will be kept for a minimum of 28 days and made available to any responsible authorities on request.

c) Public safety

All previous conditions to be carried over.

We will be subject to the Leicester City Council's Standard Conditions for Places of Public Entertainment, published on the Licensing Authority website.

d) The prevention of public nuisance

All previous conditions to be carried over.

A noise limiter will be installed and set to the requirements agreed by the responsible authority department.

Door supervisors will assist patrons to disperse the premises area after closing.

A notice will be displayed to remind patrons to disperse the area quietly and to respect neighbours.

All doors and windows will remain closed except for access and egress after 01:30hrs on any day.

e) The protection of children from harm

All previous conditions to be carried over.

A Challenge 25 policy will be fully implemented requiring the production of 'proof of age' where there is suspicion that any customer is under 25.

No person under the age of 18 will be allowed on the premises during licensable activities without prior notification to the Licensing Authority and Leicestershire Police.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	28-3-2016
Capacity	OWNER

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



Leicestershire Police

Appendix
C1

Licensing Act 2003 – Representation in respect of New Premises Application

Details of person or body making representation	
Your Name:	PC Jonathan Webb
Your Address:	Force Licensing Department, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG

Details of premises representation is about	
Name of Premises:	Harveys Bar and Grill
Address of premises:	43 Belvoir Street Leicester LE1 6SL
Application No. (if known)	Abdul CARATELLA

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

Please summarise your concerns about this application:
<p>I write in my capacity as a licensing officer for the Leicestershire Police on the authority delegated to me by the Chief Constable.</p> <p>Leicester City Council has adopted a Special Policy in relation to applications for new licences and material variations in the Cumulative Impact Area. The effect of this policy is set out in the Council's current policy.</p> <p>Paragraph 4.13 of that policy states: <i>"The effect of the special policies will be to create a rebuttable presumption that applications for new premises licences or club premises certificates, or material variations, will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their operating schedules."</i></p>

The policy requires the applicant to satisfy the Licensing Authority that the grant of the new licence will not add to the existing cumulative impact of licensed premises within the area.

These premises, which cover 3 floors, are situated on Belvoir Street in Leicester City centre. The footfall on Belvoir Street increases substantially on a Friday and Saturday night due to the number of licensed premises on this fairly short street and immediate area. It also suffers from a greater amount of anti-social behaviour and criminal offences where alcohol is a contributory factor during the hours of 2200hrs and 0600hrs.

Leicestershire Police currently Police the night time economy in the City through Operation Anthem. This allows for identified officers to work primarily within the City focusing on the bars, pubs & clubs and those customers who visit the City to partake of this entertainment. This operation ceases at 0400hrs by which time many officers will have been tied up with incidents which further reduces the number of resources available to Police the City.

The applicant has requested a substantial increase in the supply of alcohol past the present licence hours of 0200hrs until 0600hrs.

If granted this will allow those who have already consumed sufficient alcohol in other premises that are licensed until 0400hrs to continue their consumption in these premises therefore increasing their intoxication and increasing the likelihood of offences and incidents.

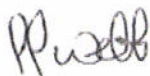
The applicant has further requested the removal of a condition which prevents the sale of alcohol for consumption 'off' the premises.

By removing this condition it would allow the premises to operate as an 'off licence' which would increase the probability of 'pre loading' and 'side loading' and discarded cans and bottles which may be used as weapons on the street.

Leicestershire Police are concerned that the increase in hours and the removal of this condition would allow this substantial premises to trade later, increase the footfall in the area during a time when police resources are reduced and will increase the probability of more crime influenced by alcohol to be committed.

It is in our opinion that granting this licence would be contrary to the intentions and objectives of the saturation policy that exists for this area and would add to the existing late night problems in the City centre by increasing the capacity of licensed premises within the cumulative impact zone and failing to promote the Licensing Objectives.

We therefore wish to engage the discretion of the licensing authority in considering the Councils own policy in relation to this application and to refuse this application.



PC1790 Jonathan Webb

19th April 2016

Amy Day

From: Licensing
Sent: 29 April 2016 09:00
To: Amy Day
Subject: FW: Objection - Variation Application - Harvey's Belvoir Street

From: [REDACTED]
Sent: 28 April 2016 22:37
To: Licensing
Subject: Objection - Variation Application - Harvey's Belvoir Street

Variation Application - Harvey's Bar - Belvoir Street

I wish to object as ward councillor to this application on the grounds that it presents a potential increase in public nuisance, and crime and disorder especially in the respect of the later closing hours proposed therein.

Thanks,

Patrick Kitterick

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE
The licence holder will ensure an incident log book will be maintained and made available to any responsible authority on request.
The licence holder will ensure CCTV will be kept for a minimum of 28 days and made available to any responsible authority on request.
The licence holder will ensure a noise limiter will be installed and set to the requirements agreed by the responsible authority department.
The licence holder will ensure door supervisors will assist patrons to disperse the premises area after closing.
The licence holder will ensure a notice will be displayed to remind patrons to disperse the area quietly and to respect neighbours.
The licence holder will ensure all doors and windows will remain closed except for access and egress after 01.30 hours on any day.
The licence holder will ensure a Challenge 25 policy will be fully implemented requiring the production of a proof of age where there is suspicion that any customer is under 25.
The licence holder will ensure no person under the age of 18 will be allowed on the premises during licensable activities without prior notification to the Licensing Authority and Leicestershire Police.
We will be subject to the Leicester City Council's Standard Conditions for Places of Public Entertainment, published on the Licensing Authority website.

