



Leicester  
City Council

**WARDS AFFECTED**  
**Castle**

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

**29 March 2019**

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**Application for a review of an existing premises licence**  
**AU, 35 St Nicholas Place, Leicester, LE1 4LD**

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**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 representation, Members must consider whether to
- Reject the review application
  - Modify the conditions of the licence
  - Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence
- 2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

**3. Summary**

3.1 This report outlines an application for a review of an existing premises licence for AU and summarises the representation 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.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Play	Monday – Sunday 08.00 – 05.00
Films	Monday – Sunday 08.00 – 05.00
Indoor Sporting Events	Monday – Sunday 08.00 – 05.00
Boxing or Wrestling	Monday – Sunday 08.00 – 05.00
Live Music	Monday – Sunday 08.00 – 05.00
Recorded Music	Monday – Sunday 08.00 – 05.00
Performances of Dance	Monday – Sunday 08.00 – 05.00
Late night refreshment	Monday – Sunday 23.00 – 05.00
Supply of Alcohol	Monday – Sunday 08.00 – 05.00
Opening hours	Monday – Sunday 08.00 – 05.00

## **6. Review application**

- 6.1 An application was received on 1<sup>st</sup> February 2019 from Leicestershire Police for a review of the existing premises licence for AU. The application was made on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the application is attached at Appendix B.
- 6.2 Leicestershire Police are concerned that there have been a number of incidents of crime and disorder at the premises. They have identified incidents of bad management practices, failures and delays in assisting the police with criminal investigations, and failures to report criminal activity and incidents of disorder being committed both by door staff employed at the premises and suspected members of staff/management. These incidents are also combined with excessive force being used.

## **7. Representations**

- 7.1 There have been no representations received in relation to this application.

## **8 Steps to Promote the Licensing Objectives**

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

## **9. Statutory Guidance**

- 9.1 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 relevant parts of the guidance in this case are as follows:

<b>Section</b>	<b>Heading</b>
1.2 – 1.5	The licensing objectives
1.15	General principles
1.16	Each application on its own merits
2.1 – 2.6	Crime and disorder
2.7 – 2.14	Public safety
2.15 – 2.21	Public nuisance
3.12 – 3.20	Late night refreshment
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
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.29	Reviews
14.51 – 14.52	Licensing hours

## 10. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

## 11. Points for Clarification

- 11.1 The licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

*By the premises licence holder*

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

*By the applicant for review*

1. Whether they have any additional information to support the review application 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?

## 12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Parag. 6 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

**13. Background Papers – Local Government Act 1972**

None.

**14. Consultations**

14.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

**15. Report Author**

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<b>APPENDIX</b>	<b>CONTENT</b>
A	Existing licence
B	Application for review