

Leicester
City Council

WARDS AFFECTED
Castle

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

10 September 2019

Application for a variation of an existing premises licence
Hogarths, 5-9 Hotel Street, Leicester, LE1 5AT

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.

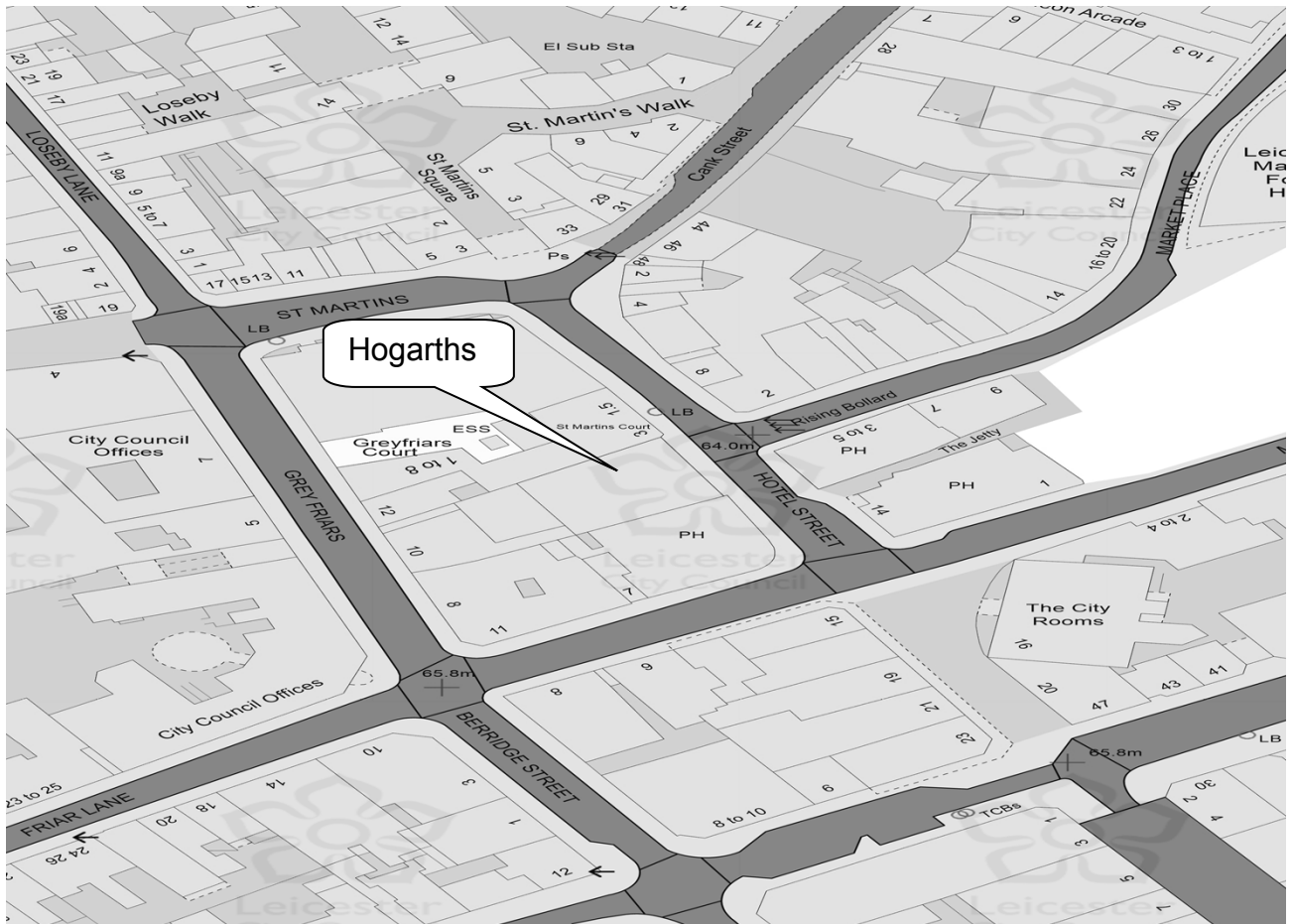
2. Determination to be made

- 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 Hogarths 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 19th July 2019 from Amber Taverns Ltd for a variation to an existing premises licence for Hogarths. 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
Films	Sun – Weds 10.00 – 01.00 Thurs – Sat 10.00 – 02.30	Sun – Weds 09.00 – 01.00 Thurs – Sat 09.00 – 02.30
Live Music	Sun – Weds 10.00 – 01.00 Thurs – Sat 10.00 – 02.30	Sun – Weds 09.00 – 01.00 Thurs – Sat 09.00 – 02.30
Recorded Music	Sun – Weds 10.00 – 01.00 Thurs – Sat 10.00 – 02.30	Sun – Weds 09.00 – 01.00 Thurs – Sat 09.00 – 02.30
Performances of Dance	N/a	Sun – Weds 09.00 – 01.00 Thurs – Sat 09.00 – 02.30

Anything similar to live/recorded music or dance	Sun – Weds 10.00 – 01.00 Thurs – Sat 10.00 – 02.30	Sun – Weds 09.00 – 01.00 Thurs – Sat 09.00 – 02.30
Late night refreshment	Sun – Weds 23.00 – 01.00 Thurs – Sat 23.00 – 02.30	
Supply of Alcohol	Sun – Weds 10.00 – 01.00 Thurs – Sat 10.00 – 02.30	Sun – Weds 09.00 – 01.00 Thurs – Sat 09.00 – 02.30
Opening hours	Sun – Weds 10.00 – 01.00 Thurs – Sat 10.00 – 02.30	Sun – Weds 09.00 – 01.30 Thurs – Sat 09.00 – 03.00

7. Steps to Promote the Licensing Objectives

- 7.1 The steps the applicant proposes to take to 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 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.

9. Representation

- 9.1 Two representations were received on 26th July 2019 from a Ward Councillor and local resident. The representations relate to the prevention of crime and disorder and prevention of public nuisance. They are concerned that the extension to the end of the opening hours will cause nuisance to local residents and potentially increase crime and disorder in the area. Copies of the representations are attached at Appendix C.

10. Conditions

- 10.1 There are no conditions that are consistent with the operating schedule.

11. Statutory Guidance

- 11.1. 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
3.12 – 3.20	Late night refreshment
8.41 – 8.49	Steps to promote the licensing objectives
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
16.1 – 16.69	Regulated entertainment

12. Statement of Licensing Policy

- 12.1. 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
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

13. Points for Clarification

- 13.1 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?

14. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Paragraph 9.1
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

15. Background Papers – Local Government Act 1972

None.

16. 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.

17. Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application
C	Representations