

Leicester
City Council

WARDS AFFECTED
Abbey

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

12th May 2020

Application for a new premises licence
Xtra Humongous Ltd, Land between St John Street and Burleys Way,
Leicester

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.

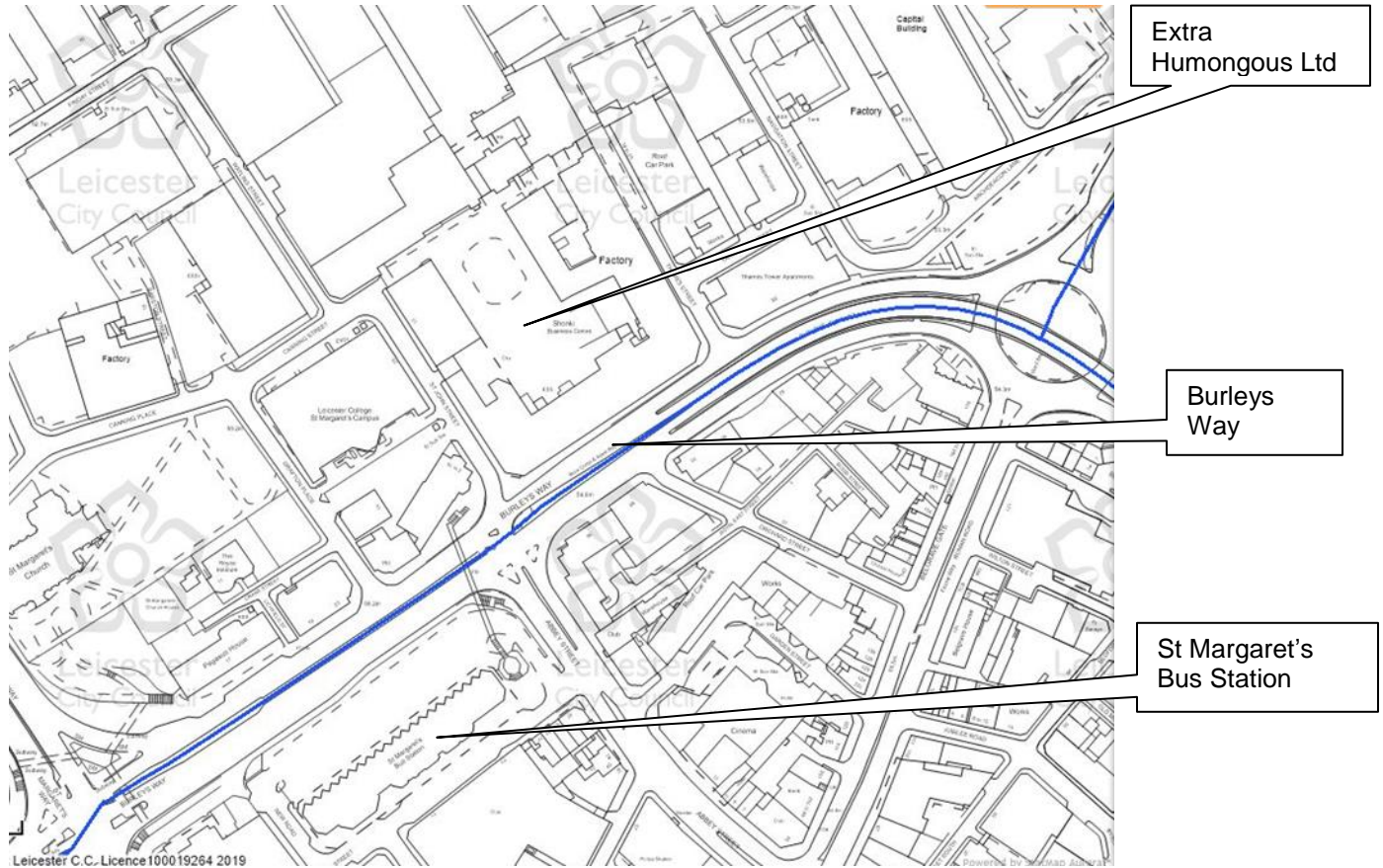
2. Determination to be made

- 2.1. Having considered the application and representation(s), Members must consider whether to
- Grant the licence without modification
 - Grant the licence subject to conditions
 - Exclude from the licence any of the licensable activities
 - Refuse to accept the proposed premises supervisor
 - Reject the application

3. Summary

- 3.1 This report outlines an application for a new premises licence for Xtra Humongous Ltd, for land between St John Street and Burleys Way, Leicester 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. Application

5.1. An application was received on 3rd February 2020 from Rob Edge at Licence Leader Ltd acting on behalf of Xtra Humongous Ltd for a new premises licence for a plot of land between St John Street and Burleys Way, Leicester. A copy of the application is attached at Appendix A.

5.2 The new application is as follows:

Licensable activity	Proposed Hours
Plays	Monday to Sunday 10:00-00:00
Films	Monday to Sunday 10:00-00:00
Live Music	Monday to Sunday 10:00-00:00
Recorded Music	Monday to Sunday 10:00-00:00
Performances of Dance	Monday to Sunday 10:00-00:00
Anything similar to live/recorded music or dance	Monday to Sunday 10:00-00:00
Late night refreshment	Monday to Sunday 23:00-00:00
Supply of Alcohol	Monday to Sunday 10:00-00:00
Opening hours	Monday to Sunday 09:30-00:30

6. Steps to Promote the Licensing Objectives

- 6.1 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M of Appendix A).
- 6.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

7. Regulated entertainment

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.

- 7.1 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.

8. Representation

- 8.1 A representation was received on 28th February 2020 from the Public Safety Team at Leicester City Council. The representation relates to public safety. The Public Safety Team are concerned that the location is badly maintained and offers a number of potential dangers to the public such as uneven ground, broken and shattered windows and a large hole which could result in a potential fall from height. They have also expressed concerns regarding crowd safety and access to and from the area for emergency vehicles. A copy of the representation is attached at Appendix B.
- 8.2 A representation was received on the 1st March 2020 from the Licensing Enforcement Manager at Leicester City Council. The representation relates to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. The Licensing Enforcement Manager is not satisfied that the activities applied for would not have a negative impact on the licensing objectives and that the type of events to take place are not fully clear or defined in order to make a reasonable judgement. They have also expressed safety concerns over the current state of the land. A copy of the representation is attached at Appendix B.1.
- 8.3 A representation was received on the 2nd March 2020 from the Noise and Pollution Control Team at Leicester City Council. The representation relates to the prevention of public nuisance. The Noise Team have expressed concerns that the applicant intends to frequently hold outdoor events, including large scale music events and that there would be an inherent difficulty in noise control and management and that this would have a negative effect on existing and proposed nearby residential properties. A copy of the representation is attached at Appendix B.2.
- 8.4 A representation was received on the 2nd March 2020 from the Deputy Licensing Manager at Leicestershire Police. The representation relates to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. The

Police have expressed concerns that the application does not promote the licensing objectives. Concerns have been raised about the location of the site and safe access to and from the venue, lack of CCTV in the area and the impact of events on nearby residential accommodation. The Police have also raised concerns regarding child safety due to a lack of detail surrounding what type of events will be taking place. A copy of the representation is attached at Appendix B.3.

9. Conditions

- 9.1 The conditions that are consistent with the operating schedule are attached at Appendix C. All objectors have recommended refusal however if granted the Licensing Enforcement Team have requested a number of conditions be imposed in addition to all of those detailed within the application.

10. Statutory Guidance

- 10.1 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
2.7 – 2.14	Public Safety
2.15 – 2.21	Public nuisance
2.22 – 2.31	Protection of children from harm
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
9.13 – 9.19	Licensing Authorities acting as 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
16.1 – 16.69	Regulated entertainment

11 Statement of Licensing Policy

- 11.1 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
10	Protection of Children from Harm
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

12 Points for Clarification

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

By the applicant

- Whether the applicant considers that the concerns outlined in the representations are valid, and if not why not?
- 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

- Whether they have any additional information to support the representation they have made?
- Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives?

13 Other Implications

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

14 Background Papers – Local Government Act 1972

14.1 None

15 Consultations

15.1 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.

16 Report Author

Jamie Stubbs
Licensing Officer
0116 4543122
Jamie.stubbs@leicester.gov.uk

APPENDIX	CONTENT
A	Application
B	Representation(s)
C	Conditions consistent with application and representation