

Leicester  
City Council

**WARDS AFFECTED**  
**Castle**

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

**28<sup>th</sup> May 2020**

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**Application for a variation of an existing premises licence**  
**La Lory, 8 Humberstone Road, Leicester**

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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.

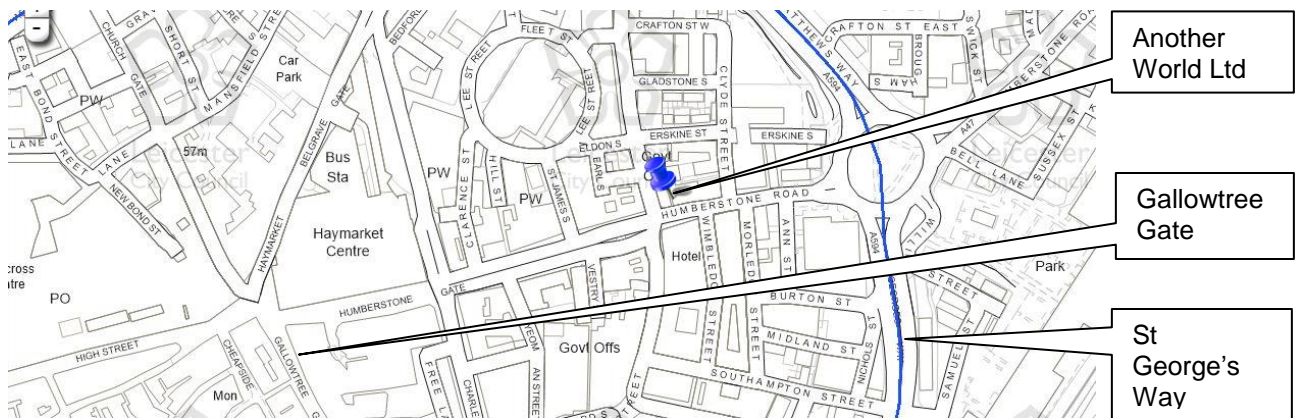
**2. Determination to be made**

- 2.1. Having considered the application and representation(s), 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 La Lory, 8 Humberstone Road, 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. Existing Licence

5.1. The existing licence is attached at Appendix A.

#### 6. Application

6.1. An application was received on 11<sup>th</sup> March 2020 from Chris Nixon at Knight Training acting on behalf of Another World Ltd for a variation to an existing premises licence for La Lory, 8 Humberstone Road, Leicester. A copy of the application is attached at Appendix B.

The variation sought by the application is as follows:

Licensable activity	Current Hours	Proposed Hours
Indoor Sporting Events	Sunday to Thursday 05:00-00:20 Friday to Saturday 05:00-02:20	No Changes
Live Music (Indoors)	Sunday to Thursday 11:00-00:00 Friday to Saturday 11:00-02:00	No Changes
Recorded Music (Indoors)	Sunday to Thursday 09:00-00:00 Friday to Saturday 09:00-02:00	No Changes
Performances of Dance (Indoors)	Sunday to Thursday 11:00-00:20 Friday to Saturday 11:00-02:20	No Changes
Entertainment similar to making music or dancing (Indoors)	Sunday to Thursday 11:00-00:20 Sunday to Thursday	No Changes
Late night refreshment (On and Off Sales)	Sunday to Thursday 23:00-00:20 Friday to Saturday 23:00-02:00	Monday to Sunday 23:00 -05:00

Supply of Alcohol (On and Off Sales)	Sunday to Thursday 11:00-00:20 Friday to Saturday 11:00-02:00	Monday to Sunday 07:00-04:30
Opening hours	Sunday to Thursday 05:00-12:20 Friday-Saturday 05:00-2:20	Monday to Sunday Unrestricted

- To remove the condition the licence holder will fit and maintain a CCTV system in accordance with the direction of Leicestershire Constabulary Crime Prevention Officer.
- To remove the condition the licence holder will adopt a challenge 21 system.
- To remove the condition for a noise limiting device to be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises. The level set on the limited shall be agreed by Leicester City Council Noise Team.

## **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 A representation was received on the 2<sup>nd</sup> April 2020 from the Licensing Manager at Leicestershire Police. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The Police have expressed concerns about the close proximity of the premises to the city centre and the potential disturbance to neighbouring residential premises. They have also expressed concerns regarding how the applicant plans to operate and links to a neighbouring premises, which is also owned by the licence holder. A copy of the representation is attached at Appendix C.
- 9.2 A representation was received on the 3<sup>rd</sup> April 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 by extending the premises over an additional floor, therefore increasing the capacity of the premises and the increase in

trading hours then this would cause an increase in noise disturbances, which would have a negative effect on existing residential properties. They have also raised concerns regarding the request to remove the condition on the licence to remove the noise limiter which was requested by the noise team when the licence was originally. The noise team requests that this not only remains but it extended to include the first floor. A copy of the representation is attached at Appendix C.1.

## 10. Conditions

- 10.1 The conditions that are consistent with the operating schedule are attached at Appendix D. All objectors have recommended refusal however if granted the Police have requested a number of conditions be imposed in addition to all of those detailed within the application. The Noise Team have also requested that if granted the noise limiter in place remains and is extended to include the 1<sup>st</sup> floor now covered by the licence.

## 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
2.7 – 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

## 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
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

### 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		Possibly – depends on circumstances
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

**15 Background Papers – Local Government Act 1972**

15.1 None

**16 Consultations**

16.1 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.

**17 Report Author**

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<b>APPENDIX</b>	<b>CONTENT</b>
A	Existing licence
B	Application
C	Representation(s)
D	Conditions consistent with application