

Leicester
City Council

WARDS AFFECTED
Castle

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

30th October 2020

Application for a variation of an existing premises licence
Dover Castle, 34 Dover Street, Leicester, LE1 6PT

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.

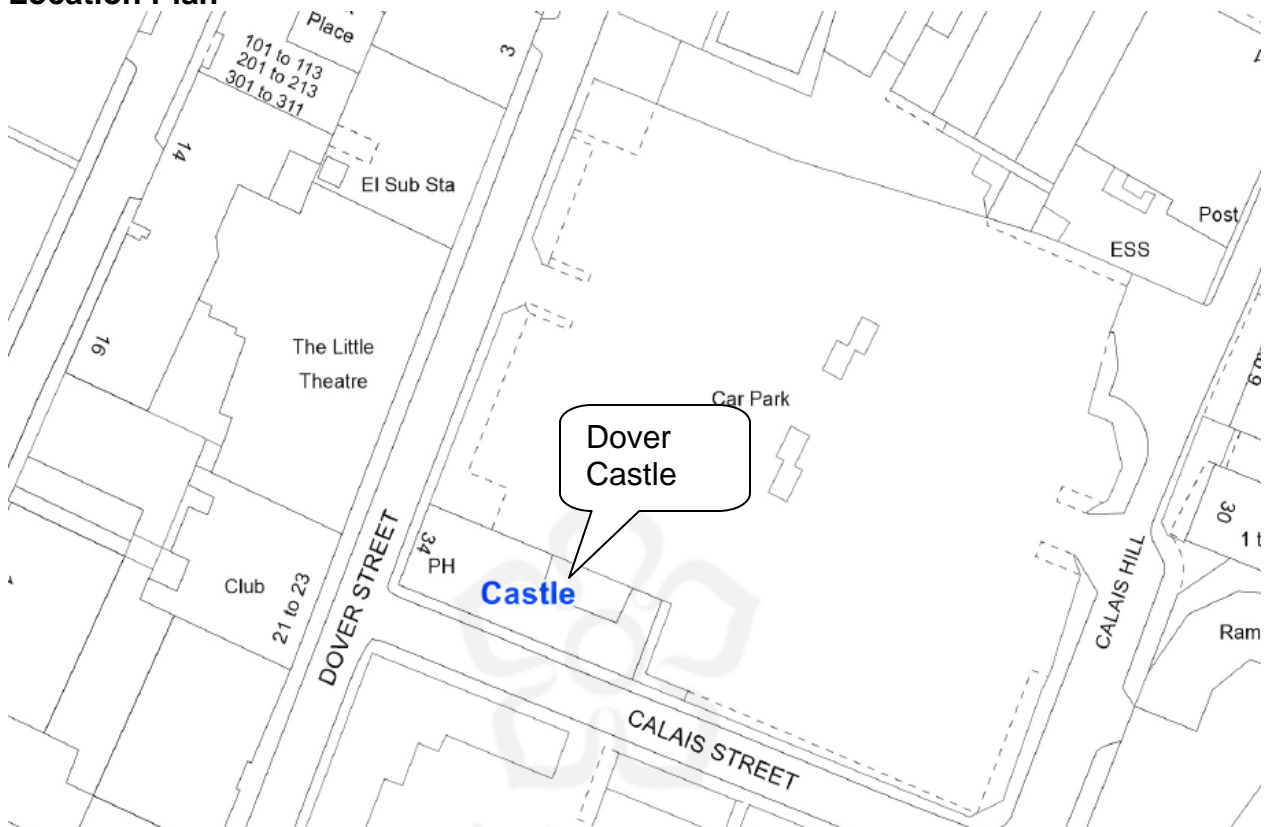
2. Determination to be made

- 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 the Dover Castle 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 8th September 2020 from Admiral Taverns Piccadilly Limited for a variation to an existing premises licence for the Dover Castle. 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 | Mon-Thurs 10:00-00:30 Fri-Sat 10:00-04:00 Sunday 12:00-00:30 | Sun-Thurs 10:00-02:00 Fri-Sat 10:00-04:00 |
| Live Music | Mon-Thurs 10:00-00:30 Fri-Sat 10:00-04:00 Sunday 12:00-00:30 | Sun-Thurs 10:00-02:00 Fri-Sat 10:00-04:00 |
| Recorded Music | Mon-Thurs 10:00-00:30 Fri-Sat 10:00-04:00 Sunday 12:00-00:30 | Sun-Thurs 10:00-02:00 Fri-Sat 10:00-04:00 |
| Performances of Dance | Mon-Thurs 10:00-00:30 Fri-Sat 10:00-04:00 Sunday 12:00-00:30 | Sun-Thurs 10:00-02:00 Fri-Sat 10:00-04:00 |
| Late night refreshment | Mon-Thurs 10:00-00:30 | Sun-Thurs 10:00-02:00 |

| | | |
|-------------------|--|--|
| | Fri-Sat 10:00-04:00 Sunday 12:00-00:30 | Fri-Sat 10:00-04:00 |
| Supply of Alcohol | Mon-Thurs 10:00-00:30 Fri-Sat 10:00-04:00 Sunday 12:00-00:30 | Sun-Thurs 10:00-02:00 Fri-Sat 10:00-04:00 |
| Opening hours | Mon-Thurs 10:00-01:00 Fri-Sat 10:00-04:30 Sunday 12:00-01:00 | Sun-Thurs 10:00-02:30 Fri-Sat 10:00-04:30 |

- New Years Eve from the end of permitted hours on New Years Eve until 04:30 on New Years Day.
- An additional hour to the standard and non-standard times on the day British Summertime commences
- Christmas Eve, Christmas Day, Boxing Day and Bank Holiday Sundays and Mondays from the end of permitted hours until 4:30am the following day
- Removal of all existing conditions in Annex 2 of the premises licence and replacing them with new conditions

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 21st September 2020 from a ward councillor. The representation relates to the prevention of public nuisance. Cllr Kitterick is concerned that the variation would change the nature of the venue to more of a nightclub and that the later terminal hours proposed would cause disruption to nearby residences. A copy of the representation is attached at Appendix C1.
- 9.2 Representations were received from eight local residents within the representation period. The representations relate to the prevention of public nuisance and crime and disorder. The residents are concerned that customers leaving late at night will cause unacceptable

noise and disruption and increase anti-social behaviour in the vicinity of the premises. A copy of the representation is attached at Appendix C2-C9.

10. Conditions

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

10. 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 |
| 2.15 – 2.21 | Public nuisance |
| 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 |
| 10.13 - 10.15 | Hours of trading |
| 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 |
| 9 | Prevention of Public Nuisance |
| 13 | Standardised conditions |

13. Points for Clarification

13.1 The applicant and the 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 parties making the representations

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 | No | |
| Human Rights Act | No | |
| Elderly/People on Low Income | No | |
| Corporate Parenting | No | |
| Health Inequalities Impact | No | |

15. Background Papers – Local Government Act 1972

- a. None

16. Consultations

- a. As this application was received electronically, the Licensing Authority was required to consult with the relevant responsible authorities as set out in the Licensing Act 2003.

17. Report Author

Vicky Marshall
 Licensing Officer
 0116 454 3048
 Victoria.marshall@leicester.gov.uk

| APPENDIX | CONTENT |
|-----------------|------------------|
| A | Existing licence |
| B | Application |

| | |
|---|---|
| C | Representation |
| D | Conditions consistent with application |
| E | Additional Information submitted by Applicant and circulated to all parties |
| F | Email to Cllr Kitterick from Flint Bishop |
| G | Correspondence to persons making objections and responses received |