

Leicester
City Council

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Castle

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

27th April 2021

Application for a new premises licence within a Cumulative Impact Zone
African Village Pub, 29 Churchgate, Leicester, LE1 3AL

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.

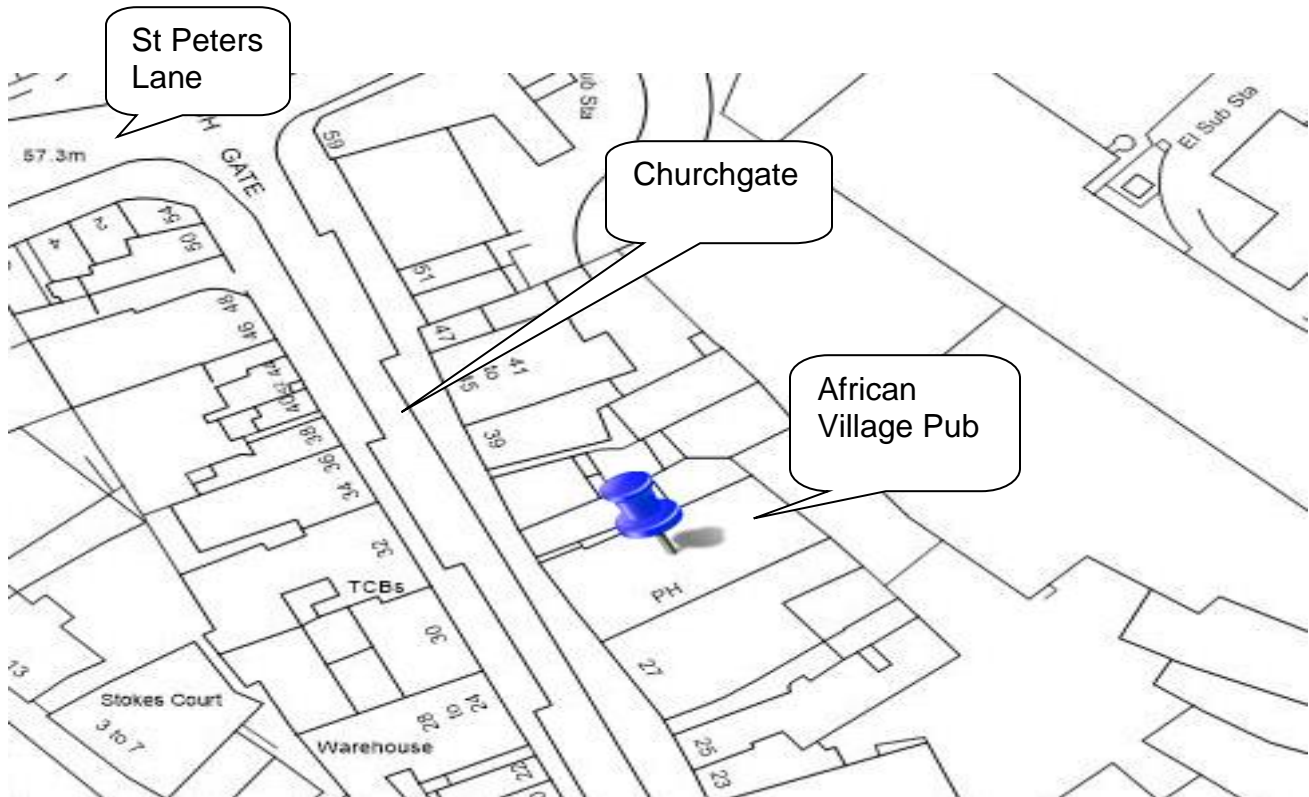
2. Determination to be made

- 2.1. Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
 - 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 African Village Pub within the Churchgate area Cumulative Impact Zone 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 10th March 2021 from African Village Pub Limited for a new premises licence for 29 Churchgate within the Churchgate area Cumulative Impact Zone. A copy of the application is attached at Appendix B.

5.2 The application is as follows:

Licensable activity	Proposed Hours
Play	Monday-Sunday 11:00-03:00
Live Music	Monday-Sunday 11:00-03:00
Recorded Music	Monday-Sunday 11:00-03:00
Performances of Dance	Monday-Sunday 11:00-03:00
Anything similar to live/recorded music or dance	Monday-Sunday 11:00-03:00
Late night refreshment	Monday-Sunday 11:00-03:00
Supply of Alcohol (consumption on and off the premises)	Monday-Sunday 11:00-03:00
Opening hours	Monday-Sunday 11:00-03:00

6. Steps to Promote the Licensing Objectives

6.1 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and promote the licensing objectives are set out in the operating schedule (see section 18 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

7.1 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.

7.2 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.

8. Representations

8.1 A relevant representation was received on 12th March 2021 from Leicestershire Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. Leicestershire Police are concerned that the premises may increase crime, disorder and anti-social behaviour and the applicant seems inexperienced and lacking in knowledge. A copy of the representation is attached at Appendix B1.

8.2 A relevant representation was received on 16th March 2021 from the Noise Team. The representation relates to the prevention of public nuisance. The Noise Team are concerned that there will be increased noise levels and potential for disruption for neighbouring properties if the licence is granted as applied for. A copy of the representation is attached at Appendix B2.

8.3 A relevant representation was received on 6th April 2021 from Licensing Enforcement. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. They are concerned that the applicant lacks knowledge about running a licensed premises and the conditions volunteered may not be enough to support the promotion of the licensing objectives. A copy of the representation is attached at Appendix B3.

9. Conditions

9.1 The conditions that are consistent with the operating schedule and the representations are attached at Appendix C.

10. Cumulative Impact

10.1 In February 2005 Leicester City Council introduced a special policy on cumulative impact in the Churchgate area, which refers specifically to on and off licences. The licensing authority must have regard to the special policy. However, this does not change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

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
14.20 – 14.23	What is cumulative impact?
14.39 – 14.43	Effect of special policies
14.44 – 14.46	Limitations on special policies relating to cumulative impact
14.47 – 14.48	Other mechanisms for controlling cumulative impact
14.51 – 14.52	Licensing Hours
16.1 – 16.69	Regulated entertainment

13. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cumulative Impact
4	Policy on Cumulative Impact
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety

9	Prevention of Public Nuisance
10	Protection of Children from Harm
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

14 Points for Clarification

14.1 The applicant and the parties making the representations 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?

15. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder	Yes	Representations relate to crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

16. Background Papers – Local Government Act 1972

- a. None.

17. Consultations

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.

18. Report Author

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APPENDIX	CONTENT
A	Application
B1-3	Representations
C	Conditions consistent with application and representations / agreements