

Leicester
City Council

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

23rd July 2021

Application for a new premises licence
The Augustine Theatre, 35-49 Pool Road, Leicester, LE3 9GH

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.

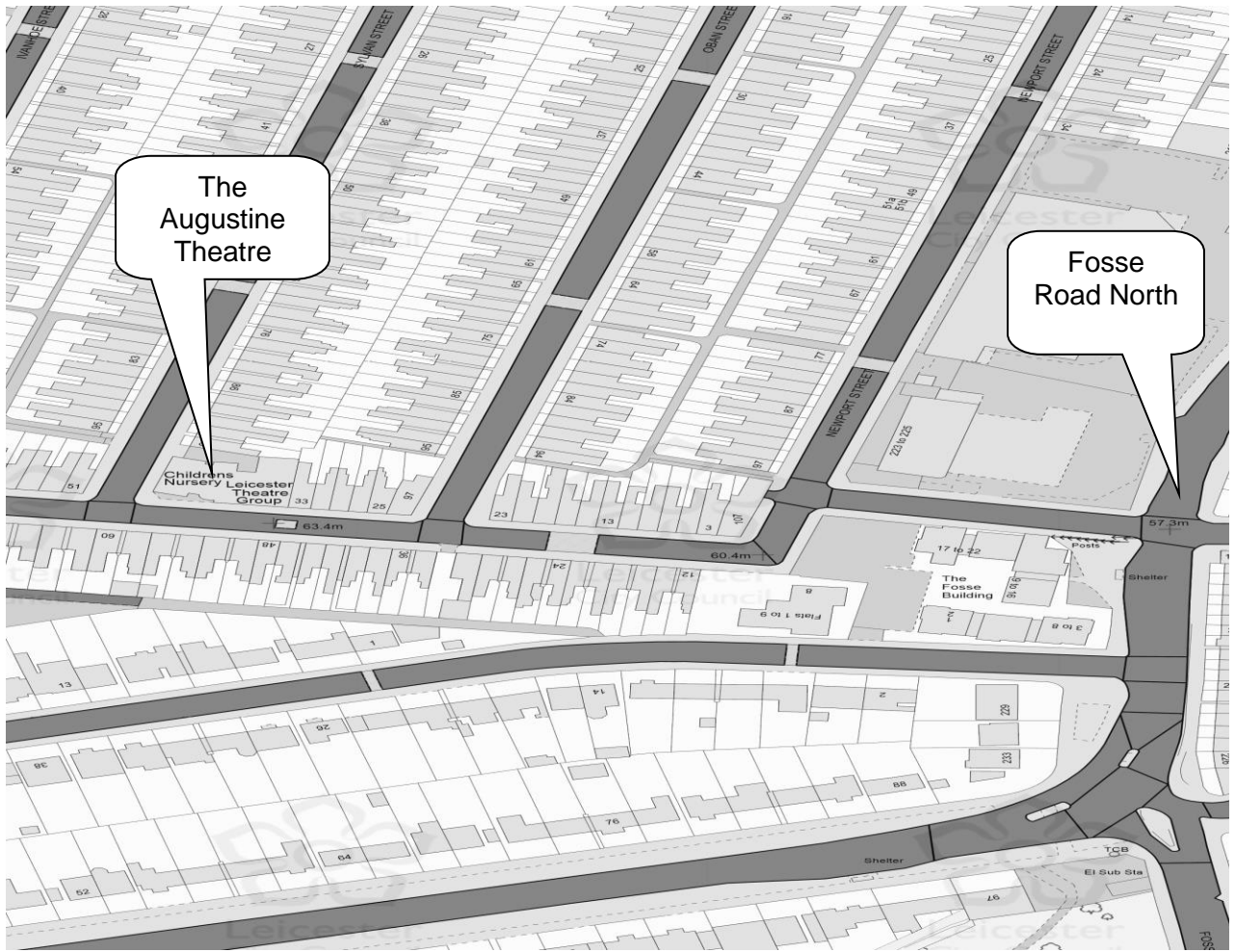
2. Determination to be made

- 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 The Augustine Theatre 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 2nd June 2021 from The Augustine Theatre Ltd for a new premises licence for 35-49 Pool Road, Leicester. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

| Licensable activity | Proposed Hours |
|---------------------|--------------------------------|
| Plays | Monday to Sunday 19.00 – 23.00 |
| Live Music | Monday to Sunday 19.00 – 22.30 |
| Supply of Alcohol | Monday to Sunday 19.00 – 22.00 |
| Opening hours | Monday to Sunday 19.00 – 23.00 |

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 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. Representation

8.1 A representation was received on 28th June 2021 from a local resident. The representation relates to the prevention of public nuisance. The resident is concerned that this is a highly populated residential area and granting this application will increase issues with parking and noise in the area. The representation was accompanied by a petition with 20 signatures. A copy of the representation is attached at Appendix B.

9. Conditions

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

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 |
| 2.15 – 2.21 | Public nuisance |
| 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 |

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 |
| 9 | Prevention of Public Nuisance |
| 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

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?

13. 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 | |

14. Background Papers – Local Government Act 1972

14.1 None.

15. Consultations

15.1 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.

16. Report Author

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| APPENDIX | CONTENT |
|-----------------|----------------------------------------|
| A | Application |
| B | Representation |
| C | Conditions consistent with application |