

Leicester
City Council

**WARDS AFFECTED
CASTLE**

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

24 August 2021

**Application for a new premises licence within a Cumulative Impact Zone
Aura, 33-37 Belvoir Street, Leicester, LE1 6SL**

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

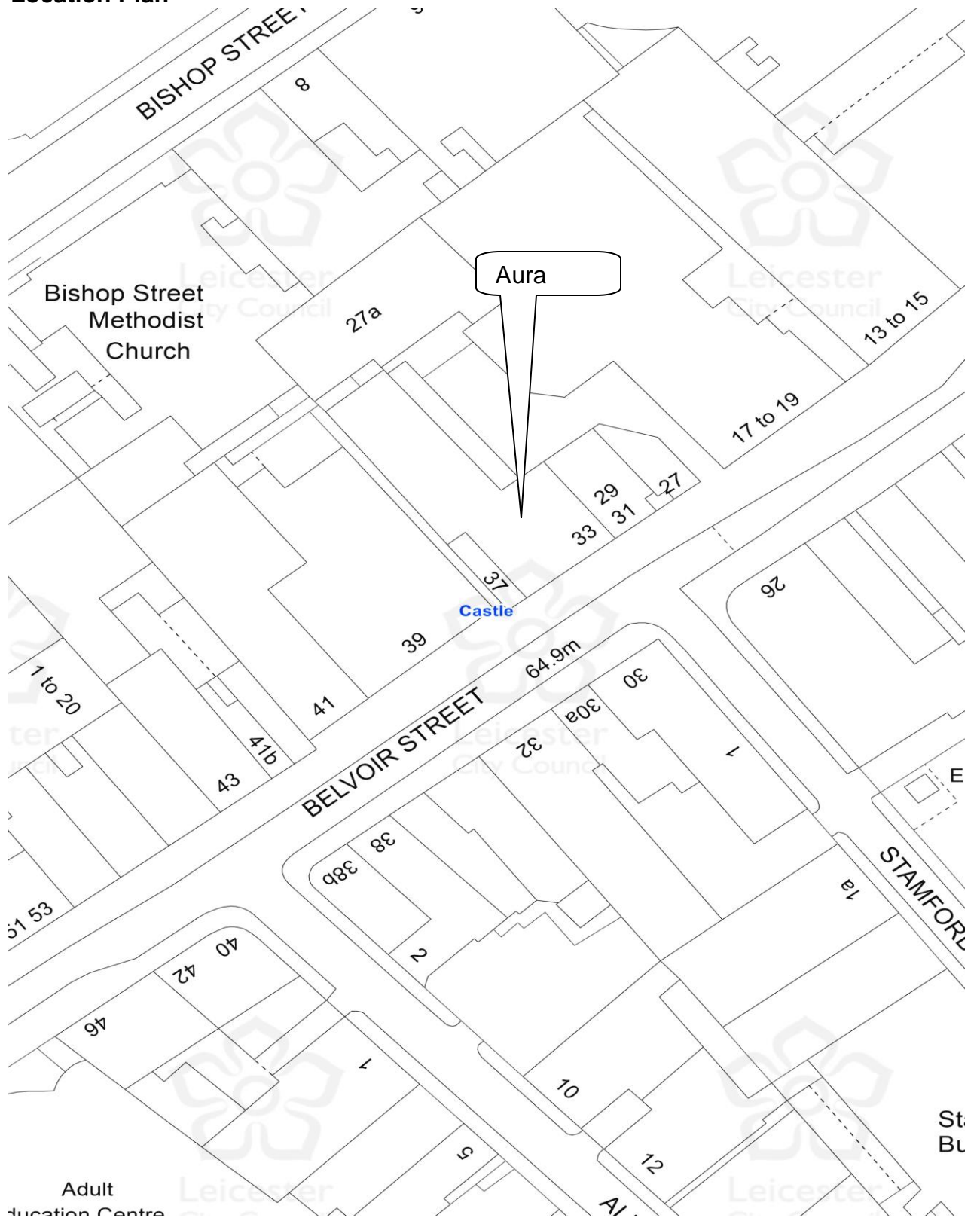
- 2.1. Having considered the application and representations, Members must consider whether to Grant the licence without modification
- Grant the licence subject to conditions
 - Exclude from the licence any of the licensable activities
 - Refuse to accept the proposed premises supervisor
 - Reject the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

3. Summary

- 3.1 This report outlines an application for a new premises licence for Aura, 33-37 Belvoir Street within the Belvoir Street 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.

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4. Location Plan



5. Application

5.1 An application was received on 8 June 2021 from Olympus Developments Ltd for a new premises licence for Aura within the Belvoir Street area Cumulative Impact Zone. The applicant did originally apply for on and off sales for alcohol, however they amended their application to remove the off sales. A copy of the application is attached at Appendix A.

6.1 The application is as follows:

Licensable activity	Proposed Hours
Films Live Music Recorded Music Performance of Dance Entertainment similar to Live/Recorded Music or Dance Supply of Alcohol- On sales only Opening hours	Monday to Sunday 11.00 – 04.00
Late night refreshment	Monday to Sunday 23.00 – 04.00

- On the commencement of British Summertime and on that day only, licensable activities (open hours) will be extended by 1 hour.
- Licensable activities will be extended from the end of the permitted hours on New Years Eve, to the start of permitted hours on New Years Day.

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. Representation

- 8.1 A relevant representation was received on 17 June 2021 from the Noise Team, Leicester City Council. The representation relates to the prevention of public nuisance. The Noise Team are concerned that that this premises is unsuitable for use as a bar, due to flats being located directly above and that flats nearby will also experience a noise nuisance. A copy of the representation is attached at Appendix B1.
- 8.2 A relevant representation was received on 17 June 2021 from a local Councillor for Leicester City Council. The representation relates to the prevention of crime and disorder / and the prevention of public nuisance. The local Councillor is concerned that the terminal hour of 4am will cause issues to local residents. A copy of the representation is attached at Appendix B2.
- 8.3 A relevant representation was received on 6 July 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 proposed operating hours are likely to result in an increased risk of crime, disorder and anti-social behaviour regardless of the best intentions of the applicant. But even with reduced operating hours, other additional measures which are not included in the application would also be required in order to mitigate the risk. They also have concerns regarding the lack of outdoor space for the premises.

Leicestershire Police have now reached agreement with the applicant. A copy of the representation/agreement/conditions are attached at Appendix B3.

9. Conditions

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

10. Cumulative Impact

- 10.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Belvoir Street 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
9.31 – 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

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
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
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 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?

14. 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		Paragraph 8 relates to crime and disorder
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.

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APPENDIX	CONTENT
A	Application
B	Representations
C	Conditions consistent with application and representation/agreement from Leicestershire Police
D	Extra information from applicant