

Leicester
City Council

WARDS AFFECTED
Westcotes

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

24 August 2021

**Application for a review of an existing premises licence
Natterjacks, 52a Braunstone Gate, Leicester, LE3 5LG**

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

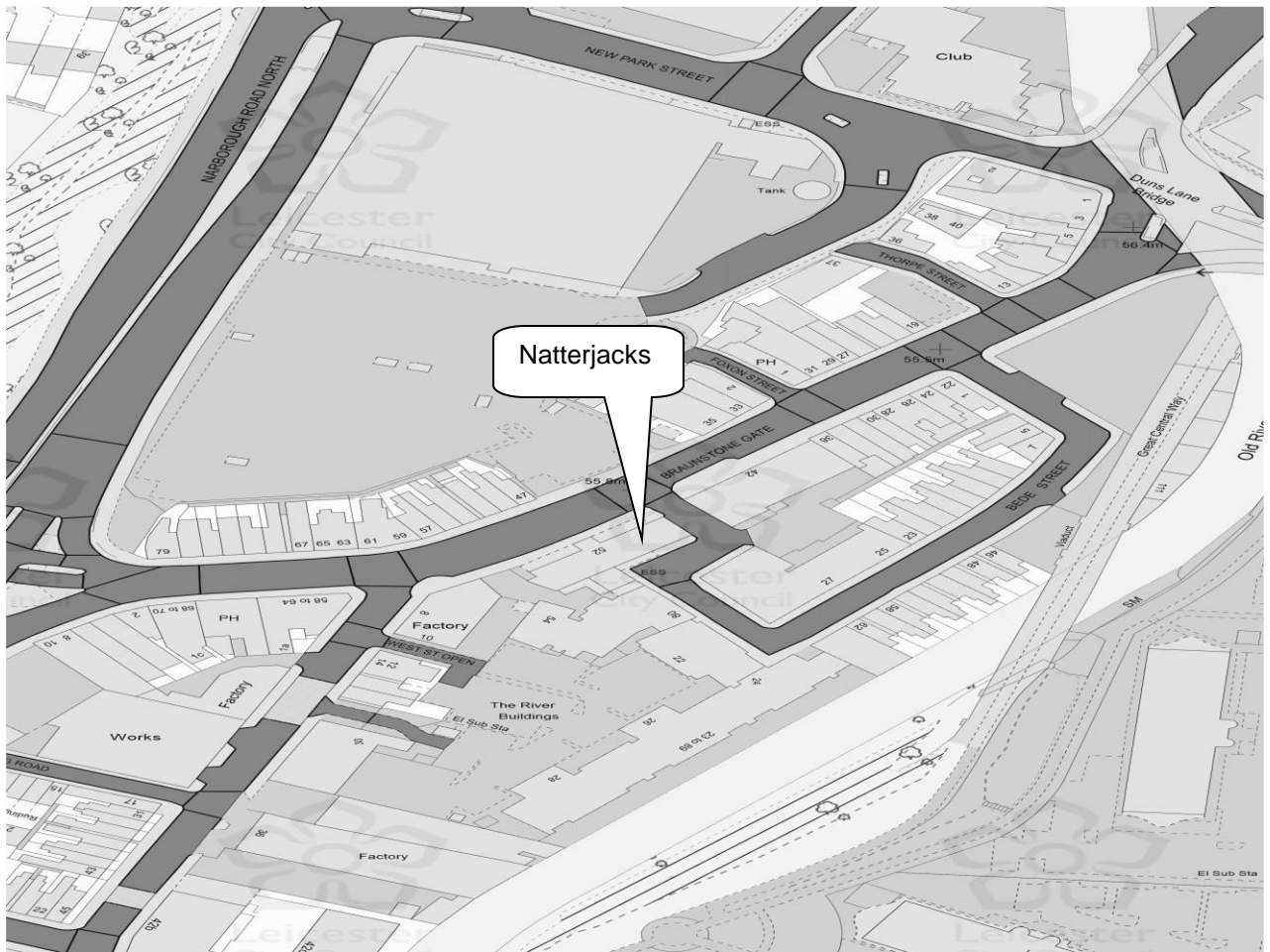
- Reject the review application
- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

3.1 This report outlines an application for a review of an existing premises licence for Natterjacks 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.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Films	Mon – Sun 09.00 – 03.00
Live Music	Mon – Sun 09.00 – 03.00
Recorded Music	Mon – Sun 09.00 – 03.00
Performances of Dance	Mon – Sun 09.00 – 03.00
Anything similar to live/recorded music or dance	Mon – Sun 09.00 – 03.00
Late night refreshment	Mon – Sun 23.00 – 03.00
Supply of Alcohol	Mon – Sun 09.00 – 03.00
Opening hours	Mon – Sun 09.00 – 04.00

6. Review application

- 6.1 An application was received on 6th July 2021 from Alistair Hollis, Pollution Control Officer, for a review of the existing premises licence for Natterjacks. The application was made on the grounds of the prevention of public nuisance. A copy of the application is attached at Appendix B.
- 6.2 The noise officer is concerned that there have been noise nuisances at the premises from amplified music and people, due to the use of the rear outdoor seating area and backdoor leading to it being left open.
- 6.3 On 26 July 2021 further information was received from the Noise Team in relation to further noise nuisance and the serving of noise abatement notices on the licence holder and the Designated Premises Supervisor. This information is also attached at Appendix B.

7. Representations

- 7.1 A representation was received on 29th July 2021 from a local resident. The representation relates to the prevention of public nuisance. The resident is concerned that since the outside decking has been open on Bede Street, there is an increase in loud noise from customers and music. A copy of the representation is attached at Appendix C1.
- 7.2 The Planning Team received a copy of the review application along with all the Responsible Authorities, and although not a formal representation they commented as follows:-

Thank you for providing us with this information, it is really helpful towards our investigation for a Breach of Conditions. We currently have their hours of use at Mon – Sat 7.30am till midnight and 7.30 till 11pm on Sundays. It was helpful reading the report. I have served a Planning Contravention Notice, which allows us to ask them questions about the business. I will be in touch shortly about this, once I have a further update.

The email is attached at Appendix C2.

8 Steps to Promote the Licensing Objectives

- 8.1 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

9. Statutory Guidance

- 9.1 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 relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.5	The licensing objectives
1.15	General principles
1.16	Each application on its own merits
2.15 – 2.21	Public nuisance
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
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.29	Reviews
14.51 – 14.52	Licensing hours

10. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
4	Policy on Cumulative Impact
5	Licensing Hours
9	Prevention of Public Nuisance
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

11. Points for Clarification

11.1 The licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application 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?

12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	
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	

13. Background Papers – Local Government Act 1972

None.

14. Consultations

14.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

15. Report Author

Amy Day
Licensing Officer
0116 454 3054
Amy.day@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application for review and additional information
C	Representations