
Application for a variation of an existing premises licence

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)
Sub-Committee

Decision to be taken on/Date of meeting: 31/01/2022

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Lynsay Coupe
- Author contact details: 0116 454 3065
- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a variation to an existing premises licence for Bradders, 33 Market Street, LE1 6DN and summarises the representations received. It also highlights the licensing objectives and the relevant parts of both the statutory guidance and the Licensing Authority's Licensing Policy.

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. Application and promotion of the licensing objectives

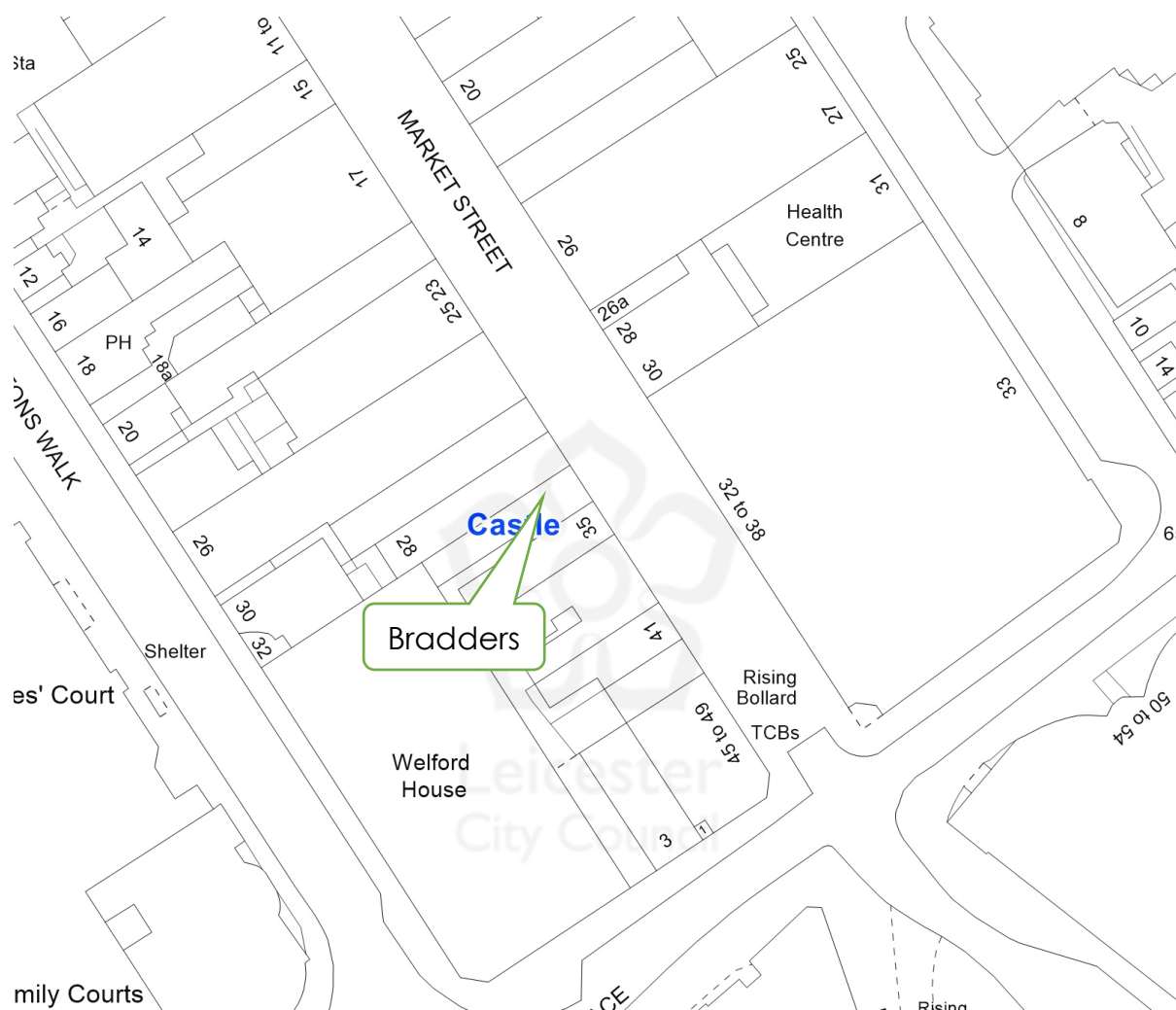
- 3.1 An application was received on 10 December 2021 from JT Catering Services Ltd for a variation of an existing premises licence for Bradders, 33 Market Street. A copy of the application is attached at Appendix A.
- 3.2 The variation application is as follows:

Licensable activity	Current hours	Proposed hours
Recorded Music	Unrestricted	Unrestricted
Supply of Alcohol	Monday to Saturday 10.00 – 23.00 Sunday 12.00 – 22.30 Christmas Day 12.00 – 15.00 19.00 – 22.30	Sunday to Wednesday 11.00 – 01.00 Thursday to Saturday 11.00 – 03.00 Christmas Day 12.00 – 22.00
Opening hours	Unrestricted	Monday to Wednesday 07.00 – 01.00 Thursday & Friday 07.00 – 03.00 Saturday 09.00 – 03.00 Sunday 09.00 – 01.00

Sunday before a bank holiday – 11.00 – 03.00

Conditions proposed to be removed:

1. This licence is granted subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.
 2. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied.
- 3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M of Appendix A).
- 3.4 The existing licence is attached at Appendix B.
- 3.5 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.
- 3.6 Location Plan



4. Representation(s)

- 4.1 A representation was received on 05 January 2022 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.

The Police are concerned that the applicant wishes to move away from the conditions that limit it to a café bar/restaurant and more towards an alcohol led business. They therefore proposed conditions to be added to the licence, if granted and came to an agreement with the applicant. A copy of the representation/agreement is attached at Appendix C1.

- 4.2 A representation was received on 17 December 2021 from the Noise Control and Pollution Team. The representation relates to the prevention of public nuisance. The representee is concerned that noise levels from the premises could have an impact on nearby residents. They therefore proposed a condition to be added to the licence, if granted and came to an agreement with the applicant. A copy of the representation/agreement is attached at Appendix C2.

- 4.3 A representation was received on 22 December 2021 from a local ward councillor. The representation related to the prevention of public nuisance. The representee was concerned that noise levels from this premises were having an impact on the area and that the variation would exacerbate that. The councillor viewed the conditions put forward by Leicestershire Police and the Noise Control and Pollution Team and then withdrew the representation. The councillor did state that they would monitor problems in the area and apply for a review in future if necessary.

- 4.4 A representation was received on 6 January 2022 from a local business. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The representee is concerned that they run a business near to Bradders and that they are already experiencing anti-social behaviour and crime and disorder from patrons of the premises. They feel that later hours could exacerbate this and didn't feel that the conditions proposed in the agreements would alleviate their concerns. A copy of the representation is attached at Appendix C3.

5. Conditions

- 5.1 The conditions that are consistent with the application and the representations are attached at Appendix D.

6. Statutory guidance and statement of licensing policy

- 6.1 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
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
14.51 – 14.52	Licensing Hours

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

Section	Heading
2	Fundamental Principles
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
10	Protection of Children from Harm
12	Duplication
13	Standardised conditions

7. Points for clarification

7.1 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, whether the applicant wishes 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.

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. Financial, legal, equalities, climate emergency and other implications

9.1 Financial implications

None

9.2 Legal implications

Legal advice specific to the application will be provided at the meeting by Legal Officers.

9.3 Equalities implications

None

9.4 Climate Emergency implications

None

9.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

Crime and Disorder – see paragraph 4.

10. Background information and other papers:

None

11. Summary of appendices:

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representations

Appendix D – Conditions consistent with the application and representations

11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

12. Is this a “key decision”? If so, why?

No