
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: 08/02/2022

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Westcotes
- 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 Metal Monocle, 59-61 Braunstone Gate, LE3 5LH within the Braunstone Gate Cumulative Impact Zone 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

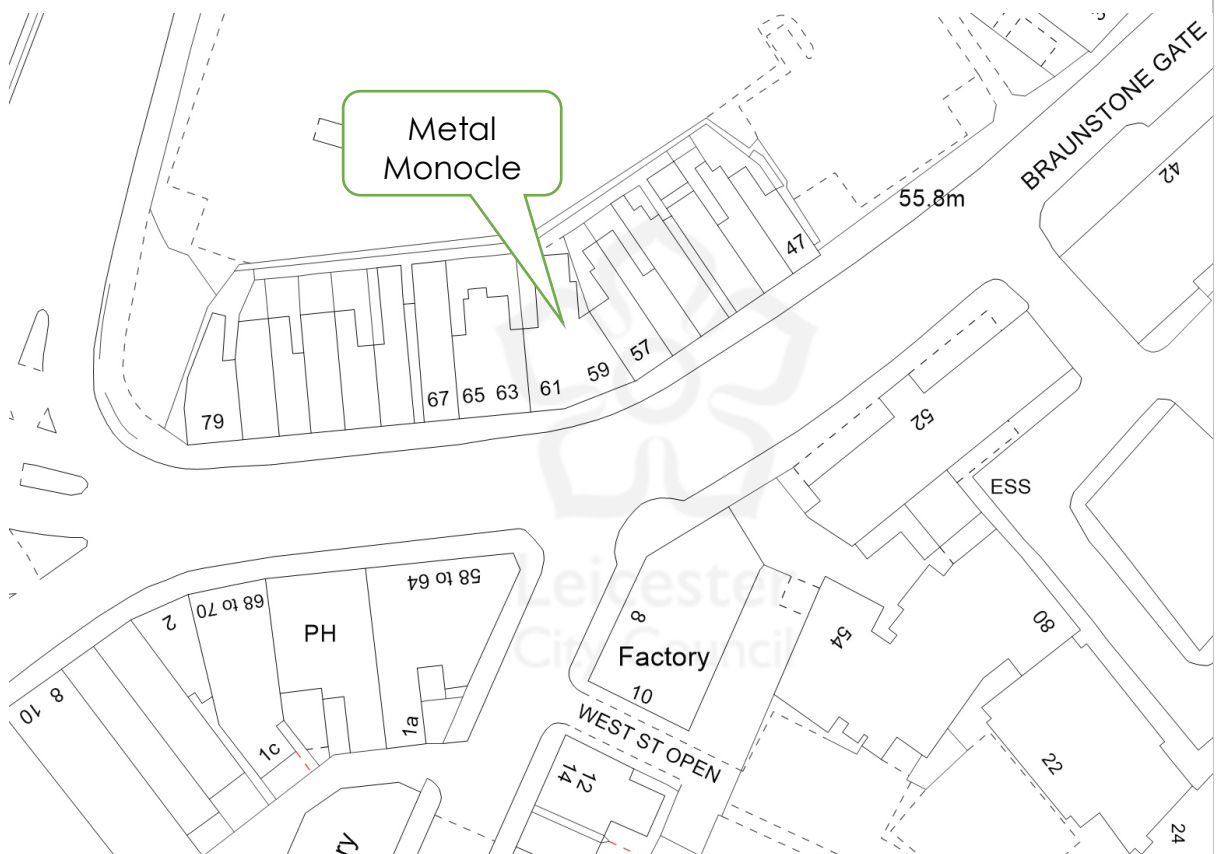
- 3.1 An application was received on 22 December 2021 from Mr T Coombes for a variation of an existing premises licence for Metal Monocle, 59-61 Braunstone Gate, within the Braunstone Gate Cumulative Impact Zone. A copy of the application is attached at Appendix A.

- 3.2 The variation application is as follows:

Licensable activity	Current hours	Proposed hours
Films Dance Ent similar to Music/Dance Supply of Alcohol (on/off)	Monday to Sunday 11.00am – 02.00am	Sunday to Thursday 11.00am – 02.00am Friday & Saturday 11.00am – 04.00am
Live Music	Monday to Sunday 23.00pm – 02.00am	Monday to Sunday 11.00am – 02.00am
Recorded Music	Monday to Sunday 23.00pm – 02.00am	Sunday to Thursday 09.00am – 02.00am Friday & Saturday 09.00am – 04.00am
Late Night Refreshment	Monday to Sunday 23.00pm – 02.00am	Sunday to Thursday 23.00pm – 02.00am Friday & Saturday 23.00pm – 04.00am
Opening hours	Monday to Sunday 08.00am – 02.30am	Sunday to Thursday 08.00am – 02.30am Friday & Saturday 08.00am – 04.30am

New Years Eve into New Years Day – 11.00am – 04.00am

- 3.3 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and steps 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 04 January 2022 from Leicestershire Police. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The Police are concerned that that the extended hours will result in the premise becoming a magnet for consumers wishing to consume more alcohol in the night - time economy as other licensed premises in the vicinity closer earlier. This could lead to an increase in anti-social behaviour, crime and disorder either at or within proximity to the premises regardless of the best intentions of the applicant. The Police have asked that the application is refused, however, if it is granted, they have

asked for conditions to be attached to the licence. A copy of the representation is attached at Appendix C1.

- 4.2 A representation was received on 17 January 2022 from the Noise Control and Pollution Team. The representation relates to the prevention of public nuisance. The Noise Control and Pollution Team are concerned that music from the premises, and noise from people leaving the premise in the early hours of the morning will cause further public nuisance to local residents. They recommend refusal of the application. A copy of the representation is attached at Appendix C2.
- 4.3 A representation was received on 18 January 2022 from a nearby resident. The representation relates to the prevention of public nuisance. The representee is concerned that granting this variation would create further unacceptable disturbance to local residents and their right to live peacefully. A copy of the representation is attached at Appendix C3.
- 4.4 A representation was received on 19 January 2022 from a nearby resident. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The representee is concerned that they already experience noise nuisance from the premises and that extra hours will exacerbate that. A copy of the representation is attached at Appendix C4.

5. Conditions

- 5.1 The conditions that are consistent with the application and the representation from the Police are attached at Appendix D.
- 5.2 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. These 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.

6. Cumulative Impact

- 6.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Braunstone Gate area, which refers specifically to on 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.

7. Statutory guidance and statement of licensing policy

7.1 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
14.20 – 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

7.2 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
12	Duplication
13	Standardised conditions
17	Live Music, Dancing

8. Points for clarification

- 8.1 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.

9. Regulated entertainment

- 9.1 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.
- 9.2 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.

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

10.1 Financial implications

None

10.2 Legal implications

None

10.3 Equalities implications

None

10.4 Climate Emergency implications

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process.
Aidan Davis, Sustainability Officer, Ext 28 3384

10.5 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.

11. Background information and other papers:

None

12. Summary of appendices:

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representations

Appendix D – Conditions consistent with the application and representation from the Police

13. 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

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

No