
Application for a new premises licence

Licensing (Hearings) Sub-Committee

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

Decision to be taken on/Date of meeting: 13 June 2022

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Amy Day
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- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for 26 Belvoir Street, Leicester 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
 - 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. Application and promotion of the licensing objectives

- 3.1 An application was received on 22 April 2022 from CMI Group Limited for a new premises licence for 26 Belvoir Street, Leicester. A copy of the application is attached at Appendix A.
- 3.2 The application is as follows:

Licensable activity	Proposed hours
Films	Mon – Tues 10.00 – 00.00 Weds – Sat 10.00 – 02.00 Sun 12.00 – 23.30
Live Music	Mon – Tues 10.00 – 00.00 Weds – Sat 10.00 – 02.00 Sun 12.00 – 23.30
Recorded Music	Mon – Tues 10.00 – 00.00 Weds – Sat 10.00 – 02.00 Sun 12.00 – 23.30
Late night refreshment	Mon – Tues 23.00 – 00.00 Weds – Sat 23.00 – 02.00 Sun 23.00 – 23.30
Supply of Alcohol	Mon – Tues 10.00 – 00.00 Weds – Sat 10.00 – 02.00 Sun 12.00 – 23.30
Opening hours	Mon – Tues 10.00 – 00.00 Weds – Sat 10.00 – 02.00 Sun 12.00 – 23.30

- 3.3 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).
- 3.4 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

4. Representation(s)

- 4.1 A representation was received on 09 May 2022 from the Licensing Enforcement team. 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 representee is concerned that the premises is within the night-time economy area of the city and will by its location attract a late crowd especially at weekends which can create crime and disorder issues if premises are not managed effectively. Conditions have been agreed with the applicant and a copy of the representation and agreement is attached at Appendix B1.
- 4.2 A representation was received on 16 May 2022 from the Noise team. The representation relates to the prevention of public nuisance. The representee is concerned that music from the premises and noise from people leaving the premise, has the potential to cause public nuisance to local residents. Conditions have been agreed with the applicant and a copy of the representation agreement is attached at Appendix B2.
- 4.3 Three representations have been received during the representation period from local businesses. The representations relate to the prevention of public nuisance. The representees are concerned that loud music from the premises and large crowds gathering outside may affect nearby properties. Copies of the representations can be found at Appendix B3-B5.

5. Conditions

- 5.1 The conditions that are consistent with the application and the representation(s) are attached at Appendix C.
- 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. 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
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
9.13 – 9.19	Licensing Authorities acting as 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
16.1 – 16.69	Regulated entertainment

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

Section	Heading
5	General Principles
6	Licensing Hours
4	Prevention of Crime and Disorder
	Public Safety
	Prevention of Public Nuisance
	Protection of Children from Harm
6	Planning
6	Standardised conditions

7. Points for clarification

- 7.1 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, whether the applicant wishes 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.

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

8.1 Financial implications

None.

8.2 Legal implications

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

8.3 Equalities implications

None.

8.4 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.

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

9. Background information and other papers:

None

10. Summary of appendices:

Appendix A – Application

Appendix B – Representation(s)

Appendix C – Conditions consistent with the application

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