
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: 13 June 2022

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Amy Day
- Author contact details: 0116 454 3054
- 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 Martin Bros, 117 Clarendon Park Road, 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
 - 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 19 April 2022 from Martin Bros Pizza Co Ltd for a variation of an existing premises licence for Martin Bros, 117 Clarendon Park Road, Leicester. 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 | Mon – Sun 08.00 – 22.00 | |
| Supply of Alcohol | Mon– Thurs 11.30 – 21.00 Fri – Sat 11.00 – 22.00 Sun 11.00 – 17.00 | Sun 11.30 – 19.30 |
| Opening hours | Mon – Sun 08.00 – 22.00 | |

- 3.3 The existing licence is attached at Appendix B.
- 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. Representations

- 4.1 Two representations were received on 17 May 2022 from members of the public. The representations relate to the prevention of public nuisance. The representees are concerned that the application indicates the premises is becoming more of a drinking establishment and allowing the extra hours on a Sunday for alcohol sales will increase noise disturbance in the area. Copies of the representations are attached at Appendix C1&C2.

5. Conditions

- 5.1 There are no new conditions consistent with the operating schedule or representations.

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 |
| 2.15 – 2.21 | Public nuisance |
| 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 |
| 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 Public Nuisance |
| 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?)

None.

9. Background information and other papers:

None.

10. Summary of appendices:

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representations

Appendix D – 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