
Application for a review of an existing premises licence

Licensing (Hearings) Sub-Committee

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

Date of meeting: 19/06/2023

Lead director/officer: Deborah Bragg

Useful information

- Ward affected: Castle
- Report author: Chris Spencer
- Author contact details: 0116 454 3052
- Report version number: 1

1. Summary

- 1.1 This report outlines an application for a review of an existing premises licence for Church Gate Restaurant, 29 Church Gate, Leicester and summarises the representation 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.

2. Determination to be made

- 2.1 Having considered the application and representation(s), 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. Application and promotion of the licensing objectives

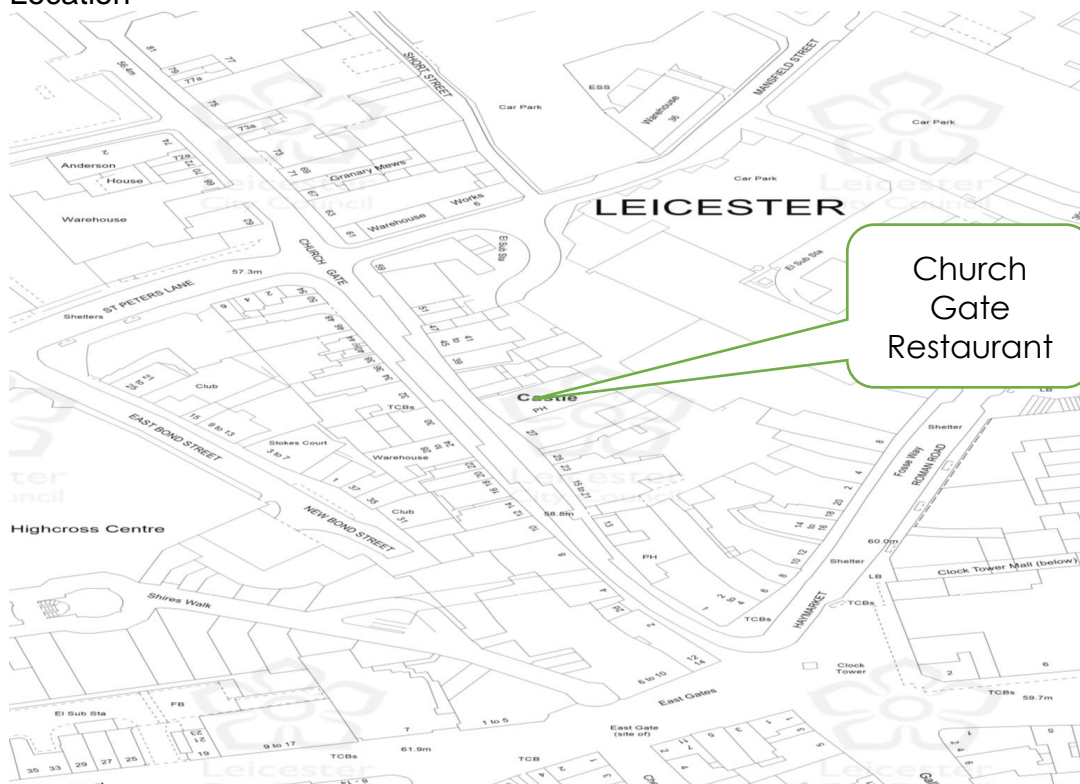
- 3.1 An application was received on 02 May 2023 from Leicestershire Police for a review of the existing premises licence for Church Gate Restaurant. The application was made on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance. A copy of the application is attached at Appendix A.
- 3.2 Leicestershire Police is concerned that they have witnessed a number of incidents of unauthorised licensable activity contrary to section 36 of the Licensing Act 2003, as well as repeated breaches of the premises licence conditions, crime and disorder associated with the premises and examples of poor management.
- 3.3 The existing licence is attached at Appendix B.
- 3.4 The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current hours
Late Night Refreshment	Friday to Saturday 11.00 until 01.00
Supply of Alcohol	Sunday to Thursday 11.00 until 23.00 Friday to Saturday 11.00 until 01.00
Opening Hours	Thursday to Sunday 11.00 until 23.00 Friday to Saturday 11.00 until 01.00

3.1 The existing licence is attached at Appendix B.

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

3.3 Location



4. Statutory guidance and statement of licensing policy

4.1 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
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
10.13 - 10.15	Hours of trading
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.29	Reviews
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

4.2 The relevant parts of the Licensing Authority’s Statement of Licensing Policy are as follows:

Section	Heading
4	Promotion of the Licensing Objectives
5	General Principles
12	Enforcement and Reviews

5. Points for clarification

5.1 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.

6. Regulated entertainment

- 6.1 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.
- 6.2 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.

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

7.1 Financial implications

None

7.2 Legal implications

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

7.3 Equalities implications

None

7.4 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

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

Crime and Disorder – see paragraph 3.1

8. Background information and other papers:

9. Summary of appendices:

Appendix A – Application

Appendix B – Existing licence

10. 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

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

No