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# **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: 26 June 2023

Lead director/officer: Deborah Bragg

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## Useful information

- Ward(s) affected: Castle
- Report author: Amy Day
- Author contact details: 0116 454 3054
- Report version number: 2

## 1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for Africa Festival UK, Nelson Mandela Park Welford 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
  - 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 05 May 2023 from Y2K Entertainment Music & Arts Ltd for a new premises licence for Africa Festival UK, Nelson Mandela Park, Welford Road, Leicester. A copy of the application is attached at Appendix A1.

- 3.2 The application is as follows:

Licensable activity	Proposed hours
Live Music	Saturday 10.30 – 22.00
Recorded Music	Saturday 10.30 – 22.00
Performances of Dance	Saturday 10.30 – 22.00
Anything similar to live/recorded music or dance	Saturday 10.30 – 22.00
Supply of Alcohol	Saturday 10.30 – 22.00
Opening hours	Saturday 10.30 – 22.00

This application is a one-day event to be held on a yearly basis in the last two weeks of August. The date requested for 2023 is 26<sup>th</sup> August.

- 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). The applicant has also provided an event management plan and conditions they are happy to add to their application should it be granted. These are attached at Appendix A2.

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

### 3.5 Location Plan



## 4. Representations

4.1 A representation was received on 05 May 2023 from a local councillor. The representation relates to the prevention of crime and disorder, prevention of public nuisance and public safety. The representee is concerned that the application has conflicting information about timings and if it's a free or chargeable event. They are also concerned about the close proximity to a residential area and multi lane road. A copy of the representation is attached at Appendix B1.

4.2 A representation was received on 05 May 2023 from the Noise team. The representation relates to the prevention of public nuisance. The noise officer is concerned that if the event is not managed correctly, there is the potential for noise nuisance to local residents and the hospital. The officer has been in contact with the applicant and have agreed conditions. A copy of the representation and agreement is attached at Appendix B2.

- 4.3 A representation was received on 15 May 2023 from the Police. The representation relates to the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm. The Police are concerned that the application does not promote the licensing objectives. They have been in contact with the applicant and have agreed conditions. A copy of the representation and agreement is attached at Appendix B3.

## 5. Conditions

- 5.1 The conditions that are consistent with the application and the representations 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
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
4	Promotion of the licensing objectives
5	General Principles
6	Premises Licences and Club Premises Certificates
8	Areas of Specific Interest and Consultation

## 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 – Representations

Appendix C – 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