
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: 23 January
2024

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Fosse
- 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 Palmarina, 109 King Richards 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 representation, 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

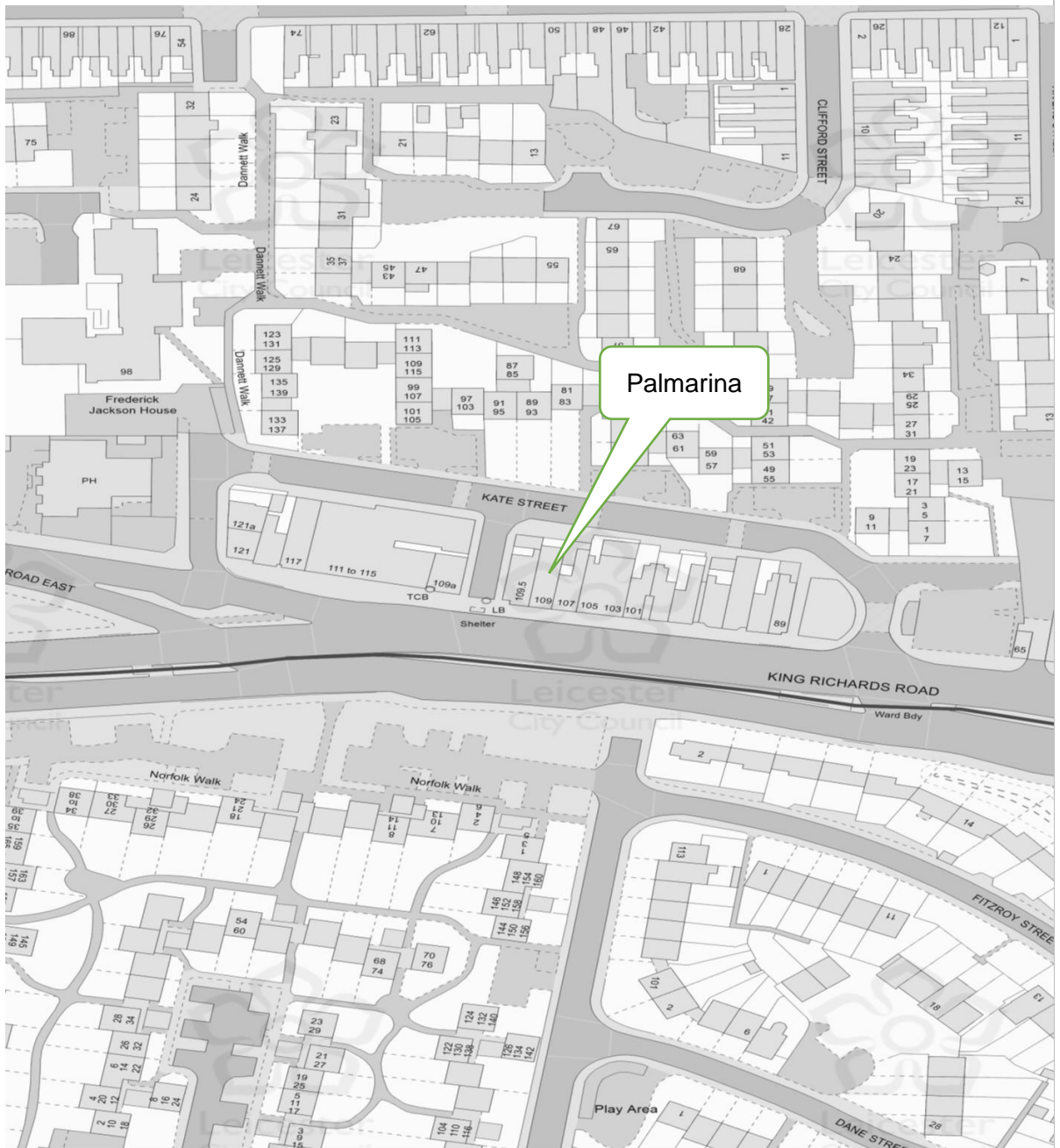
- 3.1 An application was received on 29 November 2023 from Mr Arbi Oudira for a variation of an existing premises licence for Palmarina, 109 King Richards Road, Leicester. A copy of the application is attached at Appendix A.

- 3.2 The variation application is as follows:

Licensable activity	Current hours	Proposed hours
Recorded Music		Mon – Thur 07.00 – 23.00 Fri – Sat 07.00 – 01.00 Sun 07.00 – 00.00 Christmas Eve, Christmas Day & New Years Eve 07.00 – 02.00
Late night refreshment		Fri – Sat 23.00 – 01.00 Sun 23.00 – 00.00 Christmas Eve, Christmas Day & New Years Eve 23.00 – 02.00
Supply of Alcohol	Mon – Sun 09.00 – 23.00	Mon – Thur 09.00 – 23.00 Fri – Sat 09.00 – 01.00 Sun 07.00 – 00.00 Christmas Eve, Christmas Day & New Years Eve 09.00 – 02.00
Opening hours	Mon – Sun 09.00 – 23.00	Mon – Thur 07.00 – 23.00 Fri – Sat 07.00 – 01.00 Sun 07.00 – 00.00 Christmas Eve, Christmas Day & New Years Eve 07.00 – 02.00

- 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).

- 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

- 4.1 A representation was received on 20 December 2023 from the Noise team. The representation relates to the prevention of public nuisance. The representee is concerned that noise from the late night openings and on street activity will affect local residents in the flats above the premises. A copy of the representation is attached at Appendix C.

5. Conditions

5.1 The conditions that are consistent with the application are attached at Appendix D.

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
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
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?)

None.

9. Background information and other papers:

None.

10. Summary of appendices:

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representation

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