
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: 27 February
2024

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Bhavana Short
- Author contact details: 0116 4544 4317
- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for Bungles Bar, 13 King Street, Leicester LE1 6RN 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(s), 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 15 January 2024 from Bungles Bar Ltd for a new premises licence for Bungles Bar, 13 King Street, Leicester LE1 6RN. A copy of the application is attached at Appendix A.

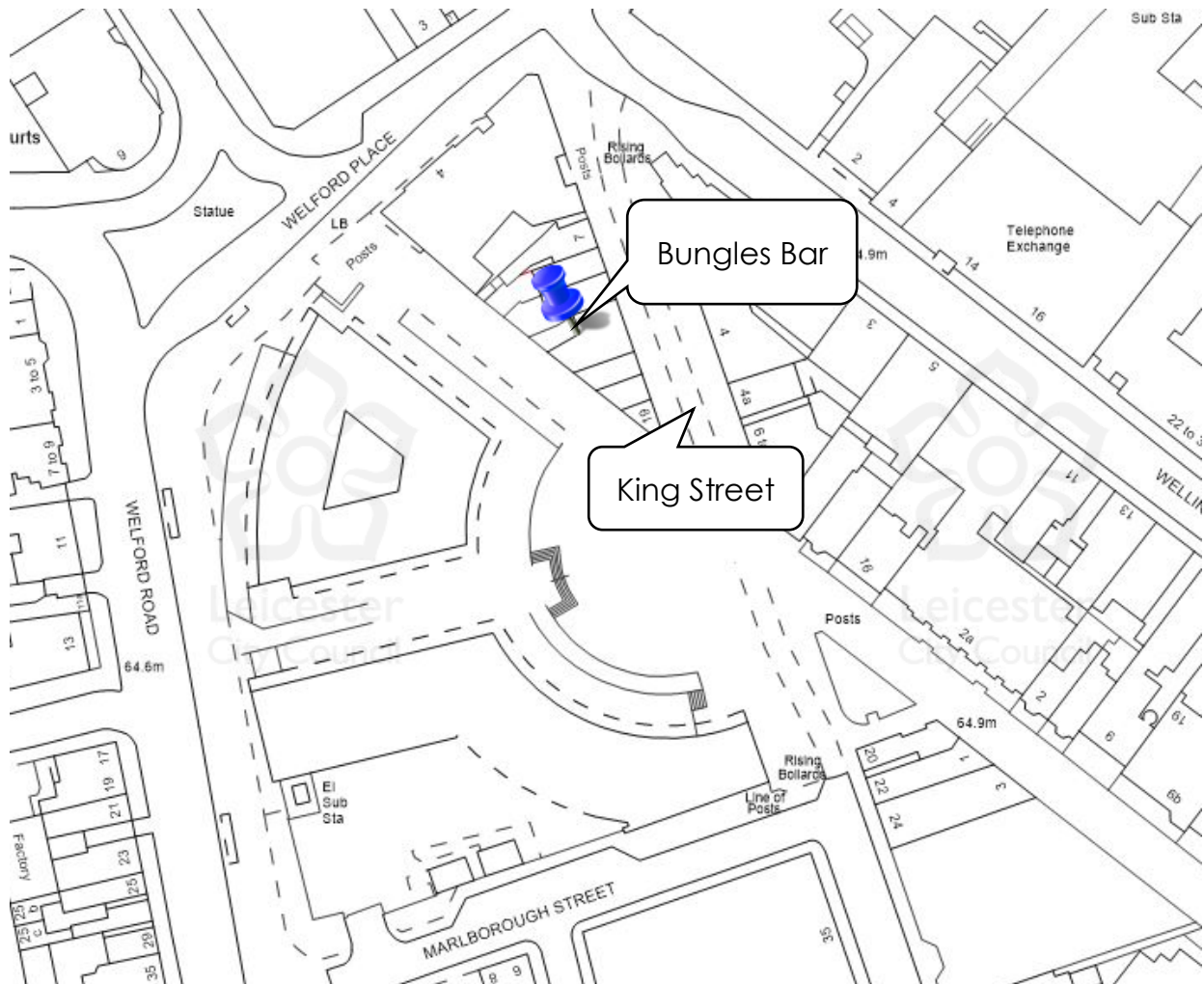
- 3.2 The application is as follows:

| Licensable activity | Proposed hours |
|------------------------|--|
| Live Music | Monday to Sunday 15:00 – 04:00 the following morning |
| Recorded Music | Monday to Sunday 15:00 – 04:00 the following morning |
| Late night refreshment | Monday to Sunday 23:00 – 04:00 the following morning |
| Supply of Alcohol on | Monday to Sunday 15:00 – 04:00 the following morning |
| Opening hours | Monday to Sunday 15:00 – 04:00 the following morning |

- 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.

3.5 Location Plan



4. Representation(s)

4.1 A representation was received on 30 January 2024 from an interested party The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The representee is concerned that due to the traffic between premises and the public space in between. A copy of the representation is attached at Appendix B1.

4.2 A representation was received on 02 February 2024 from a member of the public The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The representee is concerned that it is likely to cause increased noise and disturbance to people living nearby and is close to a problematic premises. A copy of the representation is attached at Appendix B2.

- 4.3 A representation was received on 05 February 2024 from the Noise team. The representation relates to the prevention of public nuisance. The representee is concerned of the level of the amplified music that would be heard in the surrounding residential area may cause sleep deprivation. They are also concerned over the level of noise if the location of the smoking area is at the front of the premises. They have been in contact with the applicant and have agreed conditions. A copy of the representation and agreement is attached at Appendix B3
- 4.4 A representation was received on 08 February 2024 from the Police. 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 there is a real possibility that the premises could contribute towards existing violent crime in the area. They have been in contact with the applicant and have agreed conditions. A copy of the representation and agreement is attached at Appendix B4

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 |
| 9.31 – 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 – Representation(s)

Appendix C – Conditions consistent with the application and representation(s)

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