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# **Night-Time Economy – Area Zoning**

Licensing and Public Safety Committee

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

Decision to be taken on/Date of meeting: 30/04/2024

Lead director/officer: Sean Atterbury, Director of  
Neighbourhood and Environmental Services

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## Useful information

- Ward(s) affected: All
- Report author: Tj Mavani, Service Manager, Regulatory Services
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- Report version number: 1

### 1 Summary

- 1.1 The licensing authority administers licences for premises as mandated by the Licensing Act 2003 to facilitate licensable activities.
- 1.2 The Licensing Act 2003 oversees the application process, policy guidance, and mechanisms related to licensing.
- 1.3 Following enquiries from members of the business community to local councillors, there is a request to assess the available locality advice and mechanisms to support residents and businesses in their applications for licences or permits.
- 1.4 In 2023, Leicester City Council conducted a review of its licensing policy, incorporating an "Areas of Special Interest and Consultation" section. This section identifies specific parts of the authority's area that necessitate increased consultation by applicants with responsible authorities.
- 1.5 The policy does not include explicit references to zoning, as it is not legislatively mandated or provided for within the Act.
- 1.6 Leicester City Council's Local Plan outlines areas within the city suitable for night-time economy premises, taking into account residential considerations.
- 1.7 The primary service to assess planning considerations related to zoning areas for different uses would be the city's planning department.
- 1.8 The purpose of this report is to request the Committee to acknowledge the contents and the ongoing actions being implemented.

### 2 Determination to be made

Members are asked to note the contents and the actions that are being undertaken.

### 3 Scrutiny/Stakeholder Engagement

- 3.1 After queries from members of the business community to local councillors, there is a request to consider what advice or mechanisms are in place to assist residents and businesses to geographically ascertain locality within the local authority area.

## 4 Detailed report

- 4.1 The Licensing Act 2003 empowers the licensing authority to issue licences for conducting licensable activities within its local authority area.
- 4.2 The primary activities covered include the sale or supply of alcohol, live or recorded music, and late-night refreshment. This primarily pertains to premises such as pubs, bars, nightclubs, and late-night takeaways.
- 4.3 Each application must be evaluated individually and processed in accordance with legislative requirements. The Licensing Act primarily centres around four licensing objectives: Prevention of Crime & Disorder, Prevention of Public Nuisance, Promotion of Public Safety, and Prevention of Harm to Children.
- 4.4 Certain aspects of the four licensing objectives may pertain to the specific location applied for, impacting the geographical area. These considerations must be addressed in the application and may also involve representations by responsible authorities. Additionally, any individual has the right to submit a representation regarding the application.
- 4.5 The Licensing Act does not include provisions or requirements for zoning related to geographical areas. While Section 182 guidance mentions suitable areas, the emphasis is on the use of Cumulative Impact Areas (CIAs) rather than zoning based on suitability.
- 4.6 Leicester City Council presently does not have any Cumulative Impact Areas (CIAs) in effect. Previous CIAs were removed during the last review of the licensing policy due to insufficient data, evidence, and justification of their necessity.
- 4.7 Despite the removal of Cumulative Impact Areas (CIAs), Leicester City Council implemented an interim measure known as the Areas of Special Interest and Consultation ([licensing-policy-2022-2027.pdf \(leicester.gov.uk\)](#)). This section of the policy advises applicants on areas with relevant factors that require consideration during the licensing process.
- 4.8 In Leicester, several areas necessitate additional considerations by applicants to align with licensing objectives. Examples include:
  - Number and types of existing licensed premises
  - Proximity to sensitive premises
  - Density and location of residential areas
  - Traffic or pedestrian-sensitive zones
  - Conservation and cultural areas
  - Facilities for children/young people
  - Alcohol-related public health concerns
  - Areas affected by alcohol-related crime, disorder, or noise pollution.
- 4.9 The areas of Leicester covered by this section of the policy include:
  - Granby Street, Belvoir Street & Market Street
  - High Street (from the junction of Carts Lane) & St Nicholas Place
  - Braunstone Gate & Narborough Road (up to the railway bridge)
  - Evington Road
  - Belgrave Road & Melton Road (up to the junction of Marfitt Street)

- 4.10 Responsible authorities provide information to applicants regarding these areas to help them understand any concerns related to the suitability of the location for their business. This information is available to applicants during the application process period and available online.
- 4.11 Licensing Policies do not determine zoning for specific uses of premises. It refers to planning or local plans as guidance, as there is no legislative mechanism within the Licensing Act 2003 to implement zoning policies for decision-making on applications.
- 4.12 Leicester City Council's Local Plan ([https://consultations.leicester.gov.uk/sec/9bbe1eaa/user\\_uploads/local-plan-r19-2.pdf](https://consultations.leicester.gov.uk/sec/9bbe1eaa/user_uploads/local-plan-r19-2.pdf)) identifies areas within the general city suitable for night-time economy premises, taking into account residential considerations. However, there are no specific zoned areas identified in relation to this matter within the plan.
- 4.13 While the planning regime can offer guidance on specific areas suitable for different types of use, this aspect does not solely determine decision-making on licensing applications.
- 4.14 Under the Safer Leicester Partnership, the Night-time Economy Strategic Delivery Group collaborates closely with various key partners to reduce crime and disorder around licensed premises. Their aim is to engage with the community, fostering partnership and collaboration through guidance, advice, and training when necessary. Communication to the trade and potential applicants is also recognised as a crucial task, especially considering the Purple Flag success.
- 4.15 Offering guidance or advice to potential business owners on suitable locations within the city for different types of businesses can assist them in making informed decisions about their business locations. It also provides authorities with direction, but it would remain advisory rather than mandatory.
- 4.16 A potential suggestion would be for the Night-Time Economy Strategic Delivery Group to explore the possibility of creating a zoning guide by collaborating with planning, the licensing authority, and other relevant parties. This could involve assessing whether there are legal mechanisms available to develop a guidance document on zoning.
- 4.17 If establishing a zoning guide is not feasible, an update report will be presented to the committee.

## **5. Financial, legal, equalities, climate emergency and other implications**

### **5.1 Financial implications**

There are no financial implications arising from the recommendations in this report.

Stuart McAvoy – Head of Finance

### **5.2 Legal implications**

The power for the Council to The Licensing Act 2003 came into force in November 2005 and provides for the licensing of premises in England and Wales used for the sale or supply of alcohol, the provision or regulated entertainment and the provision of late-night refreshment.

The Act provides Local Authorities with the responsibility for issuing licences for the conduct of licensable activities within its local area. It provides clear focus on the promotion of four statutory objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, which must be addressed when licensing functions are undertaken.

Since the commencement of the 2003 Act, the concept of cumulative impact has been used by licensing authorities within their statement of licensing policy. Cumulative Impact Assessments (CIA's) were introduced in the 2003 Act by the Policing and Crime Act 2017 from April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives and number of licensed premises concentrated in one area.

In 2023, following a review of its licensing policy, Leicester City Council removed all previous CIA's due to insufficient data, evidence, and justification of their necessity. However, due to there being several areas within Leicester City where environmental factors required further considerations by the applicant to uphold the licensing objectives, an interim measure was introduced into the statement of licensing policy regarding areas of special interest. Areas of special interest advised applicants on the areas with relevant factors that required consideration during the licensing process. It provided information to the applicants to help them understand any concerns related to the suitability of the location for their business.

Licensing Policies do not determine zoning for specific uses of premises instead it refers to planning or local plans as guidance. The 2003 Act does not legislate or provide for zoning related to geographical areas.

Katherine Jamieson, Solicitor, 4541452

### 5.3 Equalities implications

There are no direct equality implications arising from this report. However, we need to ensure that any communication with licence holders and the taxi trade is fair, accessible, and proportionate.

Sukhi Biring, Equalities Officer, 454 4175

### 5.4 Climate Emergency implications

There are no significant climate emergency implications directly associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

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

None.

## **6. Background information and other papers:**

None

**7. Summary of appendices:**

None

**8. 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

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

No