
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: 19 June 2024

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Valentina Cenic
- Author contact details: 0116 454 3081
- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for Gate 65, 65 Church Gate, 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
 - Grant the licence subject to conditions
 - Refuse to accept the proposed premises supervisor
 - Reject the application

3. Application and promotion of the licensing objectives

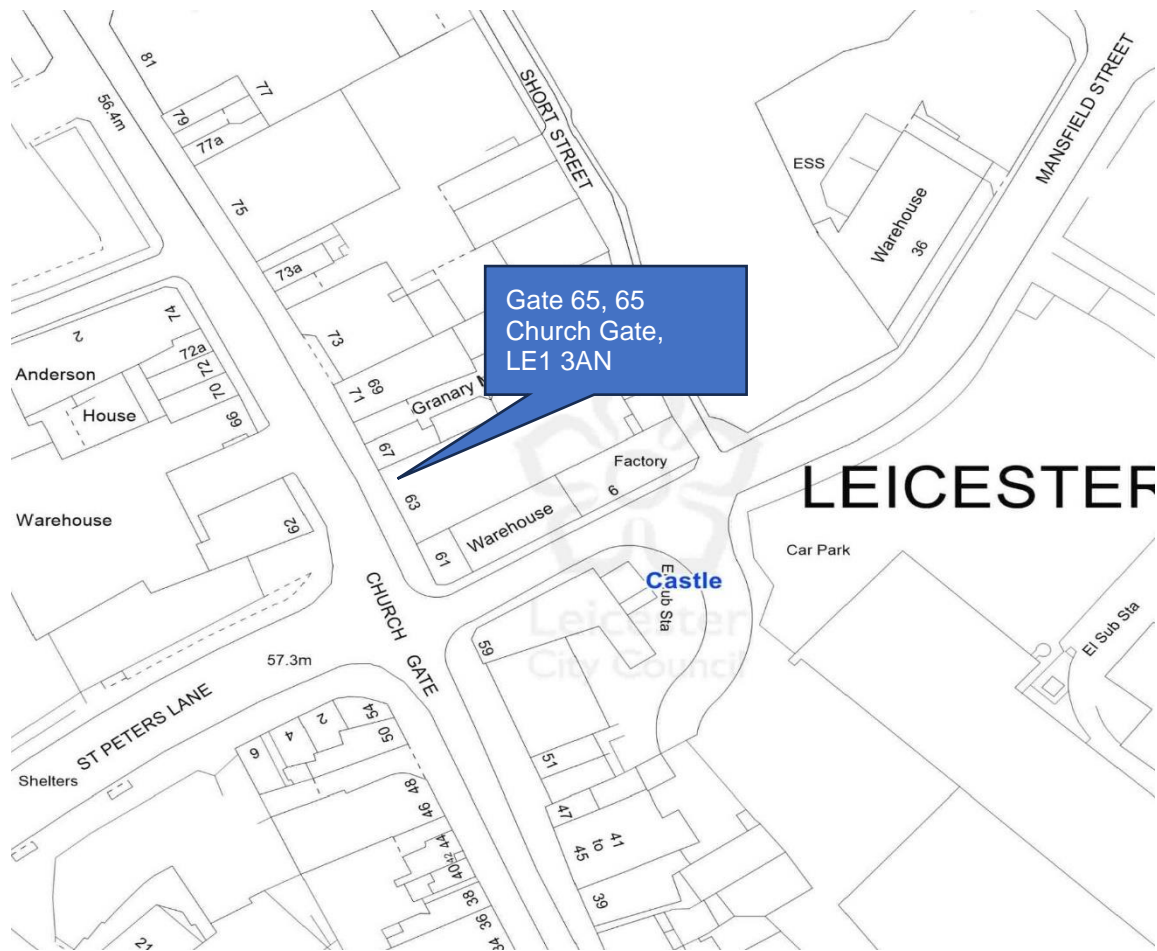
- 3.1 An application was received on 18 April 2024 from Mr Himanshu Patel for a new premises licence for Gate 65, 65 Church Gate, Leicester. A copy of the application is attached at Appendix A.

- 3.2 The application is as follows:

Licensable activity	Proposed hours
Sale of alcohol (On)	Monday to Wednesday 16:00 – 00:00 Thursday to Sunday 16:00 – 04:00
Opening hours	Monday to Wednesday 16:00 – 00:00 Thursday to Sunday 16:00 – 04:00
Recorded music (indoors)	Monday to Wednesday 16:00 – 00:00 Thursday to Sunday 16:00 – 04:00

- 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



3.6 The applicant withdrew the original proposed designated premises supervisor from the application on 8th May 2024 as Leicestershire Police had concerns regarding the person proposed. There is currently no proposed designated premises supervisor for the application.

4. Representations

- 4.1 A representation was received on 14 May 2024 from the Noise team. The representation relates to the prevention of public nuisance. The Noise team have concerns that the recorded music and sale of alcohol on the premises will produce noise to affect the use of nearby residential and commercial properties. The hours requested for licensable activities may also increase the likelihood for public nuisance. A copy of the representation is attached at Appendix B.
- 4.2 A representation was received on 22 May 2024 from the Leicestershire Police. The representation relates to all four licensing objectives. The Leicestershire Police have concerns that given the Church Gate area has a large number of licensed premises, many of whom supply alcohol both on and off the premises, this on occasion results in alcohol related anti-social behaviour, as well as crime and disorder. A copy of the representation is attached at Appendix B1.
- 4.3. Leicestershire Police are seeking to reach an Agreement with the applicant.

- 4.4 A representation was received on 22 May 2024 from the Licensing Enforcement Team. The representation relates to all four licensing objectives. The Enforcement Team have concerns about the premises and the effects it may have on the local community, both business and residential. This relates to the timings of the applied activities and also the detail of the operating schedule, which does lay out some of the intentions of the applicant, however, it is loose in specifically how they would uphold the licensing objectives. A copy of the representation is attached at Appendix B2.
- 4.5 Licensing Enforcement team are seeking to reach an Agreement with the applicant.

5. Conditions

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

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
9.31 – 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
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

- 6.2 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
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4	Promotion of the licensing objectives
5	General Principles
6	Premises Licences and Club Premises Certificates

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

Appendix C – 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