

Leicester
City Council

**WARDS AFFECTED
ABBEY**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Hearing under the Licensing Act 2003**

31 JULY 2014

**Application for a review of an existing premises licence
The New Joiners, 59-71 Sanvey Gate, Leicester, LE1 4EQ**

Report of the Director of Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

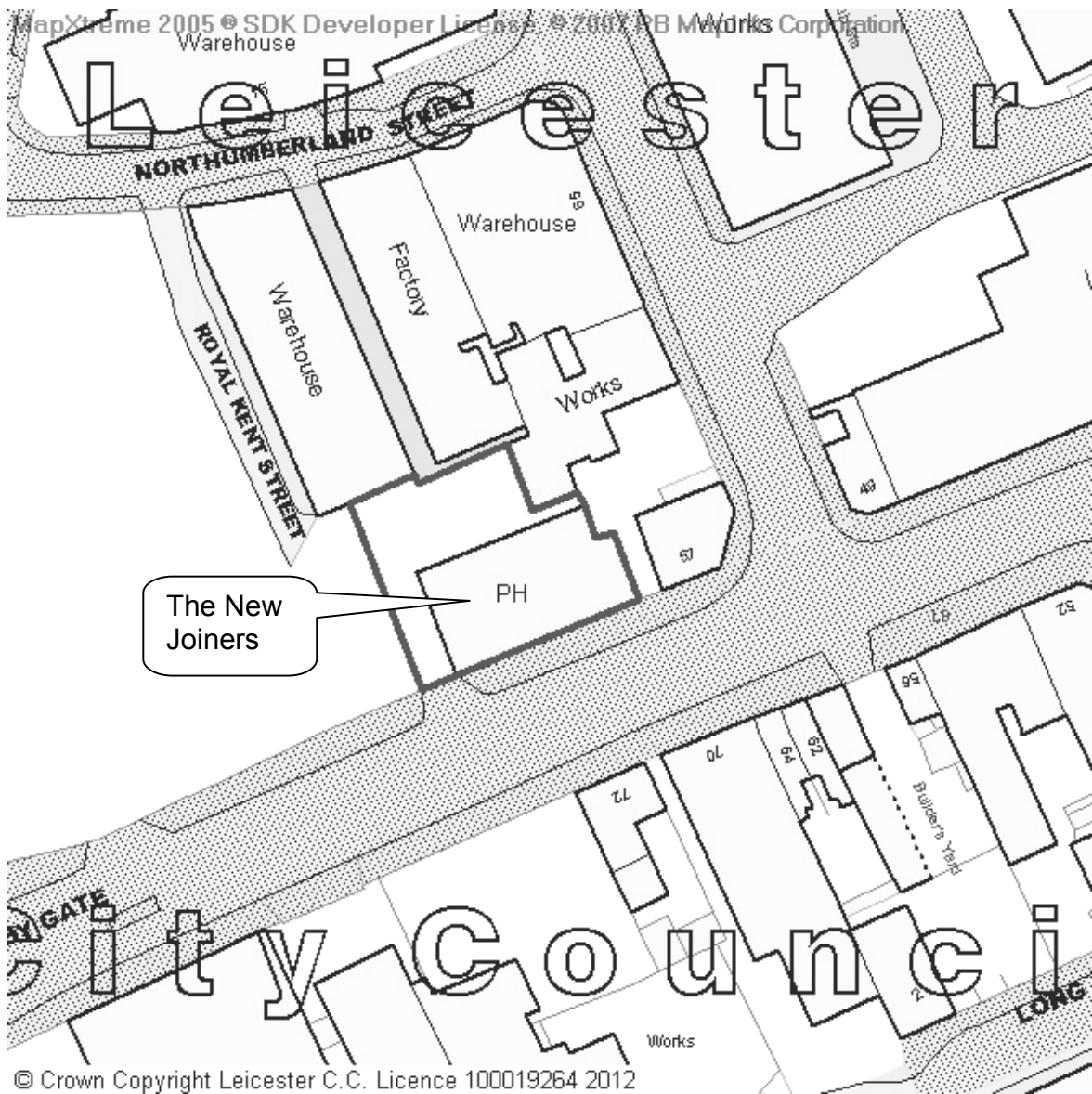
2. Determination to be made

- 2.1. Having considered the application and representation, Members must consider whether to
- Reject the review application
 - Modify the conditions of the licence
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence
- 2.2. Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

- 3.1 This report outlines an application for a review of an existing premises licence for The New Joiners and summarises the representation received. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

4. Location Plan



5. Existing Licence

- 5.1. The existing licence is attached at Appendix A.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Films	Sunday to Thursday
Live Music	09.00 – 01.00
Recorded Music	Friday & Saturday
Performances of Dance	09.00 – 03.00
Supply of Alcohol (on & off)	Sunday before a Bank Holiday 09.00 – 03.00
Late night refreshment	Sunday to Thursday 23.00 – 01.00

	Friday & Saturday 23.00 – 03.00 Sunday before a Bank Holiday 23.00 – 03.00
Opening hours	Sunday to Thursday 09.00 – 02.00 Friday & Saturday 09.00 – 04.00 Sunday before a Bank Holiday 09.00 – 04.00

6. Review application

- 6.1 An application was received on 13 June 2014 from Leicestershire Police for a review of the existing premises licence for The New Joiners. The application was made on the grounds of the prevention of crime and disorder and public safety. A copy of the application is attached at Appendix B.
- 6.2 Leicestershire Police are concerned that the licensing objectives are being undermined whilst the present management of Hardial Singh (premises licence holder) and Brinderjit Singh (designated premises supervisor) remain in place. This is due to an incident on the 8 June 2014 where a concerned member of the public contacted the Police to inform them that someone had been 'glassed' in the pub. When officers attended the pub the 'landlord' claimed to not know about the altercation. However when officers later viewed the CCTV showing an assault, the person identifying himself as in charge, Hardial Singh, admitted that a glass was used and that he had cleaned it up and had been asked not to contact the Police.
- 6.3 An application to vary the Designated Premises Supervisor was received on 8 July 2014. The proposed new DPS is Mr Wayne Smith.

7 Steps to Promote the Licensing Objectives

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

8. Statutory Guidance

- 8.1 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 relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.5	The licensing objectives
1.15 – 1.17	General principles – each application on its own merits
2.1 – 2.18	Crime and disorder
2.19 – 2.31	Public safety
3.12 – 3.19	Late night refreshment
8.34 – 8.44	Steps to promote the licensing objectives
9.12	Representations from the Police

9.13 – 9.19	Licensing Authorities acting as responsible authorities
9.27 – 9.37	Hearings
9.38 – 9.40	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.5	Conditions - general
10.12 – 10.42	Imposed conditions
10.43 – 10.81	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.33	Reviews
13.40	Licensing hours

9. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

10. Points for Clarification

10.1 The licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application 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?

11. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	

Crime and Disorder	Yes	Parag. 6 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

12. Background Papers – Local Government Act 1972

a. None

13. Consultations

13.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

14. Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application for review