

Leicester
City Council

**WARDS AFFECTED
KNIGHTON**

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

20 August 2014

**Application for a variation of an existing Club Premises Certificate
Carisbrooke Lawn Tennis Club, Carisbrooke Road, Leicester LE2 3PF**

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.

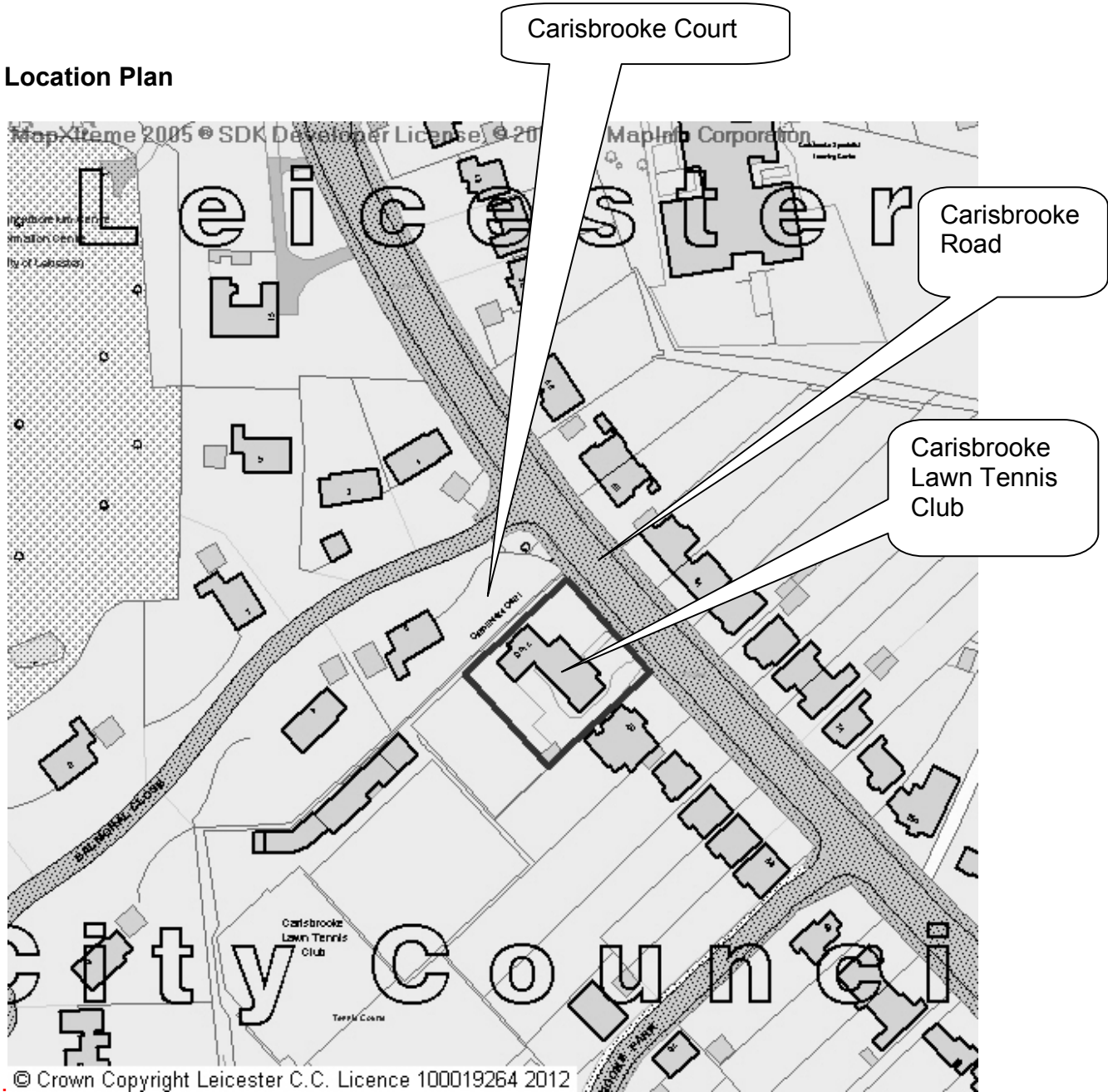
2. Determination to be made

- 2.1. Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
 - Modify the conditions of the licence
 - Reject the whole application

3. Summary

- 3.1 This report outlines an application for a variation to an existing Club Premises Certificate for Carisbrooke Lawn Tennis Club and summarises the representations 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.

6. Application

6.1 An application was received on 1 July 2014 from Carisbrooke Lawn Tennis Club for a variation to an existing Club Premises Certificate for Carisbrooke Lawn Tennis Club. A copy of the application is attached at Appendix B.

6.2 The variation sought by the application is as follows:

Licensable Activity	Current Hours	Proposed Hours
Live Music	N/A	Mon - Thur 19.00-23.00 Fri - Sat 19.00-00.00

		Sun - 18.00-22.00
Recorded Music	N/A	Mon - Thur - 08.00-23.30 Fri - Sat - 08.00-00.30 Sun - 08.00- 22.30
Performance of Dance	N/A	Mon-Fri - 08.00-23.00 Sat - 8.30- 23.30 Sun - 8.30-22.30
Supply of Alcohol On and Off the premises	Mon-Sat - 10.00-23.00 Sun - 12.00-22.30	Mon -Thur - 12.00-23.00 Fri - 12.00-00.00 Sat - 11.00-00.00 Sun - 11.00-22.00 New Year's Eve 12.00-02.00

7. Steps to Promote the Licensing Objectives

- 7.2 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M of Appendix B).
- 7.3 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

8. Live Music

- 8.1 The Live Music Act 2012 has amended the Licensing Act 2003 in relation to the provision of live music. Unamplified live music does not require a licence between 08.00 and 23.00 hours each day. Amplified music may be provided between 08.00 and 23.00 hour each day if:
- it is provided in a premises licensed and open for the sale of alcohol, to an audience of not more than 200 people; or
 - it is provided in a premises that is not licensed under the Licensing Act 2003 (other than solely for late night refreshment) but that is a workplace, to an audience of not more than 200 people.
- 8.2 The above exemptions may affect the application under consideration because conditions may not be imposed at this stage to control live music provided in the circumstances described above. However, if problems do occur as a result of live music then conditions may be imposed to control that music following the formal review process.

9. Representation

- 9.1 Representations were received on the 28 and 29 July 2014 from five local residents. The representations relate to the prevention of crime and disorder, the prevention of public nuisance and public safety. The local residents are concerned that if the variation is granted to these premises, the residents in the area will experience noise and nuisance related behaviour. Copies of the representations are attached at Appendix C1 – C5.
- 9.2 A representation was received on the 29 July 2014 from the Noise Team at Leicester City Council. The representation relates to the prevention of public nuisance. The Noise Team were concerned that the premises has caused a nuisance previously when the club house was used for a function that included recorded music. The Noise Team recommend that

the application is refused. A copy of the representation is attached at Appendix C6.

10. Statutory Guidance

- 10.1 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 – 1.17	General Principles – each application on its own merits
2.1 – 2.7	Crime & Disorder
2.8 – 2.17	Public Safety
2.18 – 2.24	Public nuisance
8.34 – 8.42	Steps to promote the licensing objectives
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
10.8 – 10.13	Imposed conditions
10.24 – 10.59	Mandatory conditions in relation to the supply of alcohol
13.42 – 13.43	Licensing Hours
15.10 – 15.22	Live music

11. Statement of Licensing Policy

- 11.1. 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
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

12. Points for Clarification

- 12.1 The applicant and the 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, does the applicant wish 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?

13. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Paragraph 9.1 of this report relates to the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

14. Background Papers – Local Government Act 1972

14.1. None

15. Consultations

15.1. The Licensing Authority is not obliged to consult any parties with regard to applications made under the Licensing Act 2003. However, the applicant is required to consult with the responsible authorities as set out in the 2003 Act.

16. Report Author

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APPENDIX	CONTENT
A	Existing Licence
B	Application
C	Representations

