

Leicester  
City Council

**WARDS AFFECTED**  
Castle

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

**29 August 2014**

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**Application for a variation of an existing premises licence  
African Kitchen & Bar, 4-6 Jubilee Road, Leicester**

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**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.

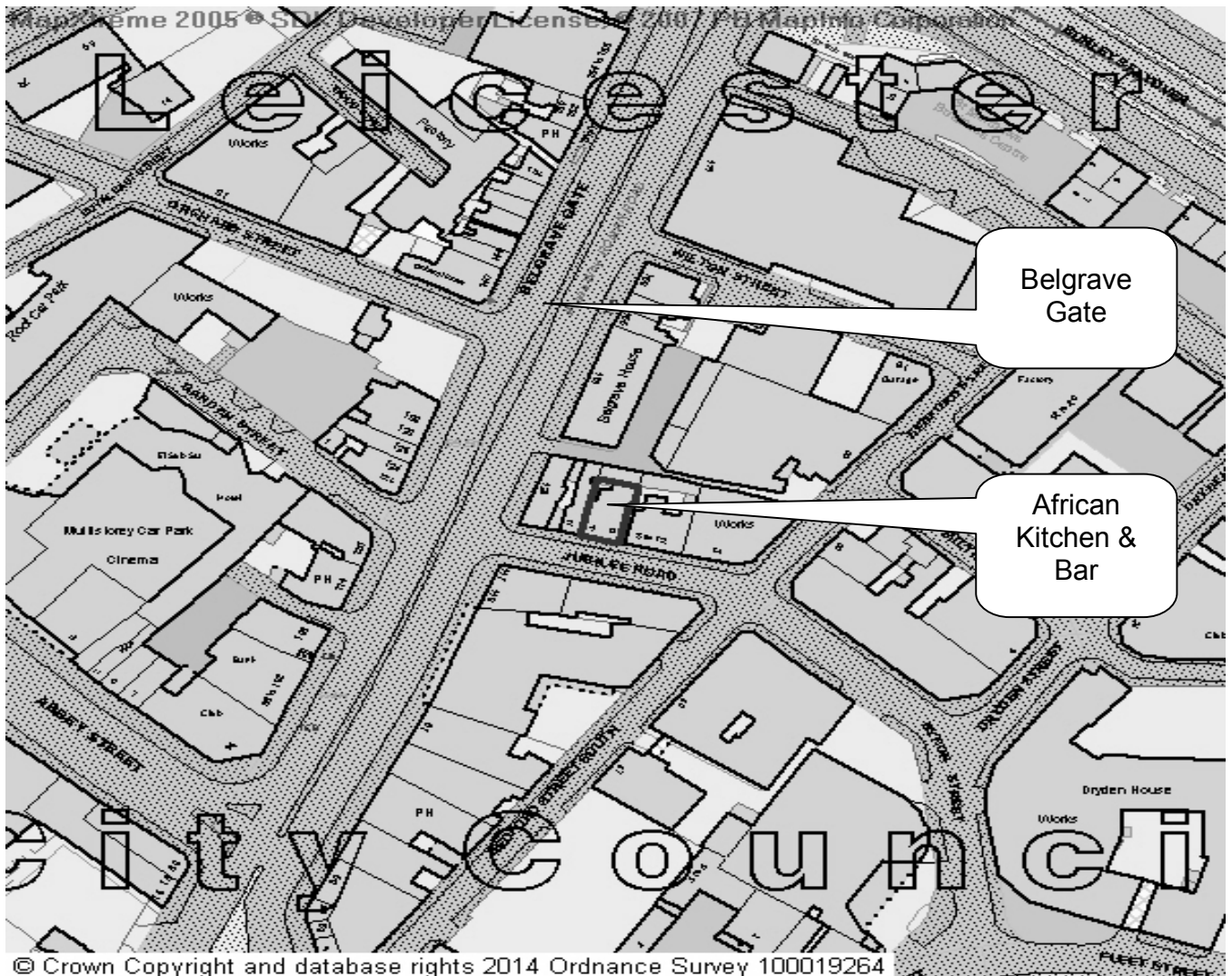
**2. Determination to be made**

- 2.1. Having considered the application and representation, Members must consider whether to
- 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 premises licence for African Kitchen & Bar 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 13<sup>th</sup> June 2014 from Mr Philip Nleme and Ms Marian Ikhide for a variation to an existing premises licence for African Kitchen & Bar. 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	Sun – Weds 12.00 – 00.00	Sun – Weds 12.00 – 00.00
	Thurs – Sat 12.00 – 02.00	Thurs – Sat 12.00 – 05.00
Recorded Music	Sun – Weds 12.00 – 00.00	Sun – Weds 12.00 – 00.00
	Thurs – Sat 12.00 – 02.00	Thurs – Sat 12.00 – 05.00

Performances of Dance	Sun – Weds 12.00 – 00.00 Thurs – Sat 12.00 – 02.00	Sun – Weds 12.00 – 00.00 Thurs – Sat 12.00 – 05.00
Anything similar to live/recorded music or dance	N/a	Sun – Weds 12.00 – 00.00 Thurs – Sat 12.00 – 05.00
Late night refreshment	Sun – Weds 23.00 – 00.00 Thurs – Sat 23.00 – 02.00	Sun – Weds 23.00 – 00.00 Thurs – Sat 23.00 – 05.00
Supply of Alcohol	Sun – Weds 12.00 – 00.00 Thurs – Sat 12.00 – 02.00	Sun – Weds 12.00 – 00.00 Thurs – Sat 12.00 – 05.00
Opening hours	Sun – Weds 12.00 – 00.30 Thurs – Sat 12.00 – 02.30	Sun – Weds 12.00 – 00.30 Thurs – Sat 12.00 – 05.00

## 7. Steps to Promote the Licensing Objectives

- 7.1 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).
- 7.2 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 do not affect the application under consideration because the extended hours requested are outside the ours covered by the exemption.

## 9. Representation

- 9.1 A representation was received on 14<sup>th</sup> July 2014 from a local resident. The representation relates to the prevention of public nuisance. The local resident is concerned that allowing the the premises to extend their hours will increase the noise problems already associated with this premises. A copy of the representation is attached at Appendix C.

## 10. Conditions

- 10.1 The conditions that are consistent with the operating schedule and the representation are attached at Appendix D.

## 11. Statutory Guidance

- 11.1 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:

<b>Section</b>	<b>Heading</b>
1.2 – 1.5	Licensing objectives and aims
1.15 – 1.17	General Principles – each application on its own merits
2.18 – 2.24	Public nuisance
3.11 – 3.18	Late night refreshment
8.34 – 8.42	Steps to promote the licensing objectives
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
10.8 – 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

## **12. Statement of Licensing Policy**

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

<b>Section</b>	<b>Heading</b>
2	Fundamental Principles
5	Licensing Hours
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

## **13. Points for Clarification**

13.1 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, 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?

**14. Other Implications**

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within Supporting information</b>
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

**15. Background Papers – Local Government Act 1972**

- a. None.

**16. Consultations**

- a. 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.

**17. Report Author**

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<b>APPENDIX</b>	<b>CONTENT</b>
A	Existing licence
B	Application
C	Representation
D	Conditions consistent with application