

Leicester
City Council

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

8 September 2014

**Application for a new premises licence within a Cumulative Impact Zone
Enigma, 43 Belvoir Street, Leicester LE1 6SL**

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.

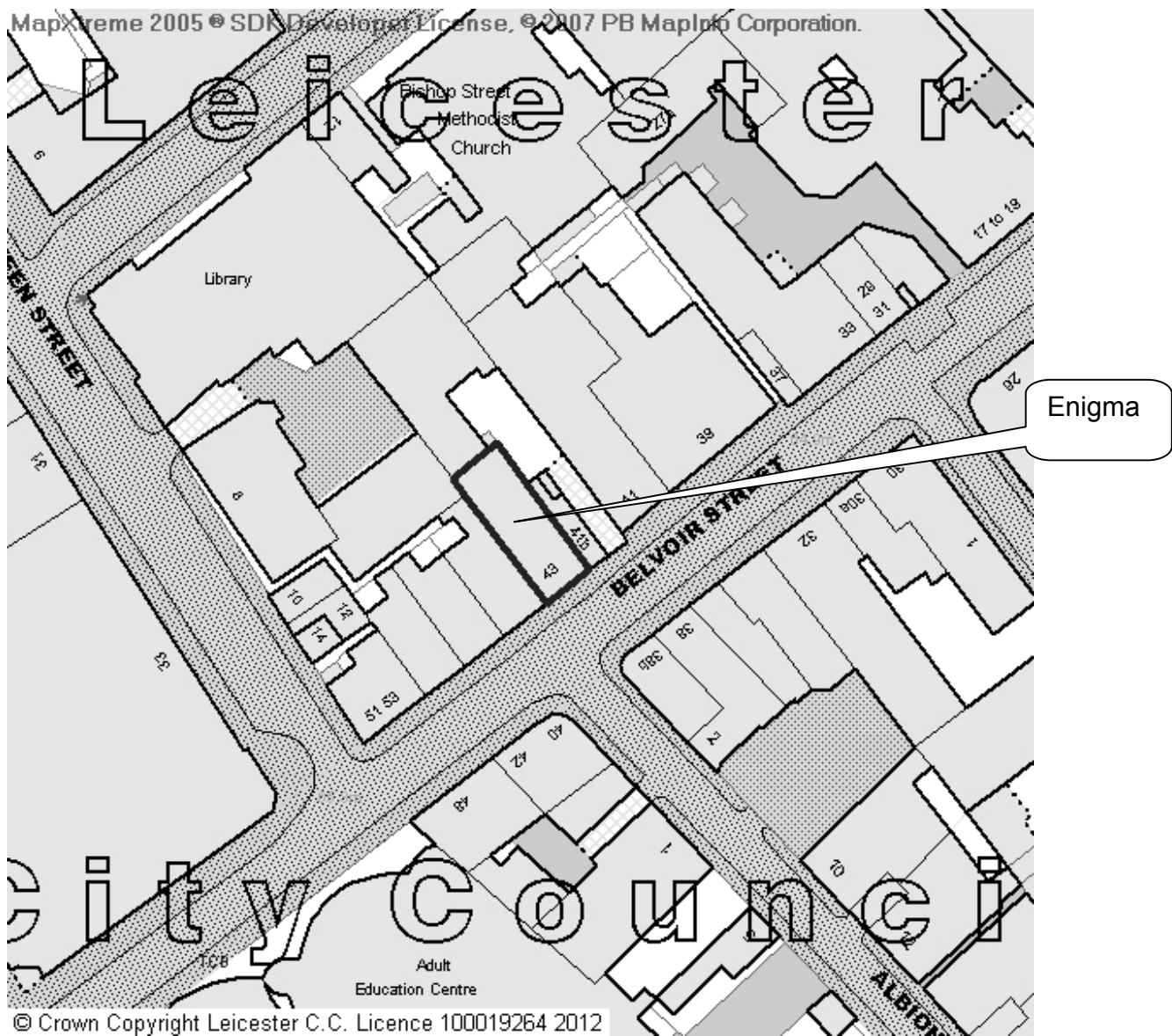
2. Determination to be made

- 2.1. Having considered the application and representation, Members must consider whether to
- Grant the licence without modification
 - Grant the licence subject to conditions
 - Exclude from the licence any of the licensable activities
 - Refuse to accept the proposed premises supervisor
 - Reject the application

3. Summary

- 3.1 This report outlines an application for a new premises licence for Enigma, 43 Belvoir Street, Leicester LE1 6SL within the Belvoir Street area Cumulative Impact Zone 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. Application

- 5.1 An application was received on 15 July 2014 from Fatima Khatri for a new premises licence for Enigma, 43 Belvoir Street, Leicester within the Belvoir Street area Cumulative Impact Zone. A copy of the application is attached at Appendix A.

5.2 The application is as follows:

Licensable activity	Proposed Hours
Films	Mon-Sun 10.00 – 03.00
Live Music	Mon-Sun 10.00 – 03.00
Recorded Music	Mon-Sun 10.00 – 03.00
Performances of Dance	Mon-Sun 10.00 – 03.00
Anything similar to live/recorded music or dance	Mon-Sun 10.00 – 03.00
Late night refreshment	Mon-Sun 10.00 – 03.00
Supply of Alcohol	Mon-Sun 10.00 – 03.00
Opening hours	Mon-Sun 10.00 – 04.00

6. Steps to Promote the Licensing Objectives

- 6.1 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and promote the licensing objectives are set out in the operating schedule (see section M of Appendix A).
- 6.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

7. Live Music

- 7.1 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.
- 7.2 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.

8. Representation

- 8.1 A relevant representation was received on 7 August 2014 from Leicestershire Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. Leicestershire Police are concerned that the premises are situated on Belvoir Street which is in the heart of the cumulative impact area. Leicestershire Police are concerned that these premises will bring further footfall to an already saturated area of the City and therefore increase the likelihood of further crime and disorder, public nuisance and public safety. Leicestershire Police request that the

application is refused in line with the City Councils own policy regarding the Cumulative Impact area. A copy of the representation is attached at Appendix B.

9 Cumulative Impact

- 9.1 In February 2005 Leicester City Council introduced a special policy on cumulative impact in the Belvoir Street area, which refers specifically to on and off licences. This creates a rebuttable presumption that an application for a new premises licence will be refused, unless the applicants can show that their premises are unlikely to add to the problems of saturation.

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 – 1.16	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
3.11 – 3.18	Late night refreshment
8.34 – 8.42	Steps to promote the licensing objectives
9.12	Representations from the Police
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 – 10.61	Mandatory conditions in relation to the supply of alcohol
13.29 – 13.34	Effect of special policies
13.34 – 13.38	Limitations on special policies relating to cumulative impact
13.39	Other mechanisms for controlling cumulative impact
13.42 – 13.43	Licensing Hours

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
3	Cumulative Impact
4	Policy on Cumulative Impact
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 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?

13 Other implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder	Yes	Paragraph 8.1 of this report relates to 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

- a. None

15 Consultations

- b. 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.

or

- a. As this application was received electronically, the Licensing Authority was required to consult with the relevant responsible authorities as set out in the Licensing Act 2003.

16. Report Author

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APPENDIX	CONTENT
A	Application
B	Representation