

Leicester  
City Council

**WARDS AFFECTED**  
Castle

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

**5 February 2015**

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**Application for a new premises licence**  
**St Martins House, Leicester Cathedral & Cathedral Gardens, Peacock Lane,**  
**Leicester**

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**Report of the Director of Local Services and Enforcement**

**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**

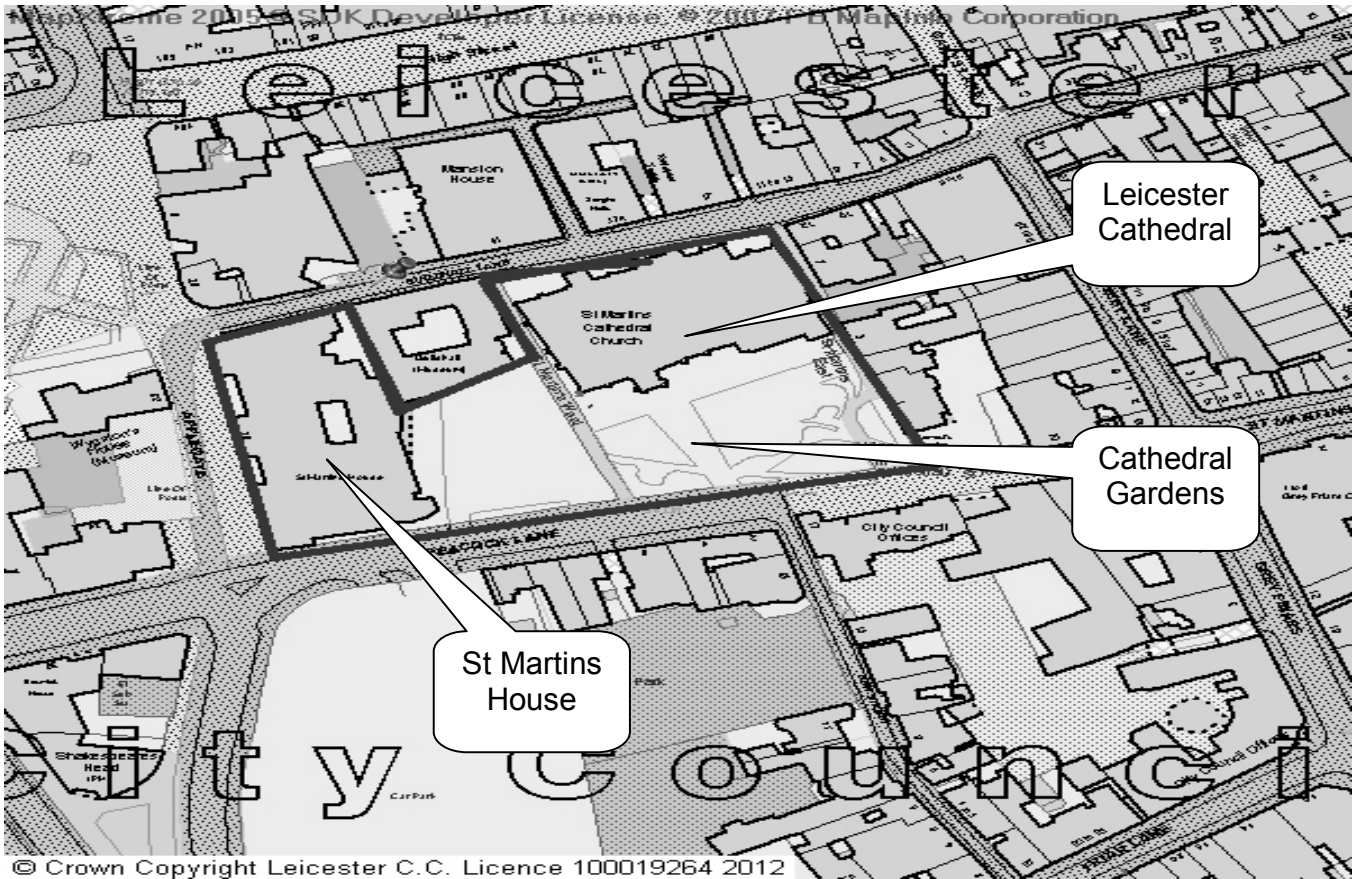
2.1. Having considered the application and representations, Members must consider whether to

- Grant the licence without modification
- 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 St Martins House, Leicester Cathedral & Cathedral Gardens 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



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#### 5. Application

5.1 An application was received on 17<sup>th</sup> December 2014 from St Martins Cathedral Properties Limited for a new premises licence for St Martins House, Leicester Cathedral & Cathedral Gardens. A copy of the application is attached at Appendix A.

5.2 The application is as follows:

Licensable activity	Proposed Hours
Play	Mon – Sun 11.00 – 23.00
Films	Mon – Sun 11.00 – 23.00
Live Music	Mon – Sat 12.00 – 01.00 Sun 12.00 – 23.00
Recorded Music	Mon – Sat 12.00 – 01.00 Sun 12.00 – 23.00
Performances of Dance	Mon – Sat 12.00 – 01.00 Sun 12.00 – 23.00
Supply of Alcohol	Mon – Sat 12.00 – 01.00 Sun 12.00 – 23.00
Opening hours	Mon – Sat 08.00 – 01.00 Sun 08.00 – 23.00

- Outdoor events will only take place in the summer months
- Live/recorded music, provision of dancing will only be played at outdoor events 12.00 – 22.00 Monday, Friday, Saturday and Sundays at special events

## **6. Steps to Promote the Licensing Objectives**

- 6.1 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).
- 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 representation was received on 3<sup>rd</sup> January 2015 from Councillor Kitterick. The representation relates to the prevention of public nuisance. Councillor Kitterick is concerned that allowing the late night hours will change the nature of this area and cause disturbances for the local residents. A copy of the representation is attached at Appendix B1.
- 8.2 Three representations have been received by local residents. The representations relate to the prevention of crime and disorder and the prevention of public nuisance. The residents are concerned that granting this application would increase street drinking in the area and noise pollution, especially from the outdoor events. Copies of the representations can be found at Appendix B2-4.

## **9. Conditions**

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

## **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:

<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
2.1 – 2.7	Crime & Disorder
2.18 – 2.24	Public nuisance
8.34 – 8.42	Steps to promote the licensing objectives
9.13 – 9.19	Licensing Authorities acting as responsible authorities
9.20 – 9.21	Health bodies 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

## **11. Statement of Licensing Policy**

- 11.1 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
7	Prevention of Crime and Disorder
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

<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	Yes	Representations refer to crime & disorder – paragraph 8.2
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 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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<b>APPENDIX</b>	<b>CONTENT</b>
A	Application
B	Representations
C	Conditions consistent with application