

Leicester
City Council

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

12th March 2015

**Application for a new premises licence
Cultura, 106 Queens Road, Leicester**

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.

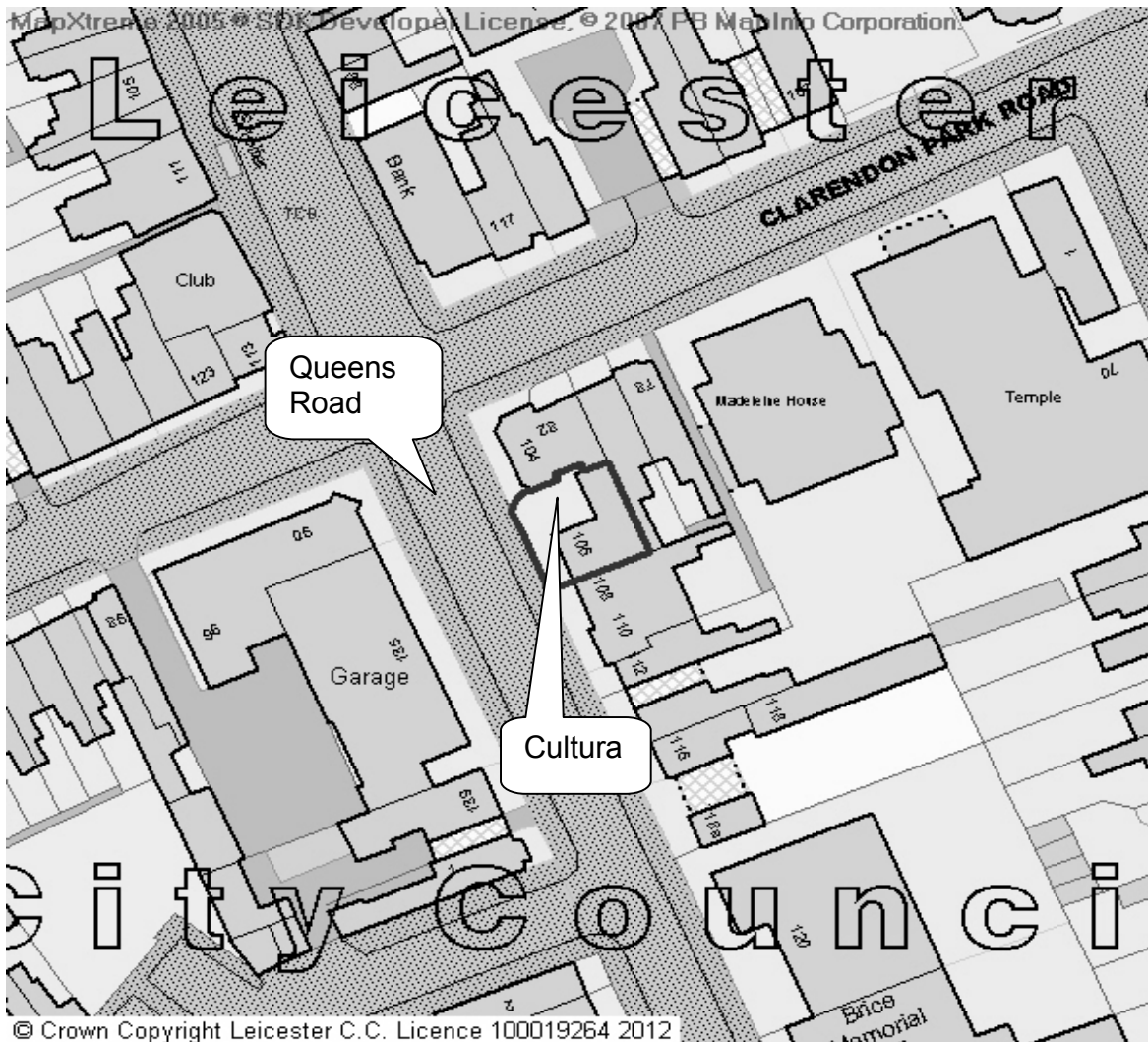
2. Determination to be made

- 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 Cultura 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 16th January 2015 from Mr. Robert Lewis for a new premises licence for Cultura. A copy of the application is attached at Appendix A.

5.2 The application is as follows:

Licensable activity	Proposed Hours
Live Music	10:00-00:00
Recorded Music	10:00-00:00
Late night refreshment	23:00-00:00
Supply of Alcohol	10:00-00:00
Opening hours	10:00-00:00

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 P 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 22nd January 2015 from the Noise Team. The representation relates to the prevention of public nuisance. The Noise Team are concerned that there are a number of residential properties on three sides of the premises and without appropriate conditions on the licence there is likely to be noise nuisance caused by live and recorded music. A copy of the representation and the conditions agreed with applicant are attached at Appendix B1.
- 8.2 A further seven representations were received from local residents between 7th-13th February 2015. The representations relate to the prevention of public nuisance. The residents are concerned that when the applicant applied for a licence in 2013 a number of conditions were added to the licence at the hearing to uphold the licensing objectives. These conditions would not be added to any new licence based on the application made by Mr Lewis although a number of them have been requested by the Noise Team in their representation and agreed by Mr. Lewis. Each of the local residents except in B8 have stated they will withdraw their objection should the conditions from the previous licence be imposed on the new licence. Mr Lewis has confirmed he agrees to the conditions from the previous licence being added to the new licence, if granted.

The residents who made representations B2-B6 have agreed to withdraw their representations, assuming all the conditions they requested have been added.

The local resident who made representation B7 is concerned that the balcony may be a new source of noise nuisance and that this may not be covered by the condition from the

previous licence which only states the outside area cannot be used for licensable activities after 21:30. As the balcony did not exist when the licence was first granted the resident would like an either additional condition to be added in relation to the balcony or the condition relating to the outside area to be clarified to include the balcony.

The local resident in B8 has not agreed any conditions with Mr. Lewis.

9. Conditions

- 9.1 The conditions that are consistent with the operating schedule the representations and the agreements 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:

Section	Heading
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
9.27 – 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
9	Prevention of Public Nuisance
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	No	
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.

16. Report Author

Vicky Marshall
Licensing Officer
0116 454 3048
victoria.marshall@leicester.gov.uk

APPENDIX	CONTENT
A	Application
B	Representations
C	Conditions consistent with application and representations / agreements