

Leicester
City Council

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

17 March 2015

**Application for a variation of an existing premises licence
within a Cumulative Impact Zone
North, 42 Hinckley Road, Leicester LE3 0RB**

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.

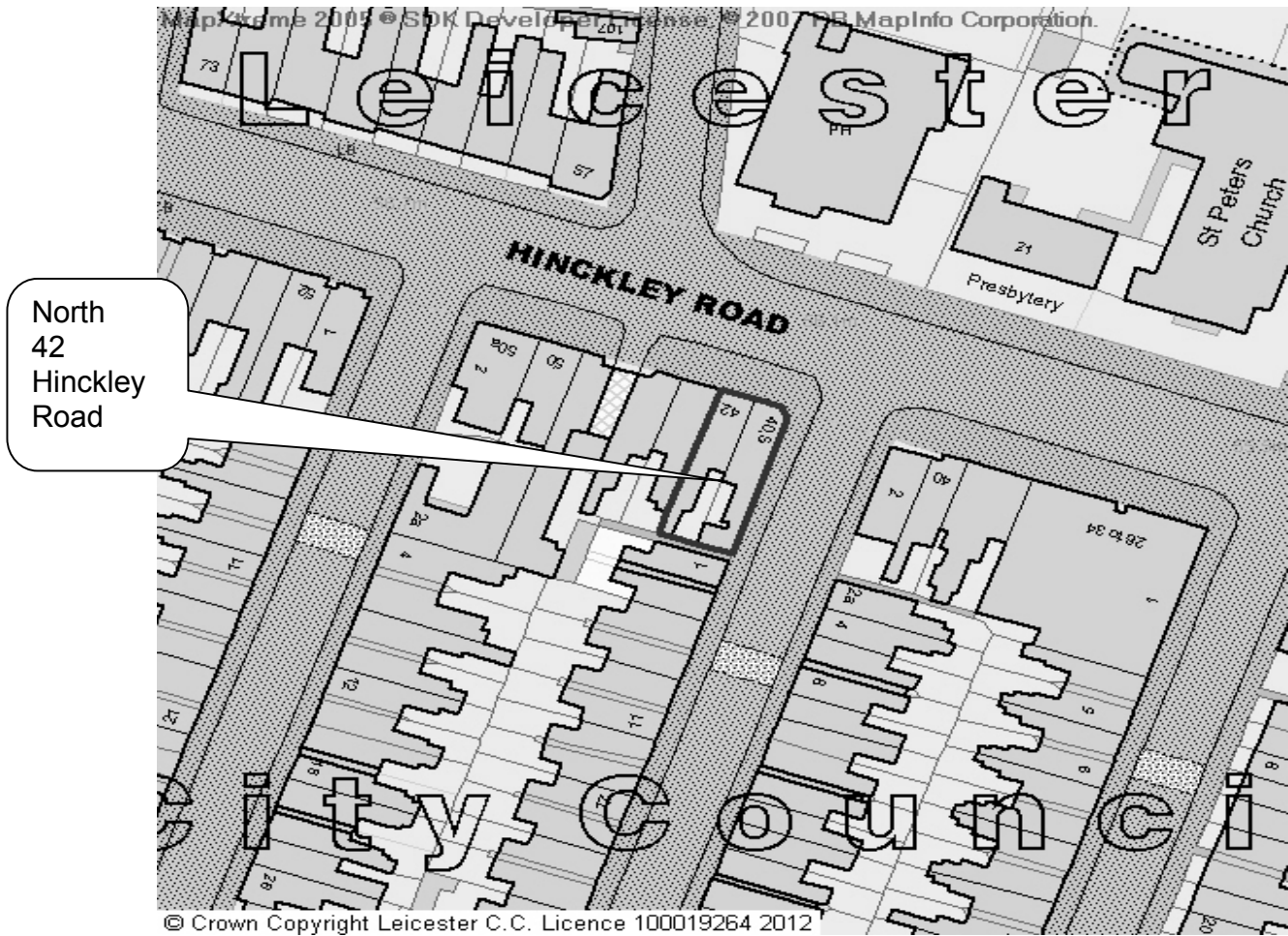
2. Determination to be made

- 2.1. Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
 - 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 42 Hinckley Road, Leicester LE3 0RB within the Braunstone Gate 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. Existing Licence

5.1. The existing licence is attached at Appendix A.

6. Application

6.1 An application was received on 29th January 2015 from Mr. Stephen Rodwell for a variation to an existing premises licence for for North, 42 Hinckley Road, Leicester LE3 0RB within the Braunstone Gate area Cumulative Impact Zone. 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	Monday to Sunday 11am until 11pm	Monday to Thursday 11am until Midnight Friday and Saturday 11am until 2am Sunday 11am until 11pm
Recorded Music	N/A	Monday to Thursday 11am until

		Midnight Friday and Saturday 11am until 2am Sunday 11am until 11pm
Supply of Alcohol	Monday to Sunday 11am until 11pm	Monday to Thursday 11am until Midnight Friday and Saturday 11am until 2am Sunday 11am until 11pm
Opening hours	Monday to Sunday 11am until 11pm	Monday to Thursday 11am until Midnight Friday and Saturday 11am until 2am Sunday 11am until 11pm

7. Steps to Promote the Licensing Objectives

- 7.1 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 P 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 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 A relevant representation was received on 8th February 2015 from a local resident. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The local resident is concerned that an extension to the hours could result in increased noise nuisance and crime and disorder within the vicinity. A copy of the representation is attached at Appendix C1.

9.2 A relevant representation was received on 18th February 2015 from Leicestershire Police. The representation relates to the prevention of crime and disorder, the prevention of a public nuisance and public safety. Leicestershire Police are concerned that granting this licence will increase the number of premises where alcohol can be purchased. Leicestershire Police are concerned that the applicant has not addressed the special policy regarding the cumulative impact zone in his application or indicated how the premises will promote any of the licensing objectives. A copy of the representation is attached at Appendix C2.

10. Conditions

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

11 Cumulative Impact

11.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Churchgate 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.

12. Statutory Guidance

12.1 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
9.12	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 – 10.59	Mandatory conditions in relation to the supply of alcohol
13.42 – 13.43	Licensing Hours
15.10 – 15.22	Live music

13. Statement of Licensing Policy

13.1 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

14 Points for Clarification

14.1 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?

15. 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	Representations refer to prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

16. Background Papers – Local Government Act 1972

- a. None

17. 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.

18. Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application
C	Representations
D	Conditions consistent with application