

Leicester  
City Council

**WARDS AFFECTED  
CASTLE**

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

**30 March 2015**

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**Application for a variation of an existing premises licence within a Cumulative  
Impact Zone  
Harveys, 43 Belvoir Street, 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.

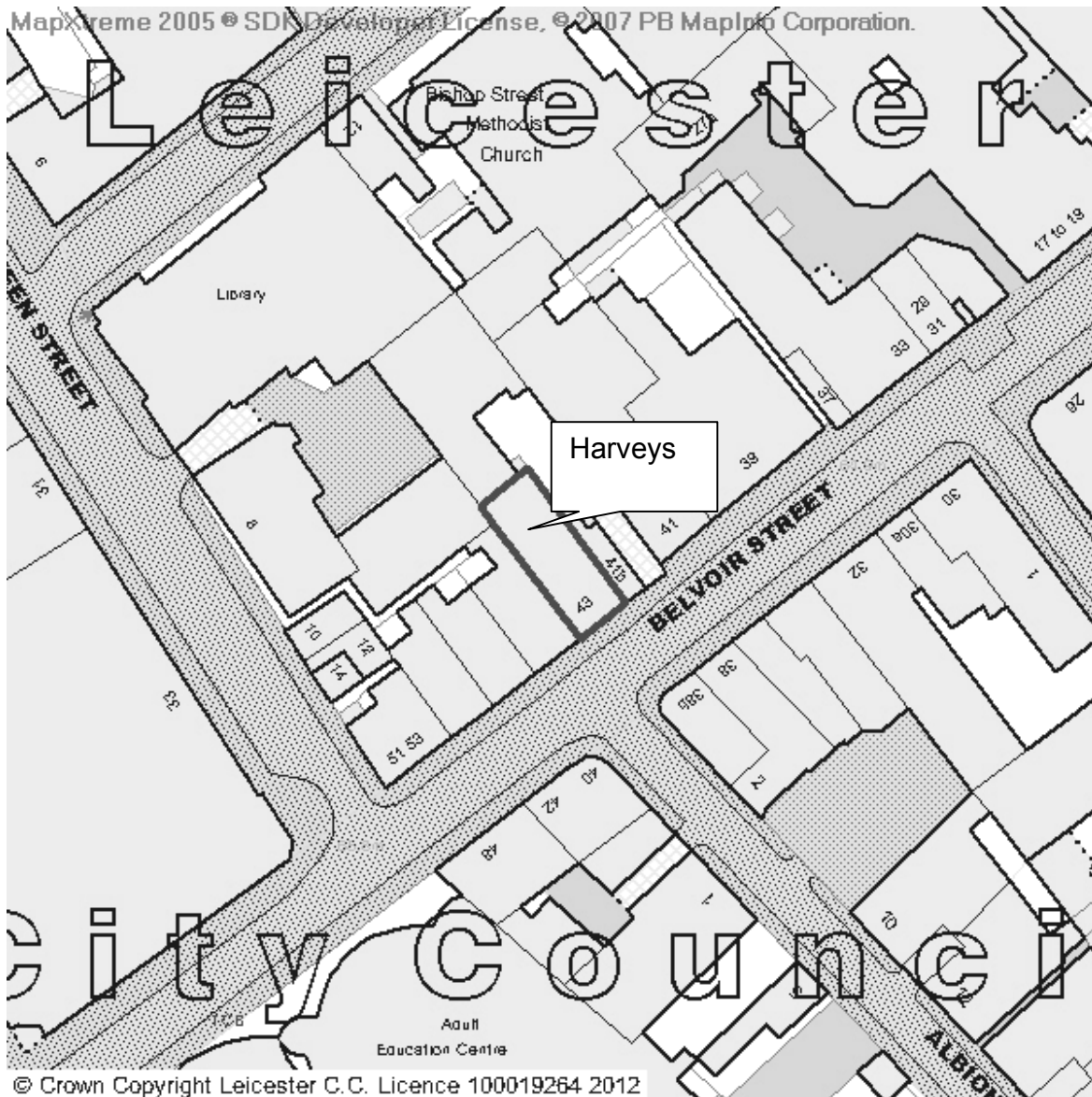
**2. Determination to be made**

- 2.1. Having considered the application and representation(s), 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 Harveys, 43 Belvoir Street, 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**



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**5. Existing Licence**

5.1. The existing licence is attached at Appendix A.

**6. Application**

6.1 An application was received on 03.February 2015 from Mr Abdul Caratella for a variation to an existing premises licence for Harveys within the Belvoir Street 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 Recorded Music Performances of Dance	Monday to Sunday 10:00am to 1:30am	No change

Anything similar to live/recorded music or dance		
Late night refreshment	Monday to Sunday 11:00pm to 2:30am	No change
Supply of Alcohol	Monday to Sunday 10:00am to 2:00am	No change
Opening hours	Monday to Sunday 10:00am to 3:00am	No change

The only proposed change is the removal of a condition from the licence, which says: “The Premises will be licensed primarily as a restaurant with on sales only.”

## 7. Steps to Promote the Licensing Objectives

- 7.1 The Applicant has proposed no steps to promote the licensing objectives
- 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. Representation

- 8.1 A relevant representation was received on 27 February 2015 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 removal of this condition would allow this three floored premises to trade seven days a week as a bar increasing the footfall in the area. A copy of the representation is attached at Appendix C.

## 9. Conditions

- 9.1 There are no conditions consistent with the operating schedule or the representation.

## 10 Cumulative Impact

- 10.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Belvoir Street area, which refers specifically to on / 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..

## 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:

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
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
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. 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
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

### 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

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within Supporting information</b>
Equal Opportunities	No	
Policy	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder	Yes	Paragraph 7 relates to 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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<b>APPENDIX</b>	<b>CONTENT</b>
A	Existing licence
B	Application
C	Representation