

Leicester
City Council

WARDS AFFECTED
Castle

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

21 April 2015

Application for a review of an existing premises licence
The Grapevine, 33-37 Belvoir Street, Leicester, LE1 6SL

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.

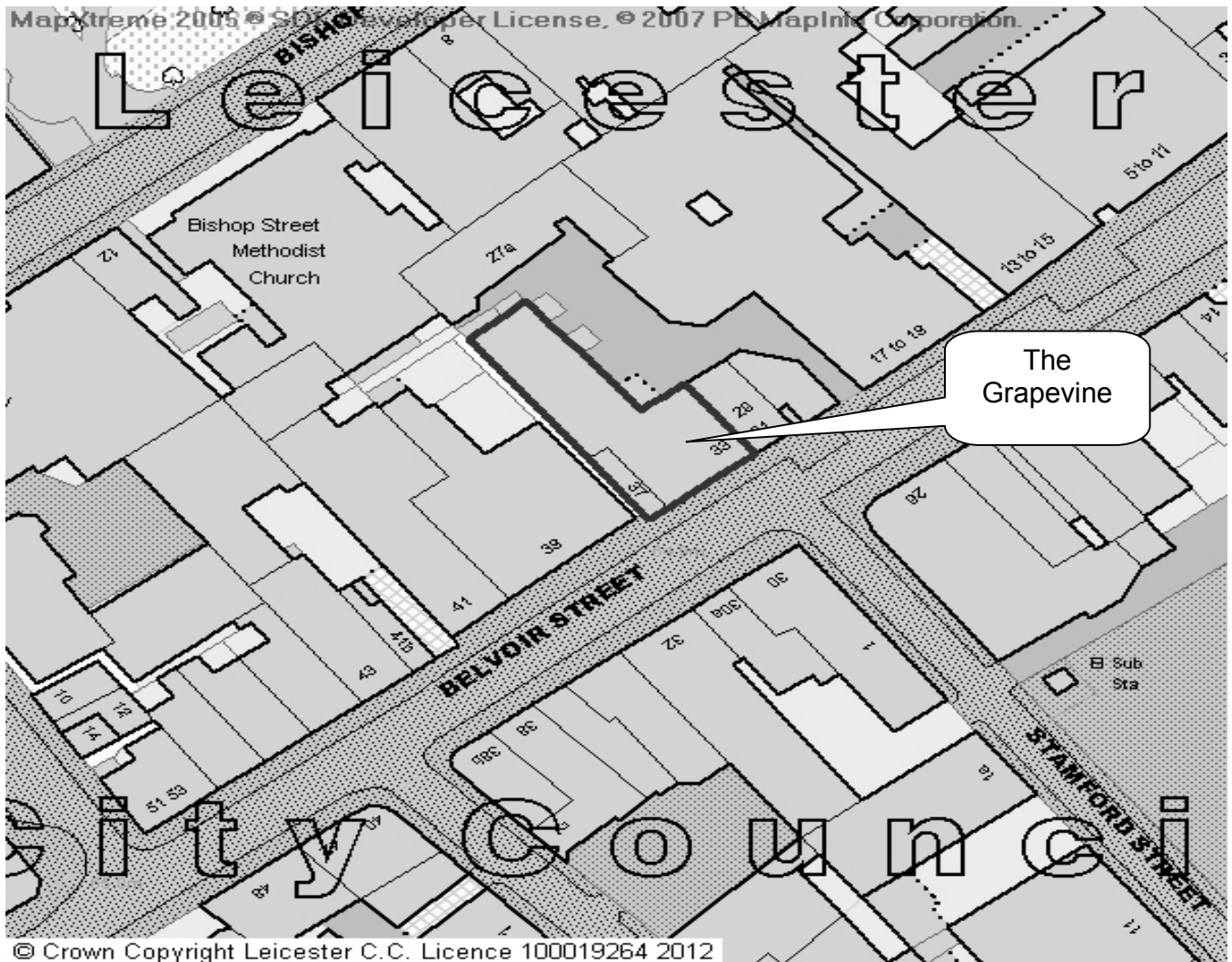
2. Determination to be made

- 2.1. Having considered the application and representations, Members must consider whether to
- Reject the review application
 - Modify the conditions of the licence
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence
- 2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

- 3.1 This report outlines an application for a review of an existing premises licence for The Grapevine 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.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Plays, Films, Indoor Sporting Events, Boxing or Wrestling, Live Music, Recorded Music, Performances of Dance and Supply of Alcohol	Sun – Thurs 09.00 – 03.30 Fri – Sat 09.00 – 04.00
Late night refreshment	Sun – Thurs 23.00 – 03.30 Fri – Sat 23.00 – 04.00
Opening hours	Sun – Thurs 09.00 – 04.00 Fri – Sat 09.00 – 04.30

6. Review application

- 6.1 An application was received on 24th February 2015 from Leicestershire Police for a review of the existing premises licence for The Grapevine. The application was made on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the application is attached at Appendix B.
- 6.2 Leicestershire Police are concerned that the premises have failed to uphold or promote the Licensing Objectives, putting members of the public at risk. This is due to a number of poor management practices, failures to assist and being obstructive towards police investigations and reported assaults by staff members on members of the public.

7. Representations

- 7.1 Two representations were received on 7th March 2015 and 23rd March 2015 from Councillor Kitterick and the Noise Team. Both representations relate to the prevention of public nuisance. Councillor Kitterick and the Noise Team are concerned that they have received repeated noise related complaints over a number of years associated with this premises. Copies of the representations are attached at Appendix C1 and C2.

8 Steps to Promote the Licensing Objectives

- 8.1 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

9. Deregulation of Entertainment

- 9.1 The Live Music Act 2012 amended the Licensing Act 2003 so that live music is not licensable in certain circumstances. The exemptions include amplified live music in an on licensed premises between 08.00 and 23.00 hours, to an audience of up to 500 people. Unamplified music does not require a licence anywhere between 08.00 and 23.00 hours, regardless of the audience size.
- 9.2 The 2012 Act includes provision for conditions to be imposed on live music following a review and in such circumstances, live music is treated as if it is licensed at the premises.
- 9.3 The Legislative Reform (Entertainment Licensing) Order 2014 further amends the 2003 Act and extends the live music exemption to include recorded music as well. The options at review are also extended to recorded music.

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 relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.5	The licensing objectives
1.15 – 1.17	General principles – each application on its own merits
2.1 – 2.18	Crime and disorder
2.19 – 2.31	Public safety
2.32 – 2.40	Public nuisance
3.12 – 3.19	Late night refreshment
8.34 – 8.44	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
10.12 – 10.42	Imposed conditions
10.43 – 10.81	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.33	Reviews
13.40	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
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
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 licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application 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	Yes	Parag. 6 – the review application was made on the grounds of the prevention of 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. Hearing under the Licensing Act 2003 on 14th March 2013.

15. Consultations

15.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

16. Report Author

Amy Day
Licensing Officer
0116 454 3054
Amy.day@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application for review
C	Representations