

Leicester  
City Council

**WARDS AFFECTED**  
**Castle**

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

**29<sup>th</sup> October 2015**

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**Application for a variation of an existing premises licence**  
**Square Bar, 5-9 Hotel 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**

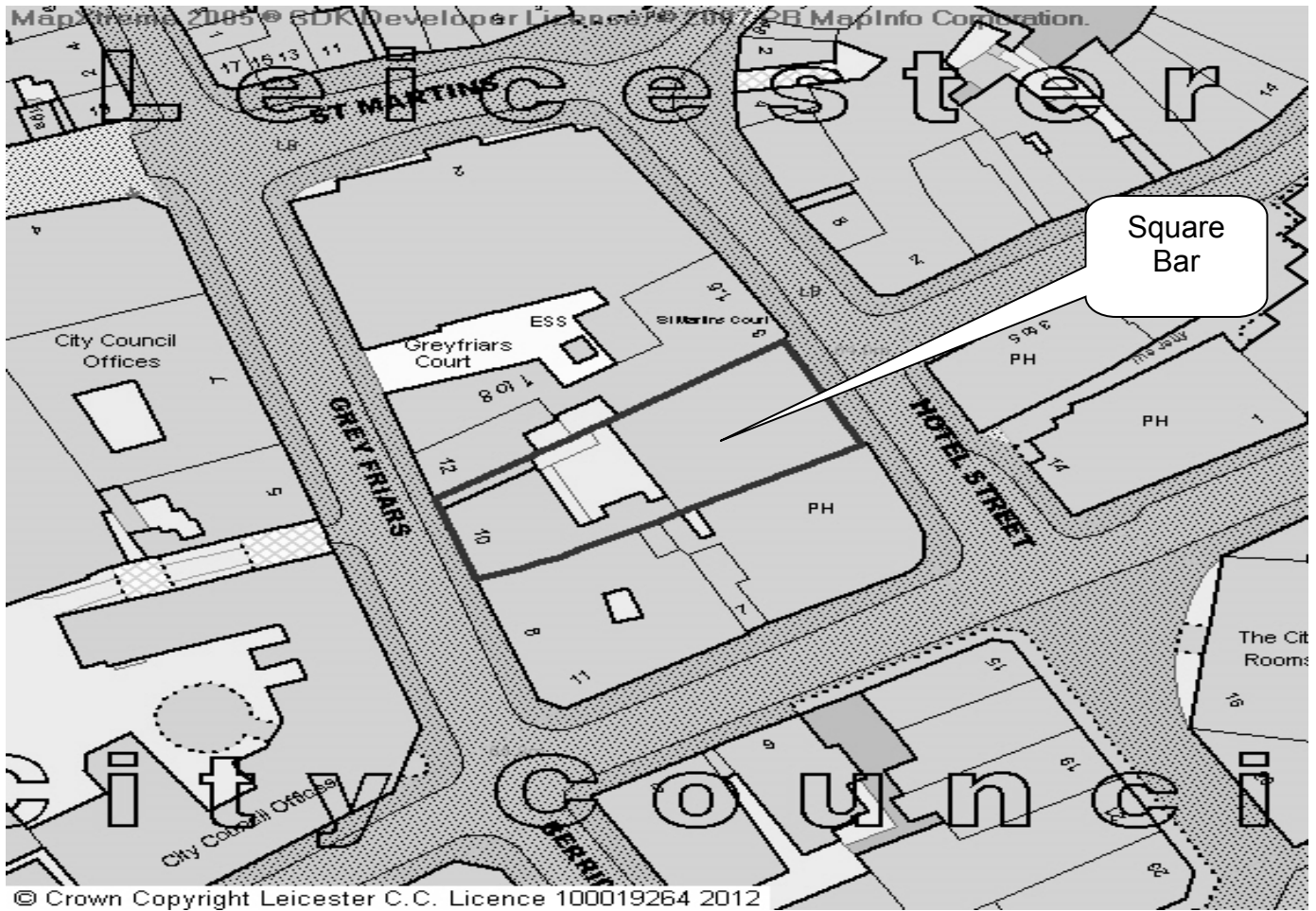
- 2.1. Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
  - Modify the conditions of the licence
  - Reject the whole application

**3. Summary**

- 3.1 This report outlines an application for a variation to an existing premises licence for Square Bar 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.

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#### 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 3<sup>rd</sup> September 2015 from Amber Taverns Limited for a variation to an existing premises licence for Square Bar. 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
Films	Mon – Sun 10.00 - 02.30	No change
Live Music	Mon – Sun 10.00 - 02.30	No change
Recorded Music	Mon – Sun 10.00 - 02.30	No change
Anything similar to live/recorded music or dance	Mon – Sun 10.00 - 02.30	No change
Late night refreshment	Mon – Sun 23.00 - 03.30	No change
Supply of Alcohol	Mon – Sun 10.00 - 02.30	No change
Opening hours	Mon – Sun 09.00 - 03.30	Mon – Sun 10.00 – 03.00

- Remove obsolete conditions from Annex 1 of the licence.
- Remove all conditions from Annex 2 of the licence and replace with new conditions.
- Remove the condition relating to Challenge 21 in Annex 3 of the licence.

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

- 7.1 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M 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. Regulated entertainment**

- 8.1 The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 amended the Licensing Act 2003 in relation to the provision of regulated entertainment. Certain entertainment does not require a licence subject to audience limits, between 08.00 and 23.00 hours each day.
- 8.2 The above exemptions may affect the application under consideration because conditions may not be imposed at this stage to control live or recorded music that is unregulated. However, if problems do occur as a result of that entertainment then conditions may be imposed to control such music in the future after a formal review.

## **9. Representation**

- 9.1 Two representations were received on 16<sup>th</sup> September 2015 from a local resident and Ward Councillor. The representations relate to the prevention of public nuisance. The representees are concerned that removing conditions relating local residents and visitors would mean they are no longer protected. Copies of the representations are attached at Appendix C1-2.
- 9.2 A representation was received on 18<sup>th</sup> September 2015 from Leicestershire Police. The representation relates to the prevention of crime and disorder, prevention of public nuisance and public safety. Leicestershire Police are concerned that the premise is located in a busy area with increased footfall during the evening economy. They believe the application fails to promote the licensing objectives. Leicestershire Police have agreed a number of conditions with the applicant the addition to the conditions they have proposed on the application. A copy of the representation and agreement is attached at Appendix C3.

## **10. Conditions**

- 10.1 The conditions that are consistent with the operating schedule, representation and agreement are attached at Appendix D.
- 10.2 Members are reminded that this is a variation application and not a review. Whilst conditions may be revisited, it would not be appropriate to impose completely new conditions to address matters.

## 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	General Principles
1.16	Each application on its own merits
2.1 – 2.5	Crime & Disorder
2.6 – 2.13	Public Safety
2.14 – 2.20	Public nuisance
8.33 – 8.41	Steps to promote the licensing objectives
9.12	Representations from the Police
9.30 – 9.40	Hearings
9.41 – 9.43	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.27 – 10.68	Mandatory conditions in relation to the supply of alcohol
13.44 – 13.45	Licensing Hours
15.1 – 15.69	Regulated entertainment

## 12 Statement of Licensing Policy

- 12.1 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

## 13. Points for Clarification

- 13.1 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?

**14. 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	Police representation para. 9.2
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

**15. Background Papers – Local Government Act 1972**

- a. None.

**16. 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.

**17. Report Author**

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<b>APPENDIX</b>	<b>CONTENT</b>
A	Existing licence
B	Application
C	Representations
D	Conditions consistent with application and representation / agreement