



Leicester
City Council

WARDS AFFECTED
Castle

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

Tue, 10th November 2015

Application for a variation of an existing premises licence
Apres Lounge, 94 High Street, Leicester, LE1 5YP

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.

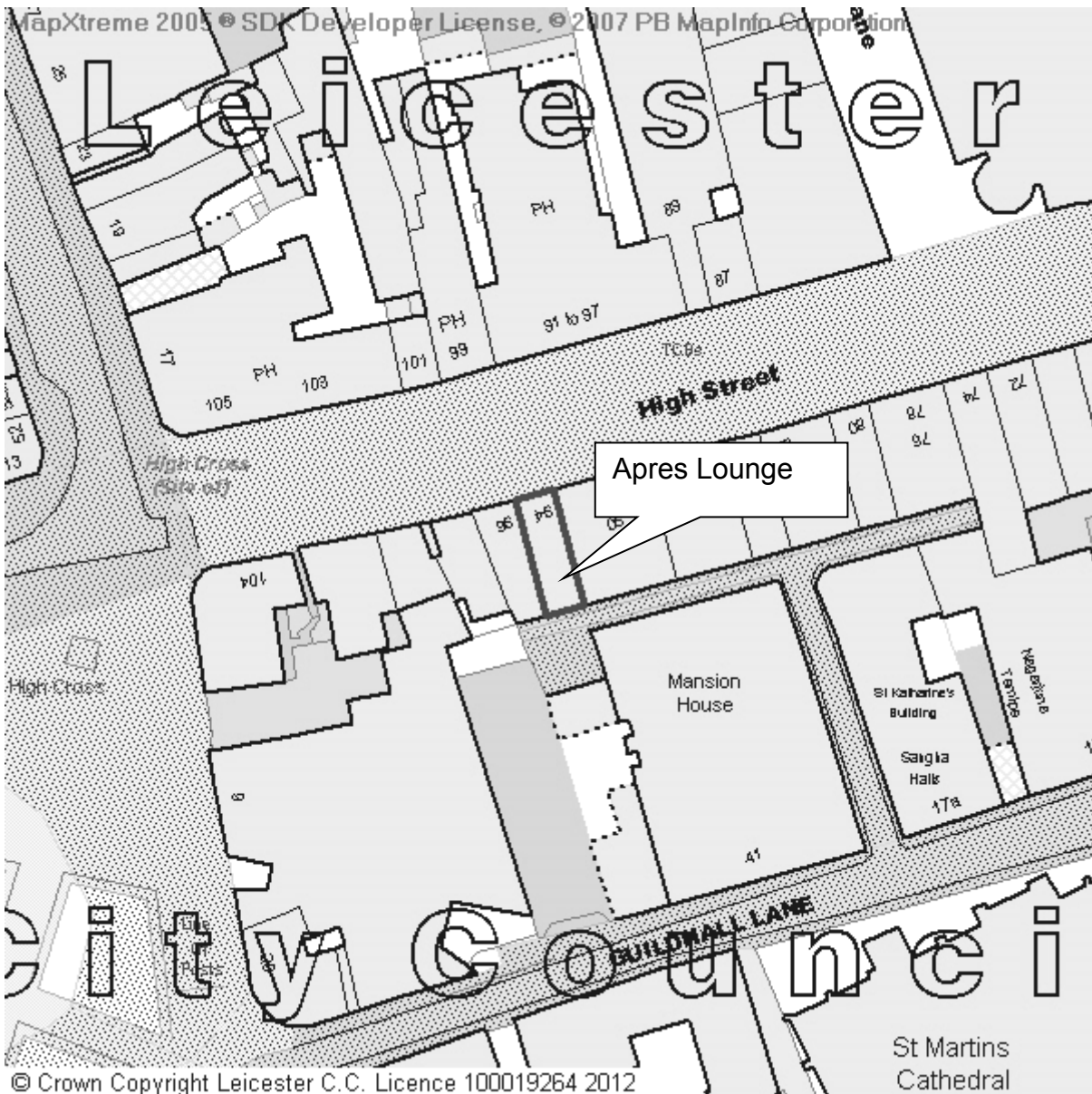
2. Determination to be made

- 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 Apres Lounge 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 17th September 2015 from Mr Ercan Dogan for a variation to an existing premises licence for Apres Lounge. 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	10:00am – 2:00am	10:00am to 6:00am
Recorded Music	10:00am – 2:00am	10:00am to 6:00am
Performances of Dance	10:00am – 2:00am	10:00am to 6:00am
Anything similar to live/recorded music or dance	10:00am – 2:00am	10:00am to 6:00am
Dancing	10:00am – 2:00am	10:00am to 6:00am
Late night refreshment	11:00pm – 2:00am	11:00pm to 5:00am
Supply of Alcohol	10:00am – 2:00am	10:00am to 6:00am
Opening hours	10:00am – 2:00am	10:00am to 6:00am

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 do not affect the application under consideration because the hours being requested are outside the period when live and recorded music is unregulated.

9. Representation

- 9.1 Three relevant representation were received between 5th and 7th October 2015 from two Ward Councillors and a local resident. The representations relate to the prevention of crime and disorder and the prevention of public nuisance. The representees are concerned that increasing the opening hours of the premises until the early hours of the morning will cause disruption to the area as well as residents. They are also concerned that extended hours for this premises will encourage other premises to follow suits. Copies of the representations are attached at Appendix C1 – C3.

10. Conditions

- 10.1 The conditions that are proposed in the application form are already covered in the existing licence. There is a condition in Annex 2 of the existing license that refers to the hours for licensable activities and opening hours, which will need to be removed if the application is granted.

10. 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
2.14 – 2.20	Public nuisance
3.11 – 3.18	Late night refreshment
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
9	Prevention of Public Nuisance
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

13. Points for Clarification

- 13.1 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?

14. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Representations are based on concerns about crime and disorder
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
Valentina Cenic
Licensing Officer
0116 454 3081
valentina.cenic@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application
C	Representations