



Leicester  
City Council

**WARDS AFFECTED  
CASTLE**

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

**27 November 2015**

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**Application for a variation of an existing premises licence  
Bar 47 – Basement of Spark VIP**

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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**

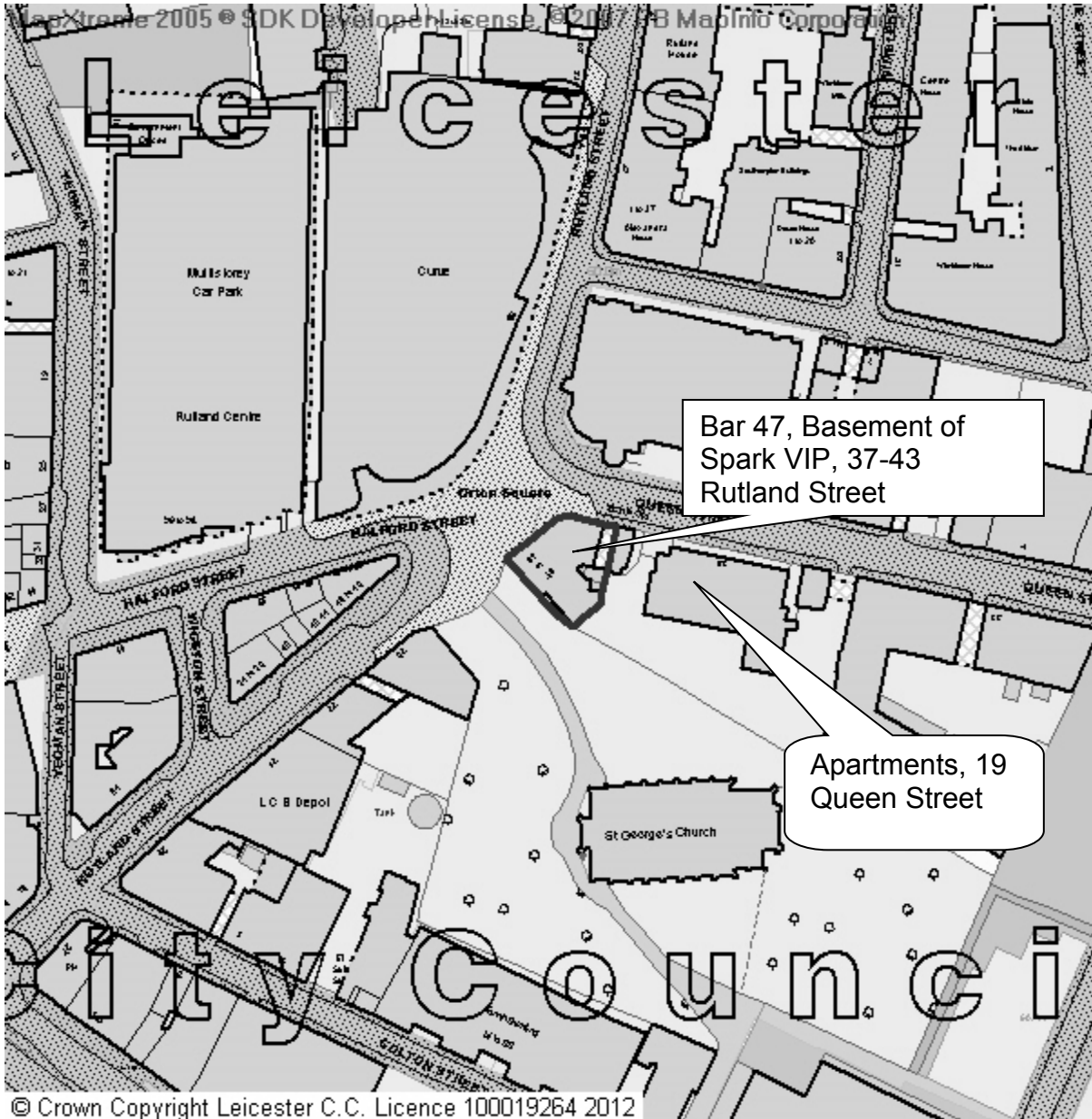
- Grant the licence without modification
- Modify the conditions of the licence
- Reject the whole application

**3. Summary**

- 3.1 This report outlines an application for a variation to an existing premises licence for Bar 47, Basement of Spark VIP 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 13<sup>th</sup> October 2015 from Ms Tianzhu Wang for a variation to an existing premises licence for Bar 37 – Basement of Spark VIP. A copy of the application is attached at Appendix B.

6.2 The variation sought by the application is as follows:

<b>Licensable activity</b>	<b>Current Hours</b>	<b>Proposed Hours</b>
Live Music Recorded Music Supply of alcohol (on) Opening hours	Mon to Thurs 6pm – 1am Fri to Sat 3pm – 2am Sunday 3pm – 11pm	Mon to Thurs 3pm – 4am Friday 3pm – 4.30am Saturday 11am – 4.30am Sunday 3pm – 11pm
Anything similar to live/recorded music or dance	Mon to Thurs 6pm – 1am Fri to Sat 3pm – 2am Sunday 3pm – 11pm	Mon to Fri 3pm – 4am Saturday 11am – 4.30am Sunday 3pm – 11pm

- Sunday prior to a Bank Holiday until 4am

## 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 P of Appendix A).
- 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 applied for are after 11pm and therefore unaffected by deregulation.

## 9. Representation

- 9.1 A representation was received on 2<sup>nd</sup> November 2015 from Leicester City Council's Noise Team. The representation relates to the prevention of public nuisance. The noise team are concerned that there will be an increased likelihood of public nuisance from on-street activity associated with customers using the premises until the early hours of the morning. They are concerned that the hours sought are likely to cause sleep disruption to nearby residents. The noise team are seeking the addition of conditions to the licence to promote the licensing objectives and are seeking an agreement with the applicant. A copy of the representation and agreement are attached at Appendix C1.
- 9.2 A representation was received on 2<sup>nd</sup> November 2015 from the Management of the Queen Street Apartments, Leicester. The representation relates to the prevention of public nuisance. They are concerned that an extension to the hours sought on the application will negatively impact the lives of three hundred residents in the nearby apartments and buildings with increased noise and disruption. A copy of the representation is attached at Appendix C2.

## 10. Conditions

- 10.1 The conditions that are consistent with the operating schedule and the representation and agreement are attached at Appendix D.

## 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
2.14 – 2.20	Public nuisance
3.11 – 3.18	Late night refreshment
8.33 – 8.41	Steps to promote the licensing objectives
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
11.4 – 11.5	Planning
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 parties 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	No	
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**

Susan Hall  
 Licensing Officer  
 0116 454 3053  
 Susan.hall@leicester.gov.uk

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