



Licensing Act 2003 - Representation in respect of a variation to a Premises Licence

Details of person or body making representation	
Your Name:	Andrew Sansome
Your Address:	Noise and Pollution Team Leicester City Council Third Floor Phoenix House 1 King Street Leicester LE1 6RN

Details of premises representation is about	
Name of Premises:	Bar 47 (Basement of Spark VIP)
Address of premises:	37-43 Rutland Street Leicester LE1 1RE
Application No. (if known)	076527

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/>

Please summarise your concerns about this application:
<p>Bar 47 (Basement of Spark VIP) occupies a premises situated within the Cultural Quarter of the City Centre. The area consists of a mixture of residential, commercial and licensed premises.</p> <p>Currently Spark VIP currently operates a specialised karaoke bar on the ground floor of 37-43 Rutland Street which opens until 03.00 hours daily. The premises operate a booking system where group of customers pre book a soundproof booth for a predetermined time. This eliminates the need for customers queuing outside the premises and therefore minimises noise disturbance from on-street activity. A customer smoking area is located within an enclosed yard within the building footprint.</p> <p>Bar 47, Basement of Spark VIP have made this application to make use of the basement of 37-43 Rutland Street in conjunction with Spark VIP for live and recorded music events. They have applied to use the basement of the premises for licensable</p>

activities from 15.00 hours to 04.00 Monday to Thursday, 15.00 hours to 04.30 hours Friday, 11.00 hours to 04.30 hours Saturday and 15.00 hours to 23.00 hours Sunday.

The current opening hours for the premises, agreed by the Licensing Committee in 2015 are

Monday to Thursday 18.00 hours to 01.00 hours
Friday and Saturday 15.00 hours to 02.00 hours
Sunday 15.00 hours to 23.00 hours

The basement bar is entered and exited through a lobby door system and provided that these are maintained the likelihood of complaint from noise breakout will be minimised.

There is an increased likelihood of public nuisance from on-street activity associated with customers of the ground floor and basement premises, either arriving, leaving, queuing, or smoking outside the property if the premises is allowed to operate to the hours requested. The hours the applicant has applied to operate the basement bar for to 04.00 hours Monday to Thursday and 04.30 hours on Friday and Saturday is likely to prevent sleep or cause sleep disruption to nearby residents particularly in the early part of the working week.

I therefore recommend that the licence be refused as applied for.

However, it may be possible for the bar to operate without causing public nuisance if appropriate conditions are applied.

I recommend that the hours of the premises be restricted to lesser hours during the quieter periods of the early week.

Sunday 15.00 to 23.00, Monday to Thursday 15.00 to 00.00.

Whilst allowing the premises to operate Friday 15.00 to 04.00 hours and Saturdays 11.00 to 04.00 hours.

The exception being on a Sunday before a Bank Holiday 15.00 to 04.00 hours

I also recommend that the existing conditions on the premises licence to remain the same --

Existing Conditions

To prevent noise breakout from the premises, sound trap lobbies with automatic door closers shall be installed and maintained to all entrance and exit doors.

The small enclosed yard area to the west of the building shall not be used when events involving live, amplified music or speech are taking place. The access door and windows to the yard area must be kept closed when events involving live, amplified music or speech are taking place.

Note to applicant:

You may need to consider providing ventilation or air conditioning in warm weather.

No music or speech shall be relayed via external speakers

Prominent, clear notices shall be displayed at all exits requesting customers and staff respect the needs of local residents by keeping noise to a minimum when using the outside area and when leaving the premises. All such signs must be in a permanent form, prominently placed and be legible.

Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 20.00 and 09.00 hours

The licensee shall ensure that whilst customers are queuing to enter the premises, noise levels are managed to prevent public nuisance to local residents.

The licensee shall take reasonable steps to prevent public nuisance being caused by customers outside whilst smoking.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

Return your completed form to:

By Post:

Licensing Authority Office
Leicester City Council
City Hall
115 Charles Street
Leicester
LE1 1FZ

By Email:

licensing@leicester.gov.uk

Please ask for Andrew Sansome
Direct Line 0116 454 3061
Our Ref 15/11348/PNCNLI
Date 2nd November 2015



Mr Tim Sturgess



Dear Mr Sturgess

Licensing Act 2003 – Objection to the Variation of an Existing Premises License

Application Ref: 076527

Prevention of Public Nuisance.

Bar 47 (Basement of Spark VIP), 37-43 Rutland Street, Leicester.

I write to you following my discussion with yourself regarding the application for the variation of the existing premises licence. I am grateful for your cooperation.

As discussed I have no issues with the application for licensed activities at your premises provided that suitable conditions are attached to the new licence which I believe will help you prevent noise affecting your near neighbours.

The licencing system requires that I request that you make a formal, written request to Licensing that measures have been agreed with the Noise Team. This may make a hearing unnecessary.

Please be aware that the decision whether the conditions are added to the licence rests with the licensing authority.

Please find enclosed a form with the following modification:

CONDITIONS

Hours of the premises be restricted to lessor hours.

Sunday 15.00 to 23.00,

Monday to Thursday 15.00 to 00.00,

Friday 15.00 to 04.00 hours

Saturdays 11.00 to 04.00 hours.

Sunday before a Bank Holiday 15.00 to 04.00

Existing conditions on the premises licence to remain the same

To prevent noise breakout from the premises, sound trap lobbies with automatic door closers shall be installed and maintained to all entrance and exit doors.

The small enclosed yard area to the west of the building shall not be used when events involving live, amplified music or speech are taking place. The access door and windows to the yard area must be kept closed when events involving live, amplified music or speech are taking place.

Note to applicant:

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Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 20.00 and 09.00 hours

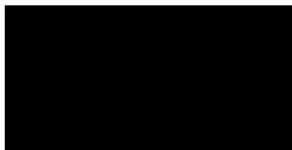
The licensee shall ensure that whilst customers are queuing to enter the premises, noise levels are managed to prevent public nuisance to local residents.

The licensee shall take reasonable steps to prevent public nuisance being caused by customers outside whilst smoking.

The form requires your signature before you return it to the Licensing Team.

Thank you for your help in this matter. Should you require any further advice, please contact me at this office.

Yours faithfully



Andrew Sansome
POLLUTION CONTROL OFFICER
NOISE AND POLLUTION TEAM