

Leicester  
City Council

**WARDS AFFECTED**  
**Aylestone**

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

**10<sup>th</sup> March 2016**

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**Application for a new premises licence**  
**Unit 2, 16 Saffron Way, Leicester, LE2 6UP**

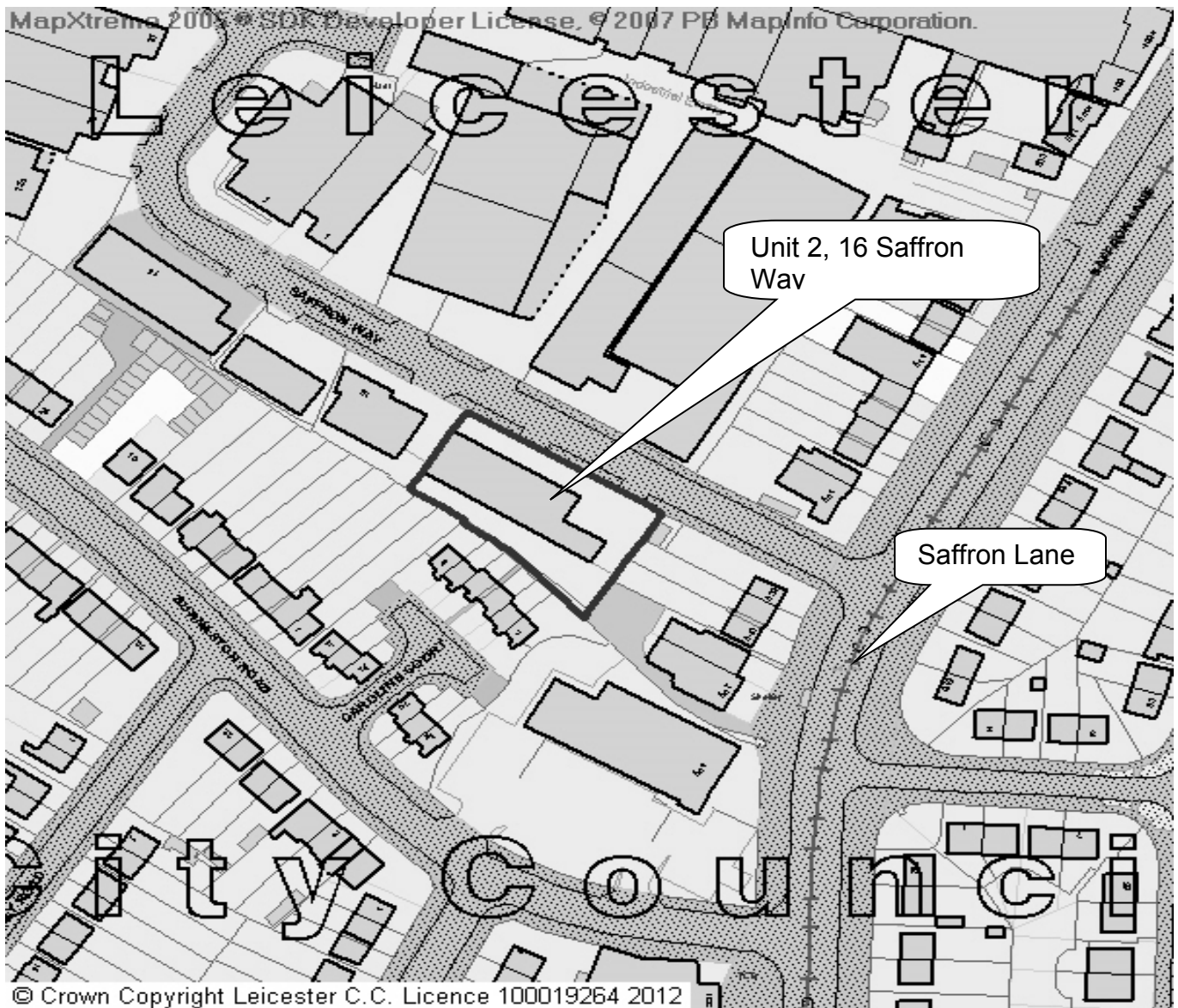
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**Report of the Director of Local Services and Enforcement**

**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
    - Grant the licence subject to conditions
    - Exclude from the licence any of the licensable activities
    - Refuse to accept the proposed premises supervisor
    - Reject the application
3. **Summary**
  - 3.1 This report outlines an application for a new premises licence for Unit 2, 16 Saffron Way 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. Application

- 5.1 An application was received on 25<sup>th</sup> of January 2016 from Kuoda Ltd for a new premises licence for Unit 2, 16 Saffron Way, Leicester. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

Licensable activity	Proposed Hours
Anything similar to live/recorded music or dance	Monday – Sunday 09:00-23:00
Supply of Alcohol	Monday – Sunday 17:00-23:00
Opening hours	Monday – Sunday 09:00-23:00

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

- 6.1 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section 18 of Appendix A).
- 6.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

## **7. Regulated entertainment**

- 7.1 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.
- 7.2 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.

## **8. Representation**

- 8.1 Five representations were received on 26<sup>th</sup> of January 2016, 22<sup>nd</sup> of February 2016 and the 23<sup>rd</sup> of February 2016 from local residents. The representation relates to the prevention of public nuisance. Residents are concerned that they will be disturbed by noise emanating from the premises. A copy of the representations are attached at Appendix B1-B5.

## **9. Conditions**

- 9.1 The conditions that are consistent with the operating schedule and the representation are attached at Appendix C.

## **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 parts of the guidance that are particularly relevant in this case are as follows:

<b>Section</b>	<b>Heading</b>
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
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

## 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
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

## 12. Points for Clarification

12.1 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?

## 13. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
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	

#### 14. Background Papers – Local Government Act 1972

14.1 None

#### 15. Consultations

- a. As this application was received electronically, the Licensing Authority was required to consult with the relevant responsible authorities as set out in the Licensing Act 2003.

#### 16. Report Author

Jamie Stubbs  
Licensing Officer  
0116 4543122  
Jamie.stubbs@leicester.gov.uk

<b>APPENDIX</b>	<b>CONTENT</b>
A	Application
B	Representations
C	Conditions consistent with application