



Leicester  
City Council

**WARDS AFFECTED**  
**Castle**

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

**16<sup>th</sup> June 2016**

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**Application for a variation of an existing premises licence within a  
Cumulative Impact Zone  
Harveys, 43 Belvoir Street, Leicester, LE1 6SL**

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**Report of the Director of Neighbourhood and Environmental Services**

**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.

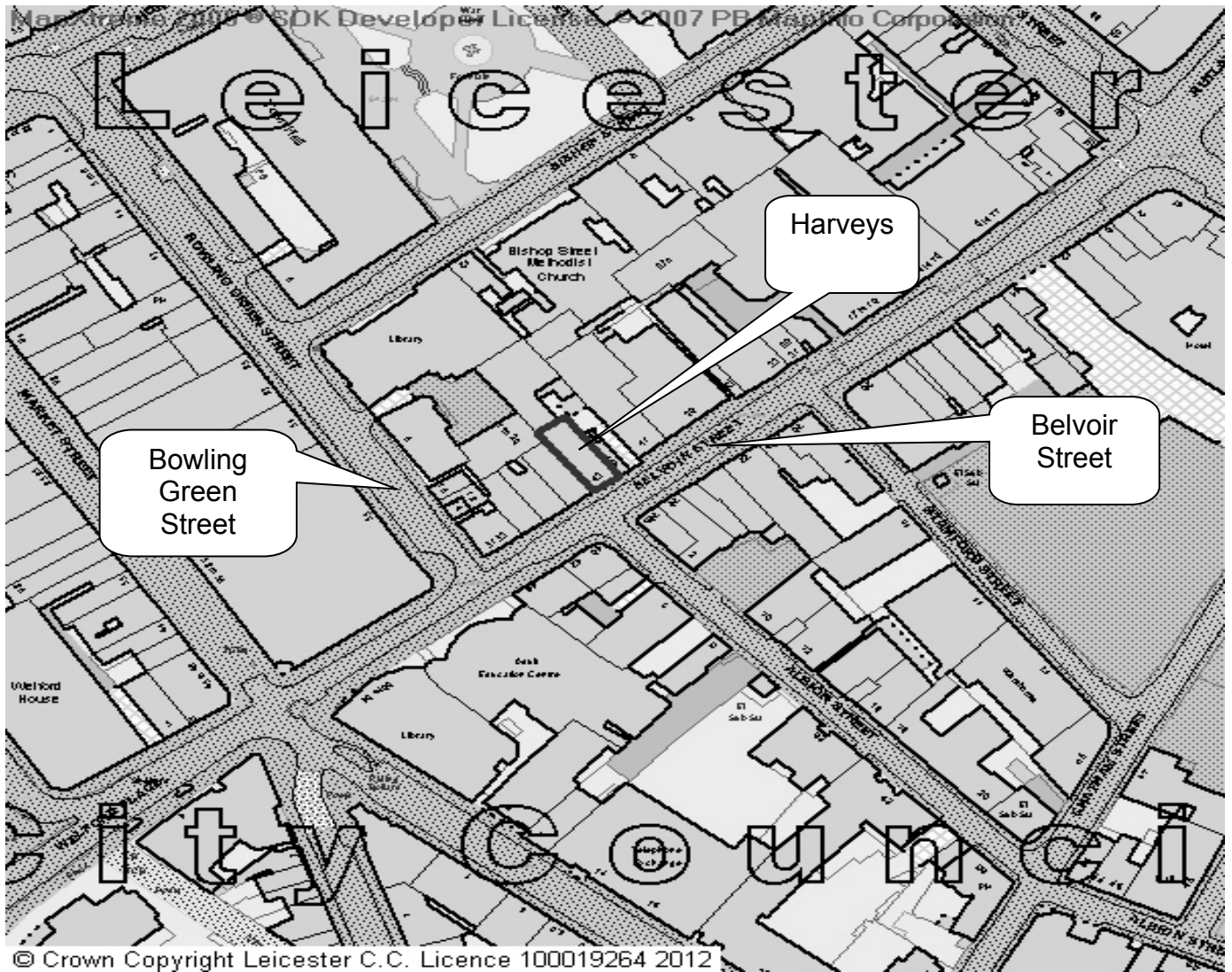
**2. Determination to be made**

- 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 Harveys within the Belvoir Street area Cumulative Impact Zone 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 31<sup>st</sup> March 2016 from Mr Abdul Caratella for a variation to an existing premises licence for Harveys within the Belvoir Street area Cumulative Impact Zone. 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                                       | Mon – Sun 10.00 – 01.30 | Sun – Weds 10.00 – 02.00<br>Thurs – Sat 10.00 06.00 |
| Recorded Music                                   | Mon – Sun 10.00 – 01.30 | Sun – Weds 10.00 – 02.00<br>Thurs – Sat 10.00 06.00 |
| Performances of Dance                            | Mon – Sun 10.00 – 01.30 | Sun – Weds 10.00 – 02.00<br>Thurs – Sat 10.00 06.00 |
| Anything similar to live/recorded music or dance | Mon – Sun 10.00 – 01.30 | Sun – Weds 10.00 – 02.00<br>Thurs – Sat 10.00 06.00 |
| Late night refreshment                           | Mon – Sun 23.00 – 02.30 | Sun – Weds 23.00 – 02.30<br>Thurs – Sat 23.00 05.00 |
| Supply of Alcohol                                | Mon – Sun 10.00 – 02.00 | Sun – Weds 10.00 – 02.00<br>Thurs – Sat 10.00 06.00 |
| Opening hours                                    | Mon – Sun 10.00 – 03.00 | Sun – Weds 10.00 – 02.30<br>Thurs – Sat 10.00 06.30 |

- Licensable hours for all bank holidays, Christmas Eve, Boxing day and New Year's Eve to be 10.00 – 06.00 the following day
- Removal of the following condition from Annex 3 – No sale of alcohol for consumption off the premises
- Amend existing condition in Annex 3 to - All staff who will be serving alcohol will be trained to ensure that no person who is intoxicated will be served alcohol, such training to be dated, documented and made available to ~~Leicestershire Police~~ any responsible authority on request.

## 7. Steps to Promote the Licensing Objectives

- 7.1 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and 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 additional hours requested are after 23.00 and before 08.00 hours.

## 9. Representation

- 9.1 Two representations have been received, one from Leicestershire Police and one from a Ward Councillor. The representations relate to the prevention of crime and disorder, the prevention of public nuisance and public safety. Leicestershire Police and the Ward Councillor are concerned that the increased hours and removal of an existing condition may increase further incidents in the area. Copies of the representations are attached at Appendix C1-2.

## 10. Conditions

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

## 11 Cumulative Impact

- 11.1 In February 2005 Leicester City Council introduced a special policy on cumulative impact in the Belvoir Street area, which refers specifically to on and off licences. This creates a rebuttable presumption that an application for a new premises licence will be refused, unless the applicants can show that their premises are unlikely to add to the problems of saturation.

## 12. Statutory Guidance

- 12.1 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  |
| 3.11 – 3.18   | Late night refreshment   |
| 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                              |
| 13.30 – 13.35 | Effect of special policies   |
| 13.36 – 13.39 | Limitations on special policies relating to cumulative impact                          |
| 13.40 – 13.41 | Other mechanisms for controlling cumulative impact                                     |
| 13.44 – 13.45 | Licensing Hours  |
| 15.1 – 15.69  | Regulated entertainment  |

### 13. Statement of Licensing Policy

13.1 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

| Section     | Heading  |
|-------------|--|
| 2           | Fundamental Principles                                 |
| 3           | Cumulative Impact                                      |
| 4           | Policy on Cumulative Impact                            |
| 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                                |
| 17          | Live Music, Dancing, Theatre, Circuses and Street Arts |

### 14 Points for Clarification

14.1 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?

### 15. Other Implications

| OTHER IMPLICATIONS            | YES /NO | Paragraph/References Within Supporting information |
|-------------------------------|---------|--|
| Equal Opportunities           | No      |  |
| Policy                        | Yes     | The premises is within a cumulative impact area    |
| Sustainable and Environmental | No      |  |

|                              |     |  |
|------------------------------|-----|--|
| Crime and Disorder           | Yes | 9.1 – police representation is partly based on concerns about crime and disorder |
| Human Rights Act             | No  |  |
| Elderly/People on Low Income | No  |  |
| Corporate Parenting          | No  |  |
| Health Inequalities Impact   | No  |  |

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

There have been two variations since this licence was first granted. Both were to remove or amend conditions relating to restrictions on the sale or supply of alcohol.

**17. Consultations**

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.

**18. Report Author**

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