



Leicester
City Council

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Castle

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

16 January 2017

Application for a review of an existing premises licence
The Reynard, 17-19 Market Street, Leicester, LE1 6DN

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 representation, Members must consider whether to

- Reject the review application
- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

3.1 This report outlines an application for a review of an existing premises licence for TheReynard and summarises the representation 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.
- 5.2. The activities and hours permitted by the existing licence are as follows:

| Licensable activity | Current Hours |
|--|--------------------------------|
| Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Supply of Alcohol | Monday to Sunday 10.00 – 02.00 |
| Late night refreshment | Monday to Sunday 23.00 – 02.00 |
| Opening hours | Monday to Sunday 08.00 – 02.30 |

Non Standard Timings

- Licensable activities may continue between the end of the hours permitted by the licence on New Year’s Eve and the start of the hours permitted by the licence on New Year’s Day.
- Licensable activities may take place on all public Bank Holidays (Friday - Monday), Christmas Eve and Boxing Day until 03:00hrs. The opening hours of the premises shall be 03:30hrs on those occasions.

- On the morning when summer time begins, alcohol may be sold and regulated entertainment provided until 03.00.

6. Review application

- 6.1 An application was received on 23rd November 2016 from Chloe Roper, Noise & Pollution Team, Leicester City Council, for a review of the existing premises licence for The Reynard. The application was made on the ground of the prevention of public nuisance. A copy of the application is attached at Appendix B.
- 6.2 The Noise & Pollution Team are concerned that there have been a number of noise nuisances reported from the premises. During noise monitoring, officers have witnessed that the doors at the front of the premises and windows are being left open causing most of the noise break out.

7. Representations

- 7.1 No additional representations were received during the statutory representation period.

8. Recent Changes

- 8.1 There have been two applications to change the designated premises supervisor since the review application was submitted. The first application was to change the dps to Mr David John French which was granted 1st December 2016. The second application was to change to Mr Joseph Wynder, which was granted 20th December 2016.

9. Steps to Promote the Licensing Objectives

- 9.1 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

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 relevant parts of the guidance in this case are as follows:

| Section | Heading |
|---------------|--|
| 1.2 – 1.5 | The licensing objectives |
| 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 |
| 11.1 – 11.33 | Reviews |
| 13.44 – 13.45 | Licensing hours |

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 |
| 12 | Duplication |
| 13 | Standardised conditions |
| 17 | Live Music, Dancing, Theatre, Circuses and Street Arts |

12. Points for Clarification

- 12.1 The licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application 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

None.

15. Consultations

15.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

16. Report Author

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| APPENDIX | CONTENT |
|-----------------|------------------------|
| A | Existing licence |
| B | Application for review |