



Leicester
City Council

WARDS AFFECTED
Aylestone

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

18 MAY 2017

Application for a new premises licence
Public House and Bottled Beer Shop, 660-662 Aylestone Road,
Leicester LE2 8PR

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.

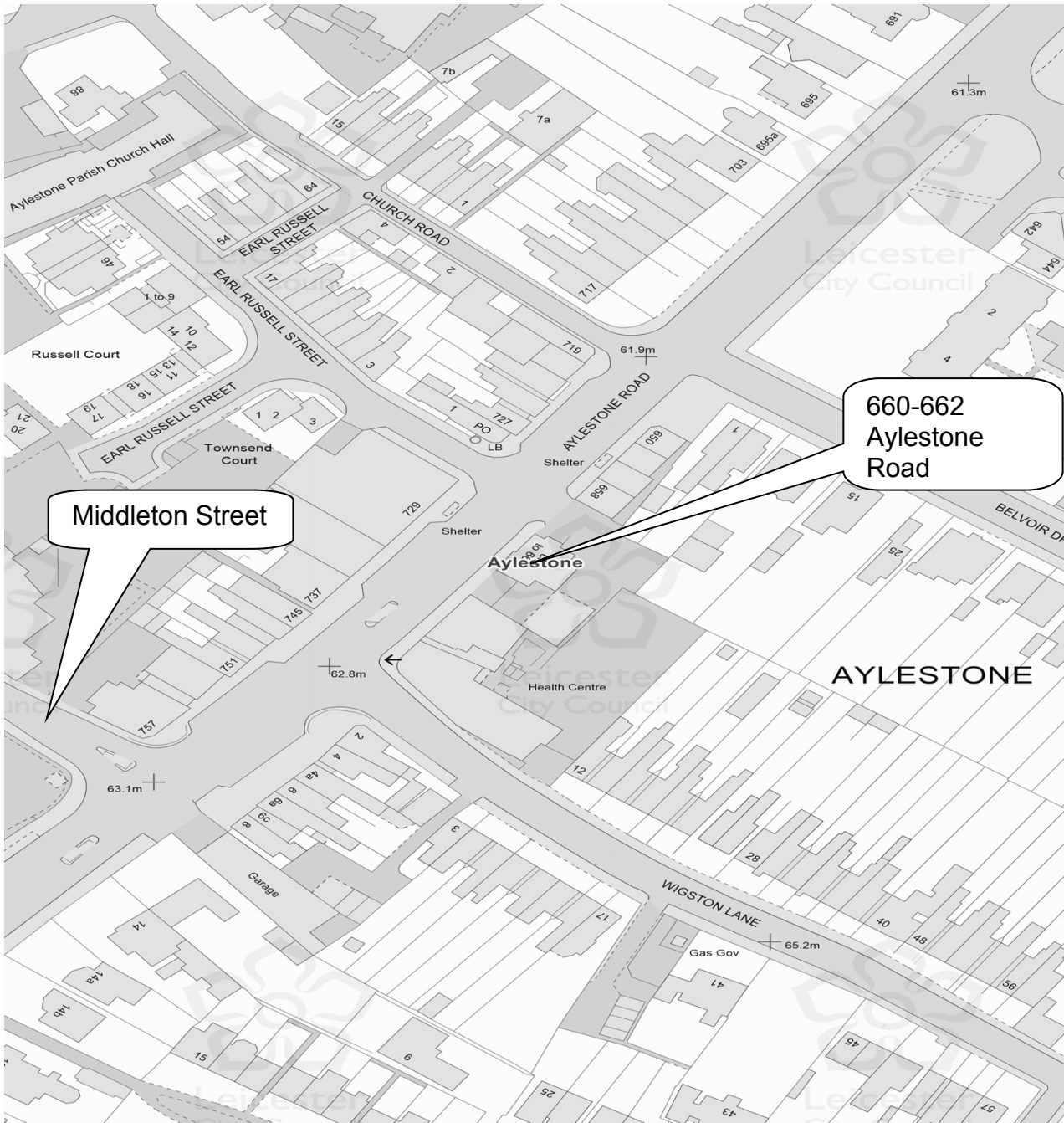
2. Determination to be made

- 2.1. Having considered the application and representation, Members must consider whether to
- 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 a public house and bottled beer shop at 660-662 Aylestone Road, Leicester 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 27th March 2017 from Thomas Lyons Pub Company Limited for a new premises licence for 660-662 Aylestone Road, Leicester LE2 8PR. A copy of the application is attached at Appendix A.

5.2 The hours sought by the application are as follows:

Licensable activity	Proposed Hours
Live Music	Monday to Sunday 10am – 11pm
Supply of Alcohol (both)	Monday to Sunday 9am – 11pm
Opening hours	Monday to Sunday 9am - midnight

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 M 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 A representation was received on 19 April 2017 from the Noise and Pollution Team at Leicester City Council. The representation relates to the prevention of public nuisance. The Noise Team are concerned that noise from on street activity associated with the bar will impact occupiers of the two flats located above the proposed premises, especially when background noise levels in the area drop later at night. The Noise Team recommends that the opening hours of the premises are modified to operate until 11pm instead of midnight to protect the residential properties. A copy of the representation is attached at Appendix B.

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:

Section	Heading
1.2 – 1.5	Licensing objectives and aims
1.15 – 1.16	General Principles
1.17	Each application on its own merits
2.18 – 2.24	Public nuisance
8.38 – 8.46	Steps to promote the licensing objectives
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.10	Proportionality
10.13 - 10.15	Hours of trading
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
13.10	Giving reasons for decisions
14.44 – 14.45	Licensing Hours
16.1 – 16.69	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
10	Protection of Children from Harm
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 party 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?

14. 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	

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 4543053
Susan.hall@leicester.gov.uk

APPENDIX	CONTENT
A	Application
B	Representation
C	Conditions consistent with the application