



Leicester  
City Council

**WARDS AFFECTED**  
Knighton

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

12<sup>th</sup> July 2017

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**Application for a variation of an existing premises licence**  
**Toast Inn, 34 Francis Street, Leicester, LE2 2BD**

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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.

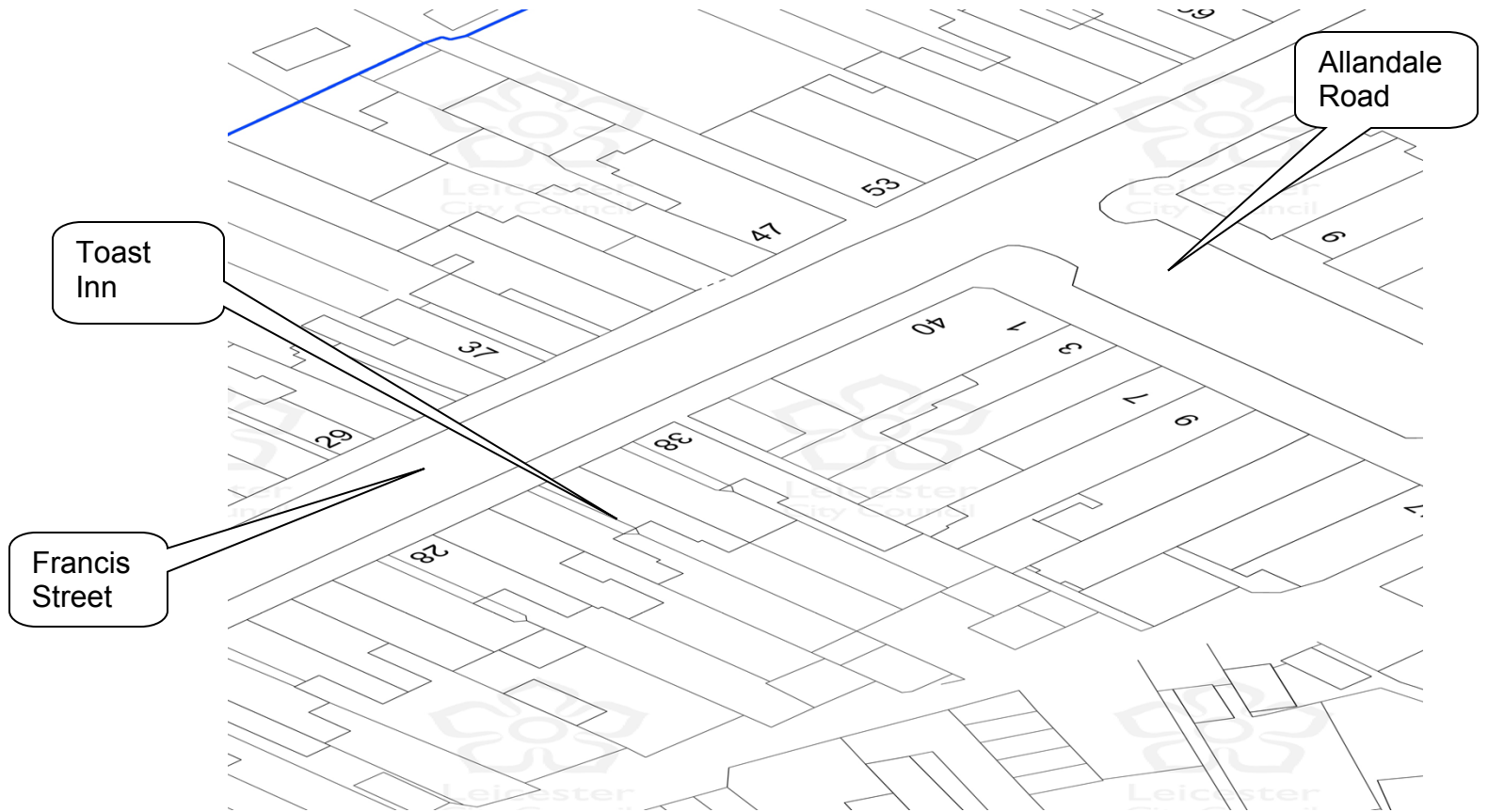
**2. Determination to be made**

- 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 Toast Inn 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 25<sup>th</sup> May 2017 from Mr Walsh for a variation to an existing premises licence for Toast Inn. A copy of the application is attached at Appendix B.

6.2 The variation sought by the application is as follows:

Licensable activity	Current Hours	Proposed Hours
Recorded Music	N/A	Monday-Saturday 10:00-00:00 Sunday 10:00-18:00
Late night refreshment	N/A	Monday-Saturday 23:00-00:00
Supply of Alcohol	Mon- Weds 10:00-20:00 Thurs-Sat 10:00-22:00 Sunday 11:00-15:00	Monday-Saturday 11:00-00:00 Sunday 11:00-18:00
Opening hours	Mon-Weds 10:00-20:30 Thurs-Sat 10:00-22:30 Sunday 11:00-15:30	Monday-Saturday 10:00-00:00 Sunday 10:00-18:00

- Christmas and New Year's Eve all activities and opening hours until 2am

- Removal of the conditions “Garden to be closed to customers on Sundays, and at 19:00 hours on all other days.” and “Alcohol shall only be served with table meals”

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

- 7.1 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section P 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 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.

## **9. Representation**

- 9.1 A representation was received on 7<sup>th</sup> June from the Noise Team. The representation relates to the prevention of public nuisance. The Noise Team are concerned neighbouring properties could be affected by noise from the garden after 19:00 and music after 23:00. A copy of the representation is attached at Appendix C1.
- 9.2 Three representations have been received from local residents during the representation period. The representations relate to public nuisance and they are concerned regarding noise from the premises and its garden including music, along with from people leaving the premises. They have also raised concerns at the close proximity of numerous residential properties. Copies of the representations are attached at Appendix C2-C4.

## **10. Conditions**

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

## **10. Statutory Guidance**

- 11.1 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
2.15 – 2.21	Public nuisance
3.12 – 3.20	Late night refreshment
8.38 – 8.46	Steps to promote the licensing objectives
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
13.10	Giving reasons for decisions
14.44 – 14.45	Licensing Hours
16.1 – 16.69	Regulated entertainment

## 12 Statement of Licensing Policy

- 12.1 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

## 13. Points for Clarification

- 13.1 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?

## 14. Other Implications

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within Supporting information</b>
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**

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