

Leicester
City Council

WARDS AFFECTED
CASTLE

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

08th December 2017

**Application for a new premises licence within a Cumulative Impact Zone
Candle Rooms, 25 Gravel Street, Leicester LE1 3AG**

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

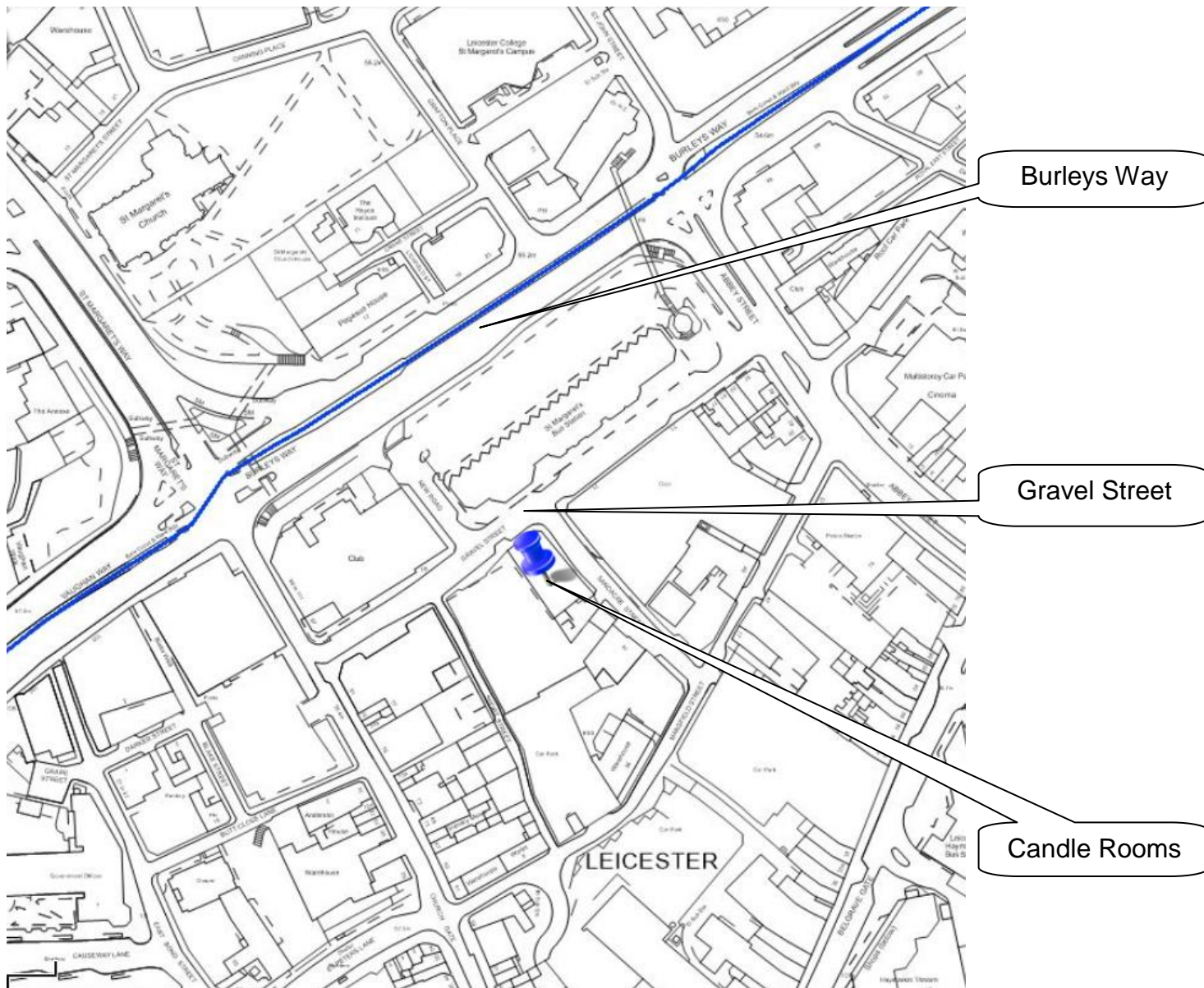
2.1. Having considered the application and representation(s), Members must consider whether to

- 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 premises within the Churchgate 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. Application

5.1. An application was received on 21 October 2017 from Mr Ashik Madlani for a new premises licence for Candle Rooms within the Churchgate area Cumulative Impact Zone. A copy of the application is attached at Appendix A.

5.2 The application is as follows:

Licensable activity	Proposed Hours
Live Music (Indoors)	11.00 – 24.00
Recorded Music (Indoors)	11.00 – 24.00
Anything similar to live/recorded music or dance (Indoors)	11.00 – 24.00

Late night refreshment (Indoors)	23.00 – 24.00
Supply of Alcohol on	11.00 – 24.00
Opening hours	07.00 – 24.00

6. Steps to Promote the Licensing Objectives

- 6.1 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 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 relevant representation was received on 20 October 2017 from Leicestershire Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. Leicestershire Police are concerned that the applicant has made no reference in their application of the Cumulative Impact Zone and have therefore assumed that the licensing policy has not been fully consulted prior to submission. It is the Leicestershire Police view that granting the application will add to the existing late night problems in the City centre by increasing the capacity of licensed premises within the cumulative impact zone and failing to promote the Licensing Objectives. A copy of the representation is attached at Appendix B.

9. Cumulative Impact

- 9.1 In February 2005 Leicester City Council introduced a special policy on cumulative impact in the Churchgate 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.

10. Conditions

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

11. 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	General Principles
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

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
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

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	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder		Yes
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	

15. Background Papers – Local Government Act 1972

- a. None

16. Consultations

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

17. Report Author

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APPENDIX	CONTENT
A	Application
B	Representation
C	Conditions consistent with application