



Leicester  
City Council

**WARDS AFFECTED**  
**Castle**

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

**24 July 2018**

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**Application for a variation of an existing premises licence**  
**The Two-Tailed Lion Ltd, 22 Millstone Lane, Leicester**

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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 The Two-Tailed Lion, 22 Millstone Lane, Leicester and summarises the representations and agreement 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 8 June 2018 from The Two-Tailed Lion Ltd for a variation to an existing premises licence for The Two-Tailed Lion, 22 Millstone Lane, Leicester. 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>   |
|----------------------------|--|---|
| Films                      | None   | Monday – Saturday 12.00 – 23.00<br>Sunday 12.00 – 22.00   |
| Live Music                 | None   | Monday – Thursday 17.00 – 23.00<br>Friday/Saturday 12.00 – 23.00<br>Sunday 12.00 – 22.00  |
| Recorded Music             | None   | Monday – Thursday 10.00 – 00.00<br>Friday/Saturday 10.00 – 01.00<br>Sunday 12.00 – 22.00<br>Christmas Eve 10.00 – 02.00<br>New Year’s Eve 10.00 – 02.00 |
| Supply of Alcohol          | Mon – Sat 10.00 – 23.00<br>Sunday 12.00 – 22.30<br>Christmas Day 12.00 – 15.00 and 19.00 – 22.30 | Monday – Thursday 10.00 – 00.00<br>Friday/Saturday 10.00 – 01.00<br>Sunday 12.00 – 22.00<br>Christmas Eve 12.00 – 02.00<br>New Year’s Eve 12.00 – 02.00 |
| Opening hours              | Unrestricted   | Monday – Thursday 10.00 – 00.00<br>Friday/Saturday 10.00 – 01.00<br>Sunday 12.00 – 22.00<br>Christmas Eve 10.00 – 02.00<br>New Year’s Eve 10.00 – 02.00 |

## 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 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 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 21 June 2018 from a Noise Pollution Officer. The representation relates to prevention of public nuisance. The officer is concerned that the music from the premises and noise from people leaving the premises has the potential to

cause public nuisance to local residents if conditions are not added. The proposed licensed activity includes recorded music, screening of films, which, if not limited, has the potential to cause public nuisance to residents in close proximity. The Officer has suggested a number of conditions they would like adding to the premises licence and has reached an agreement with the applicant. A copy of the representation is attached at Appendix C.

- 9.2 A representation was received on 11 June 2018 from a local resident. The representation relates to the prevention of public nuisance. The local resident is concerned that noise from the premises will affect local residents within the surrounding area. A copy of the representation is attached at Appendix C.1.

## 10. Conditions

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

## 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 – 1.16   | General Principles   |
| 1.17          | Each application on its own merits   |
| 2.15 – 2.21   | Public nuisance  |
| 8.41 – 8.49   | Steps to promote the licensing objectives  |
| 9.11 – 9.12   | Role of responsible authorities  |
| 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 – 13.11 | Giving reasons for decisions   |
| 14.51 – 14.52 | 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                          |
| 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 / 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

| OTHER IMPLICATIONS            | YES/<br>NO | Paragraph/References<br>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.

Or

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

**17. Report Author**

Jean Arnold

Licensing Officer

0116 454 3049

jean.arnold@leicester.gov.uk

| <b>APPENDIX</b> | <b>CONTENT</b>   |
|-----------------|--|
| A               | Existing licence   |
| B               | Application  |
| C               | Representations  |
| D               | Conditions consistent with the operating schedule and representation / agreement |