



Leicester  
City Council

**WARDS AFFECTED  
CASTLE**

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

**6 August 2018**

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**Application for a new premises licence within a Cumulative Impact Zone  
Proposed Nightclub, 46 Abbey Street, Leicester, LE1 3TD**

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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.

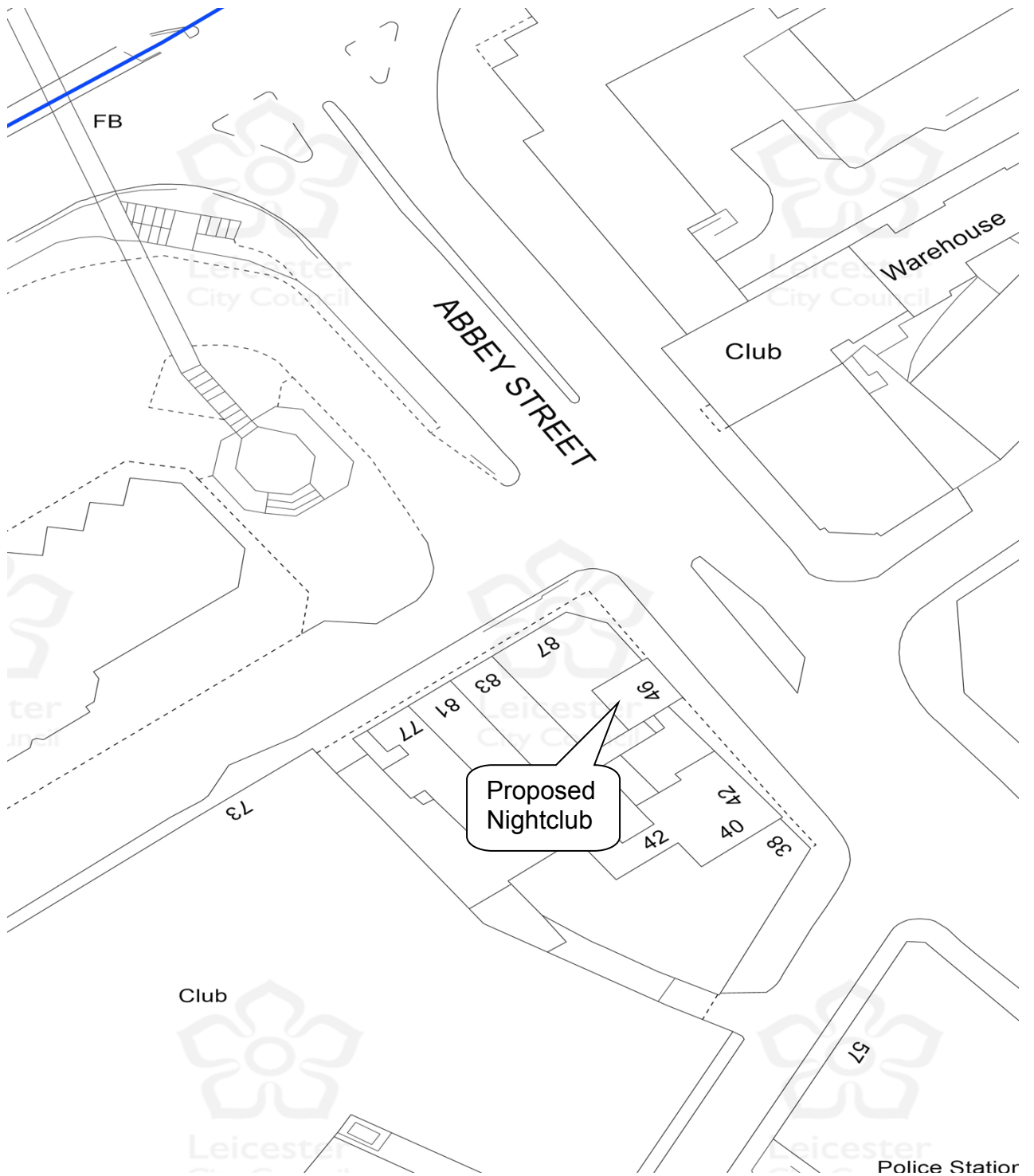
**2. Determination to be made**

- 2.1. Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
  - 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 46 Abbey Street 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 11 June 2018 from Alien Concepts Limited for a new premises licence for 46 Abbey Street within the Churchgate area Cumulative Impact Zone. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

<b>Licensable activity</b>	<b>Proposed Hours</b>
Play Films Indoor Sporting Events Boxing or Wrestling Live Music Recorded Music Performances of Dance Anything similar to live/recorded music or dance Supply of Alcohol	Monday to Sunday 09.00 – 06.00
Late night refreshment	Monday to Sunday 23.00 – 05.00
Opening hours	Monday to Sunday 09.00 – 07.00

- Non standard timings – opening times and all licensable activities to be extended from the standard start timing on 31 December to the standard start timing on the 1<sup>st</sup> January

## **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 should be 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 4 July 2018 from Leicestershire Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. Leicestershire Police are concerned that the applicant has made no reference to the cumulative impact zone in their application and they have been unable to discuss the application with the applicant. A copy of the representation is attached at Appendix B1.

8.2 A relevant representation was received on 5 July 2018 from Leicester City Council's Licensing Enforcement team. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. Licensing Enforcement are concerned that the premises will add to the numbers of persons within the area and feel that the conditions that have been listed within the operating schedule would not allow for the management and staff to fully uphold the licensing objectives. They have specified conditions they would like added to the licence if granted. A copy of the representation is attached at Appendix B2.

## 9. Conditions

9.1 The conditions that are consistent with the operating schedule and the representation from Licensing Enforcement are attached at Appendix C.

## 10 Cumulative Impact

10.1 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.

## 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
2.1 – 2.6	Crime & disorder
2.7 – 2.14	Public safety
2.15 – 2.21	Public nuisance
2.22 – 2.31	Protection of children from harm
3.12 – 3.20	Late night refreshment
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.13 – 9.19	Licensing Authorities acting as 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
14.20 – 14.23	What is cumulative impact?

14.39 – 14.43	Effect of special policies
14.44 – 14.46	Limitations on special policies relating to cumulative impact
14.47 – 14.48	Other mechanisms for controlling cumulative impact
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
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
10	Protection of Children from Harm
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

## 13 Points for Clarification

- 13.1 The applicant and the parties making the representations 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 parties making the representations*

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	Both representations in paragraph 8 relate to the prevention of crime and disorder
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	Application
B	Representations
C	Conditions consistent with application and representation from Licensing Enforcement