



Leicester
City Council

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Rushey Mead

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

16 August 2018

Application for a new premises licence
Jaan Café & Restaurant, 268-270 Catherine Street, Leicester, LE4 6GD

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.

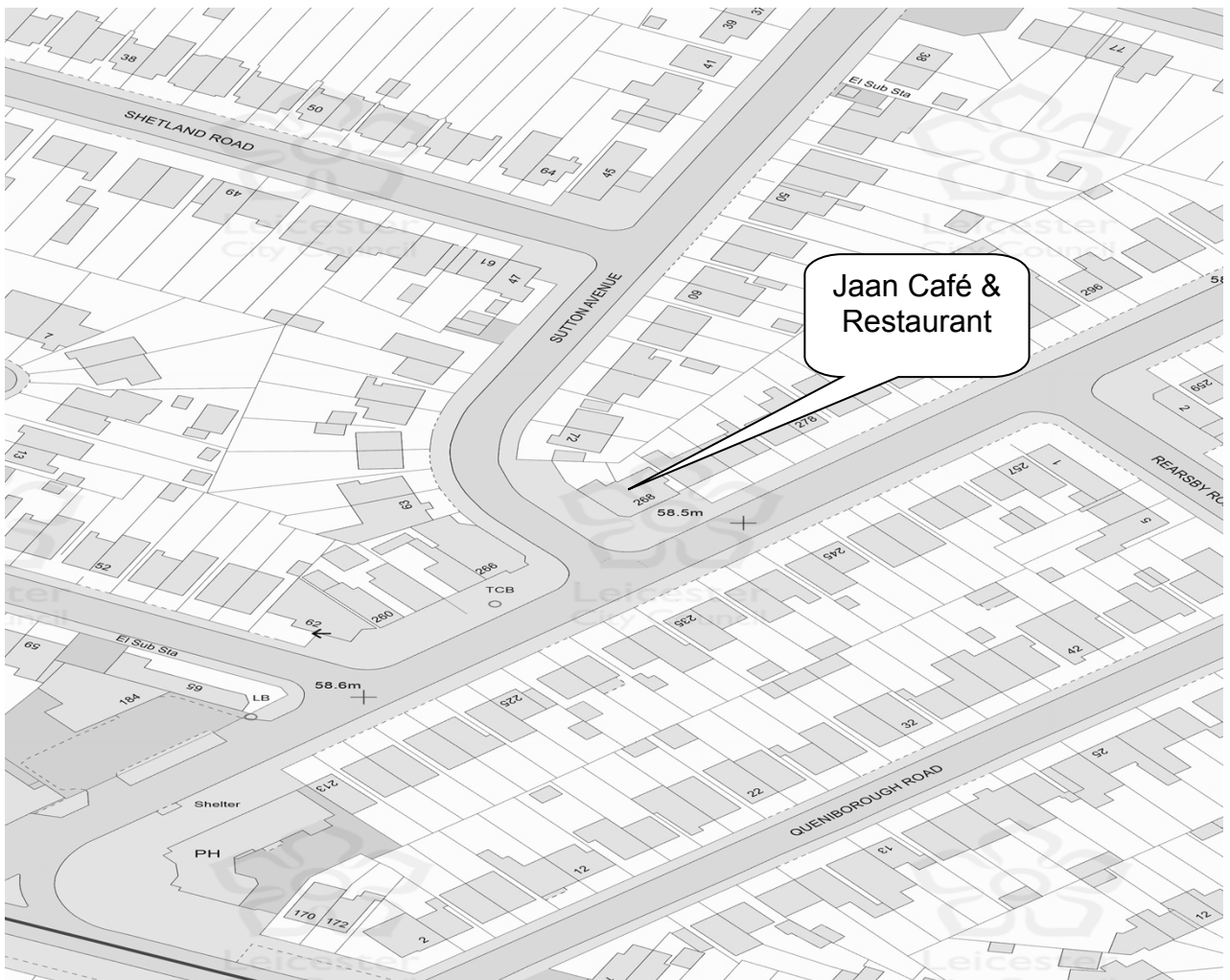
2. Determination to be made

- 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 268-270 Catherine Street, 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 26th June 2018 from Ms Mehzabin Gabal for a new premises licence for Jaan Café & Restaurant, 268-270 Catherine Street, Leicester. A copy of the application is attached at Appendix A.

5.1 The application is as follows:

Licensable activity	Proposed Hours
Recorded Music	Sun – Thurs 09.00 – 01.00 Fri – Sat 09.00 – 02.00
Late night refreshment	Sun – Thurs 23.00 – 01.00 Fri – Sat 23.00 – 02.00
Supply of Alcohol	Sun – Thurs 09.00 – 01.00 Fri – Sat 09.00 – 02.00
Opening hours	Sun – Thurs 09.00 – 01.00 Fri – Sat 09.00 – 02.00

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 18 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 Twenty nine representations were received between 20th July and 25th July 2018 from local residents and a Ward Councillor. The representations relate to the prevention of crime and disorder, the prevention of public nuisance and public safety. The residents and Ward Councillor are concerned that this is a quiet residential area and the late opening hours will increase noise pollution, anti-social behaviour, litter and parking issues. Twenty four of the representations were an identical letter and a copy is attached as Appendix B1. The other representations are attached at Appendix B2-B6.
- 8.2 A representation was received from Leicestershire Police on 24th July 2018. 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 failed to clarify on her application form how she will operate the business with regards to the sale of alcohol and late night refreshment and how she will promote the four licensing objectives. A Copy of the representation is attached at Appendix B7.
- 8.3 A representation was received from Noise & Pollution Control on 24th July 2018. The representation relates to the prevention of public nuisance. Noise & Pollution Control are concerned that music from the premises has the potential to cause a nuisance to the occupiers of the flats directly above the premises and to the surrounding residential properties. A Copy of the representation is attached at Appendix B8.

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
2.1 – 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
9.31 – 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

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
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
10	Protection of Children from Harm
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

12. Points for Clarification

- 12.1 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?

13. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Paragraphs 8.1 & 8.2
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

14. Background Papers – Local Government Act 1972

14.1 None.

15. Consultations

15.1 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.

16. Report Author

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APPENDIX	CONTENT
A	Application
B	Representations
C	Conditions consistent with application