



Leicester
City Council

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

19th December 2018

Application for a new premises licence within a Cumulative Impact Zone
Tigre Eyes Limited, 7 Abbey Street, Leicester, LE1 3TE

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.

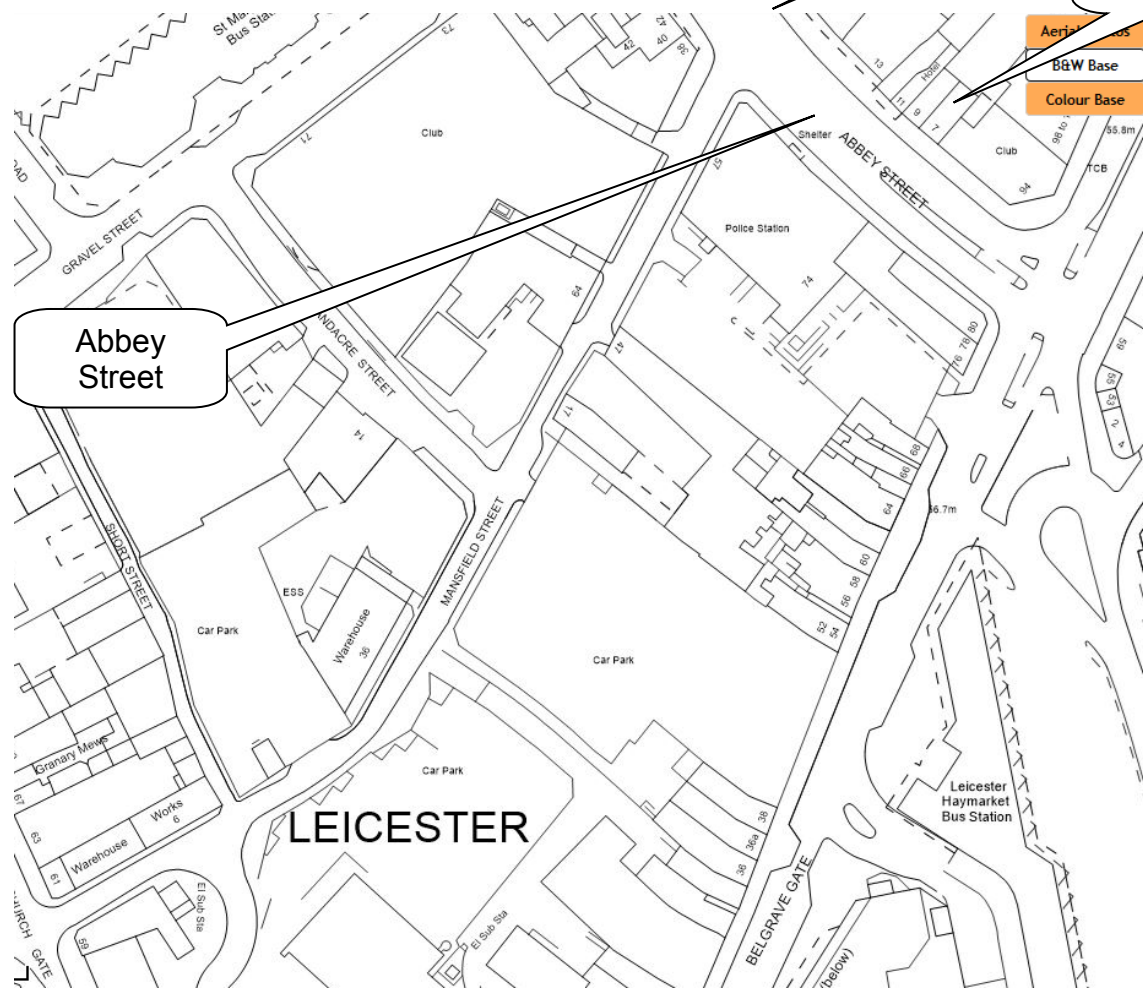
2. Determination to be made

- 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 Tigre Eyes Limited within the Church Gate 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

5.1.1 An application was received on 9th October 2018 from Tigre Eyes Limited for a new premises licence for 7 Abbey Street, Leicester within the Church Gate 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)	Tuesday-Thursday 10:00-23:00 Friday-Sunday 10:00-03:00
Recorded Music (Indoors)	Tuesday-Thursday 10:00-23:00 Friday-Sunday 10:00-03:00
Anything similar to live/recorded music or dance (Indoors)	Friday-Saturday 10:00-03:00
Late night refreshment (On/Off)	Friday-Saturday 23:00-03:00
Supply of Alcohol (On/Off)	Tuesday-Thursday 10:00-23:00 Friday-Sunday 10:00-03:00
Opening hours	Tuesday-Thursday 10:00-23:00 Friday-Sunday 10:00-03:00

- Non standard timings for regulated entertainment and supply of alcohol on for Christmas Eve, Christmas Day, Boxing Day and New Years Eve 10:00-03:00.
- Non standard timings for Late night refreshment on Christmas Eve, Christmas Day, Boxing Day and New Years Eve 23:00-03:00.

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).
- 6.2.1 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 2nd November 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 not addressed the cumulative impact area. They have also raised concerns regarding the current CCTV and that the applicant wishes to operate till 3am over the weekend and on special occasions.
- 8.2 A relevant representation was received on 8 November 2018 from the Noise and Pollution Team at Leicester City Council. The representation relates to the prevention of public nuisance. The Noise and Pollution team has raised concerns regarding noise nuisance for local residents and has previously witnessed noise nuisance after receiving complaints. An agreement has been reached with the applicant for additional conditions to be placed on the licence, if granted, to help prevent a noise nuisance.
- 8.3 Copies of the representations are attached at Appendix B and a copy of the agreement is attached at Appendix B1.

9. Conditions

- 9.1 The conditions that are consistent with the operating schedule 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 Church Gate area, which refers specifically to on and off licences. The licensing authority must have regard to the special policy. However, this does not change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

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
9.31 – 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 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/ 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	8.1 – Police representation is partly based on concerns about 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

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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APPENDIX	CONTENT
A	Application
B	Representations
B1	Agreement
C	Conditions consistent with application and representation / agreement