

Leicester
City Council

SECOND DESPATCH

HEARING UNDER THE LICENSING ACT 2003

WEDNESDAY 13 NOVEMBER 2019

AOUB1

**OBJECTION NOTICE FOR A TEMPORARY EVENT NOTICE: THE APRES
LOUNGE, 94 HIGH STREET, LEICESTER, LE1 5YP**

Councillor Hunter, Chair of the Licensing and Public Safety Committee has agreed that this item may be taken as urgent business because of the timescale given for holding a hearing in relation to a Temporary Event Notice. The timescale is set out in Schedule 1 of the Licensing Act 2003 (Hearings) Regulations 2005, which says a hearing must be held in 7 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under Section 104(2).

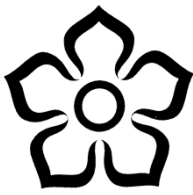
Report attached. A copy of the associated documentation is attached for Members only. Further copies are available on the Council's website at www.cabinet.leicester.gov.uk or by phoning Democratic Support on (0116) 4546354.

Officer contact:

Angie Smith (Democratic Support Officer):

Tel: 0116 454 6354, e-mail Angie.Smith@leicester.gov.uk

Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ



Leicester
City Council

WARDS AFFECTED
Castle

AOUB1

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

13 November 2019

**Objection notice given for a Temporary Event Notice
The Apres Lounge, 94 High Street, Leicester, LE1 5YP**

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about an objection notice received in relation to a temporary event notice (TEN) given under the Licensing Act 2003, to assist them in determining the outcome.

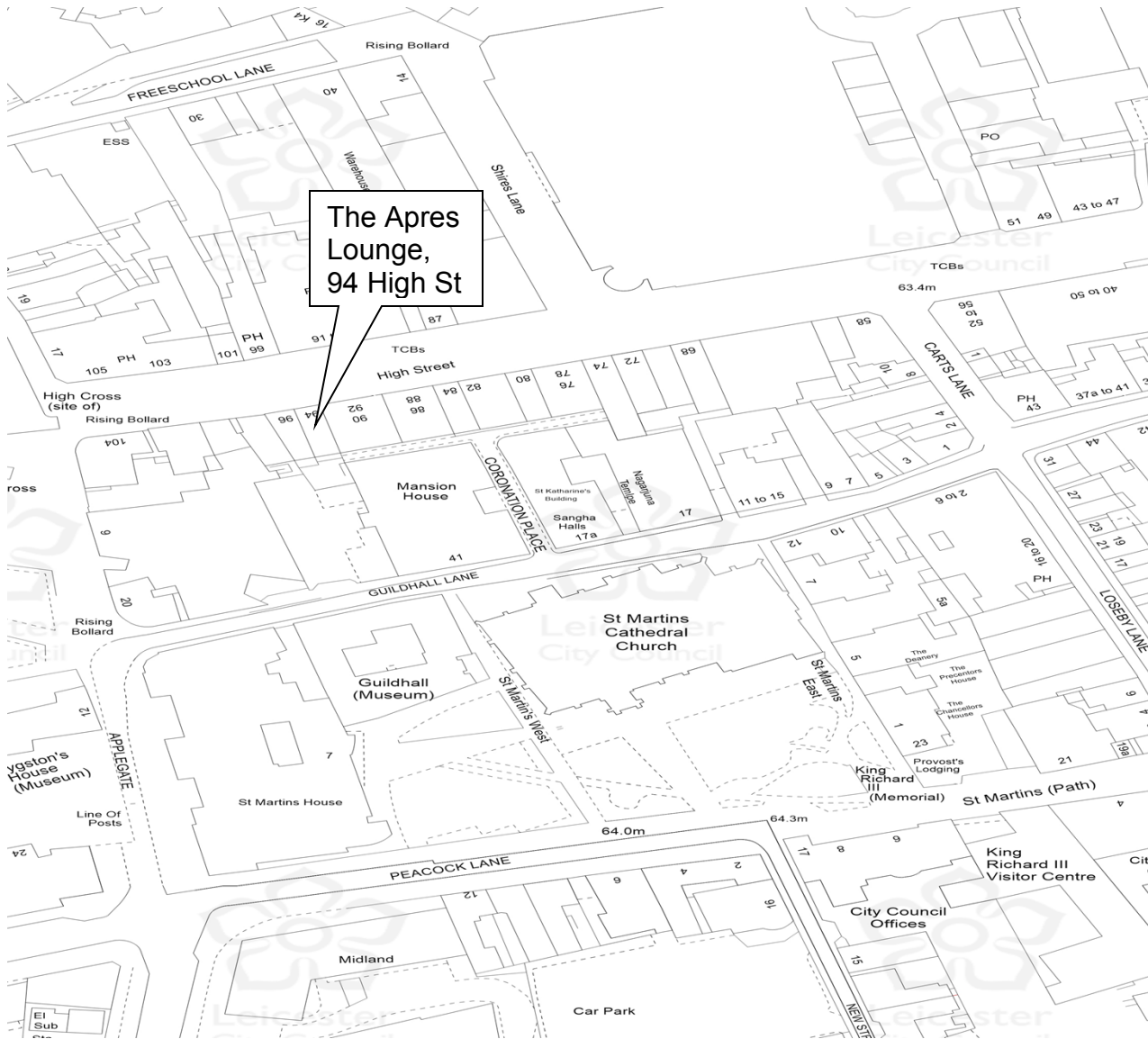
2. Determination to be made

- 2.1. Having considered the temporary event notice and the objection notice, Members must consider whether to
- Give the premises user a counter notice under Section 105 (2) of the Licensing Act 2003 if it is considered appropriate for the promotion of a licensing objective to do so; or
 - Impose one or more conditions on the temporary event notice if:
 - it is appropriate for the promotion of the licensing objectives to do so, and
 - the condition(s) are also imposed on a premises licence or club premises certificate that has effect in relation to all or part of the same premises as the temporary, and
 - the condition(s) would not be inconsistent with the carrying out of the licensable activities under the temporary event notice; or
 - Disregard the objection notice

3. Summary

- 3.1 This report outlines an objection notice given by Leicester City Council's Noise Team in response to a temporary event notice given by Mr Ercan Dogan for The Apres Lounge. 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. Temporary event notice

- 5.1. A temporary event notice was given on Wednesday, 6th November 2019 by Mr Ercan Dogan for an event at The Apres Lounge in the garden of the premises. The temporary event notice is for an event from Friday 22th November 2019 until Sunday 24th November 2019 and is attached at Appendix A.
- 5.2. The temporary event notice is for the following licensable activities:

Licensable activities	Proposed hours
The sale by retail of alcohol (for consumption on the premises)	19.00 to 04.00 the following morning
Provision of regulated entertainment	19.00 to 04.00 the following morning

6. Objection notice

- 6.1 An objection notice was received on 7 November 2019 from Leicester City Council Noise Team on the grounds of the prevention of public nuisance. A copy of the objection notice is attached at Appendix B.

7. Existing premises licence

- 7.1 The premises identified in the temporary event notice is partially covered by an existing premises licence. One or more of the conditions on this premises licence may be applied to the temporary event notice if Members consider it appropriate for the promotion of the licensing objectives, and insofar as the conditions are not inconsistent with the carrying on of licensable activities under the notice. A copy of the existing premises licence, including the conditions are attached at Appendix C.

8. Statutory Guidance

- 8.1 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 relevant parts of the guidance in this case are as follows:

Section	Heading
7.2 – 7.7	TEN – General
7.25 – 7.31	Role of the Licensing Authority
7.32 – 7.36	Police and Environmental Health intervention
7.38 – 7.39	Applying conditions to a TEN

9. Statement of Licensing Policy

- 9.1 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
2	Fundamental Principles
15	Temporary Event Notices

10. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References 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	

11. Background Papers – Local Government Act 1972

- a. None

12. Consultations

- a. The Licensing Authority is not obliged to consult any parties with regard to temporary event notices. The applicant is required to serve a copy of their temporary event notice on the Police and the Noise Team.

13. Report Author

Vicky Marshall
Licensing Officer
0116 454 3048
Victoria.marshall@leicester.gov.uk

APPENDIX	CONTENT
A	Temporary event notice
B	Objection notice
C	Existing premises licence



**Leicester
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@leicester.gov.uk
Telephone: +44 116 454 3040

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes
- No

* Your date of birth



Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes
- No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country



Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name	<input type="text" value="94"/>
* Street	<input type="text" value="High Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="Leicester"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="LE1 5YP"/>
* Country	<input type="text" value="United Kingdom"/>

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number	<input type="text" value="LEIPRM1554"/>
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Location Details

* Provide further details about the location of the event

<input type="text" value="Event in the garden of the premises"/>
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Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Event in the garden of the premises

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Bar Lounge

Describe the nature of the event below (see also guidance on completing the form, note 5)

Dj event

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

1900 to 0400

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

120

(see also guidance on completing the form, note 11)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 12):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Dj playing 2100 to 0300

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Continued from previous page...

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

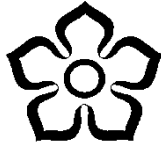
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/leicester/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Temporary licence"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) Next >



**Licensing Act 2003
Objection to Temporary Event Notice (TEN)**

Details of Relevant Authority

Name and Job Title: Terence Olaf Pollution Control Officer
--

Address: Noise and Pollution Control Team, Leicester City Council, Phoenix House, 1 King Street, Leicester, LE1 6RN.

Phone Number: 0116 454 3056

Details of Premises Representation is about
--

Name of Premises: The Apres Lounge

Address: 94 High Street, Leicester

Application Number: 121758

Our Reference: 19/12591/PNCNLT

This objection relates to the following licensing objective(s):
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Prevention of crime and disorder	No
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Public Safety	No
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Prevention of public nuisance	Yes
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Protection of children from harm	No
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Representation

I wish to make representation in connection with this application for a temporary event notice (TEN) for events to be held on 22-24 November 2019 from 19:00 hours to 04:00 hours. I consider this proposal will be detrimental to the licensing objective of public nuisance.

REASONS:

The TEN is for DJ events including amplified music outdoors (rear garden) of The Apres Lounge. The premises, is very close to residential properties on Guildhall Lane. The noise and pollution control team have received several noise complaints and have recently witnessed a statutory noise nuisance from loud music from a DJ event in the rear garden of The Apres Lounge. The provision of outdoor events involving amplified music in the city centre is particularly problematic because of the number of residential units in very close proximity.

If the Temporary Event is allowed to on ahead it is most likely to result in complaints of noise nuisance.

Licensing Act 2003

Premises Licence

LEIPRM1554



Leicester
City Council

Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Apres Lounge, The

94 High Street, Leicester, LE1 5YP.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

Expires **no expiry**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Mon-Sun	10:00am	4:00am
F. Playing of recorded music (Indoors)	Mon-Sun	10:00am	4:00am
G. Performance of dance (Indoors)	Mon-Sun	10:00am	4:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Mon-Sun	10:00am	4:00am
I. Late night refreshment (Indoors)	Mon-Sun	11:00pm	4:00am
J. Supply of alcohol for consumption ON and OFF the premises	Mon-Sun	10:00am	4:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Unrestricted	10:00am	4:00am



Licensing Act 2003

Premises Licence

LEIPRM1554



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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Ercan Dogan

2a Avenue Road, Leicester, LE2 3EA.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Alex SALTER

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. HHTER00636

Issued by - Harborough





Leicester
City Council

Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

ANNEXES**Annex 1 - Mandatory conditions**

No supply of alcohol may be made under the premises licence -

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supplied alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a) a holographic mark, or
- b) an ultraviolet feature.

The responsible person shall ensure that-

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

All individual(s) at the premises for the purpose of carrying out a security activity must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 - Conditions consistent with the operating schedule

The licence holder will ensure that CCTV is installed following the advice from the Leicestershire Police and maintained in accordance with the



Licensing Act 2003

Premises Licence

LEIPRM1554



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licensing@leicester.gov.uk

ANNEXES continued ...

Commissioners Codes of Practice for CCTV. Recordings will be maintained at all times the premises are open to the public and will be kept for a minimum 31 days. Recordings will be made available to the Police and responsible authorities within 48 hours or a request for the recordings being made.

The licence holder will ensure all incidents of crime and disorder are reported to the Police and recorded in incident book to be kept at the premises and made available immediately to responsible authorities on request.

The licence holder will provide training to all staff, paid or unpaid, working at the premises in relation to Challenge 21. The training is to be documented and repeated a minimum of twice a year to retain focus.

The licence holder will ensure a refusal book is maintained and kept at the premises and made available immediately on request to the responsible authorities.

The licence holder will ensure information relating to the venue age policy is displayed in prominent positions for customers and staff around the venue.

The licence holder will provide drug awareness training for all staff at the premises, whether paid or unpaid which will be fully documented. The training must include processes to be followed on finding drugs and dealing with the persons found in possession of drugs.

The licence holder will employ SIA registered door staff between the hours of 22.00hrs till the venue closes on Friday and Saturday nights and at times when a risk is identified by the licence holder or responsible authorities.

The licence holder will ensure access and egress to the premises is only via High Street.

The licence holder will ensure nobody under the age of 18 years will be allowed on the premises.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None.



Annex 4 - Plan

