

Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: FRIDAY, 11 MARCH 2022

TIME: 10:00 am

PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Sub-Committee

Councillors Cank, Singh Johal and Westley

Members of the Sub-Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

Officer contact: Katie Jordan
Democratic Support, Leicester City Council
City Hall, 115 Charles Street, Leicester, LE1 1FZ
Tel: 0116 454 2616
Email: Katie.Jordan@leicester.gov.uk

Information for Members of the Public

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings, and Scrutiny Commissions and see copies of agendas and minutes.

However, on occasion, meetings may, for reasons set out in law, need to consider some items in private.

Due to ongoing mitigations to prevent the transmission of COVID, public access in person is limited to ensure social distancing. If you wish to attend a meeting in person, you are required to contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance. A guide to attending public meetings can be found here on the [Decisions, meetings and minutes page](#) of the Council website.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk, or by contacting us using the details below.

To hold this meeting in as Covid-safe a way as possible, all attendees are asked to follow current Government guidance and:

- maintain distancing while entering and leaving the room/building;
- remain seated and maintain distancing between seats during the meeting;
- wear face coverings throughout the meeting unless speaking or exempt;
- make use of the hand sanitiser available;
- when moving about the building to follow signs about traffic flows, lift capacities etc;
- comply with Test and Trace requirements by scanning the QR code at the entrance to the building and/or giving their name and contact details at reception prior to the meeting;
- if you are displaying Coronavirus symptoms: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, you should NOT attend the meeting, please stay at home, and get a PCR test.

NOTE:

Due to ongoing mitigations to prevent transmission of COVID, public access in person is limited to ensure social distancing. If you wish to attend the meeting in person, you are required to contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance.

Separate guidance on attending the meeting is available for officers. Officers attending the meeting are asked to contact the Democratic Support Officer in advance to confirm their arrangements for attendance.

Making meetings accessible to all

Wheelchair access – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Democratic Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at www.leicester.gov.uk or from Democratic Support.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, Democratic Support on **(0116) 454 6354** or email angie.smith@leicester.gov.uk

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

LEICESTER CITY COUNCIL LICENSING SUB-COMMITTEE PROCEDURAL GUIDE

INTRODUCTORY PHASE

The meeting will be held in public unless stated otherwise in the report.

Present at the hearing will be Members of the Licensing Sub-Committee (minimum 3 Members), Officers from the Licensing Authority, a Legal Adviser to the Sub-Committee, an Officer from Democratic Services.

1. Participants at the meeting will introduce themselves as follows:
 - a. Members and Officers
 - b. Statutory Consultees (if any)
 - c. The Applicant and any representatives
 - d. Persons who have made representations
2. The Chair will check that the Applicant has received a copy of the Officer report.

INFORMATION GATHERING

(*Please Note – for the purposes of a hearing to determine an application in a Cumulative Impact Zone (CIZ), the Applicant will present their case first)

3. The Licensing Officer presents the report (previously circulated)

Questions (for clarification purposes only):
Members
Statutory Consultees (if any)
Persons who have made representations
Applicant and Representative(s)
4. Depending on the nature of the report, Statutory Consultees present their comments.

Questions (for clarification purposes only):
Members
Officers
Persons who have made representations
Applicant and Representative(s)
5. Persons who have made representations

Questions (for clarification purposes only):
Members
Officers
Statutory Consultees (is any)
Applicant and Representative(s)

6. *Applicant's Case

Questions (for clarification purposes only):

Members

Officers

Statutory Consultees

Persons who have made representations

7. Summing up in the following order

Officers

Statutory Consultees

Persons who have made representations

*Applicant and Representative(s)

8. The Legal Adviser to the Sub-Committee to advise the Sub-Committee in the presence of the Applicant, Representatives, Officers, Statutory Consultees, and persons who have made representations on relevant issues the Members need to be aware of when they come to make their decision.

DECISION MAKING

9. Apart from the Sub-Committee Members and the Democratic Support Officer everyone will be asked to withdraw from the meeting The Legal Adviser to the Sub-Committee may be called back to the meeting to advise on the wording of the decision the Sub-Committee Members will have made during private deliberation.

10. The Applicant will be advised that the decision made by the Sub-Committee will be made public within 5 working days of the meeting.

PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

- 1. APPOINTMENT OF CHAIR**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

- 4. MINUTES OF PREVIOUS MEETING**

Appendix A

The Minutes of the meeting of Licencing (Hearings) Sub-Committee held on 8th February 2022 are attached and Members will be asked to confirm them as a correct record.

- 5. PRIVATE SESSION**

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended, and consequently that the Sub-Committee makes the following resolution:-

“that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.”

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

B1) Application for the Review of an Existing Premises Licence: Mamba Bar, 29 Market Street, Leicester, LE1 6DN

6. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE: MAMBA BAR, 29 MARKET STREET, LEICESTER, LE1 6DN **Appendix B1**

The Director of Neighbourhood and Environmental Services submits a report on an application for the review of an existing premises licence for Mamba Café, 29 Market Street, Leicester, LE1 6DN.

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 telephoning Democratic Support on 0116 4546354. (Wards affected: Rushey Mead)

7. PUBLIC SESSION

The meeting will move into public session.

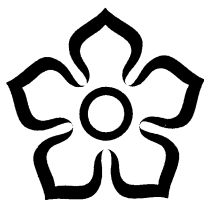
8. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE: SOPHY, KING STREET, LEICESTER, LE1 6RJ **Appendix B**

The Director of Neighbourhood and Environmental Services submits a report on an application for the review of an existing premises licence for Sophy, King Street, Leicester, LE1 6RJ.

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 telephoning Democratic Support on (0116) 454 6354.

(Ward affected: Castle)

9. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the LICENSING (HEARINGS) SUB-COMMITTEE

Held: TUESDAY, 8 FEBRUARY 2022 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Cank

Councillor Gee

* * * * *

41. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as chair for the meeting.

The Chair lead on introductions and relayed the procedures for the meeting.

42. APOLOGIES FOR ABSENCE

No apologies were received.

43. DECLARATIONS OF INTEREST

Members were asked to declare any pecuniary or other interests they may have in the business on the agenda.

There were no declarations.

44. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Hearing held on 7th December 2021 be confirmed as a correct record.

45. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE IN A CUMULATIVE IMPACT ZONE - METAL MONOCLE, 59-61 BRAUNSTONE GATE, LEICESTER, LE3 5LH.

The Director of Neighbourhood and Environmental Services submitted a report on an application for the variation of an existing premises licence in a

Cumulative Impact Zone (CIZ) for Metal Monocle, 59-61 Braunstone Gate, Leicester, LE3 5LH.

The Premises Licence Holder (PLH) / Designated Premises Supervisor (DPS) Mr Tommy Coombes was present. PC Jeff Pritchard of the Leicestershire Police and Mr Kennedy Nwokolo of the Noise Control and Pollution Team were present as objectors. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that four objections to the application had been received.

An objection to the application was received on 4th January from Leicestershire Police, on the grounds that the extended hours would undermine the licensing objectives of prevention of crime and disorder and prevention of public nuisance.

An objection to the application was received on 17th January from the Noise Control and Pollution Team, on the grounds that the music on the premises would undermine the licensing objective of prevention of public nuisance.

An objection to the application was received on 18th January from a nearby resident, on the grounds of that the extended licence would undermine the licensing objective of prevention of public nuisance. A further objection to the application was received from a second nearby resident on the same grounds.

The receipt of these objections required the application to be determined by the Sub-Committee.

The Premises Licence Holder and Applicant, Mr Coombes was given the opportunity to present his case, address concerns raised by the objectors and answer questions from Members and Officers.

PC Jeff Pritchard was given the opportunity to outline the details of the Police representation and answer questions from Members.

Pollution Control Officer, Mr Nwokolo was given the opportunity to outline the details of the Noise Control and Pollution Team representation and answer questions from Members and the Applicant.

All parties were given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making their decision.

In reaching their decision, the Sub-Committee felt they should deliberate in

private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decisions and reasons would be publicly announced and confirmed in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to withdraw from the meeting. Members then deliberated in private to consider their decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the application for the variation for an existing premises licence for Metal Monocle, 59-61 Braunstone Gate, Leicester LE3 5LH be GRANTED subject to the conditions contained within the representation from the Police, and two additional conditions as proposed by the Sub-Committee.

Members of the Sub Committee had been asked to determine an application made under Section 34 of the Licensing Act 2003, to vary the premises licence, as follows:

Amend the premises opening hours to the following:

Sunday to Thursday 8am to 2:30am
Friday and Saturday 8am to 4:30am
New Year's Eve into New Year's Day 9am to 4am

And to amend a number of licensable activities in particular the supply of alcohol to the following:

Sunday to Thursday 11am to 2am
Friday and Saturday 11am to 4am
New Year's Eve from 11am to 4am

The other licensable activities which they wished to amend included the provision of films, live music, recorded music, performance of dance and entertainment similar to dance and late-night refreshment, all to commence at 9am or 11am but all reflected the same cease time for the supply of alcohol.

In reaching their decision, the Sub-Committee Members had considered the representations received from Leicestershire Police, the Noise and Pollution Control Team at Leicester City Council and two residents who lived nearby whose representations had been submitted in writing. All had raised concerns

regarding the potential noise nuisance to local residents and the Police and one nearby resident were concerned about the potential for an increase in crime and disorder. They had also taken account of statutory guidance issued under S.182 of the Licensing Act 2003 and the Licensing Authority's Statement of Licensing Policy.

Members had also considered representations made by the Applicant to address the concerns raised.

Members also considered the fact that the Premises was within a Cumulative Impact Zone.

The Sub Committee members overriding consideration was the protection of the public and as such they had spent a great deal of time assessing the evidence and information before them.

As a result of what they had heard, the Sub-Committee Members were satisfied that it was appropriate and proportionate considering the licensing objectives to GRANT the application subject to the following conditions:

1. The conditions contained within the representation from the Police contained in Appendix C1 and the operating schedule;
2. The installation of a noise limiter within the premises set to a level agreed by the Noise and Pollution Control Team at Leicester City Council; and
3. Open containers shall not be taken from premises. The licensee will ensure that no customers shall take glasses or open bottles from the premises.

REASONS FOR THE DECISION

Members accepted the evidence presented by Leicestershire Police and the Noise and Pollution Control Team at Leicester City Council and were of the opinion that granting the licence without modification had the potential to add to the problems of noise pollution and crime and disorder and to the existing problems of cumulative impact in the area.

Members were of the opinion however that by adding the additional conditions, which were justifiable and proportionate, the Applicant would manage the premises in a manner that would promote and uphold the licensing objectives and in compliance with the requirements of the Licensing Act 2003. Members were also of the opinion that granting the licence with the additional conditions would not add to the existing problems of cumulative impact in the area.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

The applicant would be informed that any appeal against the decision must be made within 21 days of the decision to the Magistrates Court.

46. ANY OTHER URGENT BUSINESS

There being no further business, the meeting closed at 7:04pm.

Appendix B1

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Application for a review of an existing premises licence

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)
Sub-Committee

Date of meeting: 11/03/2022

Lead officer: Deborah Bragg

Useful information

- Ward affected: Castle
- Report author: Chris Spencer
- Author contact details: 0116 454 3051
- Report version number: 1

1. Summary

- 1.1 This report outlines an application for a review of an existing premises licence for Sophy, 8-10 King 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.

2. Determination to be made

- 2.1 Having considered the application and representations, Members must consider whether to
- Reject the review application
 - Modify the conditions of the licence
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence
- 2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

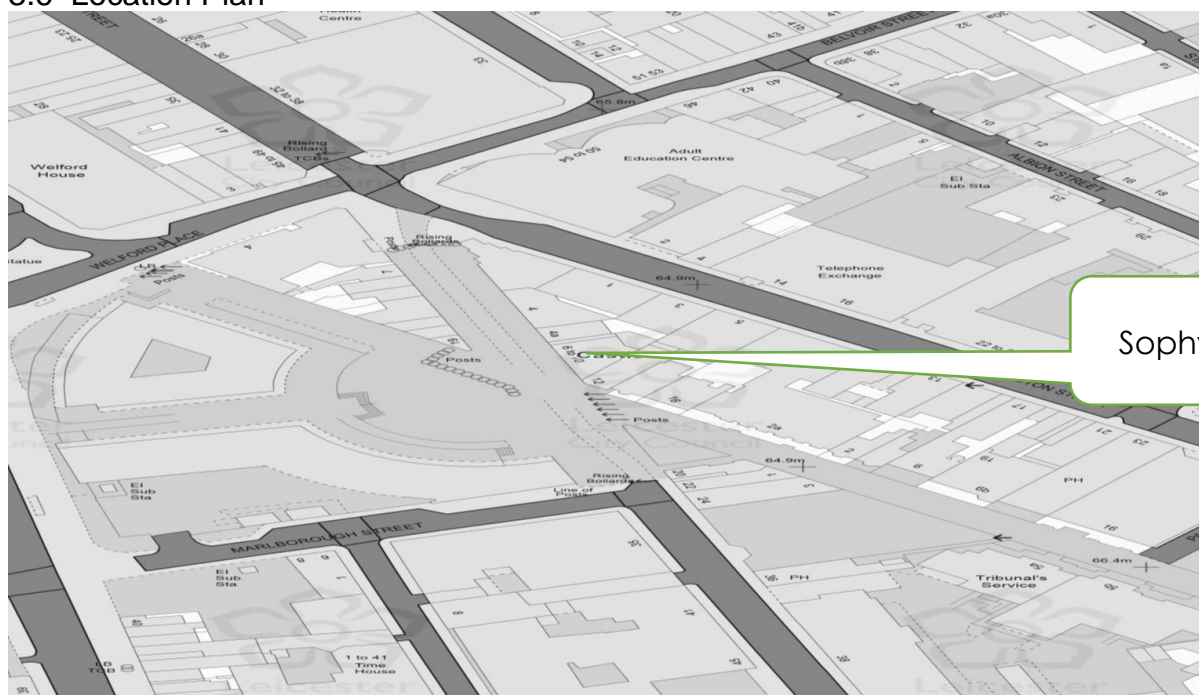
3. Application and promotion of the licensing objectives

- 3.1 An application was received on 20 January 2022 from the Noise and Pollution Control Team of Leicester City Council for a review of the existing premises licence for Sophy, 8 – 10 King Street, Leicester. The application was made on the grounds of the prevention of public nuisance. A copy of the application is attached at Appendix A.
- 3.2 The Noise and Pollution Control Team are concerned that they have witnessed five nuisances from both amplified music and raised voices from people using the premises after complaints from members of the public.
- 3.3 The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current hours
Live Music	Monday to Saturday 19.00 until 01.00 Sunday 19.00 until 00.00
Recorded Music	Sunday to Thursday 11.00 until 02.00 Friday to Saturday 11.00 until 07.00
Anything similar to live/recorded music or dance	Monday to Sunday 19.00 until 01.00
Dancing	Monday to Sunday 19.00 until 01.00
Late Night Refreshment	Sunday to Thursday 23.00 until 02.00 Friday to Saturday 23.00 until 07.00
Supply of Alcohol	Sunday to Thursday 11.00 until 02.00 Friday to Saturday 11.00 until 07.00
Opening Hours	11.00 until 07.00 Monday to Sunday

- 3.4 The existing licence is attached at Appendix B.
- 3.5 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

3.6 Location Plan



4. Representations

- 4.1 Representations were received on the 25th and 31st of January from 2 local residents. The representations relate to the prevention of public nuisance. The residents have experienced loud music, noise from people at the premises, and bottles being emptied into the bins. They say this noise goes on throughout the night until the early hours of the morning. They have complained that they have experienced lack of sleep and as a result have become quite anxious and distressed. A copy of the representations are attached at Appendix C1-C2.

5. Statutory guidance and statement of licensing policy

- 5.1 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
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
9.31 – 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
11.1 – 11.29	Reviews
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

- 5.2 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
12	Duplication
13	Standardised conditions

6. Points for clarification

- 6.1 The applicant and the 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, whether the applicant wishes 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.

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. Financial, legal, equalities, climate emergency and other implications

8.1 Financial implications

None

8.2 Legal implications

Legal advice specific to the application will be provided at the meeting by Legal Officers.

8.3 Equalities implications

None

8.4 Climate Emergency implications

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process.
Aidan Davis, Sustainability Officer, Ext 28 3384

8.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

Crime and Disorder – No

9. Background information and other papers:

None

10. Summary of appendices:

Appendix A – Application

Appendix B – Existing licence

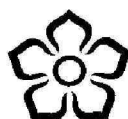
Appendix C – Representations

11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

12. Is this a “key decision”? If so, why?

No



Leicester
City Council

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Noise and Pollution Control Team, Leicester City Council

Apply for a review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal Address of premises or, if none, ordnance survey map reference or description

Sophy
8 - 10 King Street
Leicester

Post Town: Leicester

Post Code (if known): LE1 6RJ

Name of premises licence holder or club holding club premises certificate (if known)

Mr Manoj Kumar

Number of premises licence of club premises certificate (if known)

LEIPRM0593

Part 2 - Applicant details

I am

Please Tick Yes

- 1) An interested party (please complete (A) or (B) below)
 - a) A person living in the vicinity of the premises
 - b) A body representing persons living in the vicinity of the premises

- c) A person involved in business in the vicinity of the premises
- d) A body representing persons involved in business in the vicinity of the premises

- 2) A responsible authority (please complete C below) **YES**
- 3) A member of a club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and Address

Telephone Number

Email Address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and Address

Kennedy Nwokolo
Leicester City Council
Noise and Pollution Control Team
York House
91 Granby Street
Leicester
LE1 6FB

Telephone number (if any)**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

☐
☐
☒
☐

Please state the grounds for review (please see guidance note 1)

Five nuisances have been witnessed by the noise and pollution control team from both amplified music and raised voices from people using the premises.

The first noise nuisance witnessed on 10 October 2021 at 01:55 hours and it was from amplified music escaping from the opened front door. A warning letter was served, and a site visit was made on 13 October 2021, issues discussed with the PLH.

The second noise nuisance was witnessed on 24 October 2021 at 01:15 hours from loud distinct bass beat music escaping from the rear of the premises. Another warning letter was served, and a site visit was made on 28 October 2021, issues discussed with the PLH.

The third noise nuisance was witnessed on 7 November 2021 at 01:55 hours from loud distinct bass beat music escaping from the opened front door of the premises. Another warning letter was served, and a phone call made to the PLH the following day (8 November 2021), issues discussed.

The fourth noise was witnessed on 13th November 2021 at 22:15 hours from loud distinct bass beat music escaping from the rear of the premises. An Abatement Notice was served on 17th November 2021. A further site visit was made on 16 December 2021 when issues discussed with the PLH.

The fifth noise nuisance was witnessed on 14th January 2022 at 23:25 hours from loud distinct bass beat music escaping from the rear of the premises.

The PLH has undertaken works to provide a lobby to the front of the premises and to add some level of sound proofing to the rear. Unfortunately, the steps taken have not prevented noise nuisance recurring.

To prevent public nuisance from amplified music and patron noise recurring, I therefore formally request a review of the premises licence for Sophy, 8 - 10 King Street, Leicester to

- 1) Reduce the opening hours from 11:00 – 07:00 Monday – Sunday to 11:00 – 01:00 Mon - Sunday and
- 2) Request that noise limiters are installed to both the ground floor and basement sound systems:

All amplified music and voice on the premises shall be played through a noise limiting device which is installed, fitted and maintained in such a manner as to control all sources of amplified music and voice at the premises. The level shall be set to the agreement of the Noise and Pollution Team to prevent noise nuisance being caused to the public, and the agreed level shall not be exceeded without the agreement of the Noise and Pollution Control Team. Once the device is set it should be inaccessible to anyone on the premise other than the licence holder.

Please provide as much information as possible to support the application

The Noise and Pollution Team have received noise complaints regarding Sophy, 8 - 10 King Street, Leicester from 4 properties in the vicinity since 13 September 2021. We have since witnessed five noise nuisances from the premises.

On the 10 October 2021, a call to the service was received at 01:36 hours regarding noise from amplified music at Sophy, officers then attended complainant's property at 01:55 hours, where loud music was observed emanating from the opened front entrance door. Officer was satisfied that music was unreasonable and affecting the complainant from sleeping. A warning letter was served 13 October 2021, and a site visit was made on 13 October 2021, issues discussed with the PLH. PLH agreed to install a lobby door system after advised was given.

A further complaint was received to the service on 24 October 2021 at 00:54 hours regarding loud music, officers then attended complainant's property at 01:15 hours, where loud distinct bass beat music was observed escaping from the rear of the premises. Officer was satisfied that music was unreasonable and affecting the complainant from sleeping. Another warning letter was served 28 October 2021, and a site visit was made on 28 October 2021, issues discussed with the PLH. PLH agreed to seal some noticeable holes at the rear and promised to install self-closers at the rear doors.

On the 7 November 2021, a call to the service was received at 01:40 hours regarding noise from amplified music at Sophy, officers then attended complainant's property at 01:55 hours, where loud music was observed emanating from the opened front entrance door. Officer was satisfied that music was unreasonable and affecting the complainant from sleeping. A warning

letter was served 11 November 2021, and a phone call made on 8 November 2021, issues discussed with the PLH. PLH promised to monitor the situation a bit better as it is a management issue.

Another complaint was received to the service on 13th November 2021 at 21:15 hours regarding loud music, officers then attended complainant's property at 22:22 hours, where loud distinct bass beat music was observed escaping from the rear of the premises. Officer was satisfied that music was unreasonable and affecting the complainant from sleeping. An Abatement Notice was served on the PLH (Mr Manoj Kumar) and DPS (Mr Jack Dorman) On 17 November 2021, and a site visit made on 16 December 2021, issues discussed with the PLH.

Lastly, two calls were received to the service by the same complainant on 14th January 2022 at 22:00 hours & 23:15 hours regarding loud music, officers then attended complainant's property at 22:25 hours & 23:25 hours, where loud distinct bass beat music was observed on both occasions escaping from the rear of the premises. Officer was satisfied on both occasion that music was unreasonable and affecting the complainant from sleeping

Sophy is located in a mixture of residential and commercial area. However, majority of the Local flats and houses do not include acoustic glazing sufficient to mitigate such noise levels, nor additional ventilation that permits windows to remain closed. Consequently, during late at night and early hours of the morning, noise from recorded music played at a volume typical of such entertainment venue, prevent the normal and reasonable use of local properties.

It is therefore, recommended the premises licence is reviewed and conditions (as recommended above) added to the licence to ensure further noise nuisances are not caused to occupiers of close by residential properties especially to the adjoining residential units.

Please tick yes

Have you made an application for review relating to this premises before? **No** ☐

If yes, please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Not applicable

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate yes ☐
- I understand that if I do not comply with the above requirements my application will be rejected yes ☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent **(See guidance note 4)**. If signing on behalf of the applicant please state in what capacity.

Signature

Date 20

Capacity Pollution Control Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post Town

Postcode

Telephone number for correspondence (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

--

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003 Premises Licence

LEIPRM0593



Local Services & Enforcement
Leicester City Council
Phoenix House
1 King Street
Leicester
LE1 6RN

(0116) 4543040
licensing@leicester.gov.uk

Part 1 - Premises Details

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

Sophy

8-10 King Street, Leicester, LE1 6RJ.

Telephone 0116 2558181

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-Sat	7:00pm	1:00am
	Sunday	7:00pm	Midnight
F. Playing of recorded music (Indoors)	Sun-Thur	11:00am	2:00am
	Fri-Sat	11:00am	7:00am
G. Performance of dance (Indoors)	Mon-Sun	7:00pm	1:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Mon-Sun	7:00pm	1:00am
I. Late night refreshment (Indoors)	Sun-Thur	11:00pm	2:00am
	Fri-Sat	11:00pm	7:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sun-Thur	11:00am	2:00am
	Fri-Sat	11:00am	7:00am



Licensing Act 2003
Premises Licence

LEIPRM0593



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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon-Sun	11:00am	7:00am

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

Manoj Kumar

The Spinney, 13 Carisbrooke Avenue, Leicester, LE2 3PA.

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

Jack DORMAN

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. LEIPRS4525

Issued by Leicester





Local Services & Enforcement
Leicester City Council
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Leicester
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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 be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the operating schedule

The licence is subject to Leicester City Council's Standard Conditions for Places of Public Entertainment, published on the Licensing Authority's website www.leicester.gov.uk/licensing

The maximum permitted number(s) of persons allowed when regulated entertainment is taking place is (are) as follows:



Licensing Act 2003
Premises Licence

LEIPRM0593



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ANNEXES continued ...

Ground Floor - 150 Persons
Basement - 60 Persons

The occupancy to include ALL persons employed within the premises and ALL persons resorting to the premises.

A sound limiting devise to be fitted to the ground floor, the level set to be agreed with Pollution Control, and be operated from 11:00pm onwards.

The restrictions in this Annex do not prohibit any sale, supply or consumption of alcohol previously permitted by the Licensing Act 1964.

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal.

Licensable activities may continue between the end of the hours permitted by the licence on New Years Eve and the start of the hours permitted by the licence on New Years Day.

No person under fourteen shall be in the bar of the licensed premises during the hours that the premises is licensed for the sale of alcohol, except as previously permitted by the Licensing Act 1964.

The premises are structurally adapted and bona fide/intended to be used for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary.

On the morning when summer time begins, alcohol may be sold and regulated entertainment may be provided until 3am.

The premises are structurally adapted and bona fide / intended to be used for the purpose of providing persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary.

CCTV to be installed and operated internally and externally under direction of the Crime Prevention Officer.

There is a card membership scheme in place, a photo card will be issued to members and admission after 03:00 will only be on production of a photocard card to admit the member and guests.

The licence holder will ensure there are door staff from 21:00 to closing on Friday and Saturday night.

The licence holder will ensure that Health and Safety assessments are kept up to date and that all staff are regularly updated.

The licence holder will ensure that noise nuisance assessments are conducted.

The licence holder will ensure that children are accompanied by an adult and only allowed on the premises until 19:00.

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

None





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Premises Details

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

Sophy

8-10 King Street, Leicester, LE1 6RJ.

Telephone 0116 2558181

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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	Sunday	7:00pm	Midnight
F. Playing of recorded music (Indoors)	Sun-Thur	11:00am	2:00am
	Fri-Sat	11:00am	7:00am
G. Performance of dance (Indoors)	Mon-Sun	7:00pm	1:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Mon-Sun	7:00pm	1:00am
I. Late night refreshment (Indoors)	Sun-Thur	11:00pm	2:00am
	Fri-Sat	11:00pm	7:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sun-Thur	11:00am	2:00am
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Leicester
City Council

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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon-Sun	11:00am	7:00am

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Manoj Kumar

The Spinney, 13 Carisbrooke Avenue, Leicester, LE2 3PA.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Jack DORMAN

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restricted



Chris Spencer

From: Licensing
Sent: 24 January 2022 16:49
To: Chris Spencer
Subject: FW: REF 21/10986/PNENTS

[REDACTED]
Sent: 24 January 2022 16:26
To: Licensing <Licensing@leicester.gov.uk>
Subject: REF 21/10986/PNENTS

REF 21/10986/PNENTS
Kennedy Nwokolo
Re noise from Sophy night club 8-10 King Street, Leicester

Dear Licensing team,

Thank you for your letter dated 20th January concerning noise from Sophy night club. I would like to make the following written submission about noise from the club. I complained in 2021 due to the extremely loud noise coming from the club and was contacted by your noise team. I would like to confirm that the noise was really excessive, loud bass and noise from people around the club, this went on until very early in the mornings on many occasions, keeping me awake at night and causing me some considerable distress due to lack of sleep and anxiousness due to the noise. The area around the club is quite residential, and the opening of the club has greatly affected the nature of the area, much more noise and nuisance from customers of the club. We already have enough noise from the Revolution night club in the area, and the opening of Sophy has made this much worse. It seems Sophie can remain open until 5am which means there simply is no relief from the noise throughout the night. I am happy that Sophie have opened and are contributing to the café-bar amenities in the area, but the late night noise is intolerable. I finally have had to have expensive sound proof secondary glazing fitted to my bedroom window to reduce the noise, though the noise means I cannot have the window open in warm weather so feel like I'm living in a bunker hiding from the noise. I hope the issue can be resolved so that there is no disturbing noise from Sophie night club.

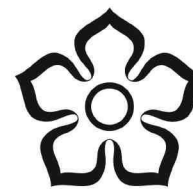
My best wishes,

[REDACTED]
24th January 2022

[REDACTED]

Our Ref: LIC397191489

Date: 30/01/2022

Leicester
City Council**Customer details:**

Title	First name	Surname	Phone number	Mobile number	Email address
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Address:

Enter the postcode or street	Please select the address	Flat	House number	Street	Town	County	Postcode
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Name of premises: Sophy

Location:

Enter the postcode or street name	Please select the address	Flat	House number	Street	Town	County	Postcode
LE1 6RJ	8-10 King Street, Leicester		8-10	King Street	Leicester	Leicester City	LE1 6RJ

Application No. (If known):**Please tick one or more of the licensing objectives that your representation relates to:**

Prevention of Public Nuisance

Please summarise your concerns about this application: Sophy is located behind my flat and the noise levels have been disrupting my sleep and therefore day to day life consistently since I moved here in September. It is open 5 nights a week (sometimes more) and the noise usually disturbs me anywhere between 9pm-6am on a regular basis.

Please give further details of WHY you believe this application will have an adverse effect on the licensing objectives : The noise levels coming from Sophy are obscene. Not only the volume of the music and shouting, but even more so the levels of heavy bass that vibrate through my flat when I am trying to sleep. This continually stops me from sleeping or wakes me up multiple times during the night between 9pm-6am and it frequently keeps me awake between 1am-5am from Tuesday-Saturday. They will also then empty bottle bins which is extremely loud and occurs right outside my window. This is negatively impacting my physical and mental health and impacting my day to day life as I am a full time dance student and fitness instructor, therefore need to be getting sufficient sleep in order to carry out 6-8 hours of physical activity during the day. It has also been negatively impacting my ability to perform well at work and university and so then effecting my mental health and wellbeing.

Are there any changes that could be made to the application that would reduce or remove your concerns?: Yes

Please explain what changes you think would help:Soundproofing
Reduced opening hours
Only allowed to empty bottle bins after 8am and before 10pm
Volume levels assessed and limit set in place

If appropriate, would you be willing to take part in mediation to try to reach an agreed outcome?: No

:

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

