

Leicester
City Council

WARDS AFFECTED: CASTLE

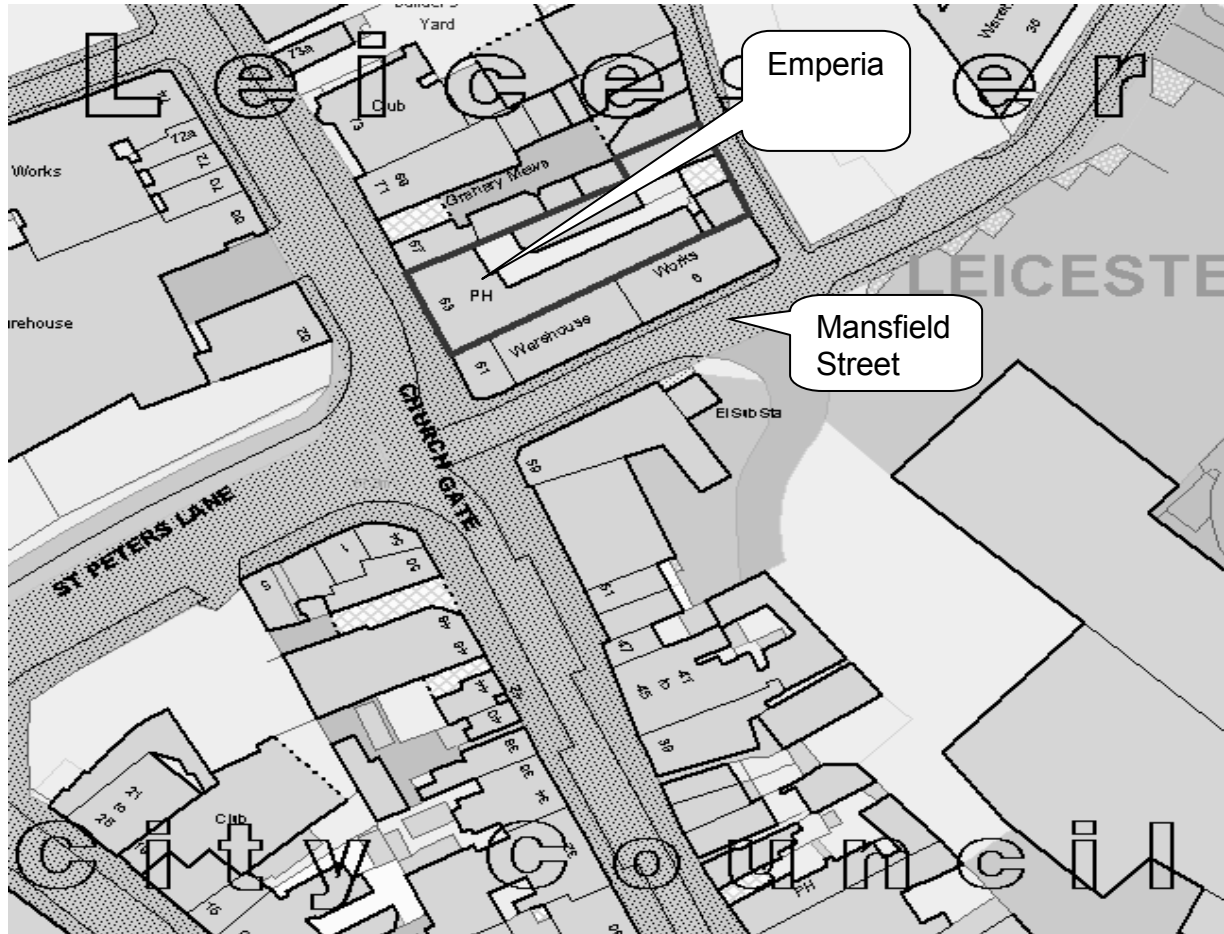
HEARING UNDER LICENSING ACT 2003

23 FEBRUARY 2009

APPLICATION FOR A REVIEW OF A PREMISES LICENCE
EMPERIA, 63-65 CHURCH GATE, LEICESTER LE1 3AN

Report of the Licensing Officer

1 Location Plan



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2 Purpose of Report

- 2.1 This report outlines an application for a review of an existing premises licence for Emperia, 63-65 Church Gate, 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.

3 Existing Licence

3.1 The existing licence is attached at Appendix A.

4 Review Application

4.1 An application for a review of the premises licence for Emperia was received on 30 December 2008 from Leicestershire Constabulary. A copy of the application is attached at Appendix B.

4.2 The current licence allows the following licensable activities:

Licensable activity	Current Hours
Films	Unrestricted
Live Music Recorded Music Performances of Dance Anything similar to live/recorded music or dance Provision of facilities for dance Late night refreshment Supply of Alcohol	Monday to Sunday 11.00am – 06.00am
Late night refreshment	11.00pm – 05.00am
Opening hours	11.00am – 07.00am

5 Steps to Promote the Licensing Objectives

5.1 The review application was received on 30 December 2008 from PS567 Moore, Licensing Dept, Leicestershire Constabulary. The application relates to the prevention of crime & disorder, public safety and the protection of children from harm. Leicestershire Constabulary have many concerns regarding the premises, including the mis-use of drugs, bottles of alcohol being adulterated with cheaper substitutes, failure of a test purchase, a major disturbance occurring at the premises, non co-operation from the management with local police in relation to high-risk events being held there, and incidents between members of the management.

5.2 The police have submitted additional information in support of their application, which includes statements from Police Officers, the Leicester City Council Licensing Enforcement Team Manager and a letter from a member of the public. These are attached to the review application at Appendix B1.

5.2 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

6 Representation

6.1 A representation was received on 22 January 2009 from a local business. The representation relates to the prevention of crime and disorder, public safety and the protection of children from harm. He is concerned that the management do not have adequate door supervision and drunken customers are being allowed entry and being served. He also has concerns about the smoking area. A copy of the representation and supporting photographs are attached at Appendix B2.

7 Statutory Guidance

7.1 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
1.2 – 1.4	The licensing objectives
1.15	General principles – each application on its own merits
1.16	General principles – avoiding duplication
1.17 – 1.19	General principles – hours of opening
1.26	Related legislation & strategies – control of individuals away from licensed premises
1.33	Violent Crime Reduction Act 2006
2.1 – 2.18	Crime and disorder
2.19 – 2.31	Public safety
2.41 – 2.51	Protection of children from harm
9.19 – 9.28	Hearings
10.1 – 10.6	Conditions - general
10.11 – 10.12	Imposed conditions
10.13 – 10.14	Proportionality
10.15 – 10.18	Duplication with other statutory provisions
11.1 – 11.28	Reviews
13.40	Licensing hours

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
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
10	Protection of Children from Harm
12	Duplication
17	Live Music, Dancing, Theatre, Circuses and Street Arts

10 Points for Clarification

10.1 The Licence Holder and the applicant making the review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application 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?

11 Determination to be made

11.1 Having considered the application for review and representation(s), 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

11.2 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.

12 Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application for review
B1	Supporting Documents
B2	Representation