

Leicester
City Council

HEARING UNDER THE LICENSING ACT 2003

DATE: TUESDAY, 28 SEPTEMBER 2010

TIME: 9:00 am

**PLACE: THE COUNCIL CHAMBER - FIRST FLOOR, TOWN HALL,
TOWN HALL SQUARE, LEICESTER**

Members of the Hearing Panel

Councillors R. Blackmore, Byrne and Lloyd-Harris

Members of the Hearing Panel are requested to attend the above meeting to consider the items of business listed overleaf.

for Director of Corporate Governance

Officer contact: Angie Smith
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INFORMATION FOR MEMBERS OF THE PUBLIC

ACCESS TO INFORMATION AND MEETINGS

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. There are procedures for you to ask questions and make representations to Scrutiny Committees, Community Meetings and Council. Please contact Democratic Support, as detailed below for further guidance on this.

You also have the right to see copies of agendas and minutes. Agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk or by contacting us as detailed below.

Dates of meetings are available at the Customer Service Centre, King Street, Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

WHEELCHAIR ACCESS

Meetings are held at the Town Hall. The Meeting rooms are all accessible to wheelchair users. Wheelchair access to the Town Hall is from Horsefair Street (Take the lift to the ground floor and go straight ahead to main reception).

BRAILLE/AUDIO TAPE/TRANSLATION

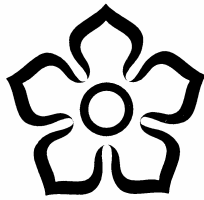
If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

INDUCTION LOOPS

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Julie Harget, Democratic Support on 0116 229 8809 or email Julie.harget@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 0116 252 6081



Leicester
City Council

PUBLIC SESSION

AGENDA

- 1. APPOINTMENT OF CHAIR**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business on the agenda.

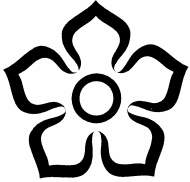
- 3. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE: BULLS HEAD, 6 BATH STREET, LEICESTER LE4 7QD.**

Appendix A

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 229 8809.

- 4. ANY OTHER URGENT BUSINESS**

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Leicester
City Council

**WARDS AFFECTED
BELGRAVE**

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

28 SEPTEMBER 2010

**Application for a review of an existing premises licence
Bulls Head, 6 Bath Street, Leicester LE4 7QD**

Report of the Director of 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

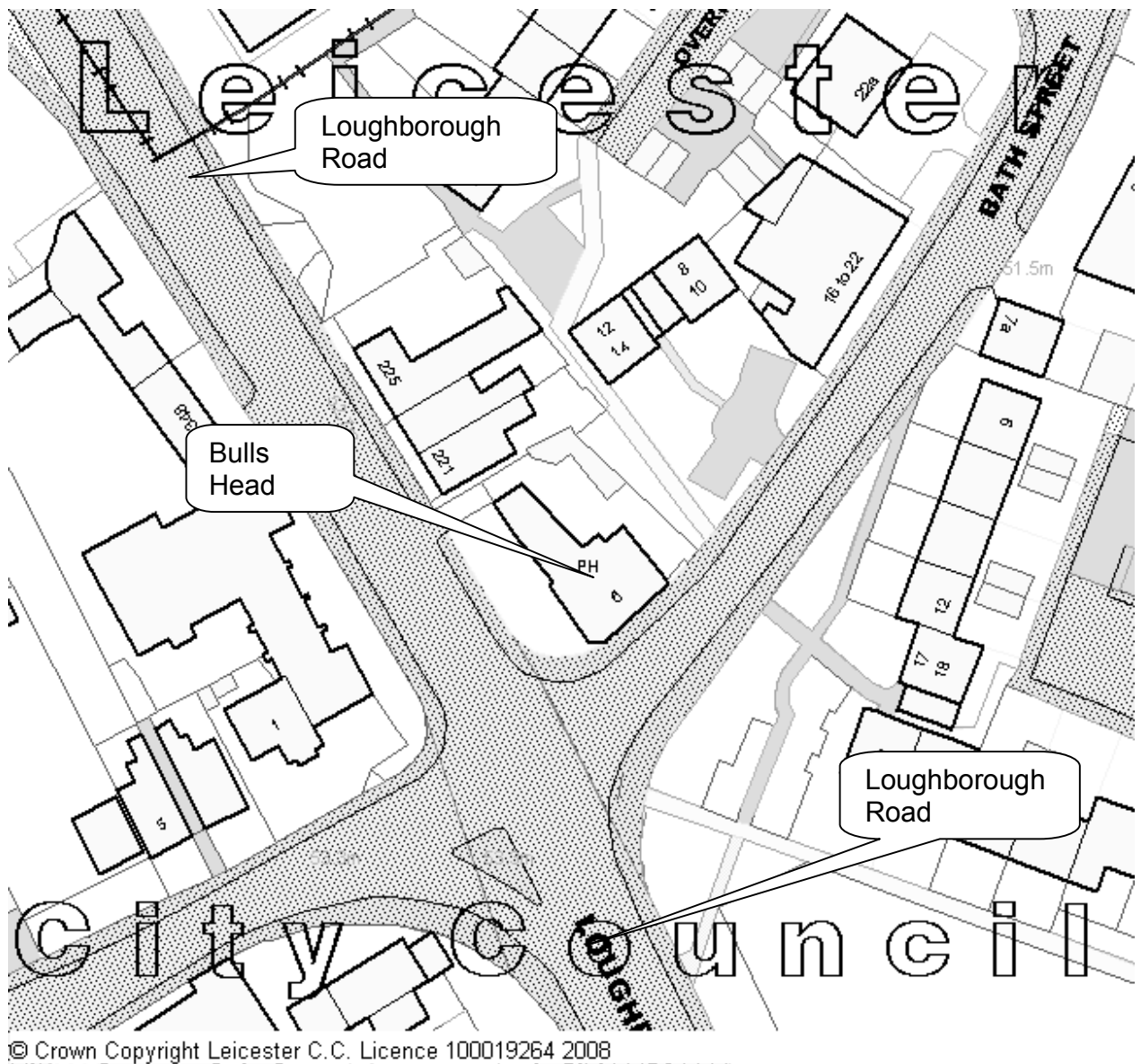
- 2.1. Having considered the application for review, Members must decide whether to
- Reject the review application
 - Modify the conditions of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence
- 2.2 Where Members 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. Summary

- 3.1 This report outlines an application for review of an existing premises licence for The Bulls Head. 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.

(continued...)

4. Location Plan



5. Existing Licence

- 5.1. The existing licence is attached at Appendix A.

6. Application

- 6.1 An application was received on 13 August 2010 from Noise Control team for a review of an existing premises licence for The Bulls Head. A copy of the application is attached at Appendix B.
- 6.2 The current licence allows the following licensable activities:

Licensable activity	Current Hours
Supply of Alcohol (on and off) Live Music (indoors) Recorded Music (indoors) Dance or (indoors) anything similar to dance	Monday to Sunday 10.00 – 01.00
Opening hours	Monday to Sunday 10.00 – 2.00

7. Steps to Promote the Licensing Objectives

- 7.1 The review application relates to the prevention of public nuisance. The grounds for the review are that there have been intrusive levels of music emanating from the premises which is mainly due to the poor sound insulation which has been exacerbated by windows and doors being left open. In addition there is noise from raised voices from groups of customers congregating outside the premises late at night. There have been several complaints from local residents
- 7.2 A representation was received on the 8th September from a local resident outlining the problems that have been occurring in and around the premises. The resident supports the recommendations made by the noise team. The representation is attached at Appendix C.
- 7.3 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

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
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
2.32 – 2.40	Public nuisance
9.19 – 9.28	Hearings
10.1 – 10.6	Conditions - general
10.11 – 10.12	Imposed conditions
10.15 – 10.18	Duplication with other statutory provisions
10.13 – 10.14	Proportionality
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
9	Prevention of Public Nuisance
12	Duplication

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 licence holder

1. Whether the applicant 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 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	

12 Background Papers – Local Government Act 1972

12.1 None

13 Consultations

13.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (New Walk Centre) for 28 days.

14 Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application for review and supporting evidence
C	Representation

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