



Leicester  
City Council

**HEARING UNDER THE LICENSING ACT 2003**

**DATE: THURSDAY, 3 MARCH 2011**

**TIME: 9:30 am**

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

**Members of the Hearing Panel**

Councillors Scuplak, Lloyd-Harris and Mugglestone.

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**  
Democratic Support,  
Leicester City Council  
Town Hall, Town Hall Square, Leicester LE1 9BG  
Tel: 0116 229 8897 Fax: 0116 229 8819  
email: [angie.smith@leicester.gov.uk](mailto:angie.smith@leicester.gov.uk)

## **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](http://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 Angie Smith, Democratic Support on 0116 229 8897 or email [Angie.Smith@leicester.gov.uk](mailto:Angie.Smith@leicester.gov.uk) or call in at the Town Hall.**

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

## **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: FUSION, 51-53 BELVOIR  
STREET, LEICESTER, LE1 6SL**

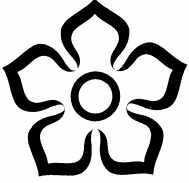
**Appendix A**

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](http://www.cabinet.leicester.gov.uk) or by phoning Democratic Support on 229 8897.

**4. ANY OTHER URGENT BUSINESS**

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# Appendix A



Leicester  
City Council

**WARDS AFFECTED**  
Castle

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

**3<sup>rd</sup> MARCH 2011**

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**Application for a review of an existing premises licence  
Fusion, 51-53 Belvoir Street, Leicester LE1 6SL**

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**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, 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. Summary**

- 3.1. This report outlines an application for a review of an existing premises licence for Fusion, 51-53 Belvoir Street, Leicester LE1 6SL. 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. Existing Licence

5.1. The existing licence at the time of the application is attached at Appendix A. An application to change the Designated Premises Supervisor was subsequently lodged on 12<sup>th</sup> January 2011, and the current DPS is now Mr Dipesh Mistry.

5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Live Music Recorded Music, Making Music, Dancing, Supply of Alcohol, Opening hours	Monday to Sunday 10:00 – 05:00 Public Bank Holidays 10:00 – 06:00 Christmas Eve 10:00 – 06:00 New Year’s Eve 10:00 – 06:00 Saturday before a Bank Holiday 10:00 – 06:00 Sunday before a Bank Holiday 10:00 – 06:00
Late night refreshment	Monday to Sunday 23:00 – 05:00 Public Bank Holidays 23:00 – 06:00 Christmas Eve 23:00 – 06:00 New Year’s Eve 23:00 – 06:00 Saturday before a Bank Holiday 23:00 – 06:00 Sunday before a Bank Holiday 23:00 – 06:00

## 6. Review application

- 6.1 An application was received on 7<sup>th</sup> January 2011 from Leicestershire Constabulary for a review of the existing premises licence for Fusion. The application was made on the grounds of the prevention of crime and disorder and public safety. A copy of the application is attached at Appendix B.
- 6.2 Leicestershire Constabulary is concerned that since the licensed hours were extended in April 2010 a number of incidents of violence have occurred in or relating to the premises. Leicestershire Constabulary believes the premises are now undermining the aforementioned licensing objectives. Leicestershire Constabulary therefore request that the present DPS is removed, the hours of licensable activities be reduced and conditions added to the licence requiring CCTV and door staff. (Note: The DPS has changed since the review application was made).
- 6.3 The police have submitted supporting information, which is appended to their application. They have also provided CCTV footage which will be shown at the hearing.

## 7. Representations

- 7.1 A representation was received on 2<sup>nd</sup> February 2011 from Noise Control. The representation relates to the prevention of public nuisance. Pollution Control is concerned that noise from the premises could cause nuisance to nearby residents. A copy of the representation is attached at Appendix C.

## 8 Steps to Promote the Licensing Objectives

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

## 9. Statutory Guidance

- 9.1 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
9.19 – 9.28	Hearings
11.1 – 11.28	Reviews
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
13.40	Licensing hours

## 10. Statement of Licensing Policy

- 10.1 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
12	Duplication
17	Live Music, Dancing, Theatre, Circuses and Street Arts

## 11. Points for Clarification

- 11.1 The applicant and the party / parties making the representation 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?

**12. Other Implications**

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within Supporting information</b>
Equal Opportunities	No	
Policy	Yes	Parag. 4 – the premises are in a cumulative impact area.
Sustainable and Environmental	No	
Crime and Disorder	Yes	Parag. 7 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

**13. Background Papers – Local Government Act 1972**

a. None.

**14. Consultations**

14.1 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.

15.

**Report Author**

Niall Gallagher

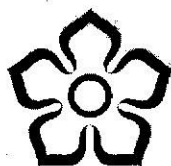
Licensing Officer

(0116) 252 8551

niall.gallagher@leicester.gov.uk

<b>APPENDIX</b>	<b>CONTENT</b>
A	Existing licence
B	Application for review

Licensing Act 2003

**Premises Licence****LEIPRM0888**Leicester  
City Council

Licensing Authority Office  
Leicester City Council  
New Walk Centre  
Welford Place  
LEICESTER  
LE1 6ZG

## Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION****Fusion**

51/53 Belvoir Street, Leicester, Leicestershire, LE1 6SL.

Telephone 0116 2852555

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

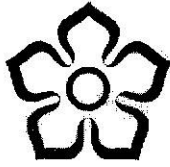
**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- a performance of live music
- any playing of recorded music
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail 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)	Monday to Sunday	10:00am	5:00am
	Public Bank Holidays	10:00am	6:00am
	Christmas Eve	10:00am	6:00am
	New Years Eve	10:00am	6:00am
	Saturday before a BHol	10:00am	6:00am
	Sunday before a BHol	10:00am	6:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	5:00am
	Public Bank Holidays	10:00am	6:00am
	Christmas Eve	10:00am	6:00am
	New Years Eve	10:00am	6:00am
	Saturday before a BHol	10:00am	6:00am
	Sunday before a BHol	10:00am	6:00am
I. Provision of facilities for making music (Indoors)	Monday to Sunday	10:00am	5:00am
	Public Bank Holidays	10:00am	6:00am
	Christmas Eve	10:00am	6:00am
	New Years Eve	10:00am	6:00am
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**Premises Licence**

Leicester  
City Council

Licensing Authority Office  
Leicester City Council  
New Walk Centre  
Welford Place  
LEICESTER  
LE1 6ZG

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	10:00am	5:00am
	Public Bank Holidays	10:00am	6:00am
	Christmas Eve	10:00am	6:00am
	New Years Eve	10:00am	6:00am
	Saturday before a BHol	10:00am	6:00am
	Sunday before a BHol	10:00am	6:00am
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	5:00am
	Public Bank Holidays	11:00pm	6:00am
	Christmas Eve	11:00pm	6:00am
	New Years Eve	11:00pm	6:00am
	Saturday before a BHol	11:00pm	6:00am
	Sunday before a BHol	11:00pm	6:00am
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Sunday	10:00am	5:00am
	Public Bank Holidays	10:00am	6:00am
	Christmas Eve	10:00am	6:00am
	New Years Eve	10:00am	6:00am
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**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday	10:00am	5:00am
Public Bank Holidays	10:00am	6:00am
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**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption ON the premises only

## Part 2

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

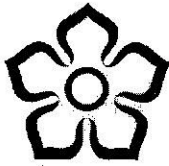
Bashir Chataria

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

Licensing Act 2003

# Premises Licence

# LEIPRM0888



Leicester  
City Council

Licensing Authority Office  
Leicester City Council  
New Walk Centre  
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NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE  
AUTHORISES THE SUPPLY OF ALCOHOL

Kamalkumar PATEL

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. LEIPRS1226

Issued by Leicester



Licensing Act 2003  
**Premises Licence**

**LEIPRM0888**



Licensing Authority Office  
Leicester City Council  
New Walk Centre  
Welford Place  
LEICESTER  
LE1 6ZG

**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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

- 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- 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;
- d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
  - i) the outcome of a race, competition or other event or process, or
  - ii) the likelihood of anything occurring or not occurring;
- e) 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.

The responsible person shall ensure that no alcohol is dispensed 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 shall ensure that free tap water is provided on request to customers where it is reasonably available.

**With effect from 1 October 2010:**

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. 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 a holographic mark.

**With effect from 1 October 2010:**

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; and
- b) customers are made aware of the availability of these measures.

**Annex 2 - Conditions consistent with the operating schedule**



Licensing Act 2003

# Premises Licence

# LEIPRM0888



Leicester  
City Council

Licensing Authority Office  
Leicester City Council  
New Walk Centre  
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LE1 6ZG

## ANNEXES continued ...

The licence holder will ensure that a NACOSS approved CCTV system is installed and maintained on the premises.

The licence holder will ensure that there is a police linked alarm system.

The licence holder will employ doo supervisors on Thursdays, Fridays, Saturdays, Christmas Eve and New Years Eve.

The licence holder will ensure that staff are appropriately trained.

The licence holder will ensure that there is a robust HACCP system.

The licence holder will ensure that alcohol is not sold or supplied to persons who appear to be intoxicated or under the age of 18.

The licence holder will ensure that health and safety signs are displayed where required.

The licence holder will ensure that no smoking is allowed on the premises.

The licence holder will ensure that children are not allowed on the premises unless accompanied by an adult or guardian.

The licence holder shall introduce a policy requiring the production of "proof of age" for any sale that takes place where there is any suspicion that the customer is under 18. Such proof may include a pass conforming to the PASS accreditation system, photo driving licence, student cards and passports.

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

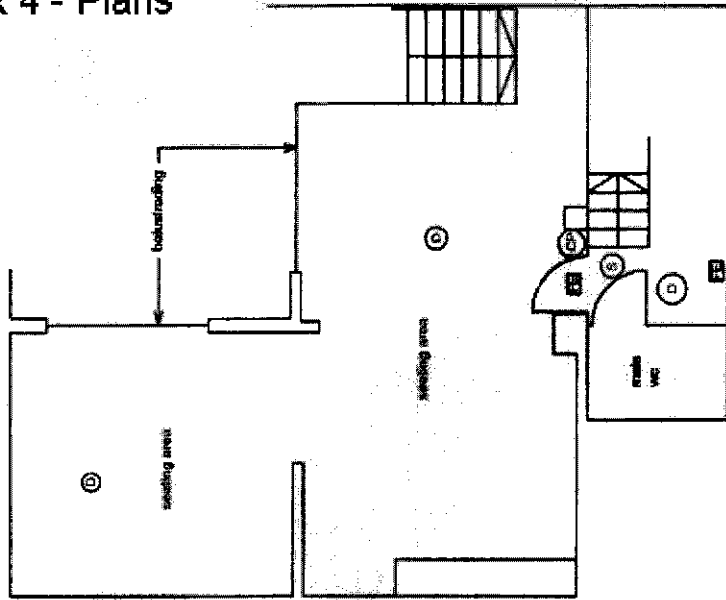
None

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

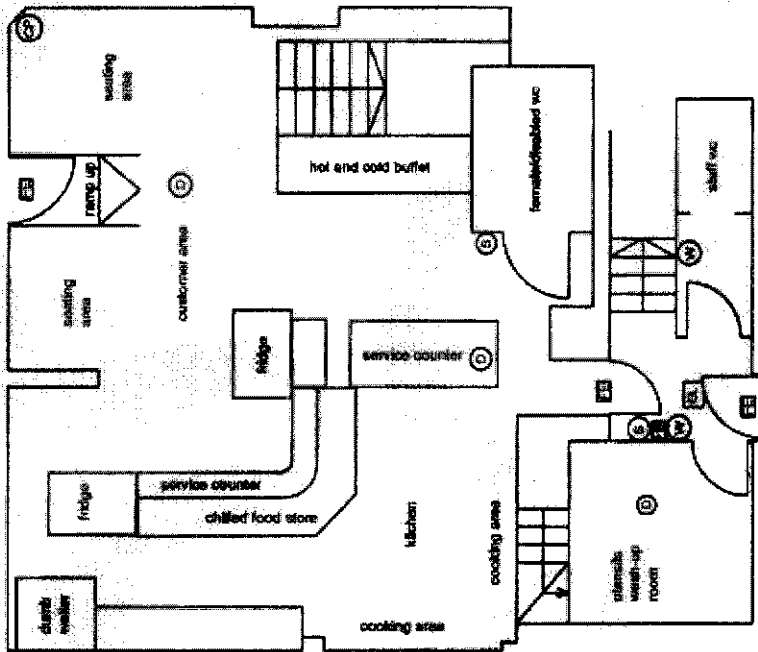
None



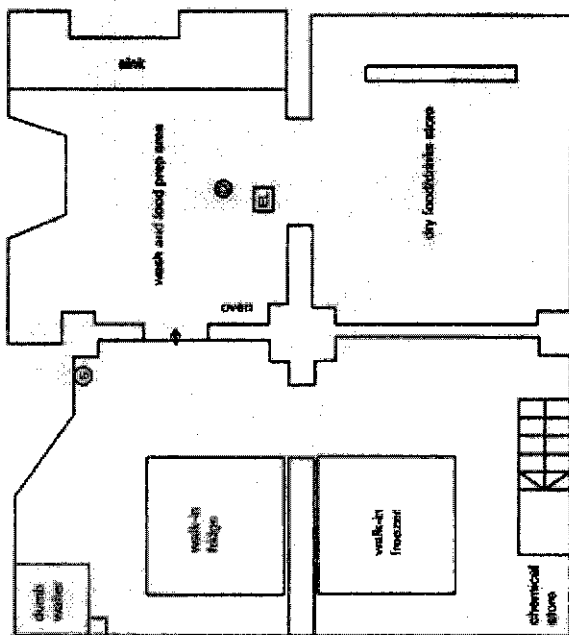
# Annex 4 - Plans



First floor



Ground floor



Basement

- ⊙ smoke/heat detector
- ⊙ fire alarm call point
- ⊙ fire alarm sounder
- ⊙ emergency light
- ⊙ fire exit
- ⊙ fire blanket
- ⊙ water filled fire extinguisher

**FOR LICENSING PURPOSES ONLY**

East Bar and Restaurant  
 51-53 Belvoir Street  
 Leicester

Scale 1:100  
 Date: October 2005

## Premises Licence Summary



Leicester  
City Council

Licensing Authority Office  
Leicester City Council  
New Walk Centre  
Welford Place  
LEICESTER  
LE1 6ZG

## Premises Details

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

**Fusion**

51/53 Belvoir Street, Leicester, Leicestershire, LE1 6SL.

Telephone 0116 2852555

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

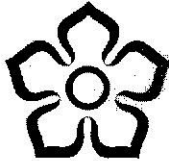
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## Premises Licence Summary



Leicester  
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New Walk Centre  
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LE1 6ZG

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
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## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Bashir Chataria

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



Licensing Act 2003

# Premises Licence Summary

**LEIPRM0888**



Leicester  
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Licensing Authority Office  
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**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

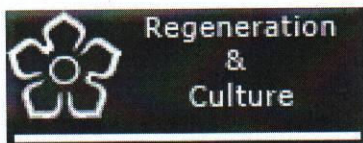
Kamalkumar PATEL

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

Restricted



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## Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	John Zarins
Your Address:	Noise Team A4 New Walk Centre Welford Place Leicester

Details of premises representation is about	
Name of Premises:	Fusion Bar
Address of premises:	51-53 Belvoir Street
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input type="checkbox"/> yes
Public Safety	<input type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> yes

Please summarise your concerns about this application:
Noise from the premises could cause noise nuisance to nearby residents.

**Please give further details of why you believe this application will have an adverse effect on the licensing objectives**

Complaints from the playing of amplified music and voice emanating from the premises have been received from nearby residents in the past, and whilst a verbal agreement has been given by the DPS to install a noise limiter, to my knowledge no such limiter has been installed.

Given that a review of the licence has been called for and there is a likelihood of further noise nuisance being caused, I would recommend that the following conditions be included in any future consent that may be given:-

- 1) That all external windows and doors be kept closed (apart from access and egress) when live and amplified music and voice is being played on the premises.
  
- 2) That all amplified music and voice be played through a sound limiting device set at a level to ensure that no noise detriment is caused to nearby occupiers. Such limiting device shall be maintained in accordance with the manufacturer's instructions.

Return your completed form to:

By Post:

Licensing Authority Office  
Leicester City Council  
New Walk Centre  
Leicester  
LE1 6ZG

By Email:

[licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)