

Leicester
City Council

HEARING UNDER THE LICENSING ACT 2003

DATE: MONDAY, 20 JANUARY 2014

TIME: 9:30 am

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

Members of the Hearing Panel

Councillors Clarke, Byrne and Riyait

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

for Monitoring Officer

Officer contact: Angie Smith
Democratic Support,
Leicester City Council
Town Hall, Town Hall Square, Leicester LE1 9BG
Tel: 0116 229 8897
email: 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 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

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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 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. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

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

- 4. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE: LONG BAR, 29 MARKET STREET, LEICESTER, LE1 6DN** **Appendix A**

The Director of Environmental Services submits a report on an application for a review of an existing premises licence, for Long Bar, 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 phoning Democratic Support on 229 8897.

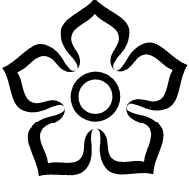
- 5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: SUMO, 54 BRAUNSTONE GATE, LEICESTER, LE3 5LG** **Appendix B**

The Director of Environmental Services submits a report on an application for a variation of an existing premises licence within a cumulative impact zone, for Sumo, 54 Braunstone Gate, Leicester, LE3 5LG.

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 8897.

- 6. ANY OTHER URGENT BUSINESS**

Appendix A



Leicester
City Council

WARDS AFFECTED
Castle

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

20 January 2014

Application for a review of an existing premises licence
Long Bar, 29 Market Street, Leicester, LE1 6DN

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.

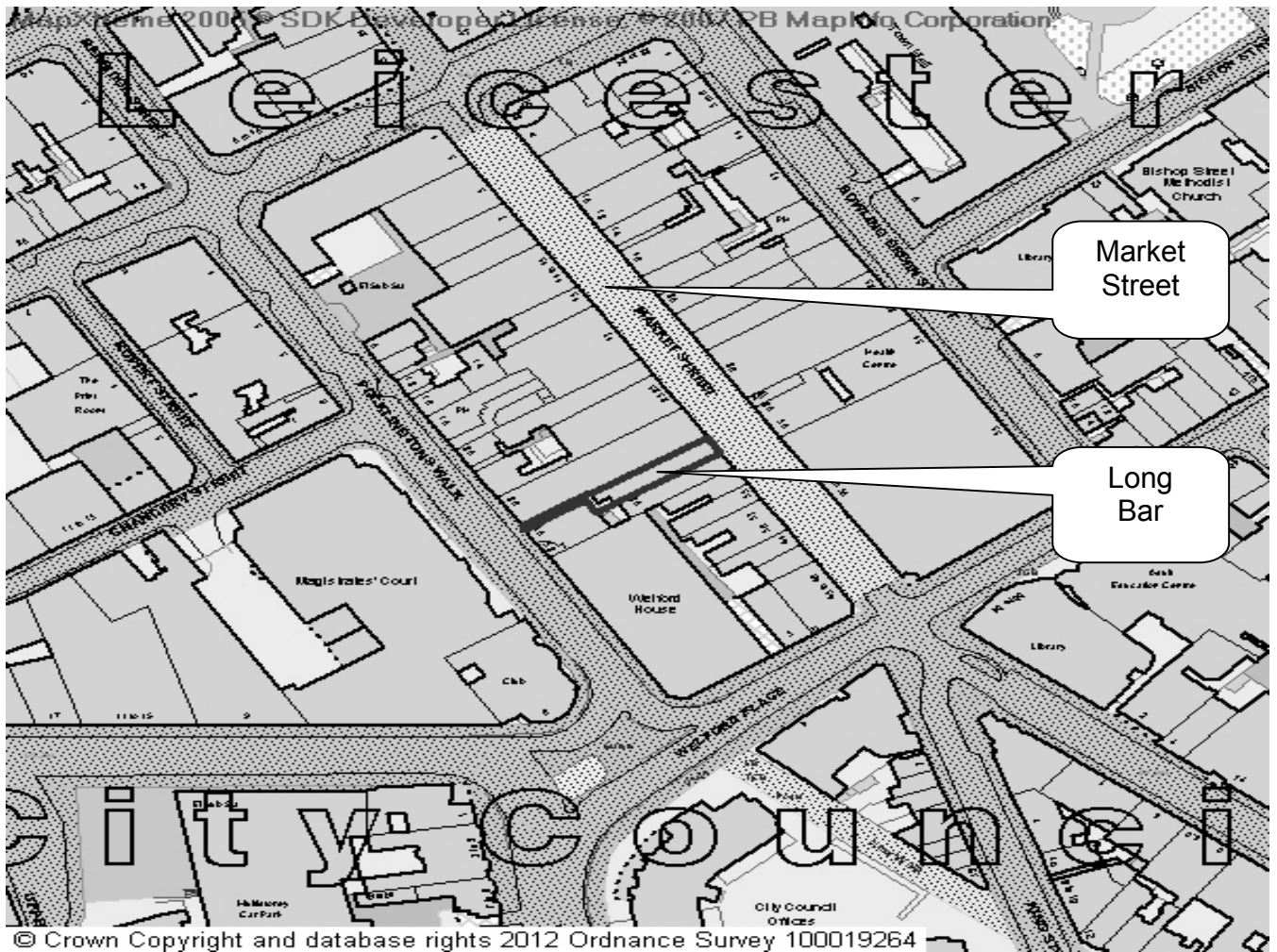
2. Determination to be made

- 2.1. Having considered the application 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. Summary

- 3.1 This report outlines an application for a review of an existing premises licence for Long Bar 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.

4. Location Plan



5. Existing Licence

- 5.1. The existing licence is attached at Appendix A.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Live Music	Mon – Thur 11.00 – 03.00 Fri – Sun 11.00 – 06.00
Recorded Music	Mon – Thur 11.00 – 03.00 Fri – Sun 11.00 – 06.00
Performances of Dance	Mon – Sun 11.00 - 03.00
Anything similar to live/recorded music or dance	Mon – Sun 11.00 - 03.00
Late night refreshment	Mon – Sun 23.00 - 03.00
Supply of Alcohol (on & off sales)	Mon – Thur 11.00 – 03.00 Fri – Sun 11.00 – 06.00
Opening hours	Mon – Thur 11.00 – 03.00 Fri – Sun 11.00 – 06.00

6. Review application

- 6.1 An application was received on 26th November 2013 from Leicestershire Police for a review of the existing premises licence for The Long Bar. The application was made on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. A copy of the application is attached at Appendix B.
- 6.2 Leicestershire Police have been called out to numerous incidents at the premises and do not believe that the licensing objectives are being upheld in any way shape or form and that the public are at risk when attending the premises. Further information has been submitted with the review application, including statements from Police Officers, Control Room staff and the City Council's Licensing Team Manager, copies of which are attached at Appendix B1.

7 Steps to Promote the Licensing Objectives

- 7.1 In arriving at its decision on the review 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 – 1.5	The licensing objectives
1.15 – 1.17	General principles – each application on its own merits
2.1 – 2.18	Crime and disorder
2.19 – 2.31	Public safety
2.32 – 2.40	Public nuisance
2.41 – 2.51	Protection of children from harm
3.12 – 3.19	Late night refreshment
8.34 – 8.44	Steps to promote the licensing objectives
9.12	Representations from the Police
9.27 – 9.37	Hearings
9.38 – 9.40	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.5	Conditions - general
10.12 – 10.42	Imposed conditions
10.43 – 10.81	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.33	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
9	Prevention of Public Nuisance
10	Protection of Children from Harm
12	Duplication
13	Standardised conditions

10. Points for Clarification

10.1 The licence holder and the applicant for 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. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Parag. 6 – 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	

12. Background Papers – Local Government Act 1972

- a. 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

Amy Day
Licensing Officer
0116 454 3054
Amy.day@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application for review & further information

Licensing Act 2003

Premises Licence**LEIPRM1137**

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, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Long Bar, The

29 Market Street, Leicester, LE1 6DN.

Telephone 0116 2546111

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-Thur	11:00am	3:00am
	Fri-Sun	11:00am	6:00am
F. Playing of recorded music (Indoors)	Mon-Thur	11:00am	3:00am
	Fri-Sun	11:00am	6:00am
G. Performance of dance (Indoors)	Mon-Sun	11:00am	3:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Mon-Sun	11:00am	3:00am
I. Late night refreshment (Indoors)	Mon-Sun	11:00pm	3:00am
J. Supply of alcohol for consumption ON and OFF the premises	Mon-Thur	11:00am	3:00am
	Fri-Sun	11:00am	6:00am



Licensing Act 2003

Premises Licence

LEIPRM1137



Leicester
City Council

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

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon-Thur	11:00am	3:00am
Fri-Sun	11:00am	6:00am

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

Rakesh Dhyani	Long Bar, 29 Market Street, Leicester, LE1 6DN, [REDACTED]
Yogesh Sharma	Long Bar, 29 Market Street, Leicester, LE1 6DN, [REDACTED]

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

Yogesh SHARMA [REDACTED]

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. LEIPRS2672 Issued by Leicester





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 supply 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 glamourise 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.

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.

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

The licence holder will operate a zero tolerance policy regarding drug use/dealing and underage drinking.

The licence holder will maintain regular contact with the Police.

The licence holder will carry out a comprehensive fire, health and safety assessment with clear and concise signage.

A full risk assessment survey will be carried out by an independent party and all suggestions will be acted upon.





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

ANNEXES continued ...

Staff will be fully trained about the impact of the premises on other people, including those in the immediate vicinity.

Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.

All risk assessments will include the possibility of children being on the premises, even though they will not be admitted in reality.

Staff will be trained to understand the importance of child safety on site.

No persons under the age of eighteen will be allowed in the premises at any time when licensable activities are available.

The licence holder will ensure that CCTV is installed following advice from the Leicestershire Constabulary and maintained in accordance with the Information Commissioner's CCTV Code of Practice.

The Challenge 21 Policy will be adopted and there will be adequate, documented training for staff (paid or unpaid) before they are allowed to serve alcohol. Detailed records of what this training comprises will be kept and evidence of the training carried out. This training will be repeated every three months, in order to retain focus, and records of that training will be provided to council licensing officers and police on request.

A refusals register will be maintained at the premises and made available to the authorities on request.

At least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

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

None.





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

Long Bar, The

29 Market Street, Leicester, LE1 6DN.

Telephone 0116 2546114

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
- 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
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	Fri-Sun	11:00am	6:00am
G. Performance of dance (Indoors)	Mon-Sun	11:00am	3:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Mon-Sun	11:00am	3:00am
I. Late night refreshment (Indoors)	Mon-Sun	11:00pm	3:00am
J. Supply of alcohol for consumption ON and OFF the premises	Mon-Thur	11:00am	3:00am
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Leicester
City Council

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Leicester City Council
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LEICESTER
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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon-Thur	11:00am	3:00am
Fri-Sun	11:00am	6:00am

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

Rakesh Dhyani	Long Bar, 29 Market Street, Leicester, LE1 6DN.
Yogesh Sharma	Long Bar, 29 Market Street, Leicester, LE1 6DN.

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**

Yogesh SHARMA

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

Restricted in accordance with the Licensing Act 2003



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 PC 247 Mavani

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Long Bar 29 Market Street	
Post town Leicester	Post code (if known) LE1 6DN
Name of premises licence holder or club holding club premises certificate (if known) Rakesh Dhyani & Yogesh Sharma	
Number of premises licence or club premises certificate (if known) LEIPRM1137	

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)

3) a member of the 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 (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 247 Mavani, City Licensing Unit Leicestershire Police, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG
Telephone number (if any) 0116 222 2222 Ext 4697
E-mail address (optional) city.licensing@leicestershire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

I write in my capacity as the Licensing Officer for Leicestershire Police on the authority delegated to me by the Chief Officer of Police.

The premises in question has held a premises licence under this management since July 2011. It currently had a licence to operate licensable activities until 6am everyday. The premises licence consists of numerous licensing conditions which are there to ensure the safety of the public and to uphold the licensing objectives.

The premises is located within the city centre in an area which is surrounded mainly by retail premises and only two other alcohol licensed premises.

The basis of the review is that we do not believe that the licence objectives are being upheld in any way shape or form and that the public are at risk when attending the premises.

The evidence that is being supplied by Leicestershire Police and partners is listed below:

- 1) PC Mavani will in his submission outline the numerous incidents and crimes that are attributed to the premises and also the submission and details of an action plan that the premises were issued as an interim step to try and reduce the incidents and crime.
- 2) The operational Inspectors for the city in their submission outline the effect that the premises has on the city centre and also the seriousness and high number of incidents in and around the location.

3) CCTV operators in their submission outline the concerns about the premises and the levels of violence at the premises.

4) The City Senior Officer outlines in their submission the direct impact the premises has on resources and what this does to the impression of the city to the public and fear of crime.

5) PC Mavani will also submit footage of samples of the types of incidents that are referred to.

6) Leicester City Council Licensing Manager will in her submission state that on visits that the licensing objectives have been breached and not complied with and that the management have been dishonest in their explanations.

7) On Friday 8th November 2013, an alcohol test purchase was conducted with a 16 year old boy at the venue and was sold alcohol by a member of staff.

Having looked at all the evidence from all parties, I have no confidence under any circumstances that this venue can promote the licensing objectives in any way. They have been advised, given an action plan which has not been fully complied with and this is the only option that we are left with.

Without wishing to fetter the discretion of the committee, we cannot see how any additional conditions however stringent, or the removal of the DPS would enable the management of this premise to uphold the licensing objectives in any way. We cannot see any other option then to recommend a revocation of the licence.

PC 247 Mavani
26/11/13

Please provide as much information as possible to support the application
(please read guidance note 2)

Please tick yes

Have you made an application for review relating to this premises before

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

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
- I understand that if I do not comply with the above requirements my application will be rejected

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 26/11/2013

Capacity Leicestershire Police Licensing Officer

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

Post town

Post Code

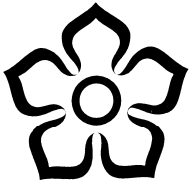
Telephone number (if any)

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.

Appendix B



Leicester
City Council

WARDS AFFECTED
WESTCOTES

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

20 January 2014

**APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE WITHIN A
CUMULATIVE IMPACT ZONE
SUMO, 54 BRAUNSTONE GATE, LEICESTER LE3 5LG**

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.

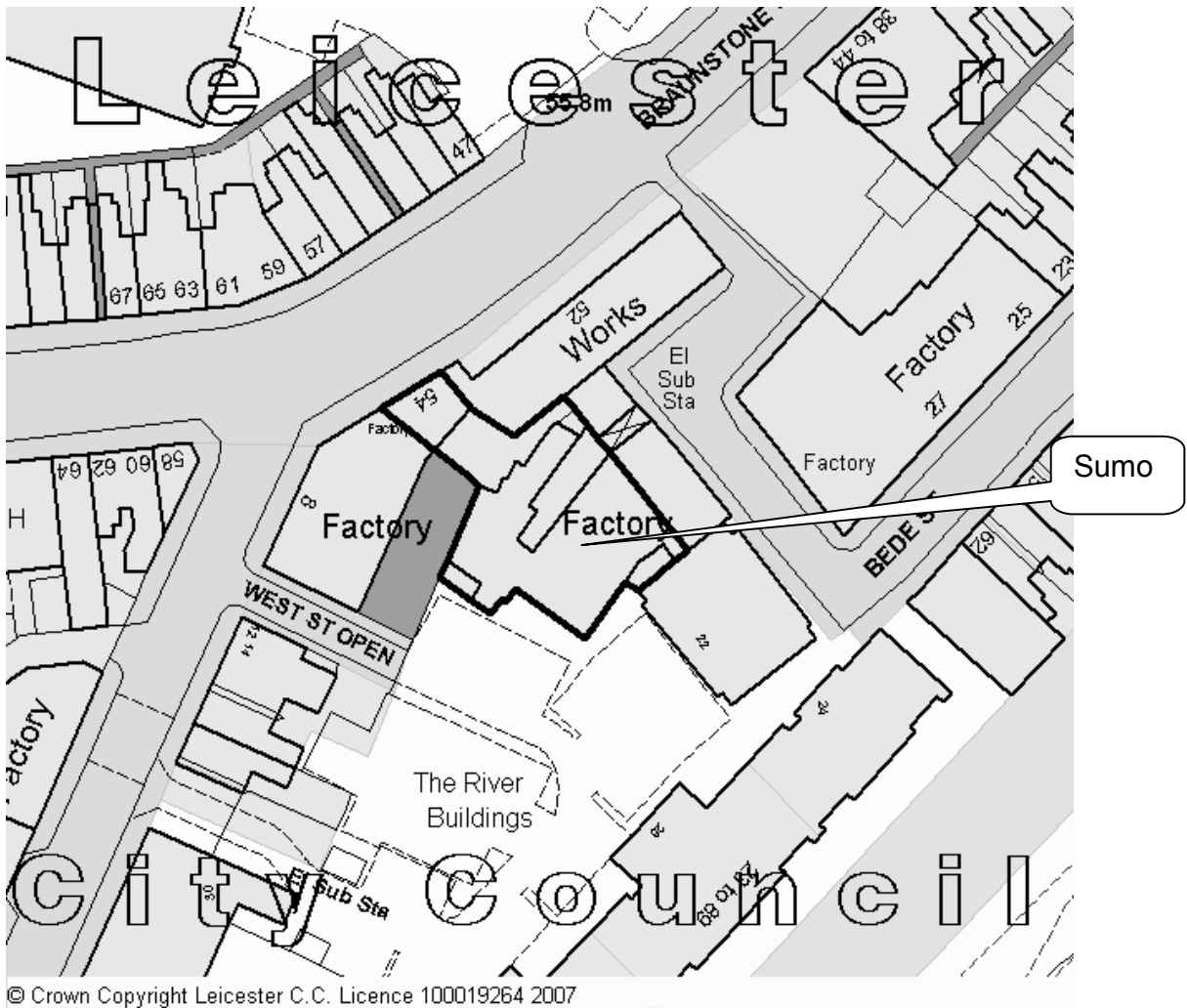
2. Determination to be made

- Grant the licence without modification
- Modify the conditions of the licence
- Reject the whole application

3. Summary

- 3.1 This report outlines an application for a variation to an existing premises licence for Sumo, 54 Braunstone Gate, Leicester LE3 5LG within the Braunstone Gate area Cumulative Impact Zone 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.

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 29th November 2013 from Mr Manoj Kumar for a variation to an existing premises licence for Sumo, 54 Braunstone Gate, Leicester LE3 5LG within the Braunstone Gate area Cumulative Impact Zone. A copy of the application is attached at Appendix B.

6.2 The variation sought by the application is as follows:

Licensable activity	Current Hours	Proposed Hours
Indoor Sporting Events; Live music; Recorded music; Performances of dance; Anything similar to live/recorded music or dance; Supply of alcohol	Sun-Wed 11.00 to 01.00 Thurs-Sat 11.00 to 02.00 Sunday before a Bank Holiday 12.00 to 02.00	Mon-Thur 11.00 to 01.00 Fri 11.00 to 02.00 Sat-Sun 11.00 to 04.00 Bank Holiday Mon 11.00 to 04.00
Late night refreshment;	Sun-Wed 23.00 to 01.00 Thurs-Sat 23.00 to 02.00 Sunday before a Bank Holiday 23.00 to 02.00	Mon-Thur 23.00 to 01.00 Fri 23.00 to 02.00 Sat-Sun 23.00 to 04.00 Bank Holiday Mon 23.00 to 04.00
Opening hours	Sun-Wed 11.00 to 01.30 Thurs-Sat 11.00 to 02.30 Sunday before a Bank Holiday 12.00 to 02.30	Mon-Thur 11.00 to 01.30 Fri 11.00 to 02.30 Sat-Sun 11.00 to 04.30 Bank Holiday Mon 11.00 to 04.30

Removal of the following conditions

- There shall be no customer controlled music, no loud music and no flashing lights.
- There shall be no amplified music played in the courtyard.
- Before any licensable activity provided beyond midnight Sunday – Thursday and 01.00 hours on Friday and Saturday and Bank Holiday Sunday then:
 - Subject to any requirement for planning permission, licensing and noise control approval and any other regulatory approval and with the consent of the Fire Officer a sound curtain will be positioned along the width of the service courtyard running along the line of the courtyard.
 - Subject to planning permission, licensing and any other regulatory approval being granted, the premises licence holder will construct a lobby onto either both or one of the double set of exit doors leading out of the ground floor bar into the courtyard.

NOTE: A third part of this condition relating to the provision of a noise limiter is unaffected by the variation application.

- After the hours of Sunday to Thursday midnight and Fridays and Saturdays 00.30 hours the number of customers permitted in the external courtyard area will be limited to 60 except for those accessing and egressing the premises. For the purposes of managing this, the licensee shall clearly delineate the pathway for access and egress to the bar. The area is marked on the attached plan as A.

7. Steps to Promote the Licensing Objectives

- 7.1 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and promote the licensing objectives are set out in the operating schedule (see section P of Appendix B).
- 7.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

8. Live Music

- 8.1 The Live Music Act 2012 has amended the Licensing Act 2003 in relation to the provision of live music. Unamplified live music does not require a licence between 08.00 and 23.00 hours each day. Amplified music may be provided between 08.00 and 23.00 hour each day if:
- it is provided in a premises licensed and open for the sale of alcohol, to an audience of not more than 200 people; or
 - it is provided in a premises that is not licensed under the Licensing Act 2003 (other than solely for late night refreshment) but that is a workplace, to an audience of not more than 200 people.
- 8.2 The above exemptions are not particularly relevant to the variation application, because the proposed changes to the licence affect times later than 23.00 hours.

9. Representation

- 9.1 A relevant representation was received on 12th December 2013 from Leicester City Council's Noise Team. The representation relates to the prevention of public nuisance. The Noise team are concerned that the proposed extension to the hours on a Sunday night would cause a disturbance to local residents. However an agreement has been reached between the applicant and Noise Team that "Licensed activities and opening times on a Sunday night shall continue to be as specified on the existing premises licence, namely 11.00 to 01.00 for licensed activities and 11.00 to 02.30 for opening times other than Sunday before a bank holiday when licensed activities shall cease at 04.00 and the premises shall close at 04.00". Copies of the representation and agreement are attached at Appendix C1.
- 9.2 A relevant representation was received on 23RD December 2013 from Leicestershire Police. The representation relates to the prevention of crime and disorder and prevention of public nuisance. Leicestershire Police are concerned that the application for a variation to the hours of the premises licence that is within the cumulative impact area may increase crime and disorder in the area and the applicant has not addressed this in the application. A copy of the representation is attached at Appendix C2.

10. Conditions

- 10.1 There are no conditions that are consistent with the operating schedule. The conditions that are consistent with the representation/agreement from the noise team are attached at Appendix D.

11 Cumulative Impact

- 11.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Braunstone Gate area, which refers specifically to on and off licences. This creates a rebuttable presumption that an application for a new premises licence or a material variation to an existing premises licence will be refused, unless the applicants can show that their premises are unlikely to add to the problems of saturation..

12. Statutory Guidance

- 12.1 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 – each application on its own merits
2.1 – 2.7	Crime & disorder
2.18 – 2.24	Public nuisance
3.11 – 3.18	Late night refreshment
8.34 – 8.42	Steps to promote the licensing objectives
9.12	Representations from the Police
9.27 – 9.37	Hearings
9.38 – 9.40	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.5	Conditions - general
10.8 – 10.13	Imposed conditions
10.24 – 10.61	Mandatory conditions in relation to the supply of alcohol
13.29 – 13.34	Effect of special policies
13.34 – 13.38	Limitations on special policies relating to cumulative impact
13.39	Other mechanisms for controlling cumulative impact
13.42 – 13.43	Licensing Hours

13. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cumulative Impact
4	Policy on Cumulative Impact
5	Licensing Hours

7	Prevention of Crime and Disorder
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

14 Points for Clarification

14.1 The applicant and the party / 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, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the party making the representation

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?

15. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder	Yes	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

16. Consultations

- a. The Licensing Authority is not obliged to consult any parties with regard to applications made under the Licensing Act 2003. However, the applicant is required to consult with the responsible authorities as set out in the 2003 Act.

17. Report Author

Chris Spencer

Licensing Officer

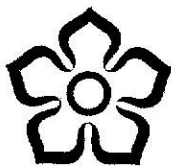
01164543051

Chris.spencer@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application
C	Representations
D	Conditions consistent with representation / agreement

Licensing Act 2003
Premises Licence

LEIPRM0674



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

Sumo

54 Braunstone Gate, Leicester, Leicestershire, LE3 5LG.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

Expires **no expiry**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- 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
C. Indoor sporting event	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	Noon	2:00am
E. Performance of live music (Indoors)	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	Noon	2:00am
F. Playing of recorded music (Indoors)	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	Noon	2:00am
G. Performance of dance (Indoors)	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	Noon	2:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am



Licensing Act 2003
Premises Licence

LEIPRM0674



Licensing Authority Office
 Leicester City Council
 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
H. Entertainment of a similar description to that falling within E, F, or G (Indoors) continued ...	Sunday before a Bank Holiday	Noon	2:00am
I. Late night refreshment (Indoors & Outdoors)	Sun-Weds	11:00pm	1:00am
	Thurs-Sat	11:00pm	2:00am
	Sunday before a Bank Holiday	11:00pm	2:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	11:00am	2:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sun-Weds	11:00am	1:30am
Thurs-Sat	11:00am	2:30am
Sunday before a Bank Holiday	Noon	2:30am

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

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

Andrew John WALDER

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. LEIPRS0564

Issued by Leicester



Licensing Act 2003
Premises Licence

LEIPRM0674



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 glamourise 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.

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.

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

customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating schedule

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

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.

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



Licensing Act 2003
Premises Licence

LEIPRM0674



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

ANNEXES continued ...

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:

Ground Floor 218 persons
First Floor 122 persons
Basement 150 persons

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

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.

CCTV to be installed and operated throughout the premises including the beer garden and entrance areas at sites acceptable to the Police and of a type approved by the Police.

There shall be no customer controlled music, no loud music and no flashing lights.

The licence holder will provide ongoing training for all members of staff. This will include drink awareness, underage drinking and public safety.

The licence holder will install additional CCTV cameras so that all areas of the premises are covered.

The licence holder will ensure that no underage persons are sold alcohol, and ID checks will be made if in doubt.

There shall be no live music played on the first floor

All amplified music on the first floor shall be played through an in-line noise limiting device set at a level agreed with the City Council Noise Team

There shall be no sound system used on the first floor other than a specified system approved by the Noise Team

All doors and windows to any first floor room shall remain closed whenever amplified music is played on the first floor

There shall be no live or amplified music played outside of the premises.

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

Before any licensable activity provided beyond midnight Sunday - Thursday and 01.00 hours on Friday and Saturday and Bank Holiday Sunday then:-

- (a) Subject to planning permission, licensing and any other regulatory approval being granted, the premises licence holder will construct a lobby onto either both or one of the double set of exit doors leading out of the ground floor bar into the courtyard.
- (b) A digital noise limiter will be fitted to the sound system used on the ground floor and the level will be agreed with and fixed in conjunction with Leicester City Council's Noise Control Group.
- (c) Subject to any requirement for planning permission, licensing and noise control approval and any other regulatory approval and with the consent of the Fire Officer a sound curtain will be positioned along the width of the service courtyard running along the line of the courtyard.

The doors into and out of the newly constructed lobby will remain closed at all times except for access and egress.

There shall be no amplified music played in the courtyard.

There shall be no barbeques in the courtyard after midnight Sunday to Thursday and 00.30 hours Fridays and Saturdays.

After the hours of Sunday to Thursday midnight and Fridays and Saturdays 00.30 hours the number of customers permitted in the external courtyard area will be limited to 60 except for those accessing and egressing the premises. For the purposes of managing this, the licensee



Licensing Act 2003

Premises Licence

LEIPRM0674



Leicester
City Council

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ANNEXES continued ...

shall clearly delineate the pathway for access and egress to the bar. The area is marked on the attached plan as A.



Premises Licence Summary



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

Sumo

54 Braunstone Gate, Leicester, Leicestershire, LE3 5LG.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

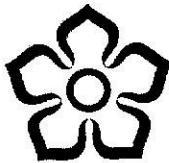
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- 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
C. Indoor sporting event	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	Noon	2:00am
E. Performance of live music (Indoors)	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	Noon	2:00am
F. Playing of recorded music (Indoors)	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	Noon	2:00am
G. Performance of dance (Indoors)	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	Noon	2:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am



Premises Licence Summary



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

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors) continued ...	Sunday before a Bank Holiday	Noon	2:00am
I. Late night refreshment (Indoors & Outdoors)	Sun-Weds	11:00pm	1:00am
	Thurs-Sat	11:00pm	2:00am
	Sunday before a Bank Holiday	11:00pm	2:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sun-Weds	11:00am	1:00am
	Thurs-Sat	11:00am	2:00am
	Sunday before a Bank Holiday	11:00am	2:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sun-Weds	11:00am	1:30am
Thurs-Sat	11:00am	2:30am
Sunday before a Bank Holiday	Noon	2:30am

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

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

Andrew John WALDER

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

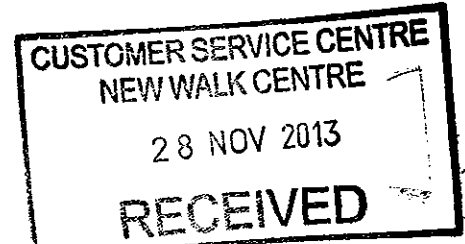
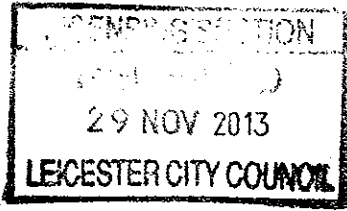
Restricted



NOTICE OF APPLICATION FOR A (NEW) (VARIATION OF EXISTING) (PREMISES LICENCE / CLUB PREMISES CERTIFICATE)*

Name of (applicant / club):
MR MANOJ KUMAR.
Postal address of (premises / club-premises):
54 BRAUNSTONE GATE LEICESTER LE3 5LG.
Details of Application:
<p>REMOVAL OF 5 CONDITIONS ATTACHED TO PREMISES LICENCE.</p> <p>EXTENSION OF OPERATING HOURS FOR REGULATED ENTERTAINMENT, LATE NIGHT REFRESHMENT AND THE SALE OF ALCOHOL BY RETAIL</p> <p>SATURDAY AND SUNDAY 02:00 TILL 04:00. PLUS BANK HOLIDAY MONDAY 02:00 TILL 04:00.</p>
<ul style="list-style-type: none"> The Licensing Register can be inspected at any time by visiting www.leicester.gov.uk/licensing . During office hours arrangements may be made for the register to be viewed at the Customer Services Department, Leicester City Council, New Walk Centre, Welford Place, Leicester, LE1 6ZG.
<ul style="list-style-type: none"> Any representation relating to this application must be made in writing to the Licensing Authority by (insert the date that is 29 days from the date the application is received by the Licensing Authority). 26/12/13

£190.00
cash R/w 6505



Application to vary a premises licence 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/We Manoj Kumar

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
LEIPRM0674

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Sumo 54 Braunstone Gate			
Post town	Leicester	Postcode	LE3 5LG
Telephone number at premises (if any)	0116 2856536		
Non-domestic rateable value of premises	£		

Part 2 – Applicant details

Daytime contact telephone number		[REDACTED]	
E-mail address (optional)		[REDACTED]	
Current postal address if different from premises address		Same as Above	
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

We would like the following 5 Conditions to be removed as they are out of date or no longer apply, also extend hours as below.

- 1, There shall be no customer controlled music, no loud music and no flashing lights
- 2, There shall be no amplified music played in the courtyard
- 3, Subject to planning permission, licensing and any other regulatory approval being granted, the premises licence holder will construct a lobby onto both or one of the double set of exit doors leading out of the ground floor bar into the courtyard
- 4, Subject to any requirement for planning permission, licensing and noise control approval and any other regulatory approval and with the consent of the fire officer a sound curtain will be positioned along the width of the service courtyard running along the line of the courtyard
- 5, After the hours of Sunday to Thursday midnight and Friday and Saturdays 00.30 hours the number of customers permitted in the external courtyard area will be limited to 60 except for those accessing and egressing the premises. For the purpose of managing this, the licensee shall clearly delineate the pathway for access and egress to the bar. The area marked on the attached plan as A

Extend operating hours for regulated entertainment, late night refreshment and the sale of alcohol by retail Saturday and Sunday 02.00 Till 04.00 Plus Bank Holiday Monday 02.00 Till 04.00

(We have applied and been granted 7 temporary events notices for the above extra hours and have operated the extra hours well, without affecting any of the four licensing objectives and without any complaints)

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
			State any seasonal variations for performing plays (please read guidance note 5)		
Tue					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	01.00	State any seasonal variations for indoor sporting events (please read guidance note 5) Bank Holiday Monday finish at 04.00
Tue	11.00	01.00	
Wed	11.00	01.00	
Thur	11.00	01.00	
Fri	11.00	02.00	
Sat	11.00	04.00	
Sun	11.00	04.00	
Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) Bank Holiday Monday finish at 04.00		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	11.00	01.00			
Tue	11.00	01.00			
			State any seasonal variations for the performance of live music (please read guidance note 5) Bank Holiday Monday finish at 04.00		
Wed	11.00	01.00			
Thur	11.00	01.00			
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11.00	02.00			
Sat	11.00	04.00			
Sun	11.00	04.00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	01.00	Please give further details here (please read guidance note 4)		
Tue	11.00	01.00			
Wed	11.00	01.00	State any seasonal variations for the playing of recorded music (please read guidance note 5) Bank Holiday Monday finish at 04.00		
Thur	11.00	01.00			
Fri	11.00	02.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11.00	04.00			
Sun	11.00	04.00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	11.00	01.00			
Tue	11.00	01.00			
			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed	11.00	01.00			
			Bank Holiday Monday finish at 04.00		
Thur	11.00	01.00			
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11.00	02.00			
Sat	11.00	04.00			
Sun	11.00	04.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	11.00	01.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11.00	01.00	Please give further details here (please read guidance note 4)		
Wed	11.00	01.00			
Thur	11.00	01.00			
Fri	11.00	02.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) Bank Holiday Monday finish at 04.00		
Sat	11.00	04.00			
Sun	11.00	04.00			
			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	11.00	01.00			
Tue	11.00	01.00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5) Bank Holiday Monday finish at 04.00		
Wed	11.00	01.00			
Thur	11.00	01.00			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11.00	02.00			
Sat	11.00	04.00			
Sun	11.00	04.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) Bank Holiday Monday finish at 04.00		
Mon	11.00	01.00			
Tue	11.00	01.00			
Wed	11.0	01.00			
Thur	11.00	01.00			
Fri	11.00	02.00			
Sat	11.00	04.00			
Sun	11.00	04.00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) Bank Holiday Monday finish at 04.30
Day	Start	Finish	
Mon	11.00	01.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	11.00	01.30	
Wed	11.00	01.30	
Thur	11.00	01.30	
Fri	11.00	02.30	
Sat	11.00	04.30	
Sun	11.00	04.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- 1, There shall be no customer controlled music, no loud music and no flashing lights
- 2, There shall be no amplified music played in the courtyard
- 3, Subject to planning permission, licensing and any other regulatory approval being granted, the premises licence holder will construct a lobby onto both or one of the double set of exit doors leading out of the ground floor bar into the courtyard
- 4, Subject to any requirement for planning permission, licensing and noise control approval and any other regulatory approval and with the consent of the fire officer a sound curtain will be positioned along the width of the service courtyard running along the line of the courtyard
- 5, After the hours of Sunday to Thursday midnight and Friday and Saturdays 00.30 hours the number of customers permitted in the external courtyard area will be limited to 60 except for those accessing and egressing the premises. For the purpose of managing this, the licensee shall clearly delineate the pathway for access and egress to the bar. The area marked on the attached plan as A =

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
The License is still with LCC Licensing

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm


Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in
relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where
applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be
rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING
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 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	28/11/13.
Capacity	OWNER.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

APPENDIX C

REPRESENTATIONS

	Representee	Address
C1	Leicestershire Constabulary	Licensing Department, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG
C2	Noise Team	Leicester City Council



Licensing Act 2003 - Representation in respect of Premises Licence

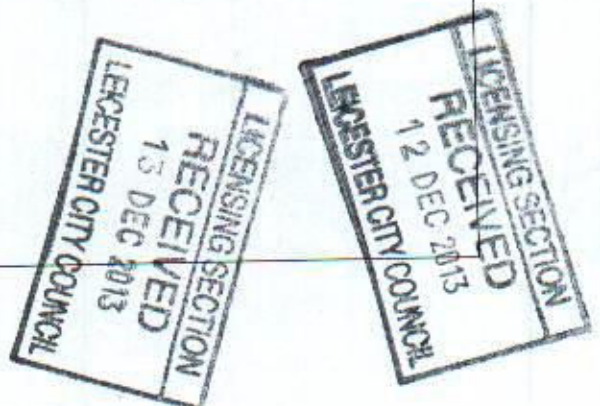
Details of person or body making representation	
Your Name:	Neil Cooper
Your Address:	Noise Team, Leicester City Council, New Walk Centre, Welford Place, Leicester LE1 6ZG

Details of premises representation is about	
Name of Premises:	Sumo
Address of premises:	54 Braunstone Gate Leicester
Application No. (if known)	057101

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:

The application for a variation of the premises licence is to remove specified conditions, and to extend hours for licenced activities to 0400 on Saturday and Sunday nights, and to extend opening hours to 0430 on Saturday and Sunday nights. Any extension to hours on a Sunday night will be taking place at a time when Braunstone Gate is generally quiet, and consequently customers leaving Sumo on a Sunday night later than the existing closing time of 1.30am are likely to cause a disturbance to local residents.



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

Customers leaving Sumo on a Sunday night later than the existing closing time of 1.30am, other than a Sunday night immediately before a Bank Holiday Monday are likely to cause a disturbance to local residents on a night before a working day.

The applicant has agreed to the opening hours and the hours for licenced activities on Sundays, other than Sundays immediately before a Bank Holiday Monday, remaining as on the existing licence. I hope to send you a signed agreement to this effect within a few days.

Return your completed form to:

By Post:

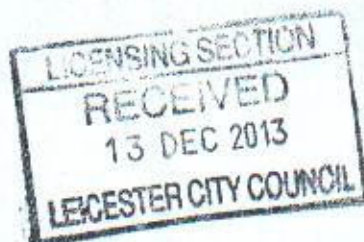
Licensing Authority Office
Leicester City Council
New Walk Centre
Leicester
LE1 6ZG

By Email:

licensing@leicester.gov.uk

Mr Kumar
Sumo
54 Braunstone Gate
Leicester

Sarah Miller
Licensing Team
A8
Leicester City Council
New Walk Centre
Welford Place
Leicester
LE1 6ZG



Dear Ms Miller,

Licensing Act 2003 – Application to vary a premises licence.
Application Ref: 057101
Sumo, 54 Braunstone Gate, Leicester

I, Manoj Kumar as the applicant of the above variation of a premises licence, hereby agree to the following modifications to the application in respect to prevention of public nuisance.

1. Licenced activities and opening times on a Sunday night shall continue to be as specified on the existing premises licence, namely 1100 to 0100 for licenced activities and 1100 to 0230 for opening times, other than Sundays before a Bank Holiday when licenced activities shall cease at 0400 and the premises shall close at 0400.
2. Licenced activities and opening times on a Saturday night shall be as proposed on your application for a variation of the premises licence (our reference 057101), namely 1100 to 0400 for licenced activities and 1100 to 0430 for opening times.
3. The application to remove specified conditions from the premises licence for Sumo shall be as stated on the application for a variation for a premises licence (our reference 057101)

Signed

Name:
(PRINT)

Dated:

MANOJ KUMAR

12-12-13



**Leicestershire
Police**
Protecting our communities

City Licensing Unit
Mansfield House
74 Belgrave Gate
Leicester LE1 3GG

Tel: 103 50 4000

www.leics.police.uk

Leicestershire Police

Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	PC 247 Mavani
Your Address:	Licensing Department, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG



Details of premises representation is about	
Name of Premises:	Sumo
Address of premises:	54 Braunstone Gate Leicester LE3 5LG
Application No. (if known)	

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

Please summarise your concerns about this application:
<p>I write in my capacity as an Authorised Licensing Officer for Leicestershire Police on the authority delegated to me by the Chief Officer of Police.</p> <p>Leicester City Council has adopted a Special Policy in relation to applications for new licences and material variations in this location. The effect of this policy is set out in the Council's current policy.</p> <p>Paragraph 4.13 of that policy states:</p> <p><i>"The effect of the special policies will be to create a rebuttable presumption that applications for new premises licences or club premises certificates, or material variations, will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their operating schedules."</i></p>

The premises is situated in a location which has numerous licensed premises surrounding it all having different licensable activity hours. The area is very busy at the weekends and is seen as the second busiest area in the local authority area after the city centre.

The premises have been in operation for a number of years and conduct a variety of entertainment and also have a large outside area which leads out into the street.

The application does not make reference at all to the Cumulative Impact Zone and what if any measures would be taken in order to mitigate the impact with the increase in hours applied for.

The premises management have co-operated and worked well with police over the years and have a good working relationship.

The application to remove some of the conditions on the current licence, in our opinion would not have a detrimental impact on the licensing objectives at all, however the main concern that we have is the increase of hours on Sundays from the current 01:00hrs to 04:00hrs.

We believe that allowing the hours on Sunday specifically as stated in the application would impact on the licensing objectives specifically Public Nuisance and increase the chances of crime and disorder.

Without wishing to fetter the committees decision we would strongly suggest the following if the committee are minded to allow the application:

- 1) Refuse the application for all licensable activities on Sunday as stated on the application for licensable activities to be extended from 01:00hrs to 04:00hrs
- 2) To add a condition which states that all CCTV must be kept for a minimum of 28 days and this must be supplied to responsible authorities upon request in a timely manner.
- 3) A refusals register and incidents log must be accurately maintained, kept at the premises and available immediately upon request by a responsible authority.

PC 247 Mavani
Licensing Officer
Leicestershire Police
19/12/2013

APPENDIX D

CONDITIONS

CONDITIONS CONSISTENT WITH THE REPRESENTATION/AGREEMENT FROM THE NOISE TEAM
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Licensed activities and opening times on a Sunday night shall continue to be as specified on the existing premises licence, namely 1100 to 0100 for licensed activities and 1100 0230 for opening times other than Sunday before a bank holiday when licensed activities shall cease at 0400 and the premises shall close at 0400

Licensed activities and opening times on a Saturday night shall be as proposed on the application for a variation of the premises licence namely 1100 to 0400 for licensed activities and 1100 to 0430 for opening times
--

The application to remove specified conditions from the premises for Sumo shall be as stated on the application for a variation for a premises licence
--

