



Leicester
City Council

HEARING UNDER THE LICENSING ACT 2003

DATE: MONDAY, 31 MARCH 2014

TIME: 9:30 am

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

Members of the Hearing Panel

Councillors Thomas, Riyait and Westley

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: Anita Popper
Democratic Support,
Leicester City Council
Town Hall, Town Hall Square, Leicester LE1 9BG
Tel: 0116 454 6358
email: anita.popper@leicester.gov.uk

INFORMATION FOR MEMBERS OF THE PUBLIC

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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).

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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).

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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 Anita Popper, Democratic Support on 0116 454 6358 or email anita.popper@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 0116 454 4150

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. ANY OTHER URGENT BUSINESS**

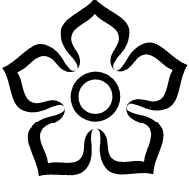
The Chair has agreed to take an item of urgent business to allow the application to be considered within the statutory time period for Temporary Event Notices.

OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: 57 HUMBERSTONE GATE, LEICESTER.

- 5. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: 57 HUMBERSTONE GATE, LEICESTER** **Appendix AOUB1**

Report attached. A copy of the associated documentation is attached for Members only. Further copies are available on the Councils website at www.cabinet.leicester.gov.uk or by phoning Democratic Support on 454 6354.

Appendix A



Leicester
City Council

WARDS AFFECTED
Castle

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

31st March 2014

Objection notice given for a Temporary Event Notice Hughies Café, 57 Humberstone Gate, Leicester

Report of the Director of Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about an objection notice received in relation to a temporary event notice (TEN) given under the Licensing Act 2003, to assist them in determining the outcome.

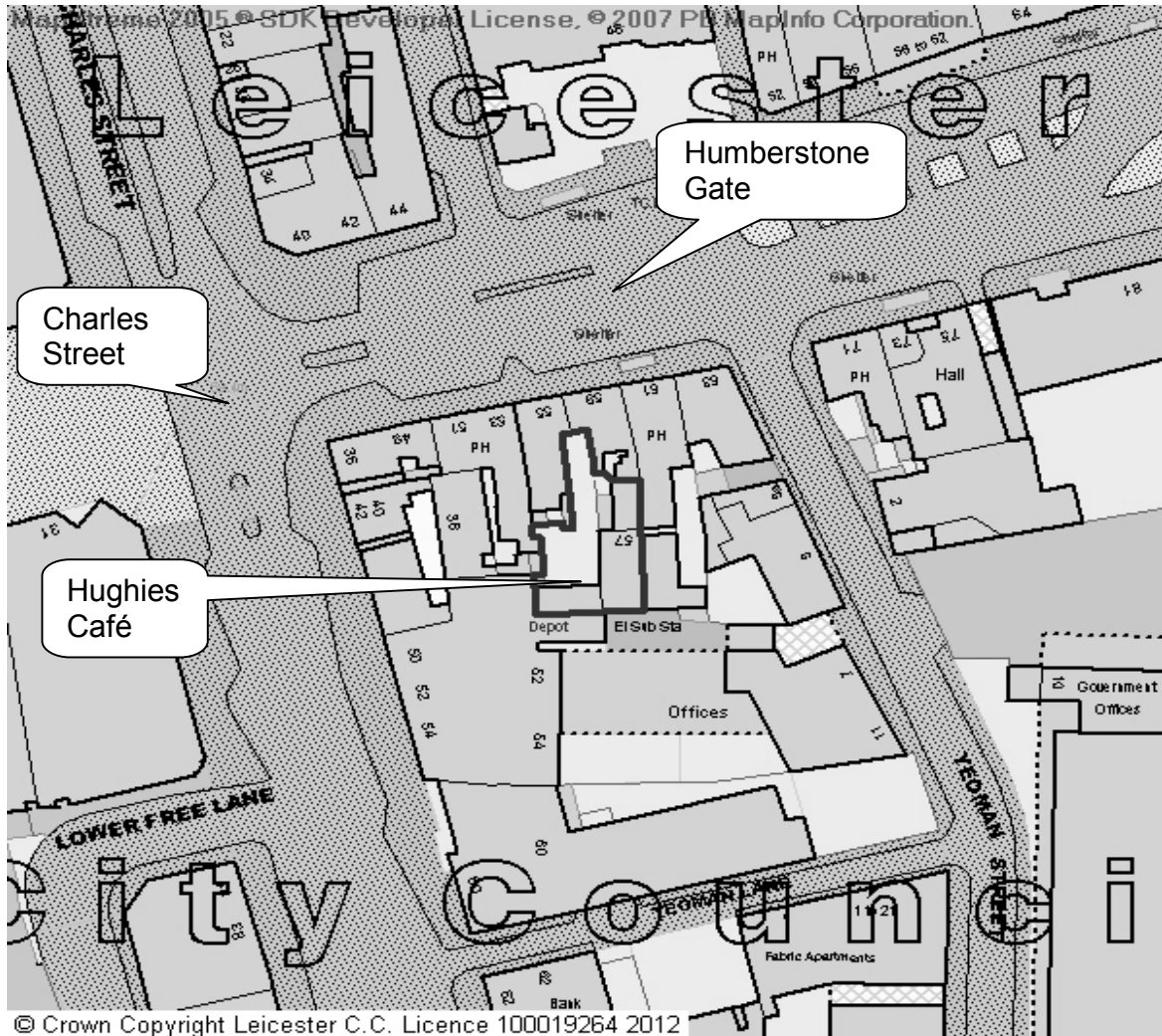
2. Determination to be made

- 2.1. Having considered the temporary event notice and the objection notice, Members must consider whether to
 - Give the premises user a counter notice under Section 105 (2) of the Licensing Act 2003 if it is considered appropriate for the promotion of a licensing objective to do so; or
 - Disregard the objection notice

3. Summary

- 3.1 This report outlines an objection notice given by the Noise Team in response to a temporary event notice given by Mr. Sturgess for Hughies Café, 57 Humberstone Gate, Leicester. 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



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5. Temporary event notice

5.1. A temporary event notice was given on 19th March 2014 by Mr Sturgess for an event at Hughies Café. The temporary event notice is for an event on 4th May 2014 and is attached at Appendix A.

5.2. The temporary event notice is for the following licensable activities:

Licensable activities	Proposed hours
The sale by retail of alcohol for consumption on the premises	13:00 – 21:30
Provision of regulated entertainment	13:00 – 21:30

6. Objection notice

- 6.1 An objection notice was received on 20th March 2014 from the Noise Team on the grounds of the prevention of public nuisance. The Noise Team are concerned that residents may be disturbed by noise from the event. A copy of the objection notice is attached at Appendix B.

7. Existing premises licence

- 7.1 There is no premises licence that affects any part of the premises identified in the temporary event notice. This means that no conditions may be applied to the temporary event notice.

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
7.2 – 7.6	TEN – General
7.24 – 7.30	Role of the Licensing Authority
7.31 – 7.35	Police and Environmental Health intervention
7.37 – 7.38	Applying conditions to a TEN

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
15	Temporary Event Notices

10. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

11. Background Papers – Local Government Act 1972

- a. None

12. Consultations

- a. The Licensing Authority is not obliged to consult any parties with regard to temporary event notices. The applicant is required to serve a copy of their temporary event notice on the Police and the Noise Team.

13. Report Author

Vicky Whitehead
Licensing Officer
0116 454 3048
victoria.whitehead@leicester.gov.uk

APPENDIX	CONTENT
A	Temporary event notice
B	Objection notice

HUGHIES
OUTDOORS

CUSTOMER SERVICE CENTRE
91 GRANBY STREET
19 MAR 2014
RECEIVED

060005



Appendix A

E 21 Card
Rec NO
4059
C 455

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr
Surname	STURGESS
Forenames	TIM MICHAEL
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	
Surname	
Forenames	N/A
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address	
[Redacted]	
[Redacted]	
7. Other contact details	
Mobile	[Redacted]
Fax number (optional)	N/A
E-Mail address (if available)	[Redacted]
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Tim Sturgess c/o Hughies Cafe 57 Humberstone Gate	
Post town Leicester	Postcode LE1 1WB
9. Alternative contact details (if applicable)	

Mobile	[REDACTED]
Fax number (optional)	
E-Mail address (if available)	[REDACTED]

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references)
(Please read note 2)

Hugies cafe
57 Humberstone Gate

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	N/a
-------------------------	-----

Club premises certificate number	N/a
----------------------------------	-----

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Outdoors only at hugies cafe
entrance area // roof terrace // balcony

Please describe the nature of the premises below. (Please read note 4)

The premises is a cafe and we wish to licence the outside area including the entrance and roof terrace

Please describe the nature of the event below. (Please read note 5)

The event is aimed at the older crowd 35/40 years plus. This event is part of an overall bigger event were an artist is being flown in to the Uk from the USA. The main part of the event is at a Venue that is licensed already and will be the night part of the event starting at 2300 until 0600. The event is a Dj event and this licence is needed for the day part of the event which is outdoors and is an integral part of the culture of this type of event. This type of event would normally be held in London or Birmingham or Nottingham as it takes quite an investment to put on, which makes it good for the city that will bringing people to Leicester with Hotels, restaurants etc all benefitting.

Noise team > I have thought about the impact music would have outdoors in the city centre and have firstly decided to promote the event on a Sunday when business in the local area will be shut. In regards to local residents, there is a block of flats that overlooks the site and I have taken this into account by only applying for music until 2130 hours. Also the music will be kept at a reasonable level to have a minimum impact. I am confident as a one off event and with the early finish you will support this application.

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3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	YES
-------------------------------	-----

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	NO
--	----

The provision of regulated entertainment	YES
--	-----

The provision of late night refreshment	YES
---	-----

Are you giving a late temporary event notice? (Please read note 7)	NO
--	----

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

Sunday May 4th 2014

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

1300 until 2130

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	400
---	-----

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	YES
	Off the premises only	NO
	Both	NO

4. Personal licence holders (Please read note 12)

Do you currently hold a valid personal licence? (Please tick)	Yes	<input type="checkbox"/>
--	-----	--------------------------

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	Leicester
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Licence number	LEIPRS641
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Date of issue	27 oct 2005
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Date of expiry	26 th oct 2015
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Any further relevant details	
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5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?		No
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	n/a	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?		No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?		No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)		
I have: (Please tick the appropriate boxes)		
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated		Yes
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated		Yes
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated		
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority		Yes
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police		Yes
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions		<input type="checkbox"/>
Made or enclosed payment of the fee for the application		yes
Signed the declaration in Section 9 below		yes

8. Condition (Please read note 16)

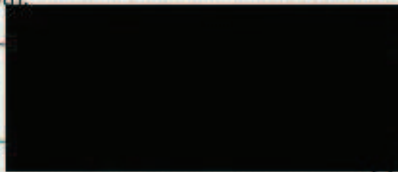
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	19-3-14.
Name of Person signing	TIM STURGESS

For completion by the licensing authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Appendix B



Licensing Act 2003 Objection to Temporary Event Notice (TEN)

Details of Relevant Authority
Name and Job Title: Chris White Pollution Control Officer
Address: Noise Team, Leicester City Council, A4, New Walk Centre, Welford Place, Leicester. LE1 6ZG
Phone Number: 0116 454 3059
Fax Number: 0116 252 6444

Details of Premises Representation is about
Name of Premises: Hughie's Cafe
Address: 57 Humberstone Gate Leicester
Application Number: 060005
Our Reference: 14/03404/PNCLT

This objection relates to the following licensing objective(s):	
Prevention of crime and disorder	No
Public Safety	No
Prevention of public nuisance	Yes
Protection of children from	No

Representation

I wish to make an objection to the application for temporary event notice for the 4th May 2014 as I consider this would be detrimental to the licensing objective of preventing public nuisance.

This application is for regulated entertainment and sale of alcohol, for a DJ music event for up to 400 people at Hughie's Café on Humberstone Gate from 13.00 until 21.30 hours. This is in conjunction with another TEN at the same time, also for DJ music event with regulated entertainment and sale of alcohol, in the basement of the premises for 150 people until 23.00 hours. Both TEN's are part of a larger event which will carry on from 23.00- 06.00 at another licensed venue within the city.

Humberstone Gate is a mixed use area, with a number of licenced premises, shops, cafes as well as a number of residential properties. The applicant has stated in the application that he decided to have the event on a Sunday so the impact on the local businesses would be less, however this just means that the existing background noise level will be at its lowest resulting in a greater impact on the nearby residential properties.

There are a number of residential properties that are already affected by noise within this area. There are a large number of flats at Midland House on Charles Street and The Hub on Yeoman street that look directly over the proposed site not to mention the occupants of the Hanson Cab who's residential accommodation is about 5m from the main balcony of the event.

The proposed courtyard and outside space is surrounded on almost all sides by other properties meaning that the noise can only escape in one direction, up. This is almost worst case scenario for the occupants of the flats as the noise will be directed straight at them.

In 2006 and 2010 noise complaints were received from the residents of Midland House, and Noise Nuisance was witnessed on 3 different occasions from noise within the courtyard and outside space of this premises (Then known as Madisions). The last nuisance witnessed was from a charity event with live singer, not DJ and was on a lot smaller scale than this proposed event.

The other real area of concern is the noise that 400 people in the outside space will create as this is almost impossible to control.

I have had no objections to the TEN for the basement of the Cafe. However I believe that any event in the outside space of this premises involving amplified/live music, irrespective of the time of day, will cause a nuisance to the local residents and therefore I have to **recommend refusal** of this temporary event notice.

Send / email to:

- 1) Licensing Officer (Sarah Miller)
Licensing
New Walk Centre
Leicester
LE1 6ZG
- 2) Applicant
- 3) Leicestershire Police (liquor.licensing@leicestershire.pnn.police.uk)

