



Leicester  
City Council

Notes of the  
HEARING UNDER THE LICENSING ACT 2003

Held: THURSDAY, 24 APRIL 2014 at 9:30am

P R E S E N T :

Councillor Byrne

Councillor Naylor

Councillor Shelton

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**1. APPOINTMENT OF CHAIR**

Councillor Byrne was elected as Chair for the meeting.

**2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**3. DECLARATIONS OF INTEREST**

Members were asked to declare any disclosable pecuniary or other interest they may have in the business on the agenda.

Councillor Byrne, Councillor Naylor and Councillor Shelton each declared that they had sat on previous applications from Mr Sturgess but that they retained an open mind in respect of the application to be considered today.

**4. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE:  
HUGHIES CAFE, 57 HUMBERSTONE GATE, LEICESTER**

The Director, Environmental Services, submitted a report that required Members to determine an objection notice relating to a temporary event notice (TEN) submitted by Hughies Café, 57 Humberstone Gate, Leicester.

Members noted that an objection notice had been received in respect of the temporary event notice, which necessitated that the application for the temporary event notice had to be considered by Members.

The premises user, Mr Sturgess and an officer from the Noise Team were present at the meeting. Also present was the Licensing Team Manager and the Solicitor for the hearing panel.

The Licensing Team Manager presented the report. It was noted that an objection notice had been received from the Noise Team on the grounds of the prevention of public nuisance.

The Noise Team officer proceeded to outline the reasons for the objection and answered questions from Members:

- The application was in conjunction with another TEN in the basement of the same premises – there was no objection to that application.
- The application was linked to another night time event taking place in the city.
- The application was for the sale of alcohol and regulated entertainment (DJ music event) from 13.00 until 20.30 hours for 400 people.
- The premises were surrounded by a large number of residential flats e.g. Midland House.
- The Hansom Cab had residential premises above it and there had been previous objections to noise from those residents.
- As the courtyard was surrounded on all sides by properties the noise could only go up affecting residents.
- A number of events had already taken place in this location and complaints were made about noise on each occasion.
- The planned event was on a lot larger scale than previously and 400 people outside would also generate a lot of noise.
- Concerns were raised as to what would happen at the end of the event and the 400 people moving on creating additional street noise.
- Any event, irrespective of time of day, in this locality would cause a noise nuisance to residents.

The Noise Team officer provided photographs of the venue to Members.

The premises user was then given the opportunity to respond to the points made and answered questions from Members.

- The night event would be based in Streetlife nightclub on Lee Circle.
- The premises user had fully considered the situation.
- The police had been consulted and had not made any objections to the application.
- The premises user had tried to negotiate with the Noise Team but they had refused.
- Sunday had been chosen as the day for the event because local businesses would be closed.
- It was a City Centre location and events often happened in the City Centre.
- The event hours had been considered and they were trying to keep those reasonable so as not to affect people.
- The new owners of the Hansom Cab had been spoken to and there were currently no residents in the property.
- With regard to Midland House the council held a number of events a short distance from this building which generated noise.
- The event was an independent event and would be good for the city.
- Although there was no limiter on the sound equipment the premises user

would be responsible and try to set a certain level, there was a processor that would be controlled to take out certain frequencies which would limit the travel of the noise.

- The DJ would be situated on a higher level of the courtyard.
- The total capacity was 400 people but would actually be less than this as many would also be in the basement.

All parties were then given the opportunity to sum up their positions and make any final comments.

The Noise Team officer stated that:-

- Comparisons to council festivals didn't apply as those had involved 6 months of planning and consultation with all involved or affected,
- This application involved a different type of music event and the impact would be different.
- The vicinity of this event was so close the noise would go up affecting residents.
- As the event was on a Sunday the background noise levels would be lower so there would be a greater impact on residents.

The premises user stated that:-

- The City festival had been the same type of event as the TEN.
- The noise that people made at any event could not be controlled.
- A lot of negotiation had taken place before the events but the Noise Team would not negotiate with the premises user in this instance and instead issued an outright refusal which was unfair when they considered a whole series of council events outside the same residential area.

The Solicitor to the hearing panel advised Members of the options available to them in making a decision. Members were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The premises user, the Licensing Team Manager, the Solicitor to the hearing panel and the Noise Team officer then withdrew from the meeting.

Members then gave the temporary event notice their full and detailed consideration.

The Solicitor to the hearing panel was then invited back into the hearing to give advice on the wording of the decision.

The premises user, the Licensing Team Manager and the Noise Team officer then returned to the meeting.

RESOLVED:

That a counter notice be issued under s.105 (2) of the Licensing Act 2003 in relation to the Temporary Event Notice.

The Members, having taken everything into consideration, decided to issue a counter notice under section 105(2) of the Licensing Act 2003 on the grounds that although they were sympathetic and supportive of more events in the City they believed the venue was not suitable for this particular event as it was surrounded by residential premises and the design of the outside area provided natural amplification. Members did not believe that the licensing objectives, on this occasion, especially of preventing public nuisance, would be promoted.

**5. CLOSE OF MEETING**

The meeting closed at 10.40am