

Leicester
City Council

WARD: Castle

LICENSING ENFORCEMENT SUB-COMMITTEE

3rd September 2019

**APPLICATION FOR THE GRANT OF A HIGHWAYS AMENITIES LICENCE
(STREET CAFÉ)
QUEEN VICTORIA ARTS CLUB, 41 RUTLAND STREET, LEICESTER LE1 1RD**

Report of the Director (Neighbourhood & Environmental Services)

1. Purpose of the Report

To determine an application for the grant of a Highways Amenities Licence for a Street Café for premises known as Queen Victoria Arts Club, 41 Rutland Street, Leicester LE1 1RD. The applicant is a Ms Cassandra Soulsby.

2. Options for the Sub-Committee

The Sub-Committee may determine the application in one of the following ways: -

(1) Grant

The Sub-Committee may grant the application.

If the Sub-Committee decide to grant the application, it should be subject to the standard conditions applicable to Highway Amenities Licences.

(2) Grant subject to special conditions

The Sub-Committee may grant the application subject to such variations, conditions or restrictions, as they think fit.

(3) Refuse

The Sub-Committee may refuse the application.

In arriving at its decision, the Sub-Committee should take into account the comments put forward by the applicant and any other information provided in the report.

The Sub-Committee must give the applicant the reasons for the decision it makes when it is announced.

3. Financial Implications

None.

4. Report

On the 17th June 2019 an application was submitted by Cassandra Soulsby on behalf of Queen Victoria Arts Club for the grant of a Highway Amenities Licence (Street Café).

The premises is situated within Leicester's Cultural Quarter area of the city and is located on Rutland Street/Orton Square. The location itself is a vibrant area consisting mainly of small businesses, cafes, bars and a theatre.

The applicant submitted a plan which detailed nine tables and thirty-six chairs, to be placed in front of the premises. The tables and chairs are to be contained within the requested area sectioned off by barriers.

The applicant also details further information on the application which reads: "Restaurant, in St Georges Conservations area/Cultural Quarter. General Public including tourists and visitors to Curve"

The applicant has requested to use the street café between the following hours:

Monday- Sundays from 08:00hrs until 23:00hrs

On 24th June 2019, letters of consultation were sent to surrounding businesses and residents in the area to advise them of the application and a public notice was prominently displayed on the premises itself. Any objections were to be received no later than 28 days from the date of the notice. Consultations were also carried out with Councillors who represent the Castle Ward of the city, Leicestershire Police, Leicestershire Fire & Rescue Service, Noise Pollution, Planning, Public Safety and Highway/Traffic Management.

Within the representation period, there were a total of two objections, one from a resident and one from a landlord. Both objections were accepted as being 'relevant' to the application. The objections raise concerns about noise issues and what impact the street café will have to the area given its location and the impact to other users of Rutland Street. All objections are attached to this report and detailed in the appendix list below.

The response received from the applicant is also attached to this report which seeks to address the objector's concerns.

The following documents are attached to this report:

- Appendix A - Application for street café (2 pages)
- Appendix B - Proposed plan of street café (1 page)
- Appendix C - Pictures of the premises (2 pages)
- Appendix D – Objection – (resident) (1 page)
- Appendix E – Objection – (landlord) (1 page)
- Appendix F – Response document from the applicant (1 page)
- Appendix G – Agreement – LCC Festivals & Events Team (1 page)

5. Policy Guidelines

The overall policy on Street Cafes is to encourage more restaurants, cafes and public houses to have more outside activity in the street which would give an ambience that makes the City more attractive to visitors and residents alike. If an objection is received, the Sub-Committee should take into account the impact a street café may have on residents and any surrounding businesses in the area.

6. Legal Implications (including Human Rights Act)

A licensing decision is also a determination of civil rights to which Article 6 the right to a fair trial applies. Article 8 the right to respect for private and family life applies to the protection on neighbouring properties from noise and disturbance. Article 1 of the First Protocol gives the right of peaceful enjoyment of possessions, which would include a licence. Terms and conditions imposed on the grant of a licence will need to be proportionate, and necessary to protect the interests of a democratic society.

There is no right of appeal against the refusal to grant a Highway Amenities Licence.

7. Crime and Disorder implications

None.

8. Consultations

Councillors who represent the relevant Ward of the area, Leicestershire Police, Noise Pollution, Planning, Leicestershire Fire & Rescue Service, Public Safety and Highway/Traffic Management Residents and Businesses within the area.

9. Reason for Treating the Report as "Not for Publication"

None

10. Officer to Contact

Nicola Marsh
Licensing Authority
0116 4542039
eh.1477

APPENDIX A

Our Ref:SC125184803

Date: 2019-06-17

Street café licensing application



Information submitted to Licensing Authority at Leicester City Council

Type of application: New licence: £278

Customer

Contact details:

Title	First name	Surname	Phone number	Mobile number	Email address
Ms.	Cassandra	Soulsby			

Address:

Flat	House Number	Street	Town	County	Postcode

Description of premises: ABOVE ADDRESS NOT CORRECT -

41 Rutland Street

Restaurant, in St Georges Conservations area/Cultural Quarter. General Public including tourists and visitors to Curve

Proposed licence days and times: SUN 8AM - 11PM

MON 8AM - 11PM

TUES 8AM - 11PM

WED 8AM - 11PM

THURS 8AM - 11PM

FRI 8AM - 11PM

SAT 8AM - 11PM

Additional information:

Supporting documents

Proof of your valid ID with a photo: Cassie Passport (2).jpeg

Valid public liability insurance certificate: (#625179796) Allianz-NB-Confirmation_of_Quotation_26441341_1.pdf, QVAC_Logo_COLOUR.png

Detailed (proposed) plan of the street café: STREET CAFE QVAC.png, barriers.jpg

Pictures of tables and chairs or barrier type/design: outside table.jpg, CHAIR.jpg

Additional information to support the application: BARRIERS TO SHOW LOGO

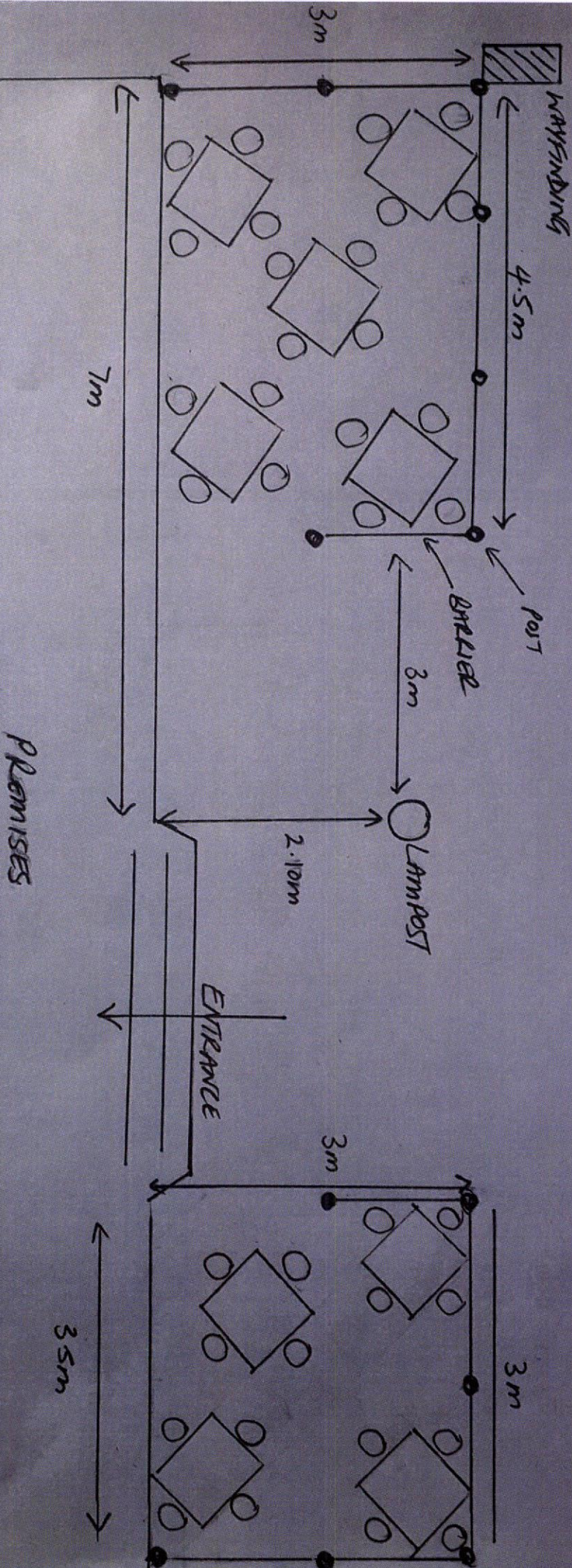
Customer confirmed that they understand and agree to the Declaration.

Payment made for the application: £278

APPENDIX B

- 9 x table
- 36 x chairs
- 13 x posts
- 11 x barriers

OPTION SAVABLE = NO PAVEMENT EDGE



APPENDIX C



APPENDIX C

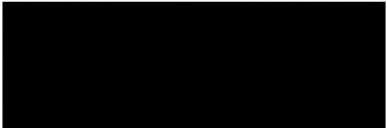


APPENDIX E

LICENSING SECTION
RECEIVED

16 JUL 2019

LEICESTER CITY COUNCIL



Your Reference:- N&ES.LIC.STREETCAFE.NM.QV

* dated Monday 26/7/19
- 26/7/19 was on a weekday

Leicester City Council
Licensing Authority Office
4th Floor
91 Granby Street
Leicester LE1 6FB

For the attention of Nicola Marsh

Dear Sirs,

**RE: Application for the Grant of Highways Amenities Licence (Street Café)
Queen Victoria Arts Club, 41 Rutland Street, Leicester LE1 1RE**

I am the legal owner of [redacted] Queen Street, Leicester LE1 1RG which is occupied by my son, [redacted] as his residence. My son has referred your letter dated 26th June 2019 to me and I am writing to strongly object to the proposed application for a Street Café outside the Queen Victoria Arts Club.

The property acquired for my son's occupation is part of a block of residential apartments recently developed. The noise emanating from a Street Café, particularly where it is open at weekends and up to 11pm on weekday evenings, is likely to be significant and to seriously adversely affect the use and enjoyment of the residential apartments, including the one occupied by my son, which is on the second floor of Queens Building.

I would ask you please to note my strong objection to the application in the circumstances.



Dated: 15/7/19.


QUEEN VICTORIA
18 ARTS CLUB 97
LEICESTER

Date 2nd August 2019

Dear Nicola Marsh

Re: Application for the grant of Highways Amenities Licence (Street Café) Queen Victoria Arts Club , 41 Rutland Street, Leicester LE1 1RE.

Queen Victoria Arts Club is a restaurant and bar in the heart of Leicester's Cultural Quarter, stepping out on to Orton Square and adjacent to Curve, Athena & The Exchange. Our target customers are Curve audiences, the Leicester business community and the general public.

The Queens Building was a priority building for the continued development of the Cultural Quarter and as operators of the Queen Victoria Arts Club we have been involved in the development for a number of years – our intention to create a venue that enhances the Cultural Quarter and the City.

The purpose of a 'street café' outside the venue is to further animate the Cultural Quarter, enhance Orton Square, make the area more attractive and to create vibrancy in the Cultural Quarter.

Other Cultural Quarter businesses currently operate street cafes including businesses adjacent to Halford Square and those on to Orton Square including The Exchange and Curve.

There is very little disturbance caused in the Cultural Quarter by the street cafes. The street cafes provide active streets and contribute to an attractive and vibrant area. They encourage increased footfall and contribute to the perception of the area as a safe place to visit.

We acknowledge the concern over noise however the area already has occasion for large crowds with use of Athena and Curve audiences active throughout the year and a number of festivals based on Orton Square.

However, in order to mitigate the impact of the additional outside seating created by our street café proposal we have applied for use of the space to 11pm rather than our licencing hours which run until 1am- 2am daily. In addition, it is our intention that these tables will be used mainly by customers who will be benefiting from table service from the restaurant, thus unlikely to be customer of the type to create a noise disturbance.

Our purpose in making this application is to further enhance the City Centre, creating a vibrant animated public space and enhance further the Cultural Quarter which was designed for a cosmopolitan European feel.

We are an experienced responsible operator with a track record with similar establishments. We have always worked in collaboration with our surrounding areas and communities.

Thank you for your consideration in this matter.

Yours Sincerely,

Cassandra Davison
Director QVAC Ltd.

APPENDIX G

Please ask for: Robert Snart
Direct Line: 0116 454 [REDACTED]
Our Ref: Orton Square
Date: 26.06.19



Dear Cassandra,

I hope this finds you well.

As per the below, our licensing team has passed on your application for a Street Café License for the Queen Victoria Arts Club on Orton Square.

In principle, we are fully supportive of the application, but as you may know Orton Square is one of our licensed sites for festivals and events and as such at times we may require the furniture to be removed to allow for events to take place on the square. Where we have received applications for street cafes in our licensed sites we have inserted the below condition to ensure that we can work collaboratively.

'No street furniture shall be placed outside during events that take place within the vicinity of the premises. The licence holder will be informed of the event days and times these restrictions apply to by a member of the Festivals & Events Team at Leicester City Council. The Licence Holder will be notified a minimum of 3 days prior to the event.'

As stated we would contact you to inform you of events due to take place on the square and we would work with perspective event organisers to leave the street furniture on site where possible.

I hope the above makes sense and is acceptable, if so please sign and date below to confirm our agreement. Conversely, if there are any issues, please let me know.

Signed By (Print Name): C. SOULSBY

Signature: [REDACTED]

Date: 27/19

Your's Sincerley,



Rob Snart
Senior Festivals and Events Officer
Leicester City Council