
Application for a new premises licence

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)
Sub-Committee

Decision to be taken on/Date of meeting: 31/01/2022

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Amy Day
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- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for Indian Rooster, 80 Queens Road, Leicester, LE2 1TU and summarises the representations received. It also highlights the licensing objectives and the relevant parts of both the statutory guidance and the Licensing Authority's Licensing Policy.

2. Determination to be made

- 2.1 Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
 - Grant the licence subject to conditions
 - Exclude from the licence any of the licensable activities
 - Refuse to accept the proposed premises supervisor
 - Reject the application

3. Application and promotion of the licensing objectives

- 3.1 An application was received on 16/12/2021 from Mr Vimalkumar Rana for a new premises licence for Indian Rooster, 80 Queens Road, Leicester. A copy of the application is attached at Appendix A.

- 3.2 The application is as follows:

Licensable activity	Proposed hours
Recorded Music	Sun – Thurs 10.00 – 00.00 Fri – Sat 10.00 – 01.00
Late night refreshment	Sun – Thurs 23.00 – 00.00 Fri – Sat 12.00 – 01.00
Supply of Alcohol	Sun – Thurs 10.00 – 00.00 Fri – Sat 10.00 – 01.00
Opening hours	Sun – Thurs 10.00 – 00.30 Fri – Sat 10.00 – 01.30

- 3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section 18 of Appendix A).
- 3.4 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

3.5 Location Plan



4. Representation(s)

- 4.1 Thirty-seven representations were received during the consultation period from members of the public. The representations relate to the prevention of crime and disorder, the prevention of public nuisance and public safety. The representees are concerned that the hours requested by the applicant will increase noise, anti-social behaviour, litter and parking issues in the area. Copies of the representations are attached at Appendix B1-B37.
- 4.2 Three representations were received on 12th and 13th January 2022 from Ward Councillors. The representations relate to the prevention of crime and disorder and the prevention of public nuisance. The Councillors are concerned that the hours applied for are out of line with nearby premises and if granted could increase noise and crime and disorder. A copy of the representation is attached at Appendix B38-B40.
- 4.3 A representation was received on 12th January 2022 from the Noise Team. The representation relates to the prevention of public nuisance. The representee is concerned that the use of the back area and the location of the smoking area may affect nearby properties. They have contacted the applicant and have since agreed two conditions to be applied to the licence if granted. A copy of the representation and agreement can be found at Appendix B41.

5. Conditions

- 5.1 The conditions that are consistent with the application and agreement are attached at Appendix C.
- 5.2 The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 amended the Licensing Act 2003 in relation to the provision of regulated entertainment. Certain entertainment does not require a licence subject to audience limits, between 08.00 and 23.00 hours each day. These exemptions may affect the application under consideration because conditions may not be imposed at this stage to control live or recorded music that is unregulated. However, if problems do occur as a result of that entertainment then conditions may be imposed to control such music in the future after a formal review.

6. Statutory guidance and statement of licensing policy

- 6.1 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
1.17	Each application on its own merits
2.1 – 2.6	Crime & Disorder
2.7 – 2.14	Public Safety
2.15 – 2.21	Public nuisance
3.12 – 3.20	Late night refreshment
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.10	Proportionality
10.13 - 10.15	Hours of trading
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours
16.1 – 16.69	Regulated entertainment

6.2 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
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions

7. Points for clarification

7.1 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, whether the applicant wishes 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.

8. Financial, legal, equalities, climate emergency and other implications

8.1 Financial implications

None.

8.2 Legal implications

Legal advice specific to the application will be provided at the meeting by Legal Officers.

8.3 Equalities implications

None.

8.4 Climate Emergency implications

None .

8.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None.

9. Background information and other papers:

10. Summary of appendices:

Appendix A – Application

Appendix B – Representations

Appendix C – Conditions consistent with the application and representation(s)

11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

12. Is this a “key decision”? If so, why?

No