
Application for a review of an existing premises licence

Licensing (Hearings) Sub-Committee

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

Date of meeting: 11/03/2022

Lead officer: Deborah Bragg

Useful information

- Ward affected: Castle
- Report author: Chris Spencer
- Author contact details: 0116 454 3051
- Report version number: 1

1. Summary

- 1.1 This report outlines an application for a review of an existing premises licence for Sophy, 8-10 King Street, Leicester 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.

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. Application and promotion of the licensing objectives

3.1 An application was received on 20 January 2022 from the Noise and Pollution Control Team of Leicester City Council for a review of the existing premises licence for Sophy, 8 – 10 King Street, Leicester. The application was made on the grounds of the prevention of public nuisance. A copy of the application is attached at Appendix A.

3.2 The Noise and Pollution Control Team are concerned that they have witnessed five nuisances from both amplified music and raised voices from people using the premises after complaints from members of the public.

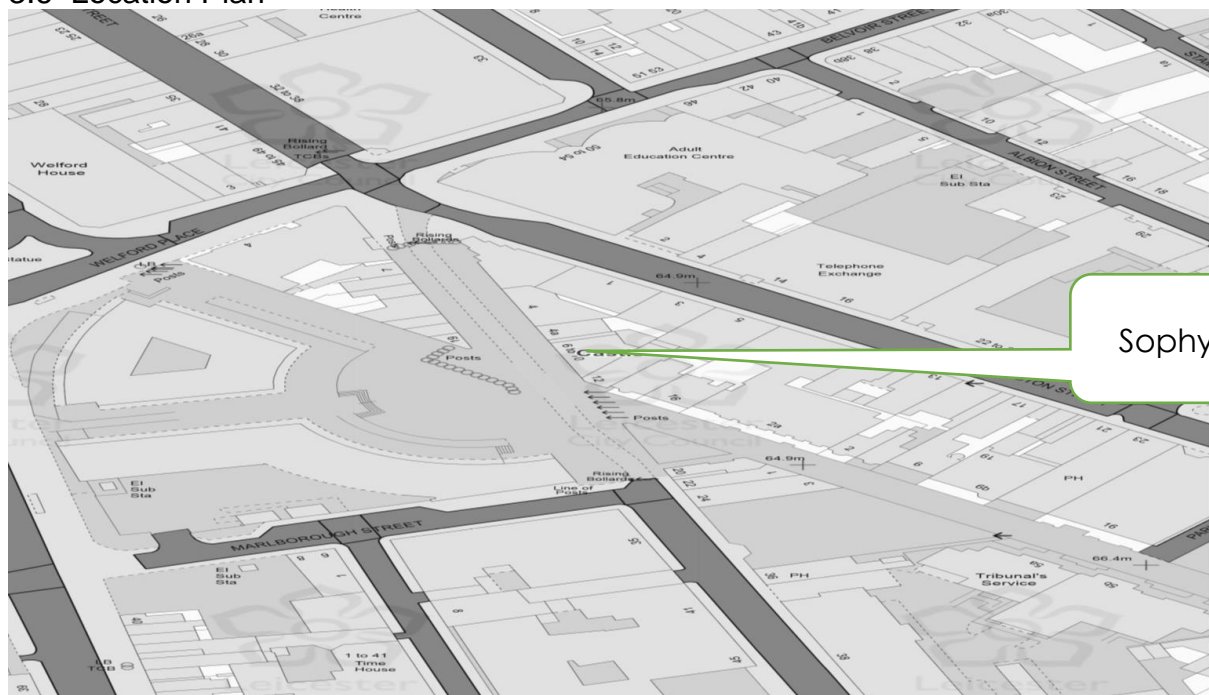
3.3 The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current hours
Live Music	Monday to Saturday 19.00 until 01.00 Sunday 19.00 until 00.00
Recorded Music	Sunday to Thursday 11.00 until 02.00 Friday to Saturday 11.00 until 07.00
Anything similar to live/recorded music or dance	Monday to Sunday 19.00 until 01.00
Dancing	Monday to Sunday 19.00 until 01.00
Late Night Refreshment	Sunday to Thursday 23.00 until 02.00 Friday to Saturday 23.00 until 07.00
Supply of Alcohol	Sunday to Thursday 11.00 until 02.00 Friday to Saturday 11.00 until 07.00
Opening Hours	11.00 until 07.00 Monday to Sunday

3.4 The existing licence is attached at Appendix B.

3.5 In arriving at its decision on the application, the Licensing Authority’s primary consideration must be the promotion of the licensing objectives.

3.6 Location Plan



4. Representations

- 4.1 Representations were received on the 25th and 31st of January from 2 local residents. The representations relate to the prevention of public nuisance. The residents have experienced loud music, noise from people at the premises, and bottles being emptied into the bins. They say this noise goes on throughout the night until the early hours of the morning. They have complained that they have experienced lack of sleep and as a result have become quite anxious and distressed. A copy of the representations are attached at Appendix C1-C2.

5. Statutory guidance and statement of licensing policy

- 5.1 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
2.15 – 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
9.31 – 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
11.1 – 11.29	Reviews
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

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

Section	Heading
2	Fundamental Principles
5	Licensing Hours
9	Prevention of Public Nuisance
12	Duplication
13	Standardised conditions

6. Points for clarification

- 6.1 The applicant and the 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 parties making the representations

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.

7 Regulated entertainment

- 7.1 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.
- 7.2 The above 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.

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

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process.
Aidan Davis, Sustainability Officer, Ext 28 3384

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

Crime and Disorder – No

9. Background information and other papers:

None

10. Summary of appendices:

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representations

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