
Application for a variation of an existing premises licence

Licensing (Hearings) Sub-Committee

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

Decision to be taken on/Date of meeting: 20 September
2022

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) 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 under the Licensing Act 2003 for a variation to an existing premises licence for Bricklayers Arms, 78 Welford Road, Leicester, LE2 7AB 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
 - Modify the conditions of the licence
 - Reject the whole application

3. Application and promotion of the licensing objectives

- 3.1 An application was received on 26 July 2022 from Star Pubs & Bars Limited for a variation of an existing premises licence for Bricklayers Arms, 78 Welford Road Leicester, LE2 7AB. A copy of the application is attached at Appendix A1.
- 3.2 The variation application is as follows:

Licensable activity	Current hours	Proposed hours
Films	N/A	Sunday to Tuesday 10.00 until 02.00 Wednesday until Saturday 10.00 until 03.00
Live Music	Monday to Sunday 10.00 until 02.00	Sunday to Tuesday 10.00 until 02.00 Wednesday until Saturday 10.00 until 03.00
Recorded Music	Monday to Sunday 10.00 until 02.00	Sunday to Tuesday 10.00 until 02.00 Wednesday until Saturday 10.00 until 03.00
Late night refreshment	Monday to Sunday 23.00 until 02.00	Sunday to Tuesday 10.00 until 02.00 Wednesday until Saturday 10.00 until 03.00
Supply of Alcohol	Monday to Sunday 10.00 until 02.00	Sunday to Tuesday 10.00 until 02.00 Wednesday until Saturday 10.00 until 03.00
Opening hours	Monday to Sunday Unrestricted	Sunday to Tuesday 08.00 until 02.30 Wednesday until Saturday 08.00 until 03.30

Non-standard hours:

An additional hour to the standard and non-standard times on the day when British summertime commences.

Opening hours may continue between the end of hours permitted by the licence on new years Eve and the start of the hours permitted by the licence on New Year's Day.

Conditions proposed to be removed:

The licence is subject to leicester City Councils Standard Conditions for Places of Public entertainment, published on the Licensing Authority's website. www.leicester.gov.uk/licensing

- 3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M of Appendix A).
- 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. Representation(s)

- 4.1 A representation was received on 18 August 2022 from the Police. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The representee is concerned that the applicant wishes to extend its licensable activities between Wednesday and Saturday and operate until 3am. They feel that the applicant has failed to address how it will manage the outside area to prevent a public nuisance and reduce the likelihood of crime and disorder. A copy of the representation is attached at Appendix C1.
- 4.2 A representation was received on 19 August 2022 from the Noise team. The representation relates to the prevention of public nuisance. The representee is concerned that if the variation is granted without further measures to control noise from the premises, noise nuisance will occur. A copy of the representation is attached at Appendix C2.
- 4.3 A representation was received on the 22nd of August 2022 from the Licensing Enforcement Team. The representation relates to Prevention of Crime and Disorder, Public safety, Prevention of Public Nuisance, and Protection of Children from Harm. The representee is concerned that the additional hour extension of licensable activities allows for a later drinking facility and the ability for persons to arrive later at the premises after having consumed alcohol at other locations. A copy of the representation is attached at Appendix C3.

5. Conditions

- 5.1 There are no new conditions that are consistent with the application.
- 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
2.22 – 2.31	Protection of children from harm
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
9.13 – 9.19	Licensing Authorities acting as 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 particularly relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
1	The purpose and scope of the policy
4	Promotion of the licensing objectives
5	General principles
6	Premises licences and club premises certificates

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

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?)

None.

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.