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# **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: 07/12/2022

Lead director/officer: Deborah Bragg

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## **Useful information**

- Ward affected: Castle
- Report author: Victoria Marshall
- Author contact details: 0116 454 3048
- Report version number: 1

### **1. Summary**

- 1.1 This report outlines an application for a review of an existing premises licence for Abu Daniel and summarises the representation 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 representation, 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**

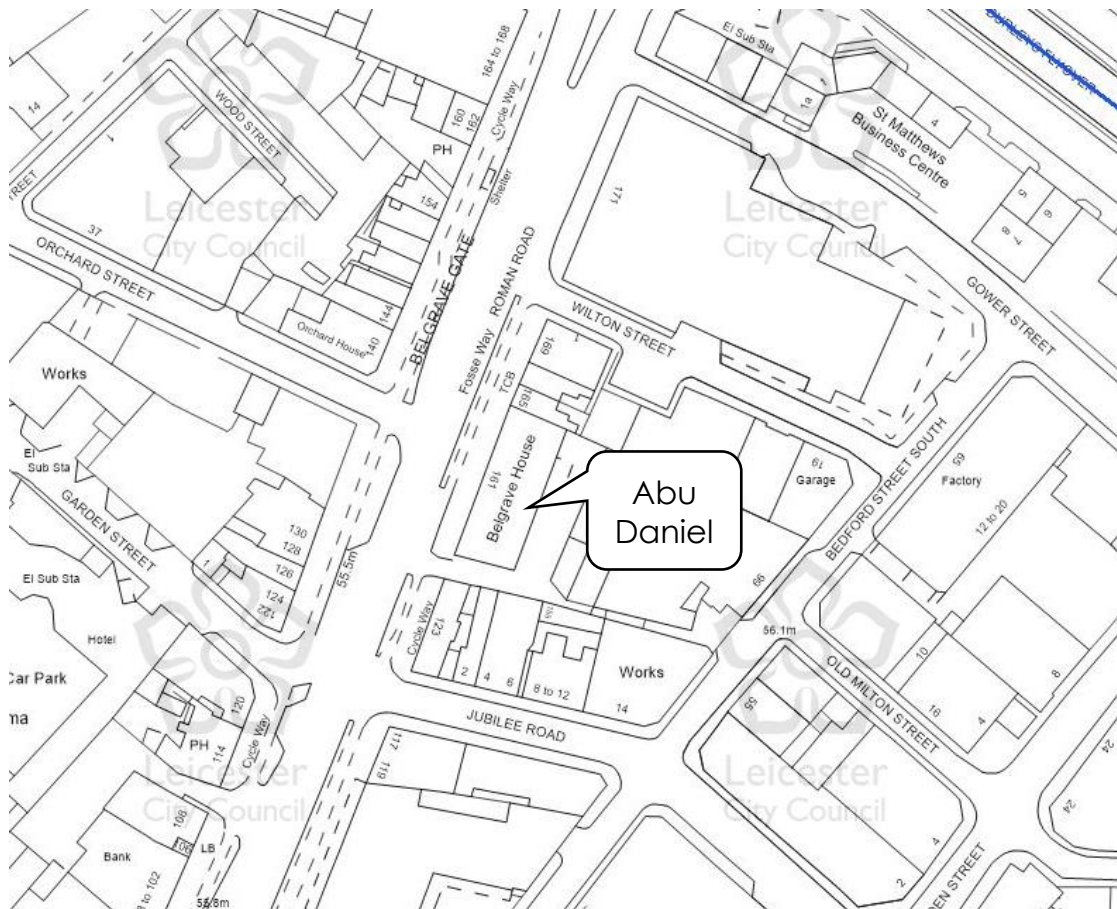
- 3.1 An application was received on 13 October 2022 from the Noise Team for a review of the existing premises licence for Abu Daniel. The application was made on the grounds of the prevention of public nuisance. A copy of the application is attached at Appendix A.
- 3.2 The Noise Team is concerned that the premises has caused nuisance to nearby residential properties by playing amplified music and that due to the open front of the premises the nuisance cannot be limited.
- 3.3 The existing licence is attached at Appendix B.
- 3.4 The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current hours
Play	Mon-Sun 10:00-01:00
Indoor Sporting Events	Mon-Sun 10:00-01:00
Recorded Music	Sun-Thurs 10:00-00:30 Fri-Sat 10:00-01:00
Anything similar to live/recorded music or dance	Mon-Sun 10:00-02:00
Dancing	Mon-Sun 10:00-01:00
Entertainment similar to making music or dancing	Mon-Sun 10:00-02:00
Late Night Refreshment	Mon-Sun 11:00-02:00
Supply of Alcohol	Mon-Sun 10:00-01:00
Opening Hours	Mon-Sun 10:00-02:00

3.1 The existing licence is attached at Appendix B.

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

3.3 Location Plan



#### 4. Statutory guidance and statement of licensing policy

4.1 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
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
10.10	Proportionality
11.1 – 11.29	Reviews
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours

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

Section	Heading
1	The purpose and scope of the licensing policy
4	Promotion of the Licensing Objectives
5	General Principles Human Rights Impact of Licensed Activity Representations Reasons for Decisions
6	Conditions
9	Prevention of Public Nuisance
13	Standardised conditions

#### 5. Points for clarification

5.1 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.

## **6 Regulated entertainment**

- 6.1 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.
- 6.2 This exemption can be disapplied as part of the review process where members determine that this is an appropriate measure to take to promote the licensing objective of 'Prevention of Public Nuisance'.

## **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

None

## **10. Background information and other papers:**

## **11. Summary of appendices:**

Appendix A – Application

Appendix B – Existing licence

**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