
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: 05 June 2024

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Sarah Miller
- Author contact details: 0116 454 3052
- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for Baton Rouge at Queens, Orton Square, 41 Rutland Street, Leicester LE1 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 representation(s), 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

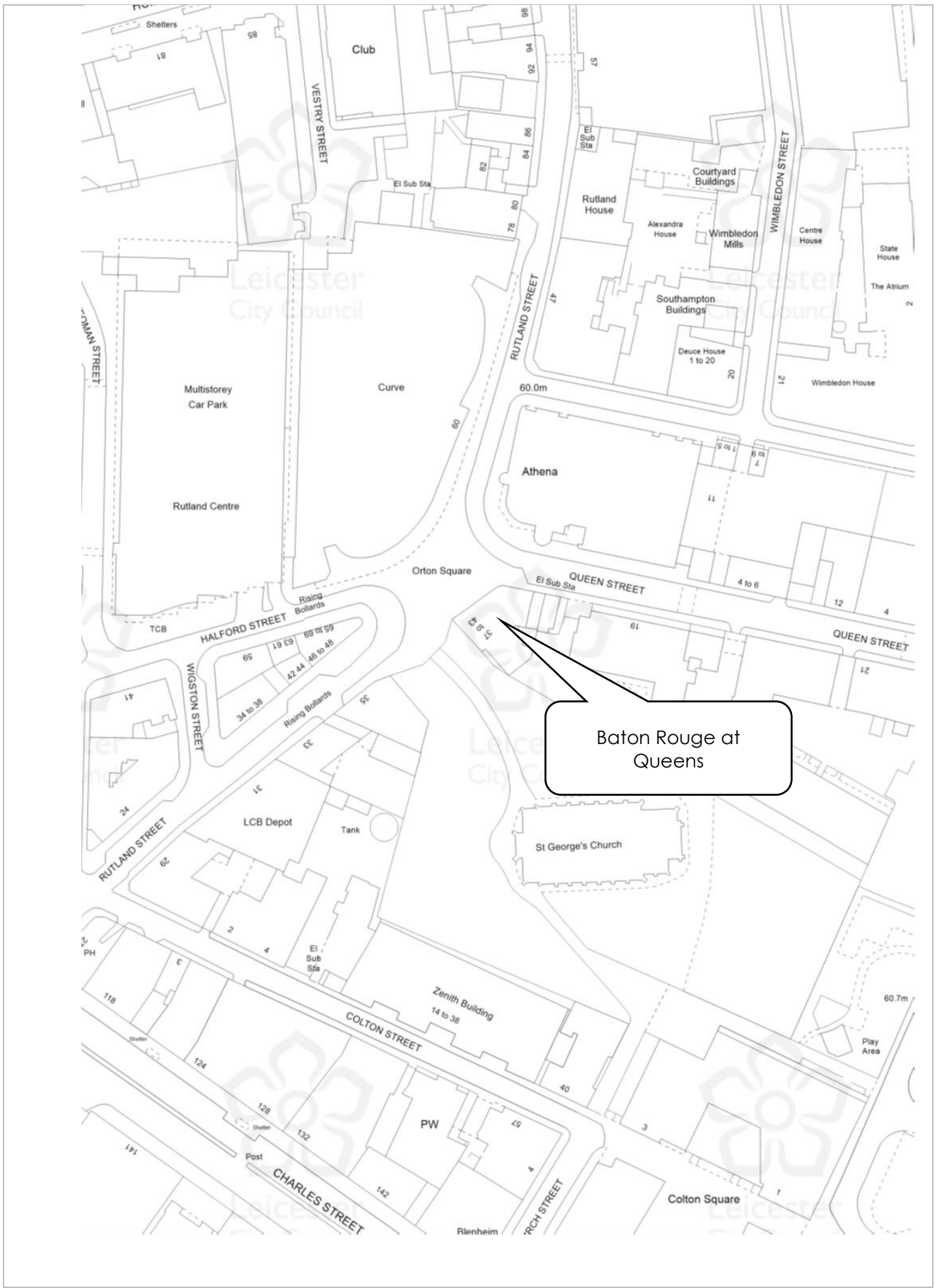
3. Application and promotion of the licensing objectives

- 3.1 An application was received on 11 April 2024 from Baton Rouge@41 Ltd for a new premises licence for Baton Rouge at Queens, Orton Square, 41 Rutland Street, Leicester LE1 1RG. Additional information from the applicant was received on 3rd May 2024. This has been circulated prior to the representation period end date. A copy of the application and additional information is attached at Appendix A.
- 3.2 The application is as follows:

Licensable activity	Proposed hours
Live Music (Indoors and Outdoors)	Tuesday from 18:00hrs to 23:00hrs Wednesday from 15:00hrs to 23:00hrs Thursday from 12:00hrs to 23:00hrs Friday and Saturday from 12:00hrs to 00:00hrs
Recorded Music (Indoors and Outdoors)	Sunday to Wednesday 09:00hrs to 01:00hrs Thursday to Saturday 09:00hrs to 02:00hrs
Anything similar to live/recorded music or dance (Indoors and Outdoors)	Friday to Sunday from 12:00hrs to 18:00hrs

Late Night Refreshment (Indoors and Outdoors)	Sunday to Wednesday 23.00hrs to 01:00hrs Thursday to Saturday from 23:00hrs to 02:00hrs
Supply of Alcohol (On/Off)	Sunday to Wednesday 11:00hrs until 01:00hrs Thursday to Saturday from 09:00hrs to 02:00hrs
Opening hours	Sunday to Wednesday 09:00hrs - 01:30hrs Thursday to Saturday 09:00hrs - 02:30hrs

- 3.3 The premise previously had a licence with opening hours which mirror this application but with no regulated entertainment.
- 3.4 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).
- 3.5 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



Baton Rouge at
Queens

4. Representation(s)

- 4.1 Eleven representations have been received between 12 April 2024 and 3 May 2024 from members of the public. The representations relate to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The residents are concerned that the proposed hours of opening and licensable activities will lead to noise, litter and disruption for local residents and that the late hours may encourage people to loiter in the area leading to criminal and antisocial behaviour. Copies of the representations are attached at Appendix B1 to B11.
- 4.2 A representation was received on 30 April 2024 from the Licensing Enforcement team. The representation relates to the prevention of public nuisance, public safety, the prevention of crime and disorder and the protection of children from harm. An agreement was reached between the applicant and the Enforcement team. A copy of the representation/agreement is attached at Appendix B12.
- 4.3 A representation was received on the 29th April 2024 from the Leicester City Council Noise Team. The representation relates to the prevention of public nuisance. An agreement was reached between the applicant and the Noise Team. A copy of the representation/agreement is attached at Appendix B13.

5. Conditions

- 5.1 The conditions that are consistent with the application and the representations and agreements 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
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
9.20 – 9.24	Health bodies acting as responsible authorities
9.25	Home Office (Immigration Enforcement) acting as a responsible authority
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
4	Promotion of the licensing objectives
5	General Principles
6	Premises Licences and Club Premises Certificates
8	Areas of Specific Interest and Consultation

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?)

9. Background information and other papers:

None

10. Summary of appendices:

Appendix A – Application / Additional information

Appendix B – Representation(s)

Appendix C – Conditions consistent with the application and representations

11. Is this a private report

No

12. Is this a “key decision”?

No