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# **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: 04 November  
2024

Lead director/officer: Deborah Bragg

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## Useful information

- Ward(s) affected: Saffron
- Report author: Amy Day
- Author contact details: 0116 454 3054
- 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 The 72 Bar and Restaurant, 72 Brazil Street, Leicester 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 11 September 2024 for a variation of an existing premises licence for The 72 Bar and Restaurant, 72 Brazil Street, Leicester. A copy of the application is attached at Appendix A.
- 3.2 The variation application is as follows:

<b>Licensable activity</b>	<b>Current hours</b>	<b>Proposed hours</b>
Live Music	Sun to Thurs 11.00 – 23.00 Fri to Sat 11.00 – 00.00	To add Diwali Celebrations, Christmas Eve & New Years Eve 11.00 – 01.30
Recorded Music	Sun to Thurs 11.00 – 23.00 Fri to Sat 11.00 – 00.00	To add Diwali Celebrations, Christmas Eve & New Years Eve 11.00 – 01.30
Late night refreshment	Fri to Sat 23.00 – 00.00	To add Diwali Celebrations, Christmas Eve & New Years Eve 23.00 – 01.30
Sale of alcohol	Sun to Thurs 11.00 – 23.00 Fri to Sat 11.00 – 00.00	To add Diwali Celebrations, Christmas Eve & New Years Eve 11.00 – 01.30
Opening hours	Sun to Thurs 11.00 – 23.30 Fri to Sat 11.00 – 00.00	To add Fri to Sat 11.00 – 00.30 Diwali Celebrations, Christmas Eve & New Years Eve 11.00 – 02.00

## Conditions to be removed:

Customers will not be permitted to consume drinks supplied by the premises, outside the licensable area marked on the site plan whilst stood up. Vertical drinking will not be permitted immediately outside the premises.

No more than thirty customers will be permitted to remain within the designated smoking area or other external space at one time between 10pm and closing to the public, with the exception of entry and egress.

A minimum of three Security Industry Authority (SIA) front line door supervisors will be deployed at the premises on Leicester City FC men's team, home matchdays.

Door supervisors will be deployed a minimum of two hours before the scheduled start and a minimum of one hour after the end of the match. They must remain on the premises during their deployment.

- 3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section 16 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. Representations**

- 4.1 A representation was received on 03 October 2024 from the Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. The Police are concerned that the premises has only been open for three months and there have already been multiple breaches of the existing premises licence. A copy of the representation is attached at Appendix C1.
- 4.2 A representation was received on 07 October 2024 from the Noise team. The representation relates to the prevention of public nuisance. The Noise team are concerned that having an outdoor area will increase noise for nearby residents. A copy of the representation is attached at Appendix C2.
- 4.3 A representation was received on 09 October 2024 from the Licensing Enforcement Team. The representation relates to the prevention of crime and disorder, the prevention of public nuisance and public safety. The Licensing Enforcement team are concerned about the applicant requesting to remove the condition regarding SIA door staff from the licence. They have been in contact with the applicant and they have agreed to retain this condition. A copy of the representation and agreement is attached at Appendix C3.
- 4.4 The Planning Team are a Statutory consultee as part of the application process. They have not submitted a representation in relation to the application however have provided clarification on the status of the planning permission for the premise. They have confirmed:-

‘The Class E use does cover all of the first floor on the inside. The application sought to install a canopy over the outside area and this was refused so this area should not be used as part of the restaurant.’

## **5. Conditions**

- 5.1 The conditions that are consistent with the application and the representations are attached at Appendix D.
- 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:

<b>Section</b>	<b>Heading</b>
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
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
9.42 – 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:

<b>Section</b>	<b>Heading</b>
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 parties making the representations 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 representation(s) 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/ parties making the representation(s)*

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

Crime and Disorder – see paragraph 4

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

None

## **10. Summary of appendices:**

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representations

Appendix D – 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