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**Application for a Review of  
an Existing Premises  
Licence under Licensing  
Act 2003 and Review of  
Pavement Licence issued  
under the Levelling Up and  
Regeneration Act 2023**

Licensing (Hearings) Sub-Committee

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

Decision to be taken on/Date of meeting: 11/12/2024

Lead director/officer: Deborah Bragg

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## **Useful information**

- Ward(s) affected: Castle
- Report author: Amy Day
- Author contact details: 0116 454 3054
- Report version number: 1

### **1. Summary**

- 1.1 This report outlines an application for a review of an existing premises licence for Rum and Spice, 2 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.
- 1.2 In addition to the review of the premises licence under the Licensing Act 2003, the application also asks that the pavement licence held under the Levelling Up and Regeneration Act 2023 is reviewed due to non-compliance by the licence holder of the conditions attached to the licence.

### **2. Determination to be made**

- 2.1 Having considered the application and representations, Members must consider whether to (in relation to the Premises Licence held under the Licensing Act 2003):-
  - 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.
- 2.3 In relation to the Pavement Licence members must consider whether to:-
  - Revoke the licence if they find the following;
    - A breach of condition, (whether a remediation notice has been issued or not);
  - Issue a remediation notice;
  - Take no action.

### **3. Application and promotion of the licensing objectives**

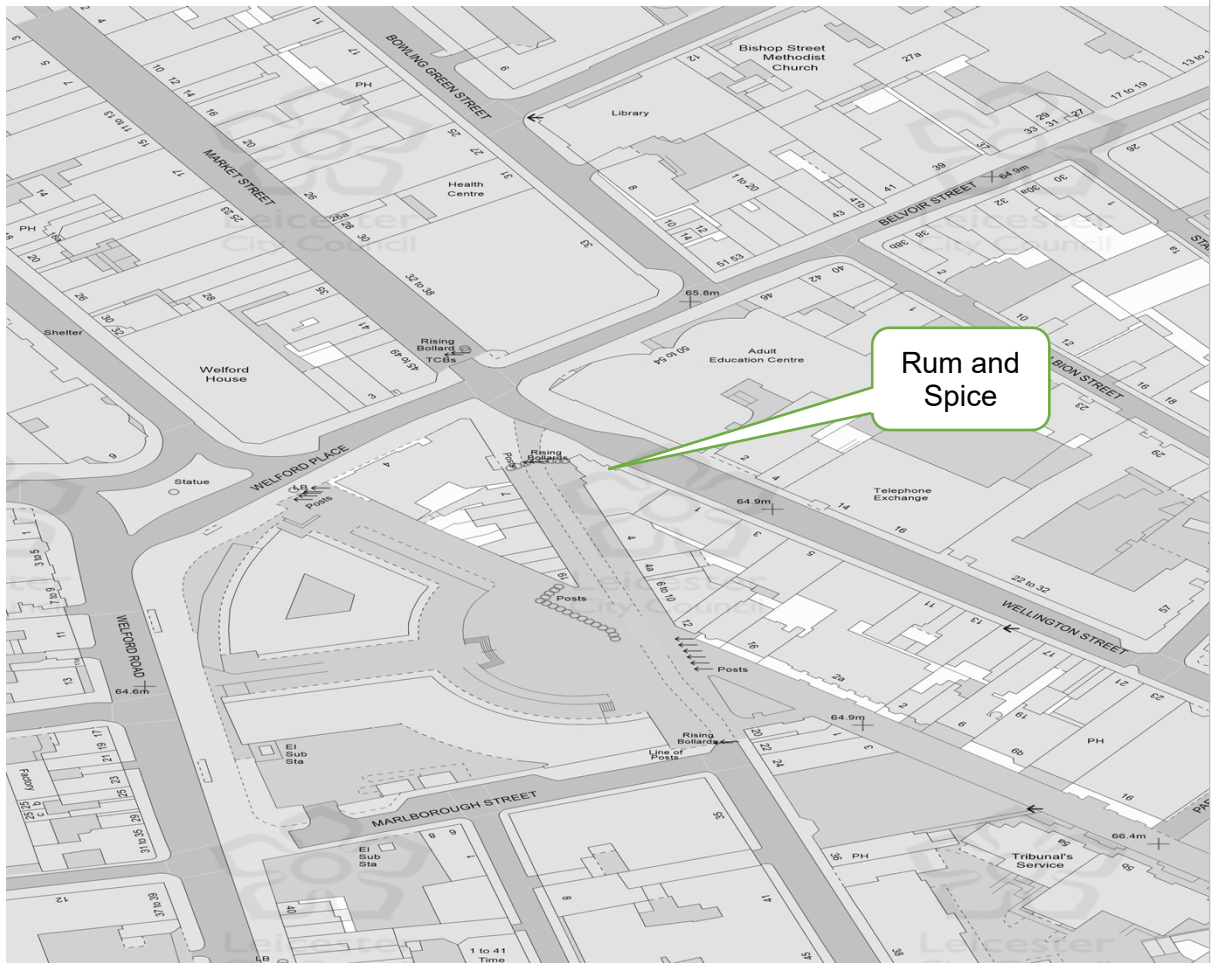
- 3.1 An application was received on 22 October 2024 from Leicestershire Police for a review of the existing premises licence for Rum and Spice. The application was made on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. A copy of the application is attached at Appendix A.

- 3.2 Leicestershire Police are concerned that the premises and its management are failing to promote and uphold all four licensing objectives and putting customers at risk of harm.
- 3.3 The existing licence is attached at Appendix B.
- 3.4 The activities and hours permitted by the existing licence are as follows:

<b>Licensable activity</b>	<b>Current hours</b>
Live Music	Mon – Thurs 11.00 – 03.00 Fri – Sat 11.00 – 06.00 Sunday 12.00 – 00.00
Recorded Music	Unrestricted
Performances of Dance	Mon – Thurs 11.00 – 03.00 Fri – Sat 11.00 – 06.00 Sunday 12.00 – 03.00
Late Night Refreshment	Sun – Thurs 23.00 – 03.00 Fri – Sat 23.00 - 05.00
Supply of Alcohol	Mon – Thurs 11.00 – 03.00 Fri – Sat 11.00 – 06.00 Sunday 12.00 – 03.00
Opening Hours	Mon – Thurs 11.00 – 03.00 Fri – Sat 11.00 – 06.00 Sunday 12.00 – 03.00

- 3.5 In addition, Leicestershire Police have asked that the Pavement Licence issued under the Levelling Up and Regeneration Act 2023 be reviewed due to the licence holder failing to comply with the standard conditions attached to the licence, namely removing all the pavement furniture from the highway at times when the licence is not in force.
- 3.6 The licence permits the placing of 18 tables and 36 chairs enclosed by suitable barriers on the Highway Monday to Sunday 11.00am to 23.00.
- 3.7 Leicestershire Police have in their application stated that on 10 separate occasions between 15<sup>th</sup> September 2024 and 21<sup>st</sup> October 2024 the furniture has been on the Highway outside the permitted hours.
- 3.8 The Licence and Standard Conditions are attached at Appendix C.
- 3.9 In arriving at its decision on the application for the review of the premises licence, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

### 3.10 Location Plan



#### 4. Representation(s)

4.1 There have been no other representations received in relation to this application.

#### 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
2.1 – 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
9.31 – 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
4	Promotion of the Licensing Objectives
5	General Principles
6	Premises Licences and Club Premises Certificates
8	Areas of Special Interest and Pre Consultation
12	Enforcement and Reviews

5.3 The Pavement Licences Guidance issued under the Levelling Up and Regeneration Act 2023 states the following in relation to enforcement:

## 7. Enforcement

7.1 In what circumstances can the local authority enforce or revoke a licence?

If a condition imposed on a licence (either by the local authority or nationally) is breached, the local authority will be able to issue a notice requiring the breach to be remedied. If the licence-holder fails to do so, the local authority may amend the licence, with the consent of the licence-holder, revoke the licence or itself take steps to remedy the breach and can take action to recover any costs of so doing. Local authorities are encouraged to regularly review licences and enforce any breaches.

The authority may revoke a licence, or amend it with the consent of the licence holder, in the following circumstances:

1. If it considers that the highway is no longer suitable for the use as granted by or deemed to be granted by the licence. For example, the licenced area (or road adjacent) is no longer to be pedestrianised.

2. Or if there is evidence that:

there are risks to public health or safety – for example where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary particularly in the event of changes to the terrorism threat level);

this use of the highway is causing an unacceptable obstruction, breaching the no obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway or have normal access to the premises alongside the highway; or

the use is causing, or risks causing, anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up.

The local authority may revoke a licence in the following circumstances:

1. For a breach of condition, (whether a remediation notice has been issued or not)  
or
2. It comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
3. The applicant did not comply with the requirement to affix the notice to notify the public of the application or secure that the notice remains in place until the end of the public consultation period.

It is good practice for local authorities to give reasons where these powers are used.

## **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

There are no significant financial implications arising from the contents of this report.

Jade Draper, Senior Accountant

### 8.2 Legal implications

Legal advice specific to the application will be provided at the meeting by Legal Officers.

Deborah Bragg, Licensing Manager (Policy and Applications)

### 8.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

There are no direct equalities implications arising from the report. However it is important to consider issues of accessibility to the application process and its associated activities (such as lodging an appeal); The criteria used during determination of an application and its associated activities (such as lodging an appeal).

Surinder Singh. Equalities Officer

### 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 – see paragraph 3.1

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

None.

**11. Summary of appendices:**

Appendix A – Application

Appendix B – Existing licence

Appendix C – Existing Pavement

**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