
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: 18 December
2024

Lead director/officer: Deborah Bragg

Useful information

- Ward(s) affected: Castle
- Report author: Bhavana Short
- Author contact details: 0116 454 4317
- 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 Tonne, 1-3 St. Martins Walk, Leicester LE1 5DG, 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 16 October 2024 but due to the application not being advertised the application was re-accepted on 31st October 2024 for a variation of an existing premises licence for Tonne. A copy of the application is attached at Appendix A.

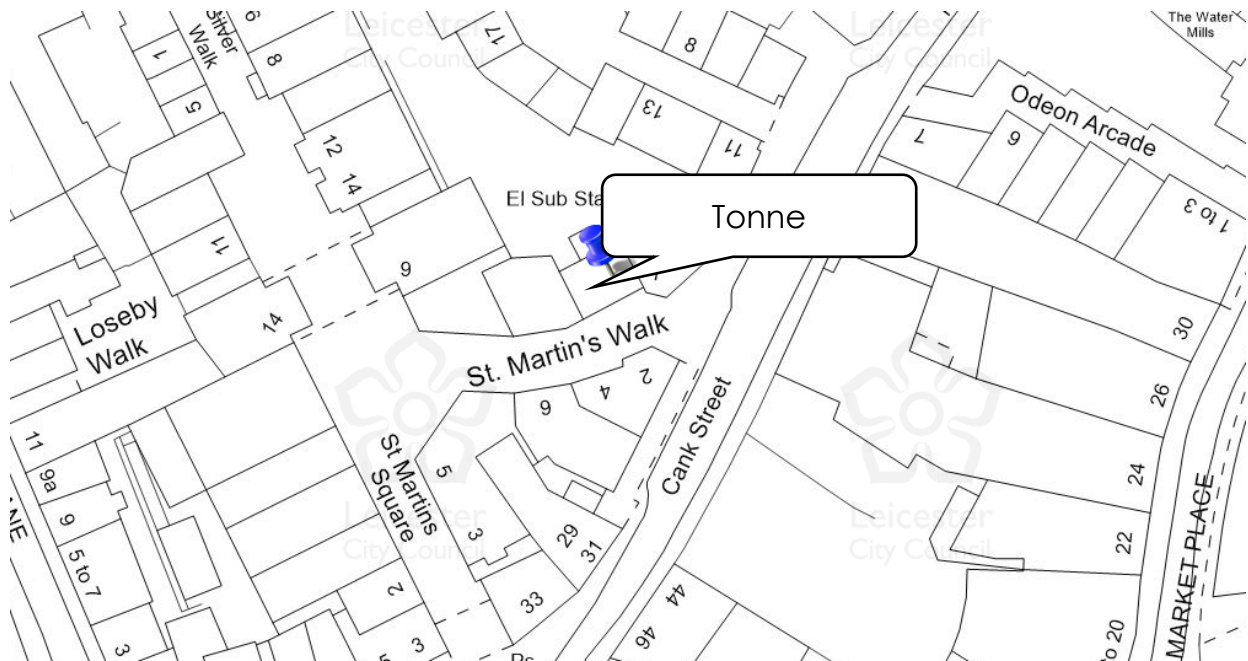
- 3.2 The variation application is as follows:

Licensable activity	Current hours	Proposed hours
Live Music		Sun-Thurs 13:00 x 02:00 Fri & Sat 13:00 x 03:00 (Indoors/Outdoors)
Recorded Music	Mon-Sun 09:00 x 02:00 (indoors)	Mon-Sun 12:00 x 03:00 (Indoors/Outdoors)
Late night refreshment	Mon-Sun 11:00 x 02:00 (indoors)	Mon-Sun 12:00 x 03:00 (Indoors/Outdoors)
Sale of alcohol	Mon-Sun 09:00 x 02:00 (on and off the premises)	Mon-Sun 12:00 x 03:00 (on and off the premises)
Opening hours		Mon-Sun 12:00 x 03:00

- 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. Representations

4.1 A representation was received on 25 November 2024 from the Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee is concerned that overall, the application is vague and does not provide specific details about how the operator will promote and uphold the licensing objectives. The application lacks specific details about the premises CCTV system, its coverage, retention period and how it can be accessed by the responsible authorities. Similarly, there is no reference to the venue's security provision, given the potential risks of operating in the night-time economy, when alcohol violent crime in the city centre increases. Given the high concentration of licensed premises in the area who supply alcohol into the night-time economy / early hours of the morning, does unfortunately occasionally result in alcohol related violent crime, disorder and anti-social behaviour in the area. The Police proposed conditions to be added to the licence. They were not able to reach an agreement with the applicant, however if the licence is granted the Police request their conditions to be added to the licence.

A copy of the representation is attached at Appendix C.

5. Conditions

5.1 The conditions that are consistent with the application and the representation from the Police are attached at Appendix D.

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
8.41 – 8.49	Steps to promote the licensing objectives
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 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 is 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

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

Jade Draper Principal Accountant

29th November 2024

8.2 Legal implications

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

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).

Signed: Surinder Singh, Equalities Officer

Dated: 29th November 2024

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,

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

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