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# **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: 18 December  
2024

Lead director/officer: Deborah Bragg

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## Useful information

- Ward(s) affected: Castle
- Report author: Lynsay Coupe
- Author contact details: 0116 454 3065
- Report version number: 1

### 1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a new premises licence for 73b Church Gate 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
  - 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 05 November 2024 from I-Realty Limited for a new premises licence for the car park at 73b Church Gate, Leicester, LE1 3AN. The location is outdoors and has previously been licensed using temporary event notices. A copy of the application is attached at Appendix A.

- 3.2 The application is as follows:

Licensable activity	Proposed hours
Play Films Indoor Sporting Events Boxing or Wrestling Live Music Recorded Music Dance Anything similar to live/recorded music or dance Supply of Alcohol (on & off) Opening hours	Monday to Sunday 12.00 – 23.00

- 3.3 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section 18 of Appendix A).

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

3.5 Location Plan



#### 4. Representations

4.1 A representation was received on 22 November 2024 from the Noise team. The representation relates to the prevention of public nuisance. The Noise Team are concerned that noise associated with the applied for licensable activities at this premises will interfere with the use and may cause nuisance to nearby properties. They have recommended refusal of the application. A copy of the representation is attached at Appendix B1.

4.2 A representation was received on 26 November 2024 from the Licensing Enforcement team. 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 Licensing Enforcement Team are concerned about the

premises and the effects it may have on the local community, both business and residential. They have reached an agreement with the applicant regarding conditions to be added to the licence, if granted. A copy of the representation/agreement is attached at Appendix B2.

- 4.3 A representation was received on 02 December 2024 from the Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety, the protection of children from harm. The Police are concerned about the application, given the size of the outdoor area, combined with the size of the existing licensed premises. They have now reached an agreement with the applicant regarding conditions to be added to the licence, if granted. A copy of the representation/agreement is attached at Appendix B3.

## 5. Conditions

- 5.1 The conditions that are consistent with the application and the representations from Licensing Enforcement and Leicestershire Police 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
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
9.31 – 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 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.

## 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.

Signed: Jade Draper

Dated: 3 December 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: 3 December 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  
3 December 2024

### 8.5 Other implications

Crime and Disorder – see section 4.

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

None

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

Appendix A – Application

Appendix B – Representations

Appendix C – Conditions consistent with the application and representations/agreements from Licensing Enforcement and Leicestershire Police

## **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