

Leicester
City Council

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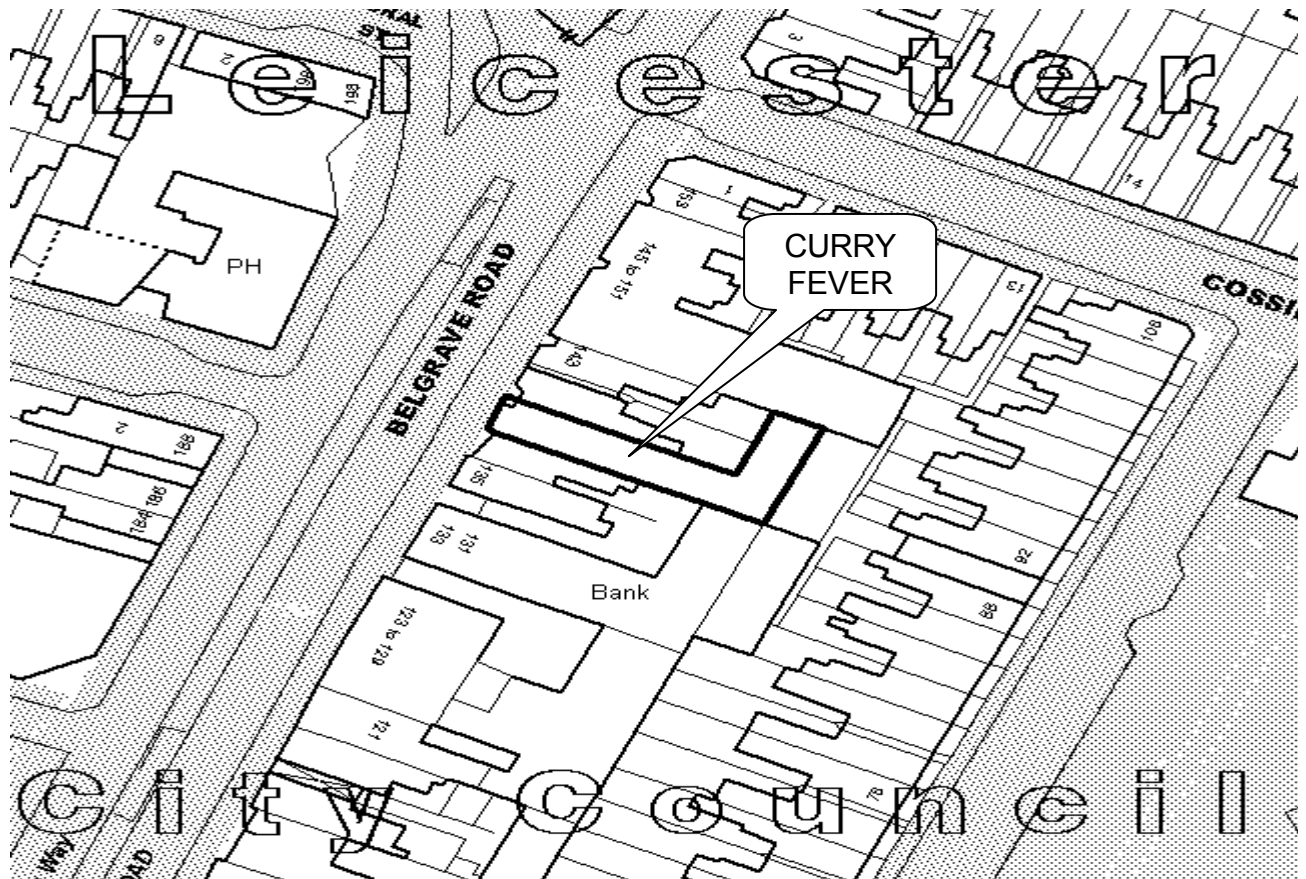
HEARING UNDER LICENSING ACT 2003

13 November 2009

**APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE
CURRY FEVER, 139 BELGRAVE ROAD, LEICESTER, LE4 6AS**

Report of the Licensing Officer

1 Location Plan



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2 Purpose of Report

- 2.1 This report outlines an application for a variation to an existing premises licence for Curry Fever 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.

3 Existing Licence

- 3.1 The existing licence is attached at Appendix A.

4 Application

- 4.1 An application was received on 18th September 2009 from Mr Anil Kumar Anand and Mr Sunil Anand for a variation to an existing premises licence for Curry Fever. A copy of the application is attached at Appendix B.
- 4.2 The variation sought by the application is as follows:

Licensable activity	Proposed Hours
Films	1030 - 0000
Live Music	1030 - 0000
Making Music	1030 - 0000

5 Steps to Promote the Licensing Objectives

- 5.1 The steps the applicant proposes to take to promote the licensing objectives are set out in Section P of Appendix B.
- 5.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

6 Representation

- 6.1 Representations were received on 13th & 14th October 2009 from nearby residents. They relate to the prevention of public nuisance and the prevention of crime & disorder. They are concerned about ongoing anti-social behaviour and noise nuisance. These attached at appendix C1 and C2.

A representation was received on 5th October 2009 from the Noise Team. The representation relates to the prevention of public nuisance. The Noise Team is concerned that if the application is approved in its original format then there is a likelihood that noise nuisance could occur. However, the applicant has provided written agreement to conditions proposed by the Noise Team. A copy of the representation and agreement is attached at Appendix C3.

7 Conditions

- 7.1 The conditions that are consistent with the operating schedule and the representation are attached at Appendix D.
- 7.2 The case of Bristol Council v Bristol Magistrates' Court concerned conditions imposed by a licensing authority. This case reiterates that any conditions imposed by a licensing authority must be necessary and proportionate with regard to the promotion of the licensing objectives, and must not duplicate duties already imposed by other legislation.

8 Statutory Guidance

- 8.1 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 relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.4	The Licensing Objectives
1.15	General Principles – each application on its own merits
1.16	General Principles – avoiding duplication
1.17 – 1.19	General Principles – hours of opening
1.26	Related legislation & strategies – control of individuals away from licensed premises
2.1 – 2.18	Crime & Disorder

2.32 – 2.40	Public nuisance
9.19 – 9.28	Hearings
10.1 – 10.6	Conditions - general
10.11 – 10.12	Imposed conditions
10.15 – 10.18	Duplication with other statutory provisions
10.13 – 10.14	Proportionality
13.40	Licensing Hours

9 Statement of Licensing Policy

9.1 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
2	Fundamental Principles
5	Licensing Hours
7	Prevention of Crime and Disorder
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
17	Live Music, Dancing, Theatre, Circuses and Street Arts

10 Points for Clarification

10.1 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, does the applicant wish 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?

11 Determination to be made

11.1 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

12 Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application
C	Representation
D	Conditions consistent with application and representation / agreement