



Leicester  
City Council

**WARDS AFFECTED**  
Castle

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
Hearing under the Licensing Act 2003

**3<sup>rd</sup> MARCH 2011**

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**Application for a review of an existing premises licence  
Fusion, 51-53 Belvoir Street, Leicester LE1 6SL**

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**Report of the Director of Environmental Services**

**1. Purpose of Report**

- 1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

**2. Determination to be made**

- 2.1. Having considered the application, Members must consider whether to:

- 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.

**3. Summary**

- 3.1. This report outlines an application for a review of an existing premises licence for Fusion, 51-53 Belvoir Street, Leicester LE1 6SL. 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.

#### 4. Location Plan



#### 5. Existing Licence

5.1. The existing licence at the time of the application is attached at Appendix A. An application to change the Designated Premises Supervisor was subsequently lodged on 12<sup>th</sup> January 2011, and the current DPS is now Mr Dipesh Mistry.

5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Live Music Recorded Music, Making Music, Dancing, Supply of Alcohol, Opening hours	Monday to Sunday 10:00 – 05:00 Public Bank Holidays 10:00 – 06:00 Christmas Eve 10:00 – 06:00 New Year’s Eve 10:00 – 06:00 Saturday before a Bank Holiday 10:00 – 06:00 Sunday before a Bank Holiday 10:00 – 06:00
Late night refreshment	Monday to Sunday 23:00 – 05:00 Public Bank Holidays 23:00 – 06:00 Christmas Eve 23:00 – 06:00 New Year’s Eve 23:00 – 06:00 Saturday before a Bank Holiday 23:00 – 06:00 Sunday before a Bank Holiday 23:00 – 06:00

## 6. Review application

- 6.1 An application was received on 7<sup>th</sup> January 2011 from Leicestershire Constabulary for a review of the existing premises licence for Fusion. The application was made on the grounds of the prevention of crime and disorder and public safety. A copy of the application is attached at Appendix B.
- 6.2 Leicestershire Constabulary is concerned that since the licensed hours were extended in April 2010 a number of incidents of violence have occurred in or relating to the premises. Leicestershire Constabulary believes the premises are now undermining the aforementioned licensing objectives. Leicestershire Constabulary therefore request that the present DPS is removed, the hours of licensable activities be reduced and conditions added to the licence requiring CCTV and door staff. (Note: The DPS has changed since the review application was made).
- 6.3 The police have submitted supporting information, which is appended to their application. They have also provided CCTV footage which will be shown at the hearing.

## 7. Representations

- 7.1 A representation was received on 2<sup>nd</sup> February 2011 from Noise Control. The representation relates to the prevention of public nuisance. Pollution Control is concerned that noise from the premises could cause nuisance to nearby residents. A copy of the representation is attached at Appendix C.

## 8 Steps to Promote the Licensing Objectives

- 8.1 In arriving at its decision on the review application, the Licensing Authority’s primary consideration must be the promotion of the licensing objectives.

## 9. Statutory Guidance

- 9.1 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
1.33	Violent Crime Reduction Act 2006
2.1 – 2.18	Crime and disorder
2.19 – 2.31	Public safety
9.19 – 9.28	Hearings
11.1 – 11.28	Reviews
10.1 – 10.6	Conditions - general
10.11 – 10.12	Imposed conditions
10.13 – 10.14	Proportionality
10.15 – 10.18	Duplication with other statutory provisions
13.40	Licensing hours

## 10. Statement of Licensing Policy

- 10.1 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
8	Public Safety
12	Duplication
17	Live Music, Dancing, Theatre, Circuses and Street Arts

## 11. Points for Clarification

- 11.1 The applicant and the party / parties making the representation have been asked to clarify certain points at the hearing, as follows:

*By the premises licence holder*

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?

2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

*By the applicant for review*

1. Whether they have any additional information to support the review application 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?

## 12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	Parag. 4 – the premises are in a cumulative impact area.
Sustainable and Environmental	No	
Crime and Disorder	Yes	Parag. 7 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

## 13. Background Papers – Local Government Act 1972

a. None.

## 14. Consultations

14.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (New Walk Centre)

for 28 days.

15.

**Report Author**

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<b>APPENDIX</b>	<b>CONTENT</b>
A	Existing licence
B	Application for review