

Leicester
City Council

**WARDS AFFECTED
WESTCOTES**

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

20 January 2014

**APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE WITHIN A
CUMULATIVE IMPACT ZONE
SUMO, 54 BRAUNSTONE GATE, LEICESTER LE3 5LG**

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.

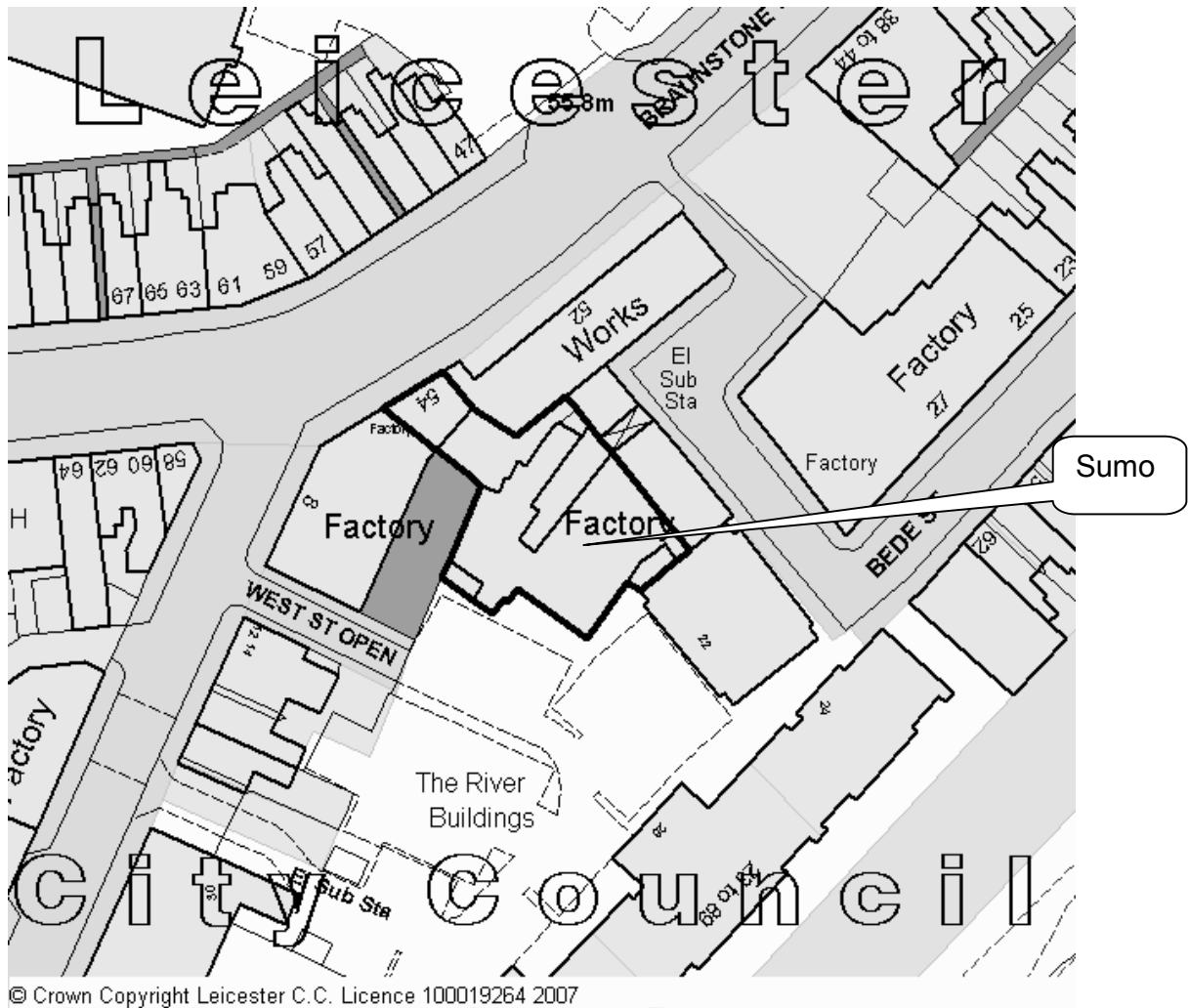
2. Determination to be made

- Grant the licence without modification
- Modify the conditions of the licence
- Reject the whole application

3. Summary

- 3.1 This report outlines an application for a variation to an existing premises licence for Sumo, 54 Braunstone Gate, Leicester LE3 5LG within the Braunstone Gate area Cumulative Impact Zone 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.

4. Location Plan



5. Existing Licence

5.1. The existing licence is attached at Appendix A.

6. Application

6.1 An application was received on 29th November 2013 from Mr Manoj Kumar for a variation to an existing premises licence for Sumo, 54 Braunstone Gate, Leicester LE3 5LG within the Braunstone Gate area Cumulative Impact Zone. A copy of the application is attached at Appendix B.

6.2 The variation sought by the application is as follows:

Licensable activity	Current Hours	Proposed Hours
Indoor Sporting Events; Live music; Recorded music; Performances of dance; Anything similar to live/recorded music or dance; Supply of alcohol	Sun-Wed 11.00 to 01.00 Thurs-Sat 11.00 to 02.00 Sunday before a Bank Holiday 12.00 to 02.00	Mon-Thur 11.00 to 01.00 Fri 11.00 to 02.00 Sat-Sun 11.00 to 04.00 Bank Holiday Mon 11.00 to 04.00
Late night refreshment;	Sun-Wed 23.00 to 01.00 Thurs-Sat 23.00 to 02.00 Sunday before a Bank Holiday 23.00 to 02.00	Mon-Thur 23.00 to 01.00 Fri 23.00 to 02.00 Sat-Sun 23.00 to 04.00 Bank Holiday Mon 23.00 to 04.00
Opening hours	Sun-Wed 11.00 to 01.30 Thurs-Sat 11.00 to 02.30 Sunday before a Bank Holiday 12.00 to 02.30	Mon-Thur 11.00 to 01.30 Fri 11.00 to 02.30 Sat-Sun 11.00 to 04.30 Bank Holiday Mon 11.00 to 04.30

Removal of the following conditions

- There shall be no customer controlled music, no loud music and no flashing lights.
- There shall be no amplified music played in the courtyard.
- Before any licensable activity provided beyond midnight Sunday – Thursday and 01.00 hours on Friday and Saturday and Bank Holiday Sunday then:
 - Subject to any requirement for planning permission, licensing and noise control approval and any other regulatory approval and with the consent of the Fire Officer a sound curtain will be positioned along the width of the service courtyard running along the line of the courtyard.
 - Subject to planning permission, licensing and any other regulatory approval being granted, the premises licence holder will construct a lobby onto either both or one of the double set of exit doors leading out of the ground floor bar into the courtyard.

NOTE: A third part of this condition relating to the provision of a noise limiter is unaffected by the variation application.

- After the hours of Sunday to Thursday midnight and Fridays and Saturdays 00.30 hours the number of customers permitted in the external courtyard area will be limited to 60 except for those accessing and egressing the premises. For the purposes of managing this, the licensee shall clearly delineate the pathway for access and egress to the bar. The area is marked on the attached plan as A.

7. Steps to Promote the Licensing Objectives

- 7.1 The steps the applicant proposes to take to demonstrate that the premises will not add to the existing cumulative impact and promote the licensing objectives are set out in the operating schedule (see section P of Appendix B).
- 7.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

8. Live Music

- 8.1 The Live Music Act 2012 has amended the Licensing Act 2003 in relation to the provision of live music. Unamplified live music does not require a licence between 08.00 and 23.00 hours each day. Amplified music may be provided between 08.00 and 23.00 hour each day if:
- it is provided in a premises licensed and open for the sale of alcohol, to an audience of not more than 200 people; or
 - it is provided in a premises that is not licensed under the Licensing Act 2003 (other than solely for late night refreshment) but that is a workplace, to an audience of not more than 200 people.
- 8.2 The above exemptions are not particularly relevant to the variation application, because the proposed changes to the licence affect times later than 23.00 hours.

9. Representation

- 9.1 A relevant representation was received on 12th December 2013 from Leicester City Council's Noise Team. The representation relates to the prevention of public nuisance. The Noise team are concerned that the proposed extension to the hours on a Sunday night would cause a disturbance to local residents. However an agreement has been reached between the applicant and Noise Team that "Licensed activities and opening times on a Sunday night shall continue to be as specified on the existing premises licence, namely 11.00 to 01.00 for licensed activities and 11.00 to 02.30 for opening times other than Sunday before a bank holiday when licensed activities shall cease at 04.00 and the premises shall close at 04.00". Copies of the representation and agreement are attached at Appendix C1.
- 9.2 A relevant representation was received on 23RD December 2013 from Leicestershire Police. The representation relates to the prevention of crime and disorder and prevention of public nuisance. Leicestershire Police are concerned that the application for a variation to the hours of the premises licence that is within the cumulative impact area may increase crime and disorder in the area and the applicant has not addressed this in the application. A copy of the representation is attached at Appendix C2.

10. Conditions

- 10.1 There are no conditions that are consistent with the operating schedule. The conditions that are consistent with the representation/agreement from the noise team are attached at Appendix D.

11 Cumulative Impact

- 11.1 In February 2011 Leicester City Council introduced a special policy on cumulative impact in the Braunstone Gate area, which refers specifically to on and off licences. This creates a rebuttable presumption that an application for a new premises licence or a material variation to an existing premises licence will be refused, unless the applicants can show that their premises are unlikely to add to the problems of saturation..

12. Statutory Guidance

- 12.1 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 – each application on its own merits
2.1 – 2.7	Crime & disorder
2.18 – 2.24	Public nuisance
3.11 – 3.18	Late night refreshment
8.34 – 8.42	Steps to promote the licensing objectives
9.12	Representations from the Police
9.27 – 9.37	Hearings
9.38 – 9.40	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.5	Conditions - general
10.8 – 10.13	Imposed conditions
10.24 – 10.61	Mandatory conditions in relation to the supply of alcohol
13.29 – 13.34	Effect of special policies
13.34 – 13.38	Limitations on special policies relating to cumulative impact
13.39	Other mechanisms for controlling cumulative impact
13.42 – 13.43	Licensing Hours

13. Statement of Licensing Policy

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

Section	Heading
2	Fundamental Principles
3	Cumulative Impact
4	Policy on Cumulative Impact
5	Licensing Hours

7	Prevention of Crime and Disorder
9	Prevention of Public Nuisance
11.4 – 11.5	Planning
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

14 Points for Clarification

14.1 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?

15. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	Yes	The premises is within a cumulative impact area
Sustainable and Environmental	No	
Crime and Disorder	Yes	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

16. Consultations

- a. The Licensing Authority is not obliged to consult any parties with regard to applications made under the Licensing Act 2003. However, the applicant is required to consult with the responsible authorities as set out in the 2003 Act.

17. Report Author

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APPENDIX	CONTENT
A	Existing licence
B	Application
C	Representations
D	Conditions consistent with representation / agreement