



Leicester
City Council

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

6 March 2014

**Application for a new premises licence
Unit 22, 33 Cank Street, Leicester, LE1 5BG**

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 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. Summary

- 3.1 This report outlines an application for a new premises licence for Unit 22, 33 Cank Street 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. Application

- 5.1 An application was received on 6 January 2014 from Mr Kalpesh Ruparell for a new premises licence for Unit 22, 33 Cank Street, Leicester. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

Licensable activity	Proposed Hours
Live Music	Monday – Wednesday 12.00 – 00.00 Thursday – Saturday 12.00 – 02.00 Saturday – 10.00 – 02.00 Sunday – 10.00 – 00.00
Recorded Music	Monday – Wednesday 12.00 – 00.00 Thursday – Friday 12.00 – 02.00 Saturday – 10.00 – 02.00 Sunday – 10.00 – 00.00

Late night refreshment	Monday – Wednesday 23.00 – 00.00 Thursday – Saturday 23.00 – 02.00 Sunday – 23.00 – 00.00
Supply of Alcohol (for consumption on the premises)	Monday – Wednesday 12.00 – 00.00 Thursday – Friday 12.00 – 02.00 Saturday – 10.00 – 02.00 Sunday – 10.00 – 00.00
Opening hours	Monday – Wednesday 12.00 – 00.00 Thursday – Friday 12.00 – 02.00 Saturday – 10.00 – 02.00 Sunday – 10.00 – 00.00

6. Steps to Promote the Licensing Objectives

- 6.1 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section P of Appendix A).
- 6.2 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

7. Live Music

- 7.1 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 hours 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.
- 7.2 The above exemptions may affect the application under consideration because conditions may not be imposed at this stage to control live music provided in the circumstances described above. However, if problems do occur as a result of live music then conditions may be imposed to control that music following the formal review process.

8. Representation

- 8.1 A representation was received on 15 January 2014 from Leicestershire Police. The representation relates to the prevention of crime and disorder and the protection of children from harm. Leicestershire Police are concerned that the premises is situated between two very busy areas and will attract through traffic. Leicestershire Police have contacted the applicant to request additional conditions to be applied to the licence A copy of the representation and agreement is attached is attached at Appendix B1.

8.2 Another representation was received on 6 February 2014 from a member of the public. The representation relates to prevention of crime and disorder and prevention of public nuisance. The representee is concerned that the unit is sited at the arched gateway to St Martins and is worried that groups of people will congregate in this area. A copy of this representation is attached at Appendix B2.

9. Conditions

9.1 The conditions that are consistent with the operating schedule and the representation are attached at Appendix C.

10. Statutory Guidance

10.1 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 – 1.17	General Principles – each application on its own merits
2.1 – 2.7	Crime & Disorder
2.18 – 2.24	Public nuisance
2.25 – 2.34	Protection of children from harm
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 – 10.59	Mandatory conditions in relation to the supply of alcohol
13.42 – 13.43	Licensing Hours
15.10 – 15.22	Live music

11 Statement of Licensing Policy

11.1 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
10	Protection of Children from Harm
11.4 – 11.5	Planning
12	Duplication

13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

12 Points for Clarification

12.1 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?

13 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Paragraph 8 relates to crime & disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

14 Background Papers – Local Government Act 1972

14.1 None

15 Consultations

15.1 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.

16**Report Author**

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APPENDIX	CONTENT
A	Application
B	Representations/Agreement
C	Conditions consistent with application and representation / agreement