

Leicester  
City Council

**WARDS AFFECTED  
CASTLE**

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

**7 APRIL 2014**

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**Application for a new premises licence  
Lilu, 76 Highcross St, Leicester LE1 4NN**

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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**

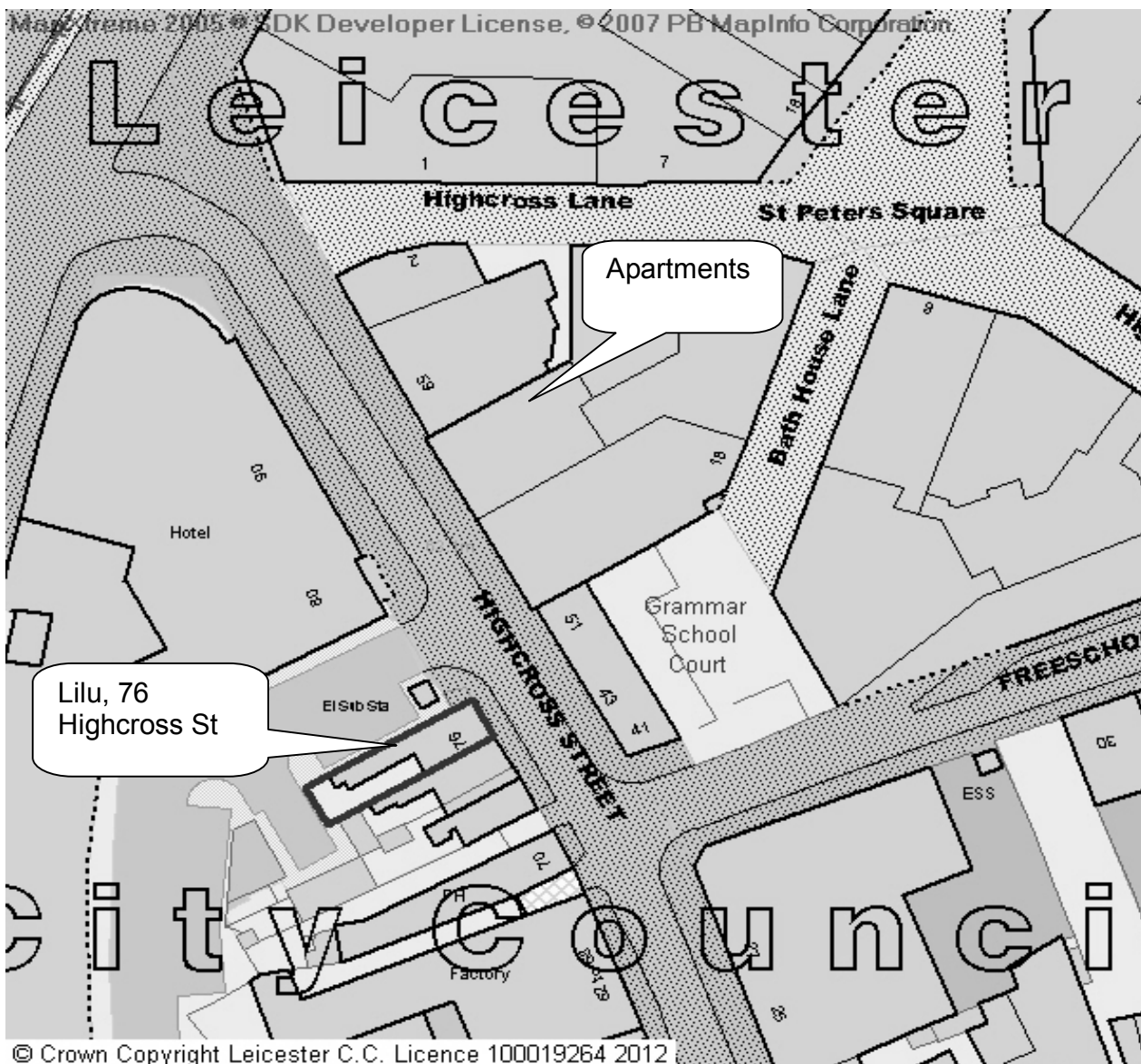
- 2.1. Having considered the application and representations, Members must consider whether to
- Grant the licence without modification
  - Grant the licence subject to conditions
  - Exclude from the licence any of the licensable activities
  - Refuse to accept the proposed premises supervisor
  - Reject the application

**3. Summary**

- 3.1 This report outlines an application for a new premises licence for Lilu, 76 Highcross Street, Leicester 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.

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**4. Location Plan**



**5. Application**

5.1 An application was received on 18 February 2014 from Lilu Cuisine Ltd for a new premises licence for Lilu, 76 Highcross St, Leicester LE1 4NN. A copy of the application is attached at Appendix A.

5.2 The hours sought by the application are as follows:

Licensable activity	Proposed Hours
Live Music	Monday – Sunday 10:00 to 04:00
Recorded Music	Monday – Sunday 10:00 to 04:00
Performances of Dance	Monday – Sunday 10:00 to 04:00
Anything similar to live/recorded	Monday – Sunday 10:00 to 04:00

music or dance	
Late night refreshment	Monday – Sunday 23:00 to 04:00
Supply of Alcohol (both)	Monday – Sunday 10:00 to 04:00
Opening hours	Monday – Sunday 10:00 to 05:00

## 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 M 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 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.
- 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 23 February 2014 from a local resident. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The local resident is concerned that the application seeks to open until 5am every day of the week and can see no valid reason for a restaurant to stay open so late. The resident is concerned that extended opening hours and the licensable activities requested will create noise nuisance for residents and encourage vandalism and crime and disorder in the area. A copy of the representation is attached at Appendix B1.
- 8.2 A representation was received from Leicestershire Police on 10 March 2014. The representation relates to the prevention of crime and disorder and public safety. The police are concerned that the application for the restaurant/bar seeks opening hours until 5am and this would encourage people to attend the premises for the purpose of late night drinking. The police are seeking the addition of conditions to the licence and have reached an agreement with the applicant. A copy of the representation and agreement are attached at Appendix B2.

## 9. Conditions

- 9.1 The conditions that are consistent with the operating schedule and the representation/ agreement with the Police 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
2.8 – 2.17	Public Safety
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 – 10.59	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
8	Public Safety
9	Prevention of Public Nuisance
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 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 parties 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

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within Supporting information</b>
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Representation
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.

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<b>APPENDIX</b>	<b>CONTENT</b>
A	Application
B	Representation
C	Conditions consistent with application and representation / agreement