

Leicester
City Council

WARDS AFFECTED
Aylestone

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

23rd July 2014

Application for a new premises licence
Riverside Pavilion, Riverside Football Ground, Braunstone Lane East,
Leicester, LE3 2FW

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.

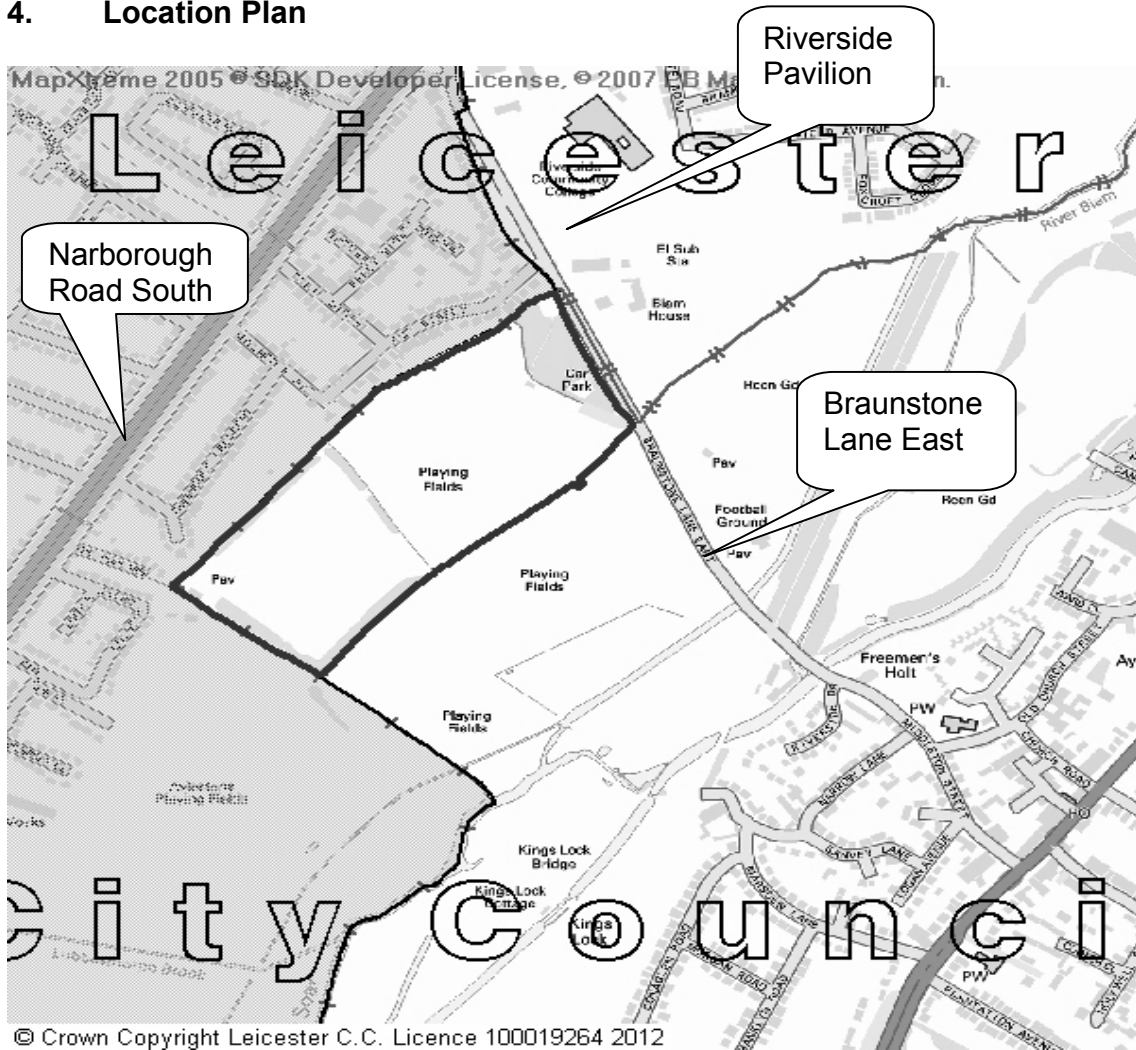
2. Determination to be made

- 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 Riverside Pavilion 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 2nd June 2014 from Mr Kehar Singh Hayer for a new premises licence for Riverside Pavilion. A copy of the application is attached at Appendix A.
- 5.2 The application is as follows:

Licensable activity	Proposed Hours
Films	09:00 – 02:00
Live Music	09:00 – 02:00
Recorded Music	09:00 – 02:00
Performances of Dance	09:00 – 02:00
Anything similar to live/recorded music or dance	09:00 – 02:00
Late night refreshment	09:00 – 02:00
Supply of Alcohol	09:00 – 02:00
Opening hours	00:00 – 24:00

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. Representations

- 8.1 A representation was received on 5th June from the Noise Team. The representation relates to the prevention of public nuisance. The Noise Team are concerned that the premises is in close proximity to a number of residential premises and is likely to cause disruption to the residents of these properties. A copy of the representation is attached at Appendix B1.

Representations were received on 20th June from a local resident and on the 23rd June from Braunstone Town Council. The representations relate to the prevention of public nuisance. The local resident and the Town Council are concerned that noise and disruption from the premises will spread to nearby properties. Copies of the representations are attached at Appendix B2 and B4.

Representations were received on 25th June from a local resident on behalf of Aylestone Meadows Appreciation Society, 27th June from a local resident and 30th June from Councillor Nigel Porter. The representations relate to the prevention of public nuisance and protection of children from harm. The local residents and the local councillor are concerned that light and noise would spread to neighbouring properties and to the nearby nature reserve and that a licensed premises is inappropriate in the grounds of a football development facility which promotes healthier lifestyles for young children and there are frequently activities for children in the vicinity of the premises. Copies of the representation are attached at Appendix B3, B5 and B6.

Members are reminded that planning matters are not relevant to licensing applications and therefore must be disregarded. Consideration should be restricted to licensable activities and their impact on the licensing objectives.

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
2.8 – 2.17	Public Safety
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
8	Public Safety
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 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	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

14. Background Papers – Local Government Act 1972

- a. None

15. 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.

16. Report Author

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