

Leicester
City Council

WARDS AFFECTED
Freemen

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

23rd July 2014

Application for a new premises licence
Avenue, 92 Cavendish Road, Leicester, LE2 7PH

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.

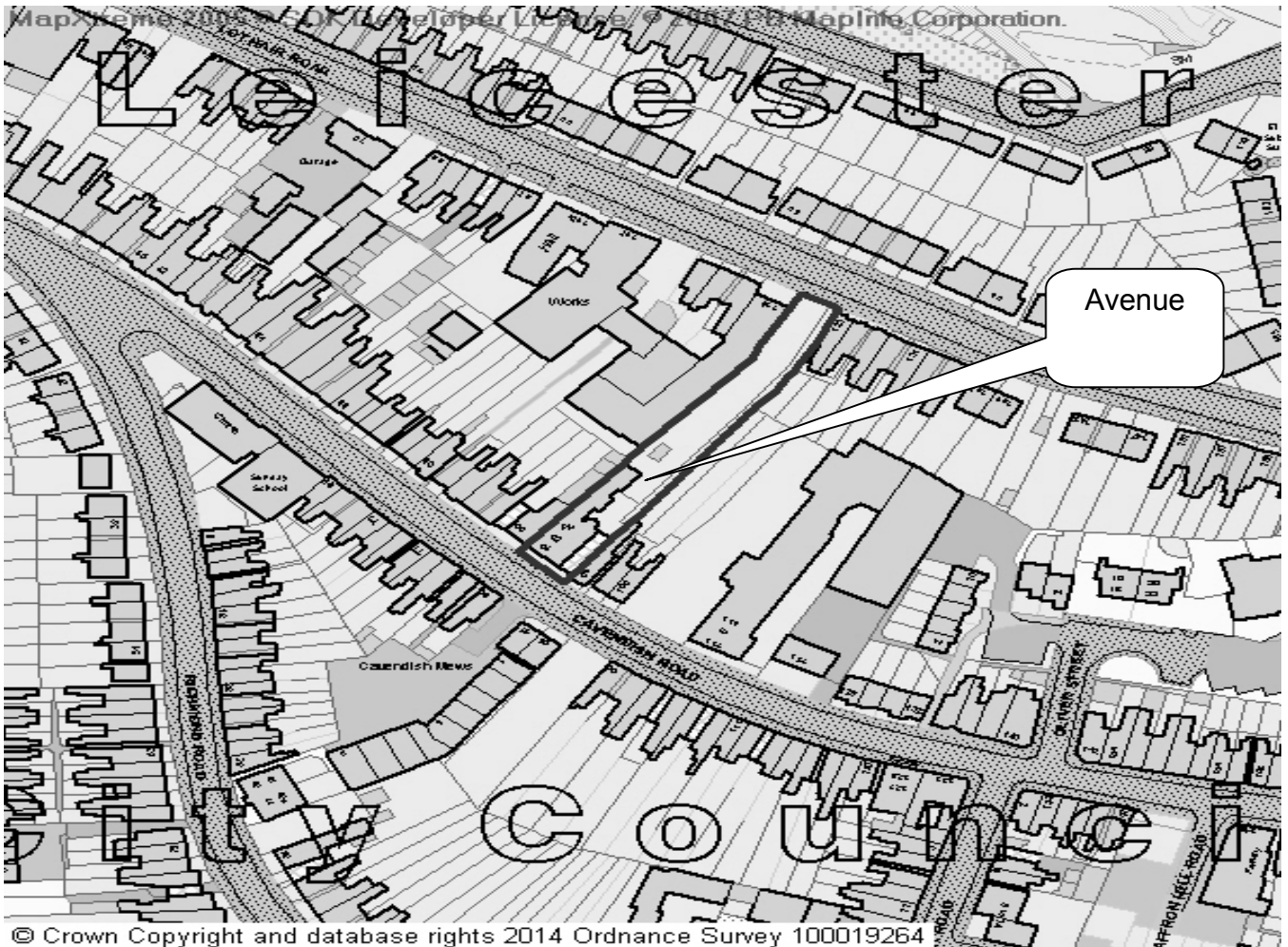
2. Determination to be made

- 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 The Avenue 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 30th May 2014 from Kullar Licence (UK) Ltd for a new premises licence for The Avenue. A copy of the application is attached at Appendix A.

| Licensable activity | Proposed Hours |
|--|--------------------------------|
| Films | Monday to Sunday 10.00 – 23.00 |
| Live Music | Monday to Sunday 10.00 – 23.00 |
| Recorded Music | Monday to Sunday 10.00 – 23.00 |
| Performances of Dance | Monday to Sunday 10.00 – 23.00 |
| Anything similar to live/recorded music or dance | Monday to Sunday 10.00 – 23.00 |
| Supply of Alcohol | Monday to Sunday 10.00 – 23.00 |
| Opening hours | Monday to Sunday 10.00 – 00.30 |

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 10th June 2014 from the Noise Team. The representation relates to the prevention of public nuisance. The Noise Officer is concerned that the premises is closely bordered by residential properties and the use of the premises until 00.30 hours seven days a week may cause disturbances to local residents. The Noise Team have sought an agreement with the applicant. A copy of this and the representation are attached at Appendix B1.
- 8.2 A representation was received on 20th June 2014 from Leicestershire Police. The representation relates to the prevention of crime and disorder, public safety and the prevention of public nuisance. Leicestershire Police are concerned that this premises had its premises licence revoked 28th March 2014 after the review application in October 2013. If this premises is licensed without strict conditions, the problems that instigated the review may re-occur. Leicestershire Police have sought an agreement with the applicant. A copy of this and the representation are attached at Appendix B2.
- 8.3 A representation was received on 26th June 2014 from a local resident. The representation relates to the prevention of crime and disorder, public safety and the prevention of public nuisance. The resident is concerned that due to the close proximity the premises has to local residential properties, there will be disturbances from people using the decking at the front of the premises and the potential for anti-social behaviour. A copy of the representation is attached at Appendix B3.

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 |
| 8.34 – 8.42 | Steps to promote the licensing objectives |
| 9.12 | Representations from the Police |
| 9.13 – 9.19 | Licensing Authorities acting as responsible authorities |
| 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 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 8.2 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
Amy Day
Licensing Officer
0116 454 3054
Amy.day@leicester.gov.uk

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