

Leicester  
City Council

**WARDS AFFECTED**  
**North Evington**

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

**8<sup>th</sup> June 2018**

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**Application for a new premises licence**  
**Exit Lounge, 88 Hastings Road, Leicester, LE5 0HL**

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**Report of the Director of Neighbourhood and 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**

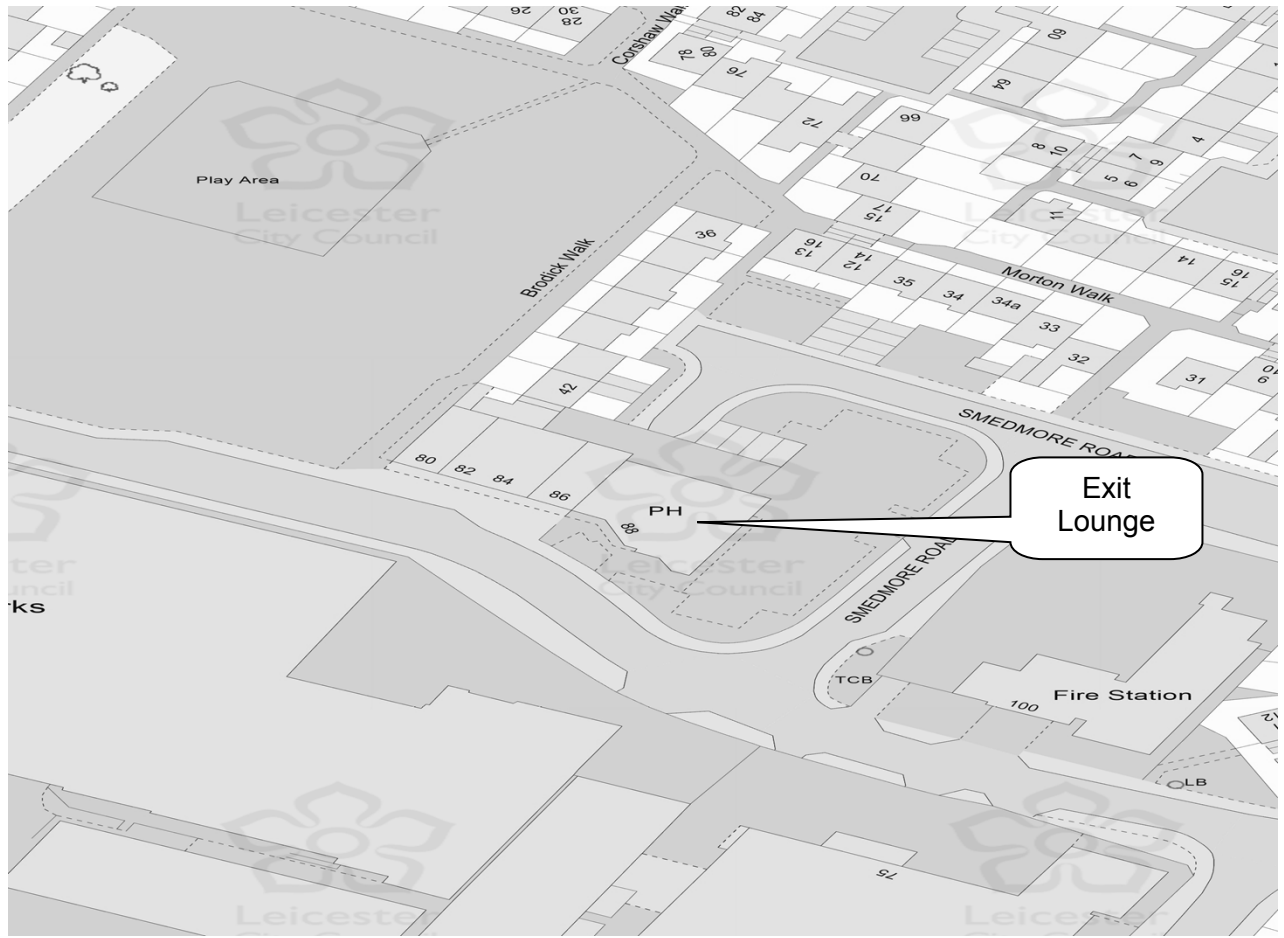
2.1. Having considered the application and representations, Members must consider whether to

- 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 Exit Lounge 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 13<sup>th</sup> April 2018 from Mr Mufeez Faiz for a new premises licence for 88 Hastings Road, Leicester. A copy of the application is attached at Appendix A.

5.2 The application is as follows:

Licensable activity	Proposed Hours
Live Music	Saturday 20.00 – 23.00
Recorded Music	Monday to Sunday 16.00 – 02.00
Late night refreshment	Monday to Sunday 23.00 – 02.00
Opening hours	Monday to Sunday 16.00 – 02.00

#### 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. Regulated entertainment**

- 7.1 The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 amended the Licensing Act 2003 in relation to the provision of regulated entertainment. Certain entertainment does not require a licence subject to audience limits, between 08.00 and 23.00 hours each day.
- 7.2 The above exemptions may affect the application under consideration because conditions may not be imposed at this stage to control live or recorded music that is unregulated. However, if problems do occur as a result of that entertainment then conditions may be imposed to control such music in the future after a formal review.

## **8. Representation**

- 8.1 A representation was received on 13<sup>th</sup> April 2018 from Councillor Fonseca on behalf of local constituents. The representation relates to the prevention of crime and disorder, public safety and the prevention of public nuisance. Councillor Fonseca and residents are concerned that the premises has been trading into the early hours with music being played loudly causing a disturbance. Broken bottles, left over food and litter are being left around the site and there have also been issues of fights breaking out in the car park and the Police have been called out to the premises on a number of occasions. A copy of the representation is attached at Appendix B1.
- 8.2 A representation was received on 23<sup>rd</sup> April 2018 from a Noise Pollution Officer. The representation relates to the prevention of public nuisance. The officer is concerned that the premises is very close to a large number of residential properties. Due to the requirement of the smoke free regulations, at least 50% of the sides of this premises are permanently open. Because of the open air nature of the premises it is very difficult to control noise breaking out of the outside area (shisha lounge) which may result in nearby residents complaining of noise nuisance. The Officer has suggested a number of conditions they would like adding to the premises licence and have reached agreement with the applicant. A copy of the representation is attached at Appendix B2.

## **9. Conditions**

- 9.1 The conditions that are consistent with the representation and agreement 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:

<b>Section</b>	<b>Heading</b>
1.2 – 1.5	Licensing objectives and aims
1.15 – 1.16	General Principles
1.17	Each application on its own merits
2.1 – 2.6	Crime & Disorder

2.7 – 2.14	Public Safety
2.15 – 2.21	Public nuisance
3.12 – 3.20	Late night refreshment
8.41 – 8.49	Steps to promote the licensing objectives
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.10	Proportionality
10.13 - 10.15	Hours of trading
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours
16.1 – 16.69	Regulated entertainment

## 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

<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	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

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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<b>APPENDIX</b>	<b>CONTENT</b>
A	Application
B	Representations
C	Conditions consistent with representation / agreement