



Leicester  
City Council

**WARDS AFFECTED  
FOSSE**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS: 10<sup>th</sup> JANUARY 2019**  
**Hearing under the Licensing Act 2003**

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**Application for a new premises licence Palmarina  
109 King Richards Road, Leicester**

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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.

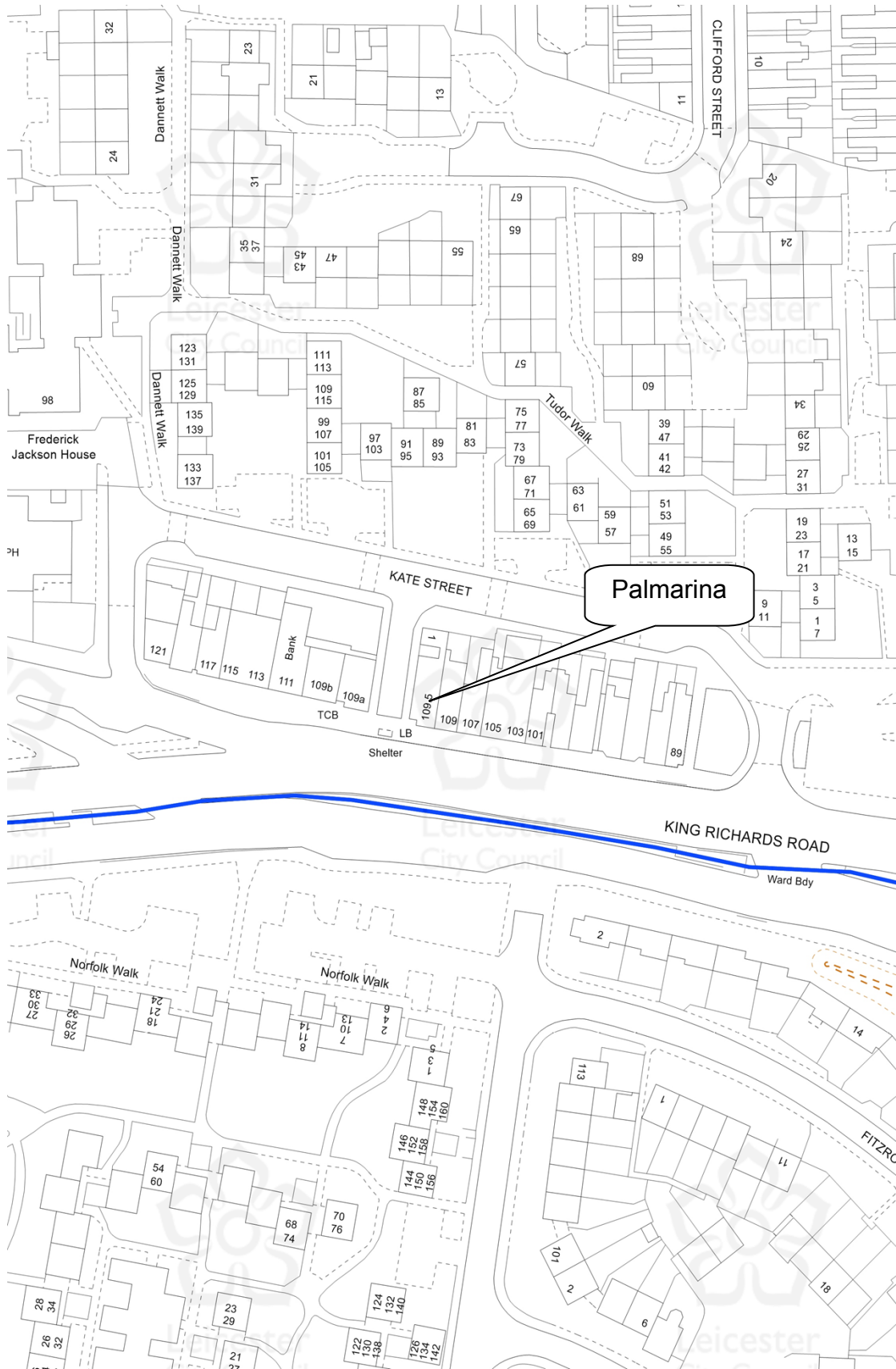
**2. Determination to be made**

- 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 Palmarina, 109 King Richards Road 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.

# 4. Location Plan



## 5. Application

- 5.1 An application was received on 6<sup>th</sup> November 2018 from Arbi Oudira for a new premises licence for Palmarina, 109 King Richards Road, Leicester. This was reaccepted on 19<sup>th</sup> November 2018 due to advertising issues. A copy of the application is attached at Appendix A.
- 5.2 The new application is as follows:

<b>Licensable activity</b>	<b>Proposed Hours</b>
Live Music	Friday and Saturday 19.00 til 01.00am
Recorded Music	Monday to Sunday 0.00 until 0.00 hours
Performances of Dance	Sunday 21.00 until 22.00 hours
Late night refreshment	Monday to Sunday 23.00 until 05.00am
Supply of Alcohol	Monday to Sunday 0.00 until 0.00 hours
Opening hours	Monday to Sunday 0.00 until 0.00 hours

## 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 B).
- 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

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.

- 7.1 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 30<sup>th</sup> November 2018 from the noise team at Leicester City Council. The representation relates to the prevention of public nuisance. The noise

team is concerned that local adjoining properties will suffer from noise nuisance from recorded music and noise from raised voices. An agreement had been reached between the applicant and the noise team to remove live and recorded music, reduce opening hours and various conditions however due to complaints concerning noise levels the agreement was officially withdrawn on 3<sup>rd</sup> December 2018. A copy of the representation agreement and subsequent withdrawal is attached at Appendix B.

- 8.2 A representation was received on 14<sup>th</sup> December 2018 from the police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The police have many concerns regarding this application and the impact on the local area including the proximity of the premises to Braunstone Gate, proposed twenty-four hour opening and the fact that the application does not address Challenge 21 or door staff. A copy of the representation is attached at Appendix B1.

## 9 Conditions

- 9.1 The conditions that are consistent with the operating schedule are attached at Appendix C. There are no conditions consistent with either the noise team or the police' representation as both have recommended refusal.

## 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 – 1.16	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
2.22 – 2.31	Protection of children from harm
3.12 – 3.20	Late night refreshment
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
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
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
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
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		
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 As this application was received electronically, the Licensing Authority was required to consult with the relevant responsible authorities as set out in the Licensing Act 2003.

## 16 Report Author

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