



Licensing Sub-Committee	Wednesday, 06 December 2023	Matter for Information and Decision
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Report Title: **Application for Variation of Premises Licence - Beaumont House, University of Leicester Halls of Residence, Stoughton Drive South, Oadby, Leicester LE2 2NA (No. OWPMA0050)**

Report Author(s): **Tracey Aldwinckle (Licensing Enforcement Officer)**

Purpose of Report:	An application has been received for a variation to the existing Premises Licence No. OWPMA0050 for Beaumont House, University of Leicester Halls of Residence, Stoughton Drive South, Oadby, Leicester LE2 2NA in relation to the University of Leicester's Botanic Gardens. The Sub-Committee is asked to determine whether the variation to the licence is to be granted in respect of the application submitted.
Report Summary:	An application has been made for a variation to the premises licence to allow licensable activities to be extended, including outdoors and indoors. Objections have been raised from nearby residents. The applicant held meetings with the residents and a representative of the responsible authorities, an Environmental Health Officer, who submitted a Notification of Agreement dated 26 September 2023 under the Licensing Act 2003 which was agreed and signed by the applicant. The Notification of Agreement has been presented to the objectors of the initial variation application who still wish to object.
Recommendation(s):	To determine whether the variation to the premises licence is to be granted or refused. If the application is to be granted, the Sub-Committee is asked to determine whether the application is to be granted as requested or, if not, what hours and regulated activities are granted and what additional conditions (if any) are to be attached.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>David Gill (Head of Law and Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Jon Wells (Environmental Health Officer) (0116) 257 2692 jon.wells@oadby-wigston.gov.uk</p> <p>Tracey Aldwinckle (Licensing Enforcement Officer) (0116) 257 2689 tracey.aldwinckle@oadby-wigston.gov.uk</p>
	<p>Our Communities (SO2) Our Environment (SO4) Our Council (SO1)</p>
Vision and Values:	"Our Borough - The Place To Be" (Vision) Customer & Community Focused (V1)
Report Implications:-	

Legal:	The implications are as set out at section 4 of this report.
Financial:	The implications are as set out at section 5 of this report.
Corporate Risk Management:	Regulatory Governance (CR6) Reputation Damage (CR4)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	The Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of civil rights and provides for the protection of property, which included licences in existence and the protection of private and family life.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	<ul style="list-style-type: none"> • Leicestershire Police • Leicestershire Fire and Rescue Service • Environmental Health • Trading Standards • Health and Safety • Local Licensing Authority • Local Planning Authority • Local Health Authority • Members of the public/local businesses by way of a notice at the premises, and at the Council offices.
Background Papers:	<ul style="list-style-type: none"> • Licensing Act 2003 • Licensing Act 2003 (Hearings) Regulations 2005 • Revised Guidance Issued under Section 182 of Licensing Act 2003 • Statement of Licensing Policy (2020-2025)
Appendices:	<ol style="list-style-type: none"> 1. Existing Premises Licence 2. Application for Variation of Premises Licence 3. Plan of the Premises 4. Representation from Members of the Public 5. Notification of Agreement 6. Revised Plan of Premises 7. Email from Objectors to Applicant

1. Application/Representations Received

- 1.1 The application as submitted, advertised and circulated to the responsible authorities, is for the following regulated activities.

- 1.2. The application is to propose both on and off licensable activities, when events take place at the 2 locations specified in the application, being Beaumont House at the University of Leicester Halls of Residence and University of Leicester Botanical Gardens, as follows:

All licensable activities to be on and off premises	Monday to Sunday
Performance of dance, plays and live music, provision of anything of a similar description to live music, recorded music, or performances of dance, exhibition of a film, recorded music	From 11:00 hrs to 00:00 hrs
Late night refreshment	From 23:00 hrs to 00:00 hrs
Sale of alcohol	From 11:00 hrs to 23:30 hrs

- 1.2 A copy of existing premises licence can be found at **Appendix 1**.
- 1.3 A copy of the full variation application can be found at **Appendix 2**.
- 1.4 A copy of the premises plan can be found at **Appendix 3**.
- 1.5 All of the required advertising and notifications have been undertaken. No representations have been received from the responsible authorities.
- 1.6 Representations have been received from 17 persons relating to the application, all of whom live in adjacent residential properties. Copies of these representations can be found at **Appendix 4**.

2. Objections

- 2.1 As a result of the objections having been received, the Environmental Health Officer visited the location and spoke to the applicant and their agent in order to assess the likely impact of the activities requested on the neighbourhood.
- 2.2 Having assessed the likely impact, proposed amendments to the application resulted in the completion of Notification of Agreement dated 26 September 2023 limiting the activities and agreeing the location of the outside activities with the intent of reducing any adverse impacts should the variation be granted.
- 2.2. A copy of the Notification of Agreement can be found at **Appendix 5** and a revised premises plan at **Appendix 6**. These were shared subsequently with the objectors.
- 2.3. In light of the continued objections, a remote meeting was held on 10 November 2023 with the objectors, their legal representative, the applicant and their agent to discuss the proposed conditions set out in **Appendix 7** which would be acceptable to the objectors if Members were minded to grant the application.
- 2.4. The applicant and their agent have also held a public meeting with local residents who are not legally represented.

3. Determination of the Application

- 3.1 The Licensing Sub-Committee have responsibility to discharge the functions delegated to it as defined under Part 2 of the Licensing Act 2003.
- 3.2 When considering and determining the variation application, the Sub- Committee,

is required by Section 3 of the Licensing Act 2003 to carry out its functions with a view to promoting the 4 Licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance: and
- The protection of children from harm

In doing so, it should balance the views of both the applicant and any objectors in a balanced and proportionate way.

3.3 Section 4 of the Licensing Act 2003 also requires the Licensing Authority to have regard to the relevant provisions of the guidance set out in Section 182 of the Act (Secretary of State's Guidance August 2023) and the Council's own Statement of Licensing Policy (2020-2025). Officers believe that the relevant sections include but are not limited to:

3.3.1	1.2 - 1.5	Licensing Objective and Aims
3.3.2	1.15 - 1.17	General Principles – Each Application on Its Own Merits
3.3.3	2.0 - 2.32	The Licensing Objectives
3.3.4	8.41 - 8.49	Steps To Promote The Licensing Objectives
3.3.5	8.50	Variations
3.3.6	9.31 - 9.41	Hearings
3.3.7	9.42 - 9.44	Determining Actions That Are Appropriate for The Promotion of The Licensing Objectives
3.3.8	10.1 - 10.3	Conditions – General
3.3.9	10.8 - 10.9	Imposed Conditions
3.3.10	14.51 - 14.52	Licensing Hours

3.4 The Sub-Committee, may if it considers it to be in the public interest, or if it considers it necessary for further consideration of any representations made by a party, adjourn the hearing to a specified date or arrange for a hearing to be held on a specified additional dates (paragraphs 11 to 13 of the Licensing Act 2003 (Hearings) Regulations 2005).

3.5 The Sub-Committee is reminded of its duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of its decisions and the Licensing Authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

3.6 Section 52(3) of the Licensing Act 2003 sets out the Licensing Authority must give regard to the application and any relevant representations and takes such steps as it considers necessary, if any, for the promotion of the licensing objectives.

3.7 The steps which the Sub-Committee may consider necessary are:

- To modify the conditions of the new licence
- To exclude a licensable activity from the scope of the licence
- Refuse to specify a person in the licence as the premises supervisor; and/or
- Refuse the application.

4. Legal

4.1 Where a party to the decision is aggrieved with the decision they, have a right to appeal the decision of the Sub-committee to the Magistrates' Court.

5. Financial

- 5.1 There is a risk of costs arising from an appeal against the decision of the Sub-Committee. In order to mitigate the risk of a costs award against the Council, the Sub-Committee should give clear reasons for its decisions and any such reasons would should be capable of being substantiated on appeal.