

TITLE OF REPORT: **Application for a new Premises Licence within a Cumulative Impact Zone:**

Moza's Pub and Restaurant 24-25 Bedford Street
Loughborough Leicestershire LE11 2DS

REPORT OF: **Licensing Manager – Regulatory Services**

1. PURPOSE OF THE REPORT

This report provides information for Members about an application made for Moza's Pub and Restaurant, 24-25 Bedford Street, Loughborough, Leicestershire, LE11 2DS under the Licensing Act 2003. These premises are within a Cumulative Impact Zone. The report is to assist Members in determining the outcome of the application. It summarises the representations received, highlights the licensing objectives, the relevant parts of the guidance and regulations and the relevant sections of Charnwood Borough Council's Licensing Policy and Cumulative Impact Zone.

2. BACKGROUND

The premises, previously known as Kura Kura was licensed originally in August 2005 under the licence number PREM5330. The premises licence holder and name of the business/premises has changed on a number of occasions since 2005. The most recent premises licence holder, with effect from October 2017, was Ms Mingyuan Qin.

A review application was submitted to the Licensing Authority by Leicestershire Police in February 2017. This was on the grounds of the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm. At this time, the premises licence holder was Mr Chi Kien Tang. On 27 March 2017, the review application was heard by a Licensing Sub-Committee. The conditions on the existing Premises Licence were amended.

The premises licence (PREM5330) was later surrendered by Ms Qin on 06 March 2018.

3. CURRENT APPLICATION

This premises licence application was submitted by Brown and Co Solicitors on behalf of Mr Hussain (Applicant) on 13 September 2018. The application form states the premises will operate as a pub, with capacity for 75 patrons and an adjoining restaurant for 70 patrons. The premises are currently operating as a restaurant with no licensable activity currently taking place. A copy of the application is attached at **Appendix 1**.

During the 28 day consultation period, the Licensing Authority was notified by a number of the Responsible Authorities that the address on the application form (32 Bedford Street) was incorrect. Following a check with Land Registry Leicester and informing Brown and Co Solicitors of this error, the Licensing Authority received written confirmation to clarify that the correct address for the premises should be 24-25 Bedford Street and not 32 Bedford Street as previously applied for. The applicant had been given the incorrect address by the landlord. A new application form front sheet and blue notice were submitted and accepted. A copy was served to all Responsible Authorities by The Licensing Section. Details of this can be found in **Appendix 1(a)**.

The application was advertised in accordance with the provisions of the Licensing Act Regulations 2005. Copies of the required blue notice and newspaper advertisement are attached at **Appendix 2**.

This application for a new Premises Licence was made by Mr Mozammel Hussain, under s17 of the Licensing Act 2003 for the:

- (a) **Live Music** (indoors)
Monday to Sunday 09.00 to 23.30
- (b) **Recorded Music** (indoors)
Monday to Sunday 09.00 to 23.30
- (c) **Performances of Dance** (indoors)
Monday to Sunday 09.00 to 23.30
- (d) **Late Night Refreshment** (indoors)
Monday to Sunday 23.00 to 00:00
- (e) **Supply of alcohol** (On the premises)
Monday to Sunday 09.00 to 23.30
- (f) **Hours premises are open to the public**
Monday to Sunday 09.00 to 00:00

Mandatory (compulsory) Conditions are issued by the Secretary of State and are applied (where relevant) to all Premises Licenses selling alcohol. A full list of all Mandatory Conditions is attached at **Appendix 3**.

Representations

Four representations have been received from local residents of Albert Street, Loughborough and one representation from a local resident of Victoria Street, Loughborough. Some areas of concern raised within these representations include underage drinking, anti-social behaviour, maintenance of the adjoining car park and noise nuisance.

A representation was received from Leicestershire Police and relates to the Prevention of Crime and Disorder. Leicestershire Police are concerned about the intended use of the premises and the impact this would have on crime and disorder, due to the proximity of residential properties and the lack of measures offered within the proposed conditions detailed in the application form.

Leicestershire Police have also raised concerns that the premises are situated within the Cumulative Impact Zone. Paragraph 4.1 of Charnwood Borough Council's Licensing Policy states:

The Licensing Authority will adopt a special policy on cumulative impact in relation to the area of the Town Centre:

- Bounded by Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, Barrow Street Jubilee Way and Pinfold Gate.
- Including both sides of the streets bounding the area;
- Including Ashby Road to its junction with Storer Road; and Nottingham Road, to the entrance to the Falcon Works.

All representations have been made on the grounds of one or more the following licensing objectives:

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

Full details of the representations are attached at **Appendix 4**.

Special Policy on Cumulative Impact

In June 2017, Charnwood Borough Council introduced a special policy on cumulative impact in the Bedford Street area. This creates a rebuttable presumption that an application for a new premises licence will be refused, unless the applicant can show that their premises are unlikely to add to the problems of saturation.

Additional Information

The Business Rates Team at Charnwood Borough Council has been informed that the current owner/landlord of the building and the car park is Mr Chi Kien Tang (a previous premises licence holder). The current lease holder of the building is Moza Brothers limited of which Mr Mozammel Hussain (Applicant) is the current Company Director.

The car park, adjacent to the premises is the responsibility of the landlord, Mr Chi Kien Tang and not the responsibility of Mr Mozammel Hussain, the applicant for the premises licence. This area is not shown within the licensable area on the plan submitted with the premises licence application but is referred to in a number of the representations.

Andy McParland, Specialist Environmental Health Officer at Charnwood Borough Council suggested a number of conditions to promote the prevention of public nuisance, in particular noise nuisance. The applicant has agreed to all of the recommendations detailed in the email dated Wednesday, 10 October 2018. The written agreement and details of the conditions can be found in **Appendix 5**.

Live Music

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.

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.

Parties

The Parties to the hearing will be:

- a) The Applicant, Mr Mozammel Hussain – represented by Brown and Co Solicitors
- b) Interested Parties – local residents of Albert Street, Loughborough and Victoria Street, Loughborough
- c) PC1845 Mike Green, Neighbourhood Officer for Charnwood at Leicestershire Police.

4. FOR CONSIDERATION

In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives. The areas for consideration by the Sub-Committee are:

- The application for a Premises Licence;
- The representations from the Interested Parties and Leicestershire Police
- Additional Information
- Whether or not the applicant has rebutted the presumption that a new premises licence will add to the problems of saturation
- Whether or not the application should be granted; and
- The conditions to be attached to the Premises Licence (if granted).

5. POLICY & GUIDANCE

When carrying out its functions the Sub-Committee must have regard to:

- (a) the Statement of Charnwood Borough Council's Licensing Policy, and
- (b) the Amended Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

Charnwood Borough Council's Licensing Policy and current Cumulative Impact Zone Plan are attached at **Appendix 6**.

Relevant parts of the Amended 182 Guidance are attached at **Appendix 7**. The parties may refer to the Policy and Guidance during the hearing.

6. FOR DECISION

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

The Licensing Authority may attach conditions to any licence which are necessary for the promotion of the Licensing Objectives. A copy of the Model Pool of Conditions from Charnwood Borough Council's Statement of Licensing Policy is attached at **Appendix 8**.

Appendix 9 – plan of the area intended to be used for licensable activity.