



Leicester
City Council

SECOND DESPATCH

MEETING OF THE LICENSING (HEARINGS) SUB-COMMITTEE

THURSDAY, 16 JUNE 2016

Further to the agenda for the above meeting which has already been circulated, please find attached the following:-

Item No. 5 Application for a variation of an existing premises licence within a cumulative impact zone: Harveys, 43 Belvoir Street, Leicester LE1 6SL

Additional Disclosure Bundle.

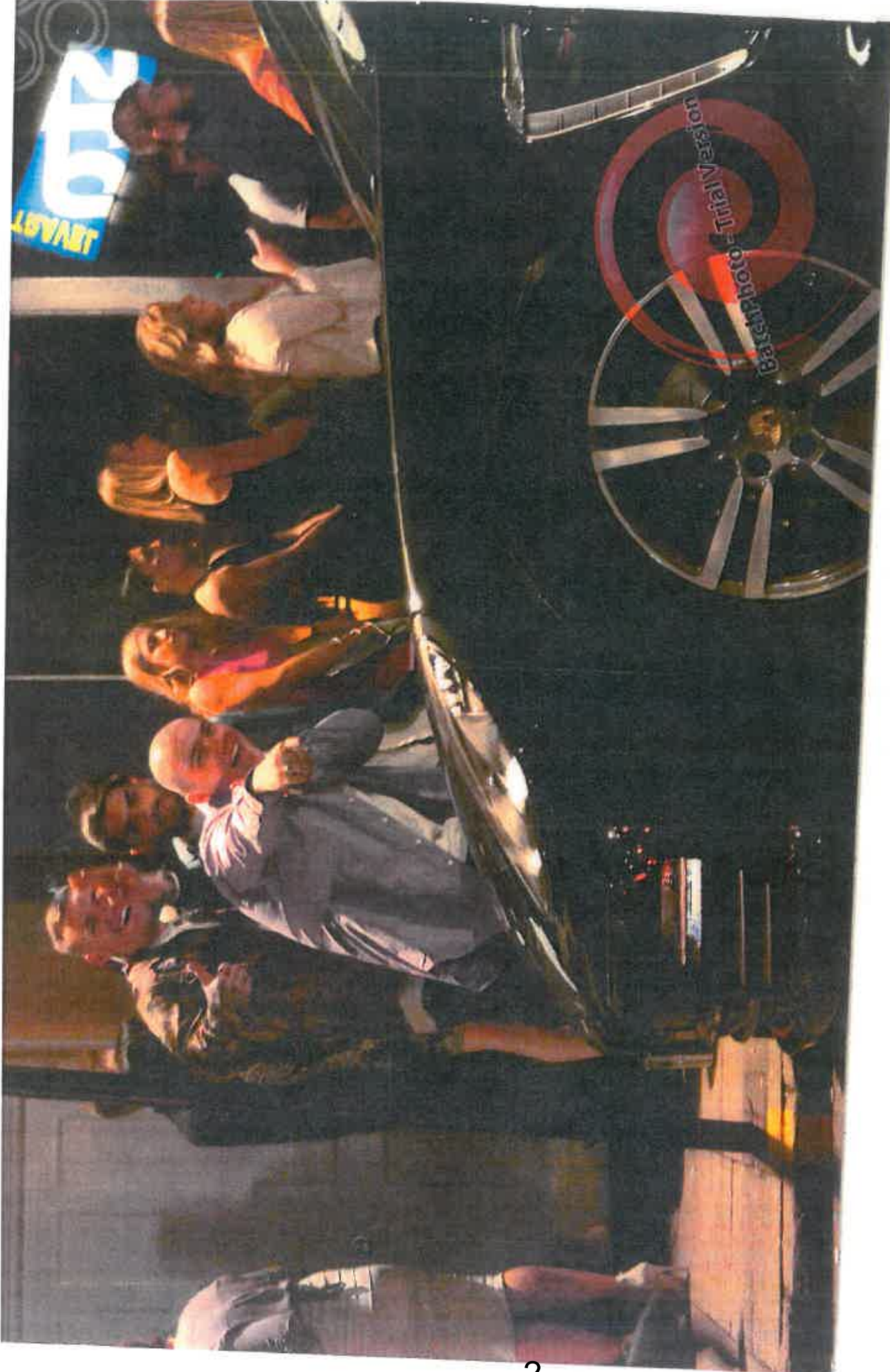
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Leicester City Council
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Harveys, 43 Belvoir Street, Leicester

Agent on Representations

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THE NEW CAR CENTER

Austin Reed

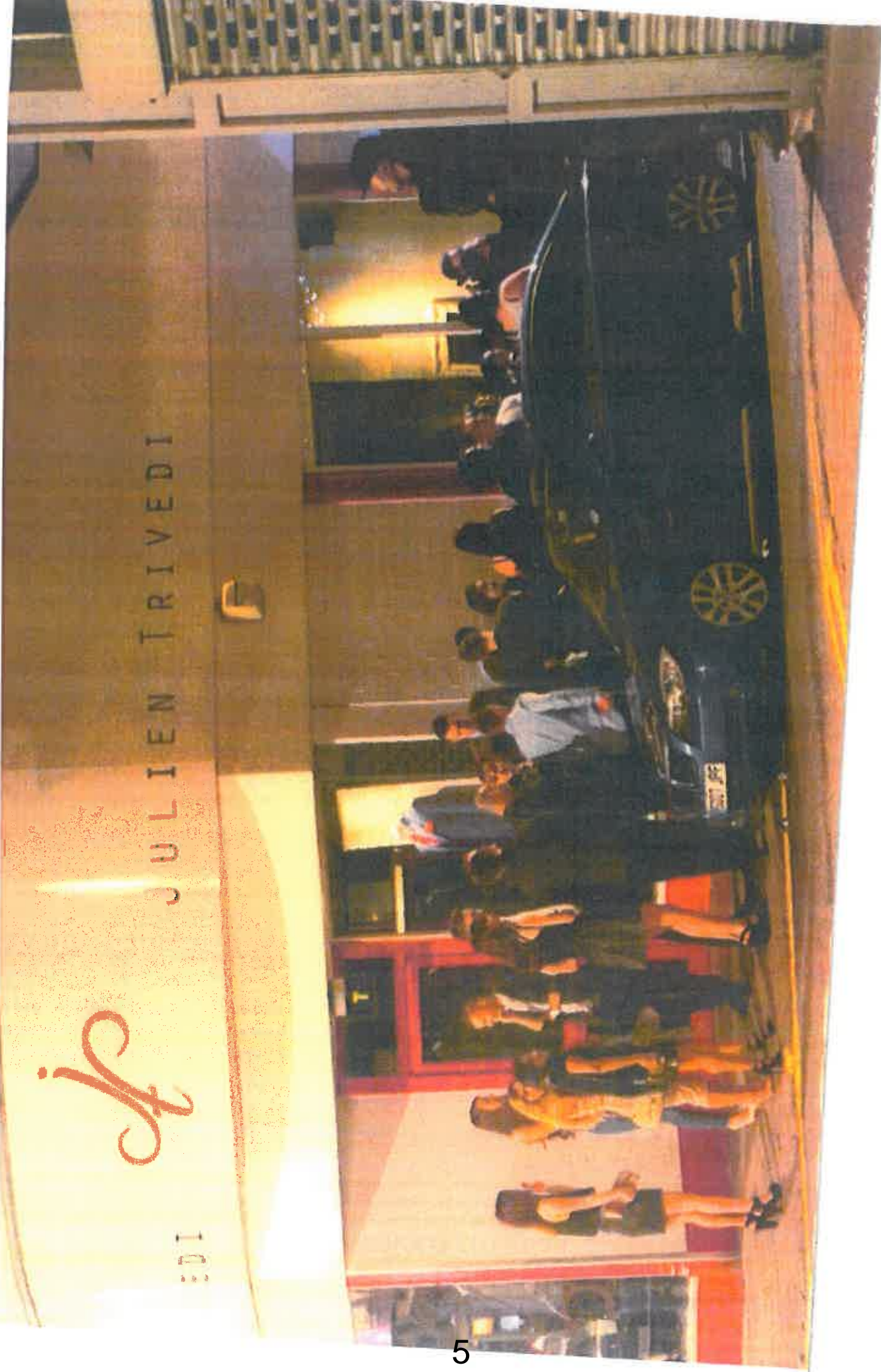
Austin Reed

CLOSING

Batch photo of Tiffai Vesteron

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Agenda item

OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: HARVEYS, 43 BELVOIR STREET. LEICESTER, LE1 6SL

* Meeting of Licensing (Hearings) Sub-Committee, Wednesday, 17 September 2014 9:30 am (Item 4.) (ieListDocuments.aspx?CId=785&MID=6662#A160464)

Report attached. A copy of the associated documentation is attached for Members only. Further copies are available on the Council's website at www.cabinet.leicester.gov.uk (<http://www.cabinet.leicester.gov.uk>) or by phoning Democratic Support on 0116 454 6354.

Minutes:

The Director, Environmental Services, submitted a report that required Members to determine an objection notice relating to a temporary event notice (TEN) submitted by Mr Abdul Caratella for an event at Harveys, 43 Belvoir Street, Leicester, LE1 6SL.

Members noted that an objection notice had been received in respect of the Temporary Event Notice, which necessitated that the Temporary Event Notice had to be considered by Members.

Mr Caratella was present at the meeting and was accompanied by Mr David Brown, Solicitor. PC Jon Webb from Leicestershire Police was present. Also present were the Licensing Team Manager and the Solicitor to the hearing panel.

The Licensing Team Manager informed the meeting that there had been difficulties in arranging a panel of members within time constraints set by the Licensing Act 2003 and supporting regulations. However, the regulations did allow for an extension of the deadline where it was considered necessary in the public interest. The extension process had been followed in this case so that a proper hearing could be held to make a decision in the correct way.

The Licensing Team Manager presented the report. It was noted that an objection had been received from Leicestershire Police on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety. Photographs of the exterior of the premises were circulated at the meeting.

PC Webb for Leicestershire Police outlined the reasons for the objection and answered questions from Members.

Mr Caratella and his solicitor were then given the opportunity to respond to the points and concerns that were raised by Leicestershire Police and answered questions from Members.

All parties were then given the opportunity to sum up their positions and make any final comments.

Prior to Members considering the application, the Solicitor to the hearing panel advised Members of the options available to them in making a decision. Members were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Licensing Team Manager, the Solicitor to the hearing panel, Mr Caratella, Mr Brown and PC Webb then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the hearing panel was then called back into the hearing to advise on the wording of the decision.

The Licensing Team Manager, Mr Caratella, Mr Brown and PC Webb then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the hearing panel for advice on the wording of their decision.

RESOLVED:

that the objection notice given for a temporary event notice at Harveys, 43 Belvoir Street, Leicester, LE1 6SL be disregarded.

The Sub-Committee said they had agreed there was no evidence to suggest a contravention of any of the licensing objectives stated, in fact to the contrary. They, therefore, were disregarding the objection notice, allowing the event to go ahead, but were imposing the conditions from the existing premises licence, with the exception of the first condition in Annex 3.

HARVEYS

CAFÉ BAR

GRILL MENU

IF YOU HAVE AN ALLERGY THEN PLEASE TELL US BEFORE YOU ORDER
SOME OF OUR PRODUCTS MAY CONTAIN NUTS ETC
THE OIL USED IS GENETICALLY MODIFIED

All our steaks are Matured for 28 days for that succulent, full beef flavour.
Served with Chips and Onion Rings,

RUMP STEAK 8oz - £ 11.99

A tasty juicy steak.

RUMP STEAK 16oz - £16.95

For those who like their steak just a little bigger.

RUMP STEAK 32oz - £23.95

For those who like their steak LARGE.

BREAST OF CHICKEN FILLET - £9.99

Served with Chips and Onion Rings

BURGER IN A BUN - £5.99

Served with Chips and Onion Rings

TOWER OF BURGER IN A BUN (Double) - £9.99

Served with Chips and Onion Ring

IN THE LEEDS MAGISTRATES COURT

BETWEEN :-

BREWDOG BARS LIMITED

- and -

Appellant

LEEDS CITY COUNCIL

Respondent

NOTE OF DECISION OF
DISTRICT JUDGE ANDERSON
6th SEPTEMBER 2012

No doubt when the 2003 Licensing Act came into being, no-one foresaw the emergence of an operation such as Brewdog. They are a Scottish company specialising in craft beers with a devoted clientele. They do not operate large public houses selling cheap lager or cheap food. They have outlets in other cities including in cumulative impact areas where they operate well and without police objection. Now they seek to come to Leeds.

The company takes a didactic approach, with books on brewing, and customers invited to watch instructional videos playing at their premises. Their customers could be described as "alcohol geeks." They are not run of the mill or everyone's cup of tea, but there is a demand for outlets selling a good quality of beer.

If they had identified a site outside the City's Cumulative Impact Policy area, there is absolutely no doubt that they would already have their licence. They are an intelligent, well-run company, and in a short space of time they have shown themselves to be an effective operator.

However, this site does fall foul of the Cumulative Impact Policy which was introduced with the best possible motives to control the grant of licences to new premises. There is a presumption within it that new applications shall not be granted, unless the applicant can discharge the reverse burden in establishing that they will not add to the cumulative impact, and that is the issue in this case.

I can deal with one conclusion briefly, the issue of noise and nuisance. The Court heard evidence from Miss Ludford that she had gone to the trouble of circulating a letter to all residents in the neighbouring block of flats but received no objections. Against that was the more general evidence of Mr Kenny, which showed noise complaints to the Council. But most of those complaints were amplified music and Brewdog does not seek to be able to provide amplified music and so there is no risk of noise from regulated entertainment emanating from the premises. The capacity is small and any noise generated as people leave the premises will be very marginal indeed. It seems to me that the premises of this public house would not be a significant impact on the Cumulative Impact area regarding public nuisance and so I do not intend to mention this further.

That leaves the more important objection of the Police and the potential impact of another premises on the levels of crime in the area. There are a number of clubs around the Corn Exchange and the late

hours they trade, the marketing operations and the type of customer they attract means that there is regular disorder and violence. they run with late hours, attracting a different sort of customer. Their presence causes violence. That is a sad fact of modern life. The situation cannot be assisted by the sort of promotion I saw advertised by Chilli White with cheap vodka and free vodka, but they have their licence.

It cannot be the policy of the Cumulative Impact Policy to bring the iron curtain clanging down to allow such clubs to continue to trade while shutting out Brewdog which attracts more discerning customers who do not engage in binge drinking, though I do accept the requirement of the Cumulative Impact Policy is to ascertain specifically whether there will be impact.

If I accept, as I do, that the enterprise sells expensive beers in expensive measures, then I think I can conclude that the people likely to be attracted are not "get it down your neck" drinkers but rather better heeled customers. The type of clientele a premises attracts has a material part to the play in the decision, because if I am not worried about their clientele and am impressed by the running of their bars elsewhere, it follows that it is unlikely that their clientele will have any adverse impact on the area here.

The Police argued that customers may accidentally cause impact. Their argument that customers could get caught up in a melee caused by others is not a valid one. A simple increase in footfall isn't a rational reason to refuse entry to Leeds by Brewdog.

I have listened carefully but have heard nothing which causes me to believe that the application should not be granted. I am satisfied that the appellants have discharged the burden of proof placed on them.

I accept that the Committee and the Police did their best but their application of the Policy was too rigid. They seemed to take the view that man was made for the Policy, when the Policy should be made for man.

The appeal is upheld, and the licence granted in the terms set out in the bundle served on the Court.

Harveys, 43 Belvoir Street, Leicester

Schedule of Temporary Event Notices

Date From	Date To
30 th August 2014	31 st August 2014
27 th September 2014	28 th September 2014
25 th October 2014	26 th October 2014
29 th November 2014	30 th November
27 th December 2014	28 th December 2014
31 st January 2015	1 st February 2015
28 th February 2015	1 st March 2015
28 th March 2015	29 th March 2015
3 rd May 2015	4 th May 2015
30 th May 2015	31 st May 2015
27 th June 2015	28 th June 2015
1 st August 2015	2 nd August 2015
30 th August 2015	31 st August 2015
2 nd October 2015	4 th October 2015
30 th October 2015	1 st November 2015
1 st January 2016	1 st January 2016
28 th February 2016	28 th February 2016
3 rd April 2016	3 rd April 2016