



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: THURSDAY, 2 JULY 2020 at 10:00 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Cank

Councillor Gee

* * * * *

6. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Hunter be appointed as Chair for the meeting.

The Chair outlined the procedure for the meeting to be followed and led on introductions.

7. APOLOGIES FOR ABSENCE

There were no apologies for absence.

8. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business on the agenda.

There were no declarations of interest made.

9. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the meetings held on 12 May 2020 and 19 May 2020 be confirmed as an accurate record.

10. PRIVATE SESSION

RESOLVED:

That the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 3

Information relating any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

B1) Application for a summary review of an existing Premises License: Shakespeare's House, 4 Southgates, Leicester, LE1 5SH

11. APPLICATION FOR A SUMMARY REVIEW OF AN EXISTING PREMISES LICENCE: SHAKESPEARE'S HOUSE, 4 SOUTHGATES, LEICESTER, LE1 5SH

The Chair confirmed with the Sub-Committee members that reports for the meeting had been read and that bodycam footage had been viewed.

The Director of Neighbourhood and Environmental Services submitted a report on a summary review of an existing premises license for Shakespeare's House, 4 Southgates, Leicester LE1 5SH.

This was a formal review after interim steps were taken to suspend the premises license for Shakespeare's House and remove the Designated Premises Supervisor on 11 June 2020. The application was made on the grounds that the premises were associated with serious crime or serious disorder or both.

Members noted that representations had been received in respect of the application, which necessitated that the application for a summary review of an existing premises licence had to be considered by members.

Mr Nigel Rixon (Licensing Manager, Leicestershire Police), PC Jeff Pritchard

(Licensing Officer, Leicestershire Police), Su Clement (Environmental Officer), Licensing Team Manager (Policy and Applications), and Legal Advisor to the Sub-Committee were present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined the details of the application. It was noted that a representation was received on 17 June 2020 from the Food Safety Team.

Ms Clement (Food Safety Team) was given the opportunity to outline the reasons for the representation.

Mr Rixon and PC Pritchard for Leicestershire Police were given the opportunity to outline the reasons for the summary review application and responded to questions from the Sub-Committee.

The Licensing Team Manager (Policy and Applications) informed those present that all paperwork had been served on the Premises License Holder and the authority had done all that it could to make him aware of the Hearing.

The Sub-Committee received legal advice from the Legal Advisor to the Sub-Committee in the presence of all those present.

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

The Chair announced that the decision and reasons made during private deliberation would be publicly announced and confirmed in writing within five working days. The Chair informed the meeting the Legal Advisor to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision. The Legal Advisor to the Sub-Committee was called back into the meeting to give advice on the wording of the decision.

RESOLVED:

That the premises licence for Shakespeare's House, 4 Southgates, Leicester, LE1 5SH be REVOKED, and the Designated Premises Supervisor be REMOVED from the premises licence.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (The 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

The Sub-Committee Members had been asked to determine an application for a Summary Review of a Premises Licence. In reaching their decision, Members of the Sub-Committee had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications) and the representations made by Leicestershire Police, and the Environmental Health Officer from the Food Safety Team, Leicester City Council. No representations had been received from any other party including the Premises Licence Holder (PLH). Sub-Committee Members also listened to the legal advice given to them during the hearing.

The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

Leicestershire Police had requested the Summary Review of the Premises Licence as they were satisfied that the premises had been associated with incidents of a serious crime and disorder as a result of which they had no confidence that the PLH would promote or uphold the licensing objectives.

The Sub-Committee considered the information put before them in detail from both Leicestershire Police and the Food Safety Team and considered each of the options available to them.

The Sub-Committee noted that no representations were made or received from the Premises Licence Holder.

As a result of what they had heard, Members were satisfied that that it was appropriate and proportionate in light of the licensing objectives to remove the Designated Premises Supervisor from the premises licence and revoke the premises licence.

REASONS FOR THE DECISION

The Sub-Committee Members accepted the evidence as presented by the Police and the Environmental Health Officer and were satisfied that the premises was associated with serious crime and disorder and failed to comply with Food Safety Regulations and Health and Safety Regulations.

Having carefully evaluated all the information and evidence before them, the Sub-Committee accepted the submissions made by the Police that the PLH was unable to promote or uphold the licensing objectives.

Members believed that the PLH had shown poor management skills and had no confidence in his ability to uphold the licensing objectives, nor did they have confidence in his ability to trade responsibly, legally and comply with the requirements of the Licensing Act 2003.

As stated, Members' decision was therefore to remove the DPS from the licence and revoke the premises licence.

Members also reviewed the interim steps imposed on the 11th June 2020 and decided that it was appropriate for the promotion of the licensing objectives for the steps to remain in place pending any appeal, namely that the DPS be removed from the licence and the premises licence be suspended.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives, particularly the prevention of crime and disorder.

The Premises Licence Holder would be informed that an appeal against the final review or the interim steps must be made within 21 days to the Magistrate's Court.

12. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 10.58am.