

Leicester
City Council

PLEASE NOTE: This will be a 'virtual meeting', a link to which will be available on the Council's website at least 24hrs before the meeting.

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: THURSDAY, 2 JULY 2020
TIME: 10:00 am
PLACE: Microsoft Teams Virtual Meeting

Members of the Sub-Committee

Councillors Cank, Gee and Hunter

Members of the Sub-Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

Officer contact: Angie Smith
Democratic Support, Democratic Services
Leicester City Council,
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Tel. 0116 454 6354
Email. Angie.Smith@leicester.gov.uk

Information for members of the public

PLEASE NOTE that any member of the press and public may listen in to proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council website at least 24hrs before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at City Hall / Town Hall. It is important, however, that Councillors can discuss and take decisions without disruption, so the only participants in this virtual meeting will be the Councillors concerned, the officers advising the Committee and any objectors and applicants relevant to the applications to be considered.

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Making meetings accessible to all

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Further information

If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, Democratic Support on **(0116) 454 6354** or email angie.smith@leicester.gov.uk

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

PUBLIC SESSION

AGENDA

LIVE STREAM OF THE MEETING

The live stream of the meeting can be viewed here: <https://tinyurl.com/ybcm8blb>

- 1. APPOINTMENT OF CHAIR**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

- 4. MINUTES OF PREVIOUS MEETINGS**

Appendix A

The minutes of meetings held on 12th May 2020 AM, 12th May 2020 PM, and 19th May 2020 are attached and Members will be asked to confirm them as a correct record.

- 5. 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 7

Information relating to 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 Licence: Shakespeare's House, 4 Southgates, Leicester LE1 5SH

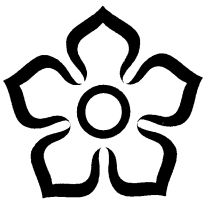
6. APPLICATION FOR A SUMMARY REVIEW OF AN EXISTING PREMISES LICENCE: SHAKESPEARE'S HOUSE, 4 SOUTHGATES, LEICESTER, LE1 5SH **Appendix B1**

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

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.

(Wards Affected: Castle)

7. ANY OTHER URGENT BUSINESS



Leicester
City Council

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

Held: TUESDAY, 12 MAY 2020 at 10:00 am

P R E S E N T:

Councillor Hunter (Chair)
Councillor Pickering (Co Vice Chair)

Councillor Gee

* * * * *

69. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

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

70. APOLOGIES FOR ABSENCE

Apologies were received from Mr Sean Jarvis, Leicestershire County Cricket Club.

71. DECLARATIONS OF INTEREST

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

No declarations of interest were made.

72. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meetings held on 12th March 2020 and 24th April 2020 be confirmed as a correct record.

73. APPLICATION FOR A NEW PREMISES LICENCE: LEICESTERSHIRE COUNTY CRICKET CLUB, COUNTY GROUND, GRACE ROAD, LEICESTER

The Chair confirmed with Sub-Committee Members that the reports for the

meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report requiring the Sub-Committee to determine an application for a new premises licence for Leicestershire County Cricket Club, County Ground, Grace Road, Leicester.

The Sub-Committee noted that representations had been received which necessitated that the application for the new premises licence had to be considered by the Sub-Committee.

Ms Sandra Clark (Stadium Manager) was present. Mr Nigel Rixon (Licensing Manager, Leicestershire Police), Mr Robin Marston (Noise Team, Leicester City Council), Mr Steven Dukes (Resident), Licensing Team Manager (Enforcement) who had made representation, Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that representations had been received from Responsible Authorities, Leicestershire Police, The Noise Team and the Licensing Authority. The representations related to all four licensing objectives and all had reached agreements with the applicant.

It was further noted that a representation was received on 18th March 2020 from a local resident. The representation related to the licensing objectives of the prevention of public nuisance and the protection of children from harm. The local resident was concerned that the events would cause noise nuisance and disruption to local residents and would be particularly unacceptable on weekdays.

Mr Rixon for Leicestershire Police was given the opportunity to outline the reasons for the representation. It was noted the Police had had discussions with the applicant and had no concerns as the applicant had agreed to requests from the police. The Police supported the application.

The Licensing Team Manager (Enforcement) outlined the reasons for the representation and answered questions from Members and the local resident. It was noted the opinion considered by the authority who had previous experience of joint working the applicant, that if the Sub-Committee were minded to grant the application and following agreement with the applicant, that the requested conditions detailed in the representation be imposed in full.

Mr Marston (Noise Team) outlined the details for the representation. It was noted that discussions had been held with the club, and requested conditions detailed in the report had been agreed.

Mr Dukes (local resident) outlined the detail for the representation. Mr Dukes raised concerns over noise levels and request they be lowered, holding events on consecutive days including week-days, the time at night the concerts would cease, traffic and parking. He requested the cricket ground provide details to

local residents on events, noise levels and traffic plans.

Ms Clarke on behalf of the cricket club responded to points made and answered questions from Members, Mr Dukes and the Legal Adviser to the Sub Committee.

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

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee 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, the Sub-Committee 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, in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

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

The Chair then asked all but the 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.

RESOLVED:

That the application for a new Premises Licence for Leicestershire County Cricket Club, County Ground, Grace Road, Leicester be GRANTED subject to the conditions consistent with the Operating Schedule, and conditions consistent with representations from the Licensing Enforcement Team, Noise Team and Leicestershire Police as detailed in Appendix C to the Officer's report.

The Sub-Committee had been asked to determine an application for a new Premises Licence. In reaching their decision the Sub-Committee Members had listened carefully to all of the representations and took account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

The Sub-Committee heard that the Cricket Club had a history of cooperating fully with responsible authorities. It also had a history of successfully holding music events, in particular, a large-scale event in 2016.

The Sub-Committee were informed representations had been received from Leicestershire Police, the Council's Licensing Enforcement Manager and the

Council's Noise Team on all four of the licensing objectives. Following agreement with the Cricket Club on conditions to be attached to the licence if granted, those representations were now in favour of the grant of the licence.

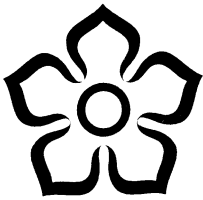
The Sub-Committee were further informed of an outstanding single representation made by a local resident regarding the prevention of public nuisance arising from crowd noise, increased parking in the area and loud music, and the protection of children from harm arising from potential harm to their sleep patterns as a result of noise.

REASON FOR THE DECISION

The Sub-Committee stated that the additional conditions agreed by the Cricket Club with the Police and the appropriate Council authorities addressed issues raised in the representation of the local resident effectively, and were appropriate for promotion of the licensing objectives.

74. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 11.29am.



Leicester
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Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE
(Teams Virtual Meeting)

Held: TUESDAY, 12 MAY 2020 at 1:00 pm

P R E S E N T:

Councillor Hunter (Chair)
Councillor Pickering (Vice Chair)

Councillor Gee

* * * * *

7. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

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

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Simon Joynes, Noise Management Representative for the applicant.

9. DECLARATIONS OF INTEREST

There were no declarations of interest made.

10. APPLICATION FOR A NEW PREMISES LICENCE: XTRA HUMONGOUS, LAND BETWEEN ST JOHN STREET AND BURLEYS WAY

The Chair confirmed with Sub-Committee Members that the reports for the meeting had been read and Police bodycam footage circulated to them had been viewed.

The Director of Neighbourhood and Environmental Services submitted a report which required the Sub-Committee to determine an application for a new premises licence for Xtra Humungous Ltd, for the land between St John Street

and Burleys Way, Leicester.

The Sub-Committee noted that representations had been received which necessitated that the application for the new premises licence had to be considered by the Sub-Committee.

The applicant Paul Brindley was present accompanied by representatives Mr Rob Edge (Agent), Mr Lee Wilkinson (Traffic Management), Mr Lloyd Major (Public Safety) and Ms Helen Overton (Health and Safety). Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police), PC Jeff Pritchard (Leicestershire Police), Ms Hanifa Turk (Public Safety Team), Mr Terence Olaf (Noise and Pollution Control Team), Licensing Team Manager (Policy and Applications), Licensing Team Manager (Enforcement) and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that a representation was received on 28 February 2020 from the Public Safety Team at Leicester City Council which related to public safety. The Public Safety Team were concerned that the location was badly maintained and offered a number of potential dangers to the public. They had also expressed concerns regarding crowd safety and access to and from the area for emergency vehicles.

It was noted that representation was received on 1 March 2020 from the Licensing Team Manager (Enforcement) relating to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. The Licensing Team Manager (Enforcement) was not satisfied that the activities applied for would not have a negative impact on the licensing objectives and that the type of events to take place were not fully clear or defined in order to make a reasonable judgement.

A representation was received on 2 March 2020 from the Noise and Pollution Control Team at Leicester City Council relating to the prevention of public nuisance. The Noise Team were concerned that the applicant intended to hold frequent outdoor events, including large-scale music events and that there would be an inherent difficulty in noise control and management which would have a negative effect on existing and proposed nearby residential properties.

A representation was received on 2 March 2020 from Leicestershire Police relating to all four licensing objectives. The Police were concerned about the location of the site and safe access to and from the venue, lack of CCTV in the area and the impact of events on nearby residential accommodation. The Police had also raised concerns regarding child safety due to a lack of detail surrounding what type of events would be taking place.

Mr Braithwaite and PC Pritchard from Leicestershire Police were given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee, applicant and applicant's representatives. The Police were concerned that large events on a regular basis would have a negative impact on all four licensing objectives if not run correctly and that the

applicants had not provided enough information on events that would take place and how any potential negative impact could be mitigated. They were particularly concerned that proposed road closures would obstruct emergency vehicles, especially ambulances which use Burleys Way as a major route to Leicester Royal Infirmary.

Ms Turk (Public Safety Team) was given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee, applicant and representatives. The Public Safety Team were concerned about a number of potential dangers to the public such as uneven ground, broken and shattered windows, and a large hole which could result in a potential fall from height.

The Licensing Team Manager (Enforcement) was given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee, applicant and representatives.

Mr Olaf (Noise Team) was given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee, applicant and representatives.

The applicant Mr Brindley, and representatives Ms Overton, Mr Major and Mr Wilkinson outlined the reasons for the application and responded to questions from the Sub-Committee, Licensing Enforcement Officer and the Police.

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

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee 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, the Sub-Committee felt they should deliberate in private on the basis that that was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

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

The Chair then asked all but the 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.

RESOLVED:

That the application for a new premises licence for Xtra Humongous Ltd. for the land between St John Street and Burleys Way be REFUSED.

The Sub-Committee had been asked to determine an application for a new Premises Licence. In reaching their decision the Sub-Committee had carefully considered all the representations and had taken into account the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

It was noted the applicant had provided generic information regarding the nature of events to be held if the licence were to be granted indicating that a total of 15 music events and 68 other types of event would be held each year, each with attendance restricted to less than 5,000.

REASONS FOR THE DECISION

The Sub-Committee felt that the land which was the subject of the application could best be described as derelict. It was currently in poor condition and clearly currently presented a danger to members of the public. The Sub-Committee felt the applicant had not provided detailed information regarding how it was proposed the site would look once work had been undertaken to make it safe and suitable for use for licensable activities. The Sub-Committee were informed that the site would be separated from the immediate surrounding area, which included derelict buildings, by the erection of fencing where appropriate, the effectiveness of which would be supplemented by the presence of security personnel at events.

The Sub-Committee had viewed bodycam footage of the site and the immediate area. The site had poor and restricted access and egress routes which raised real concern for crowd safety and access for emergency vehicles. In an email dated 05/05/20, the Police had indicated that the applicant's proposed Traffic Management Plan was "inappropriate, unachievable and arguably, unsafe". Even accepting that the Plan was put forward as a draft only and allowing for the indication that Traffic Management Plans would be tailored for individual events, the Sub-Committee agreed with the Police representations made.

In the absence of detailed information from the applicant as to how noise levels would be contained, the Sub-Committee had been informed it was likely that noise from outdoor events, especially music events, would have a negative effect on nearby residential properties. Large numbers of people attending the site would bring nuisance issues arising from noise control and behaviour.

The applicant had indicated that CCTV equipment would be installed covering the whole site, but would not cover the surrounding area including the access and egress routes, and which Members believed would present difficulties for the investigation of crime and disorder which unfortunately would be likely to arise, even in a limited form, where there were large congregations of people.

In the absence of detail regarding the exact nature of events and how they

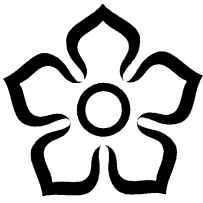
would be run, it was not possible for Members to be satisfied that children would be protected from harm.

The decision of the Sub-Committee was that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm to refuse the application.

The applicant would be advised of the right to appeal to the Magistrate's Court within 21 days.

11. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 5.30pm.



Leicester
City Council

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

Held: TUESDAY, 19 MAY 2020 at 10:00 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Cank

Councillor Fonseca

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12. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

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

13. APOLOGIES FOR ABSENCE

There were no apologies for absence.

14. DECLARATIONS OF INTEREST

There were no declarations of interest made.

15. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 1st May 2020 be confirmed as a correct record.

**16. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE:
THE PYRAMID LOUNGE (ANONYMOUS), 8-10 MILLSTONE LANE,
LEICESTER LE1 5JN**

The Chair confirmed with the Sub-Committee Members that the reports for the

meeting had been read and that CCTV footage and bodycam footage supplied by the Police had been viewed.

The Director of Neighbourhood and Environmental Services submitted a report requiring the Sub-Committee to determine an application for the review of an existing premises licence for The Pyramid Lounge (Anonymous) 8-10 Millstone Lane, Leicester, LE1 5JN,

The Sub-Committee noted that representations had been received which necessitated that the application for the review of an existing premises licence had to be considered by the Sub-Committee.

Mr Dale Murphy Premises Licence Holder (PLH) was present as was his legal representative Mr Ed Walters (Barrister), and Mr Rajesh Pabla (Solicitor). Mr Jagdeep Narll (Manager of the premise), Mr Peter Finch, (Security Manager of the premise), Mr Nigel Rixon (Licensing Manager, Leicestershire Police), PC Jeff Pritchard (Leicestershire Police), two Police witnesses referred to as Witness One and Witness Two, Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that an application for a review of the existing premises licence was received on 24 March 2020 from Leicestershire Police on the grounds of prevention of crime and disorder, public safety, the prevention of a public nuisance, and the protection of children from harm. The Police were concerned about a number of incidents of crime and disorder linked to the premises.

It was further noted that a representation was received on 26 March 2020 from Councillor Dr Lynn Moore, who recommended that the licence be revoked on the grounds of prevention of crime and disorder, public safety, and the prevention of public nuisance. Councillor Dr Moore was not present at the meeting.

Mr Rixon and PC Pritchard outlined the reasons for the submission of the review application and answered questions from Members, Mr Walters and Mr Murphy. The Police referred to a lack of cooperation from the management of the premises in reporting incidents and providing CCTV.

Two persons present as police witnesses were invited to outline their reasons for the application and answered questions from Members. They raised concerns over weekly brawls outside the premises, with door staff doing nothing to intervene. They reported that noise from the patrons of the premise was causing distress to them and other nearby residents, including young children.

It was at this point that Mr Walters, legal representative for Mr Murphy, requested that the meeting be adjourned to a later date. Mr Walters stated that Mr Murphy had not received enough notice of the relevant incidents before the hearing in order to properly investigate them. The Police objected to this

request for an adjournment, citing several meetings in December 2019 where Mr Murphy was informed of criminal activity at the premise.

Members of the Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee. It was noted that should the meeting be adjourned it would be to a specified date.

In order to consider the request for an adjournment of the hearing, 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 Sub-Committee Members then withdrew from the meeting to consider the request in private deliberation. Members then returned to the meeting and announced their decision to continue with the hearing. Members cited the meetings with Police in December 2019 as evidence that Mr Murphy had had enough time to investigate the incidents that had taken place at the premise.

Mr Murphy was given the opportunity to respond to the application and answered questions from Members and the Police. He informed the meeting that he did not know about the incidents occurring at the premise and stated it was his intention to part ways with the current management team and bring a new team in, and for the premise to remain closed for several months until a new management team and security staff were in place.

Mr Walters on behalf of Mr Murphy also put forward representation and asked questions of the Police and answered questions from Members.

Mr Narll and Mr Finch were also given the opportunity to respond to the points raised during the meeting and answered questions from Members.

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

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee 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, the Sub-Committee 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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons 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 to give advice on the wording of the decision.

The Chair then asked all but the 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.

RESOLVED:

That the premises licence for The Pyramid Lounge (Anonymous), 8-10 Millstone Lane, Leicester, LE1 5JN be REVOKED.

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 the Review of a Premises Licence. In reaching their decision, Members of the Sub-Committee had carefully considered the committee report presented by the Licensing Officer, the representations made by Leicestershire Police in support of the Application for a Review, the representations made on behalf the Premises Licence Holder (PLH) and the legal advice given 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. The current licensable activities which were the subject of the review were set out in paragraph 5.2 of the Licensing Officer's report to Committee.

Leicestershire Police had asked for a review of the premises licence because they were concerned the premises licence had failed to uphold the licensing objectives relating to the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm.

The grounds set out for the Review application were:

- Incidents of crime and disorder linked to the premises
- Poor management and failure to report criminal activity
- Concern about under 18's events organised at the premises
- Failure to provide CCTV footage to the Police despite numerous requests
- Operating without a Designated Premises Supervisor (DPS) for a period of up to two months
- Breach of licensing conditions

In addition the Police stated they had been frustrated by a lack of engagement from all those associated in the running of the premises. In particular they pointed to the failure to provide CCTV footage to them with regards to serious criminal incidents, including a serious sexual assault where the victim was under 18 years old. The Police also stated that investigations were ongoing in relation to illegal abstraction of electricity and the presence of a nitrous oxide

gas cannisters at the premises. The Police requested the Sub-Committee revoke the licence because they said that despite meetings with the premises licence holder and a succession of managers there had been no improvements, and incidents of crime and disorder relating to the premises had increased.

Application to Adjourn

It was unfortunate that the Sub-Committee were not made aware at the outset of the Premises Licence Holder, Mr Murphy's intention to apply for an adjournment. The intention to apply was only brought to the attention of the Sub-Committee Members after the Licensing Officer had read the Committee report, the Police had finished giving their representation in support of the review application and Witnesses One and Two had given their evidence. Mr Walters representing the Premises Licence Holder informed the Sub-Committee that he had tried to draw the attention of the Chair to put forward the application to adjourn but that he may not have been heard. It was accepted that there was a miscommunication and that it was not due to anyone's fault. In the circumstances Mr Walter's was allowed to make an application to adjourn and set out his reasons. In making the application, Mr Walters reminded the Authority of its duty to ensure a fair hearing and informed the meeting that due the virtual nature of the meeting and the technology used it was not possible for him to take instruction from Mr Murphy. Mr Walters also complained that only the Sub-Committee Members and Council Officers could use the video facility whilst all the parties to the application were on the telephone. It was noted, however, that the main reason for seeking an adjournment for 21 days was that due to Mr Murphy being in self-isolation, he had been unable to properly investigate the incidents relied upon by the Police and to collate evidence from certain individuals. Leicestershire Police opposed the application and informed the Sub-Committee of the dates on which they had contacted Mr Murphy and sought to engage with him regarding the issues raised in the review application. The Police also pointed out that Witnesses One and Two had taken time off work to attend the hearing and could not be expected to attend a further hearing. The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee before retiring to consider their decision.

Having considered the application to adjourn, the Sub-Committee decided NOT TO GRANT an adjournment. The Sub-Committee were reminded of their discretion under Regulation 12 Licensing Act 2003 (Hearings) Regulation 2005 to adjourn a hearing to a specified date where it was considered to be necessary for consideration of any representations or notice made by a party. The Sub-Committee's reasons for not granting the adjournment were:

- The Sub-Committee Members were satisfied that Mr Murphy had been notified of the grounds now relied upon by the Police as early as 5th December 2019 quickly followed by a meeting on 18th December 2019.
- Members were satisfied that at a meeting on 5th December 2019 held in Mr Murphy's office, PC Pritchard had notified Mr Murphy and Mr Narll of

the suspected under 18 events held at the premises, suspected unlicensed SIA door staff working at the premises, of there being no DPS in place for two months, an inadequate CCTV system, criminal investigations being hindered by the lack of, or delays in providing, CCTV and a lack of management/ leadership at the premises. Although Mr Murphy stated that he did not have the same recollection, Members had accepted PC Pritchard's evidence set out in his Section 9 statement dated 18th April 2020 and supported by the Officer's notebook record for that date.

- Members had also accepted the chronology of subsequent contact with Mr Murphy, his managers and representatives set out both by the Police and the Council's Licensing department and were satisfied that Mr Murphy and his representatives had had more than sufficient time to make their enquiries and prepare their representations for the hearing.
- Mr Murphy and his representatives had failed to identify to the Sub-Committee what actual investigations needed to be undertaken and how the outcome of those investigations required necessary consideration at a further hearing. these points were considered particularly pertinent since Mr Murphy's principal position was that he played no part in the running of the premises and that because he had been let down by those he had trusted he wanted a fresh start with new management, who he would ensure would work with the Police
- Members were also satisfied that the hearing procedure adopted under the Coronavirus legislation had been fair given that all parties to the hearing had the same access by audio/ telephone and instructions could be taken during the hearing by using emails or messaging, or indeed asking for a short adjournment.
- Mr Walter's stated that he had on occasions lost connection, but when reflecting on the hearing as a whole the Sub-Committee did not believe that there was any unfairness , and Mr Walters was afforded every opportunity to put forward submission and representations on behalf of Mr Murphy. Members further noted that all the other participants, including instructing solicitor Mr Pabla and his client Mr Murphy, retained connection throughout the hearing which lasted over 4 hours.

In response the grounds set out in the review application, the PLH Mr Murphy had stated that he had no direct dealings with the premises, that had been let to Mr Narll on a lease, and that having heard about what had been alleged to be occurring at the premises he felt let down by Mr Narll and others. Mr Murphy had stated that he would now work with the Police and put in place whatever was necessary to comply with the Licensing Act 2003 and any other requirements set out by the Licensing Authority.

The Sub-Committee confirmed they had not taken anything put before them on face value and Members had spent a great deal of time scrutinising the representations put before them orally and in writing with due rigour, and had

considered each of the options available to the Sub-Committee.

As a result of what they had heard, Members were satisfied that the representations by the Police engaged all four licensing objectives and they concluded that it is appropriate and proportionate in light of Licensing objectives to revoke the licence

REASONS FOR THE DECISION

1. We believe that the cause or causes of the concerns which gave rise to the application for review was the poor management of the premises and the unwillingness of the PLH and his management team to promote the licensing objectives, particularly that relating to the prevention of crime and disorder.
2. The Sub-Committee found the failure to provide CCTV footage in relation to certain incidents, including those involving staff failings, to be extremely serious.
3. The Sub-Committee concluded that the PLH had full knowledge of the grounds which formed the basis of the application on 5th December 2019 and that when notified of the concerns Mr Murphy exercised control by ensuring a new Designated Premises Supervisor was appointed on the very same day. However, following that meeting, matters deteriorated with serious incidents continuing to occur at the premises between January and March 2020
4. The Sub-Committee had found the evidence of Witnesses One and Two compelling and accepted their evidence in relation to crime and disorder at the premises: The failure of the door staff to stop fights, the nuisance caused to them by those gathering outside the premises and the fear caused to them by the violence occurring at the premises. Members believed the Witnesses independent evidence corroborated all the evidence and information put before them by the police
5. Mr Murphy admitted that the management and other staff had been culpable of certain failings which led to the application for review. However, given Mr Murphy's lack of action and engagement in the period leading up to the review the Sub-Committee were not persuaded about his ability to bring about the changes necessary to uphold the licensing objectives.
6. The Sub-Committee were particularly disturbed by the incident involving an under 18-year-old who had been able to enter the premises in possession of a bottle of vodka and was subsequently the subject of a serious sexual assault. The failure to provide CCTV footage in relation to this matter left Members with no confidence in the PLH and his management team.
7. Members had also taken a dim view of the under 18 events held at the premises in breach of the licensing conditions and were appalled that the premises had used their social media to promote illegal drug use.
8. Members noted the Police had followed the statutory guidance by meeting with the PLH and his managers, and had attempted to work him and others to promote the licensing objectives through meetings. The Police had confirmed that no letters were sent to Mr Murphy following meetings and contacts with him, however Members were satisfied that Mr Murphy and his managers were aware of issues occurring at the premises.

9. Having carefully evaluated all the information and evidence both before them, the Sub-Committee accepted the submission put forward by the Police that the licence holder was unable to uphold the licensing objectives.
10. The Sub-Committee had given consideration to the other options available to them under Section 52 of the 2003 Act and concluded that the cause or causes of the concerns which led to the review application could not be addressed by a lesser measure than revocation as Members found that the premises had been trading irresponsibly in that it failed to cooperate with the Police in relation to incidents occurring at the premises, engaged in criminal activity namely abstraction of electricity, promoted drug taking through its social media, allowed nitrous oxide cannisters to be on the premises, failed to protect children from harm by holding under 18's events in breach of the licence conditions, allowing entry to under 18's and failed to cooperate with the police when an under 18-year-old was sexually assaulted in the premises.
11. Given the history presented to them by the Police the Sub-Committee had no confidence in the PLH's ability to uphold the licensing objectives, nor do they have confidence in his ability to bring about the major changes needed to get the premises to trade responsibly and comply with the requirement of the Licensing Act 2003.

The applicant would be advised of the right to appeal to the Magistrate's Court within 21 days.

17. ANY OTHER URGENT BUSINESS

There being no other urgent business the meeting closed at 2.07pm.

Appendix B1

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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