



Leicester
City Council

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

Held: FRIDAY, 4 SEPTEMBER 2020 at 10:00 am

P R E S E N T:

Councillor Pickering (Vice Chair in the Chair)

Councillor Dr Sangster

Councillor Thomas

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19. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Pickering be appointed as Chair for the meeting.

20. APOLOGIES FOR ABSENCE

There were no apologies for absence.

21. 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.

22. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 18 August 2020 be confirmed as a correct record.

23. APPLICATION FOR A NEW PREMISES LICENCE: IPL CONVENIENCE STORE, 103 UPPINGHAM ROAD, LEICESTER, LE5 3TB

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence for IPL Convenience Store, 103 Uppingham Road, Leicester, LE5 3TB.

Members noted that a representation had been received, which necessitated

the application had to be considered by the Sub-Committee.

The applicant Mr Haja Harbham Modhwadia was present as was his representative Mr Anil Bhawsar (Licensing Agent). The Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee were also present. It was noted the person who had made representation against the application was not present.

Introductions were made and the procedure for the meeting was outlined to those present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that a representation had been received from a local resident on 21st July 2020 relating to the licensing objective of the prevention of public nuisance. The local resident was concerned that another off-licence would add to the problem of people drinking in front of the shops in the area and unsociable activities. In addition, the resident indicated that the owner of the premises intended to allow people to drink in the rear of the premises.

The applicant and his licensing agent were then given the opportunity to respond to the points raised and answered questions from the Sub-Committee Members. The applicant 's licensing agent confirmed that the applicant was happy to install CCTV in the storeroom at the premises.

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 being present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

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

The Chair then asked that 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.

The Legal Adviser to the Sub-Committee was called back to the meeting to

give advice on the wording of the decision.

RESOLVED:

That the application for a new premises licence for IPL Convenience Store, 103 Uppingham Road, Leicester, LE5 3TB be GRANTED.

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.

Members of the Sub-Committee were asked to determine an application made under the Licensing Act 2003. In reaching their decision Members had listened carefully to all the representations, both written and verbal. They took account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

Members of the Sub-Committee were asked to determine an application for the authorisation of off-sales of alcohol at IPL Convenience Store, seven days a week, from 7.00 am to 10.00 pm daily. Members had considered the representation received from one local resident who had raised concerns regarding the prevention of public nuisance caused by people drinking outside shops and discarding cans. The representor had also indicated that the owner of the premises intended to allow people to drink alcohol in the rear of the premises. As an unauthorised on-sales of alcohol, this part of the representation related to the prevention of crime.

REASON FOR THE DECISION

The Sub-Committee was required in reaching a decision to assess the evidence, but the representor had not provided any evidence or other information in support of the representations. The Sub-Committee noted that no representations against the grant of the licence had been received from other residents or from any responsible authorities. On the contrary, the applicant had submitted a petition in support of the application signed by sixty-nine residents.

In those circumstances, the Sub-Committee's decision was that it was appropriate for the promotion of the licensing objectives of the prevention of public nuisance and the prevention of crime to grant the application subject to the conditions consistent with the Operating Schedule as set out at Appendix C of the Committee Report, with two additional conditions specified by Members of the Sub-Committee as follows:

- The applicant to install CCTV coverage in the storeroom at the premises.
- The prohibiting of dustbins and recycling bins being emptied or collected between the hours of 9.00 pm and 7.00 am.

24. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 10.42am.