



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE
(MICROSOFT TEAMS VIRTUAL MEETING)

Held: FRIDAY, 30 OCTOBER 2020 at 10:00 am

P R E S E N T:

Councillor Singh Johal (Vice Chair in the
Chair)

Councillor Cank

Councillor Thomas

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25. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Singh Johal be appointed as Chair for the meeting

26. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Shelton.

Councillor Thomas was present as substitute for Councillor Shelton,

27. DECLARATIONS OF INTEREST

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

There were no declarations of interest.

28. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held 4 September 2020 be confirmed as a correct record.

29. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE, DOVER CASTLE, 34 DOVER STREET, LEICESTER, LE1 6PT

The Chair confirmed with the Sub-Committee Members that the reports and additional information circulated prior to the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report requiring the Sub-Committee to determine an application for the variation of an existing Premises Licence for Dover Castle, 34 Dover Street, Leicester, LE1 6PT.

Members noted that representations had been received which necessitated that the application for a variation of an existing Premises Licence had to be considered by the Sub-Committee.

The applicant Mr James Cockerill (Premise Manager), his representative Mr George Domleo (Legal Representative), Councillor Patrick Kitterick (Ward Councillor for Castle Ward), Mr Mark Howarth (Local Resident), Mr Justin Williams (Local Resident), Mr Barry Reynolds (Local Resident), the Licensing Team Manager (Policy and Applications) and the Legal Advisor to the Sub-Committee were present at the meeting.

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 21 September 2020 from Councillor Kitterick which related to the licensing objective of the prevention of a public nuisance. Councillor Kitterick was concerned that the premise was looking to become more of a nightclub venue, which would not be appropriate for the growing residential population surrounding the premise.

It was further noted that representations were received from eight local residents on various dates. Their concerns were related to the licensing objective of prevention of a public nuisance, that noisy patrons leaving the premise would create a disturbance for local residents trying to sleep.

The Licensing Team Manager (Policy and Applications) informed the meeting that one of the representations made by a local resident had been withdrawn prior to the meeting.

At this point the applicant stated that they wished to withdraw the proposed hours for Tuesday and Wednesday from the application. Members and those making representations did not object to the requested amendment. Members sought legal advice from the Legal Advisor to the Sub-Committee to confirm the amendment could be accepted. The Legal Advisor stated that because the amendment was withdrawing from the application rather than adding to it, this amendment could be accepted.

Councillor Kitterick was given the opportunity to outline the reasons for his representation. Councillor Kitterick was concerned that the premise would have no control of their patrons after they had left the premise and could not stop

them making noise and disturbing residents.

Mr Williams, Mr Reynolds, and Mr Howarth were given the opportunity to outline reasons for their representations. They shared concerns about patrons dispersing from the premise making noise and disturbing nearby residents.

Mr Cockerill and Mr Domleo outlined the reasons for the application and answered questions from the Sub-Committee, and Councillor Kitterick.

All parties were 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.

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

RESOLVED:

that the application for the variation of an existing Premises Licence for Dover Castle, 34 Dover Street, Leicester, LE1 6PT be GRANTED subject to the conditions consistent with the Operating Schedule and additional conditions.

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 Meeting)(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 Section 34 of the Licensing Act 2003, to vary the premises licence at Dover Castle, 34 Dover Street, Leicester.

In reaching their decision, the Sub-Committee members had listened carefully to all the representations, both written and verbal. They had also taken

account of statutory guidance issued under S.182 of the Licensing Act 2003 and the licensing authority's Statement of Licensing Policy.

Members of the Sub-Committee were asked to determine an application for the variation of the premises licence at Dover Castle to do the following:

1. Extend the terminal hour for licensable activities on Sunday, Monday and Thursday until 02:00am the following day;
2. Extend the opening hours to allow the premises to open on Sunday, Monday and Thursday until 02:30am the following day;
3. Add non-standard timings for all existing licensable activities and opening hours; and
4. Remove all existing conditions in Annex 2 of the Premises Licence and replace with updated conditions contained in section M of the application, together with an additional condition submitted during the hearing which stated as follows:

A dedicated telephone number and email address for the Designated Premises Supervisor or Manager will be given to any resident upon request to allow complaints to be made directly, at all times the premises are open.

Members had considered the representations received from the Ward Councillor and the local residents who had raised concerns regarding the prevention of public nuisance and the prevention of crime and disorder.

Members also considered representations made on behalf of the Applicant to address the concerns raised.

Members also noted that representations against the grant of the variation had not been received from any responsible authority, namely the Noise and Pollution Control Team and the Police.

The Sub Committee members overriding consideration is the protection of the public and as such they had spent a great deal of time assessing the evidence and information before them.

The Sub Committee decision was that due to the reduction in the number of days in which the Applicant wished to extend the terminal hour for licensable activities and the opening hours and the addition of the Dispersal Policy which forms part of the conditions of the licence, it was appropriate for the promotion of the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder to grant the application subject to the conditions consistent with the operating schedule as set out in Appendix D of the Committee Report together with the following additional conditions:

1. A dedicated telephone number and email address for the Designated Premises Supervisor or Manager will be given to any resident upon request to allow complaints to be made directly, at all times the premises are open.
2. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
3. The licence holder will ensure that no customers shall take glasses or open bottles from the premises.
4. Alcohol and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

The Sub Committee Members believed that the imposed conditions will ensure that the Applicant will continue to promote the licensing objectives.

30. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 12:00pm.