



Leicester
City Council

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

Held: TUESDAY, 9 FEBRUARY 2021 at 11:00 am

P R E S E N T:

Councillor Pickering (Vice Chair in the Chair)

Councillor Fonseca

Councillor Gee

* * * * *

53. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair for the meeting.

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.

54. APOLOGIES FOR ABSENCE

There were no apologies for absence.

55. DECLARATIONS OF INTEREST

There were no declarations of interest.

56. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing (Hearings) Sub-Committee meeting held on 21st January 2021 be confirmed as a correct record.

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

B1) Application to transfer an existing Premises Licence Holder: Mario (Known as Peri Peri Pepper), 175 Fosse Road North, Leicester, LE3 5EZ

58. APPLICATION TO TRANSFER AN EXISTING PREMISES LICENCE HOLDER: MARIO (KNOWN AS PERI PERI PEPPER), 175 FOSSE ROAD NORTH, LEICESTER, LE3 5EZ

Introductions made and the procedure for the meeting was outlined.

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

The Director of Neighbourhood and Environmental Services submitted a report on an application for a transfer of a premises licence holder for Mario (known as Peri Peri Pepper), 175 Fosse Road North, Leicester, LE3 5EZ.

The applicant and representative were present. Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police), 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 the details of the application. Members noted that an application was received on 7th December 2020 from Leicestershire Police for a review of the existing premises licence on the grounds of the prevention of crime and disorder and public nuisance. The Hearing to determine the review had taken place on 21st January 2021 and Members determined to revoke the premises licence. The current licence holder had been advised that they had until 15th February 2021 to appeal the decision. The meeting was informed that a written representation from the application was included in the report at Appendix C.

The Sub-Committee further noted that a representation had been received from Leicestershire Police on 30th December 2020 in relation to the prevention of crime and disorder and public safety. The Police were concerned there had been incidents at the premises and felt that the attempt to transfer the licence was due to the review of the premises which had been called and the possibility of the licence being revoked.

Mr Dave Braithwaite for Leicestershire Police was given the opportunity to outline the reasons for the objection to the transfer of the premises licence holder and answered questions from Members. Members were asked if they wished to view the CCTV footage again, which was declined as Members confirmed they already viewed the footage.

The applicant and representative were given the opportunity to present her case and answered questions from Members, Police and the Licensing Team Manager (Policy and Applications).

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 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.

Following the legal advice received, the applicant through her representative informed the meeting that an employee for which the Police had concerns would not work at the premises if the transfer of personal licence holder was approved.

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 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 back 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.

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 to transfer an existing premises licence holder for Mario (known as Peri Peri Pepper), 175 Fosse Road North, Leicester, LE3 5EZ be REJECTED.

In reaching our decision the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications) and the representations made by Leicestershire Police. The Members had also considered the representations made by the applicant and their representative and 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 submitted their representation due to concerns surrounding a violent incident that occurred at the premises, the staff that worked at the premises and in particular a member of staff who was involved in the incident. They had concerns that the applicant would not ensure the premises was run in an acceptable manner and that further incidents outlined within the report would continue to occur.

The Sub-Committee had considered carefully the representations made by the applicant and their representative and had considered the fact the applicant had stated she would employ security staff at the premises and that she would ensure such an incident would not happen again.

Members had not taken anything presented to them at face value and they confirmed that they had scrutinised the information put before them by all parties.

The Sub-Committee had considered each of the options available to them. As a result of what they had heard, Members were satisfied that that it was appropriate and proportionate considering the licensing objectives and having regard to the police representation, to reject the application.

REASONS FOR THE DECISION

Members accepted the evidence presented by the police. They had no confidence that further violent incidents would not occur in the future as Members did not believe the applicant would manage the premises in a manner that would promote or uphold the licensing objectives or in compliance with the requirements of the Licensing Act 2003.

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

The Premises Licence Holder would be informed that an appeal against the

decision must be made within 21 days to the Magistrates Court.

59. CLOSE OF MEETING

There being no further items of urgent business, the meeting closed at 12.17pm.