

Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: TUESDAY, 9 FEBRUARY 2021

TIME: 11:00 am

PLACE: Microsoft Teams Meeting

Members of the Sub-Committee

Councillors Fonseca, Gee and Pickering

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

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for Monitoring Officer

Officer contact: Angie Smith
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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.

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk, from the Council's Customer Service Centre or by contacting us using the details below.

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 MEETING

A live stream of the meeting can be viewed on the following link:

<https://tinyurl.com/yymbvu23>

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 MEETING** **Appendix A**

The Minutes of the previous meeting held 21 January 2021 are attached and Members will be asked to confirm them as a correct record.

5. **PRIVATE SESSION**

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended, and consequently that the Sub-Committee makes the following resolution:-
"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 they involve 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.

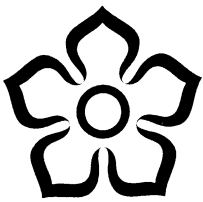
B1) Application to transfer an existing Premises Licence Holder: Mario (Known as Peri Peri Pepper), 175 Fosse Road North, Leicester, LE3 5EZ

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

Appendix B1

The Director of Neighbourhood and Environmental Services submits a report.

7. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

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

Held: THURSDAY, 21 JANUARY 2021 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Fonseca

Councillor Dr Sangster

* * * * *

38. APPOINTMENT OF CHAIR

Councillor Singh Johal 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.

39. APOLOGIES FOR ABSENCE

There were no apologies for absence.

40. DECLARATIONS OF INTEREST

There were no declarations of interest made.

41. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 15th December 2020 be confirmed as a correct record.

42. 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 for a review of an existing Premises Licence: Mario (Known as Peri Peri Pepper), 175 Fosse Road North, Leicester, LE3 5EZ
- B2) Application to transfer an existing Premises Licence Holder: Mario (Known as Peri Peri Pepper), 175 Fosse Road North, Leicester, LE3 5EZ

43. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE: 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 the review of an existing premises licence for Mario (known as Peri Peri Pepper), 175 Fosse Road North, Leicester, LE3 5EZ.

The Premises Licence Holder (PLH) was 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 safety. Leicestershire Police were concerned that there had been two incidents of a similar nature at the premises or directly outside. There was evidence to show the premises were not being run in an acceptable manner by the management team and they were not supporting the licensing objectives.

CCTV evidence of an incident that took place on 11 July 2020 involving the licence holder and employees of the premises had been made available to Members and the Licence Holder and had been viewed prior to the hearing taking place.

Mr Dave Braithwaite for Leicestershire Police was given the opportunity to outline the reasons for the review application and answered questions from Members.

The Premises Licence Holder was given the opportunity to present his case, and answered questions from the Police.

For clarity on points made by the Premises Licence Holder, Members also asked questions of the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

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.

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 premises licence for Mario (known as Peri Peri Pepper), 175 Fosse Road North, Leicester, LE3 5EZ, be REVOKED

The Sub-Committee Members had been asked to determine an application made under the Licensing Act 2003, for the Review of the Premises Licence. In

reaching their decision, Members of the Sub-Committee had carefully considered the committee report presented by the Team Manager (Policy and Applications) and the representations made by Leicestershire Police in support of the Application for a Review. The Members had also considered the representations made by the Premises Licence Holder (PLH) and taken into account 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 applied for the review as they were satisfied that the premises were not being run in an acceptable manner by the management team and that they were not promoting the licensing objectives.

The Sub-Committee Members had considered carefully the representations made by the PLH.

The 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 in light of the licensing objectives to revoke the premises licence.

Reasons for the Decision

Members accepted the evidence presented by the police and were satisfied that the premises were not being run in an acceptable manner by the management team and that the PLH was unable to promote or uphold the licensing objectives. The Members had no confidence that the premises was being run responsibly 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 PLH would be informed that an appeal against the decision must be made within 21 days to the Magistrates Court.

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

The application was deferred pending the outcome of the Review of the Premises Licence.

45. CLOSE OF MEETING

There being no further items of urgent business, the meeting closed at 6.27pm.

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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