



Leicester
City Council

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

Held: THURSDAY, 11 MARCH 2021 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Vice-Chair in the Chair)

Councillor Cank

Councillor Westley

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1. 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.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Dr. Moore. Councillor Westley was present for Councillor Moore.

Introductions made and the procedure for the meeting was outlined by the Chair.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. APPLICATION FOR A NEW PREMISES LICENCE: NEW PARKS FOOD, 63 KEIGHTLEY ROAD, LEICESTER, LE3 9LQ

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

The Director of Neighbourhood and Environmental Services submitted a report

on an application for a new premises licence for New Parks Food, 63 Keightley Road, Leicester, LE3 9LQ.

Members noted that a representation had been received, which necessitated the application had to be considered by the Sub-Committee.

A representative for the applicant, Mr Anthony Close, Mrs Lilo Odedra (owner of a nearby store) and Miss Rakhi Odedra were present. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) confirmed with all those present that petitions from both parties had been received and circulated to Members.

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 17th February 2021 from a local business which related to all four licensing objectives.

Miss Odedra on behalf of Mrs Odedra was given the opportunity to outline the reasons for the objection and answered questions from Members.

Mr Close on behalf of the applicant was given the opportunity to outline the reasons for the application and answered questions from the objector to the application.

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 application for a new premises licence for New Parks Food, 63 Keightley Road, Leicester, LE3 9LG be GRANTED.

Members of the-Sub-Committee were asked to determine an application made under the Licensing Act 2003 for a new premises licence.

In reaching their decision the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications) and all the representations, and had taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

The application before the Sub-Committee was for a Premises Licence authorising off-sales of alcohol at New Parks Food, a new convenience store on Keightley Road, seven days a week from 8 am to 11 pm, those hours also being the opening hours of the premises. The premises were located on a main road next door to a Chinese takeaway.

The Sub-Committee noted a single representation against the application had been received within the required timeframe from a nearby store owner who had also submitted a petition with approximately 100 signatures opposing the application. The representation related to all of the licensing objectives.

The Sub-Committee heard the objector did not oppose the grant of a licence. Rather, the objector took issue with the requested licensed hours, believing a grant in those terms would lead to underage drinking and anti-social behaviour. Those were the problems the objector had encountered when opening the objector's premises approximately 17 years ago. The objector's premises were licensed for off-sales of alcohol until 11 pm daily but those present at the meeting were informed that, through choice, the objector currently closed the premises around 8.00 pm daily.

In response, the applicant noted the somewhat historic nature of the objector's representations and referred to the lack of evidence of any anti-social behaviour. The applicant referred to the details in the Operating Schedule which set out how underage drinking would be combated should such an issue arise. The applicant had also submitted a petition with approximately 50 signatures in support of the application.

REASONS FOR THE DECISION

The Sub-Committee noted that the Police had not objected to the application, nor had any representations been received from any Responsible Authorities. The Sub-Committee had not been provided with any crime report details or evidence of anti-social behaviour. In those circumstances Members felt that it

was appropriate for the promotion of the licensing objectives to grant the application in the terms requested. Members were of the opinion that if issues did arise in future, which were not properly addressed by the applicant, then procedures were available under the licensing legislation to seek a review of the licence.

Members' decision was to grant a Premises Licence, authorising off-sales of alcohol at the premises seven days a week from 8 am to 11 pm daily, subject to the conditions detailed in Appendix C of the Officer's Report.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- The Licence Holder will install an 8-camera multiplex CCTV system will be in operation with visible monitor and due warning signs displayed to the public of it's use within the premises. One interior camera is positioned to focus on the entrance and exit doorways to help with the prevention and detection of crime and help with the protection of customers' and staff safety. Recording data will be timed, dated and have a minimum 31 days records. The Police and Local Authority Officers may have access to the system at any reasonable time and downloadable recordings on request. A refusal register is to be kept to record any incidents.
- A maximum of 3 unaccompanied children are allowed in the shop at any one time. Challenge 25 and "Pass" approved Notices displayed requesting valid proof of age for any age restricted products. "No I.D - No Sale". All staff are trained to serve alcohol and age sensitive products under the guidance of the DPS.
- A waste bin is provided. The front pavement is swept daily or more frequently if littered.
- Signage will be clearly displayed requesting customers leave quietly and with respect to nearby residents.

5. CLOSE OF MEETING

There being no further items of urgent business, the meeting closed at 6.15pm.