



Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: MONDAY, 26 APRIL 2021

TIME: 10:00 am

PLACE: Zoom Virtual Meeting

Members of the Sub-Committee

Councillors Gee, Pickering, and Thomas

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

for Monitoring Officer

Officer contact: Jacob Mann
Democratic Support, Leicester City Council
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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/observe 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.

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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 jacob.mann@leicester.gov.uk

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

LEICESTER CITY COUNCIL LICENSING SUB-COMMITTEE PROCEDURAL GUIDE

INTRODUCTORY PHASE

The meeting will be held in public unless stated otherwise in the report.

Present at the hearing will be Members of the Licensing Sub-Committee (minimum 3 Members), Officers from the Licensing Authority, a Legal Adviser to the Sub-Committee, an Officer from Democratic Services.

1. Participants at the meeting will introduce themselves as follows:
 - a. Members and Officers
 - b. Statutory Consultees (if any)
 - c. The Applicant and any representatives
 - d. Persons who have made representations
2. The Chair will check that the Applicant has received a copy of the Officer report.

INFORMATION GATHERING

3. The Licensing Officer presents the report (previously circulated)

Questions (for clarification purposes only):
Members
Statutory Consultees (if any)
Persons who have made representations
Applicant and Representative (s)
4. Depending on the nature of the report, Statutory Consultees present their comments.

Questions (for clarification purposes only):
Members
Officers
Persons who have made representations
Applicant and Representative(s)
5. Persons who have made representations

Questions (for clarification purposes only):
Members
Officers
Statutory Consultees (is any)
Applicant and Representative(s)
6. Applicant's Case

Questions (for clarification purposes only):
Members
Officers
Statutory Consultees
Persons who have made representations

7. Summing up in the following order

Officers
Statutory Consultees
Persons who have made representations
Applicant and Representative(s)

8. The Legal Adviser to the Sub-Committee to advise the Sub-Committee in the presence of the Applicant, Representatives, Officers, Statutory Consultees, and persons who have made representations on relevant issues the Members need to be aware of when they come to make their decision.

DECISION MAKING

9. Apart from the Sub-Committee Members and the Democratic Support Officer everyone will be asked to withdraw from the meeting The Legal Adviser to the Sub-Committee may be called back to the meeting to advise on the wording of the decision the Sub-Committee Members will have made during private deliberation.
10. The Applicant will be advised that the decision made by the Sub-Committee will be made public within 5 working days of the meeting.

PUBLIC SESSION

AGENDA

LIVE STREAM OF MEETING

A live stream of the meeting can be viewed here:

https://www.youtube.com/channel/UCddTWo00_gs0cp-301XDbXA

- 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 meeting of the Licensing (Hearings) Sub-Committee held 29 March 2021 are attached and Members will be asked to confirm them as a correct record.

- 5. 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 3

Information relating to the financial affairs of any particular person (including the authority)

B1) Application for the review of an existing Premises Licence, Abhinay Stores, 74-76 Catherine Street, Leicester, LE4 6EL.

B2) Application to transfer an existing Premises Licence Holder and vary the DPS, Sunny Express (known as Abhinay Express) 76-78 Catherine Street, Leicester, LE4 6EL.

6. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE, ABHINAY STORES, 74-76 CATHERINE STREET, LEICESTER, LE4 6EL

Appendix B1

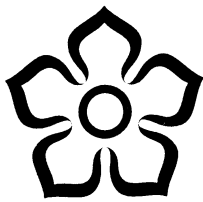
The Director of Neighbourhood and Environmental Services submits a report for an application for a review of an existing Premises Licence, Abhinay Stores, 74-76 Catherine street, Leicester, LE4 6EL.

7. APPLICATION TO TRANSFER AN EXISTING PREMISES LICENCE HOLDER AND VARY THE DPS, SUNNY EXPRESS (KNOWN AS ABHINAY EXPRESS) 76-78 CATHERINE STREET, LEICESTER, LE4 6EL

Appendix B2

The Director of Neighbourhood and Environmental Services submits a report for an application to transfer an existing Premises Licence Holder and vary the DPS for Sunny Express (known as Abhinay Express) 76-78 Catherine Street, Leicester, LE4 6EL.

8. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

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

Held: MONDAY, 29 MARCH 2021 at 10:00 am

P R E S E N T:

Councillor Pickering (Vice-Chair in the Chair)

Councillor Dr Moore

Councillor Westley

* * * * *

79. 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.

80. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Shelton. Councillor Dr. Moore was present as substitute.

81. DECLARATIONS OF INTEREST

There were no declarations of interest made.

82. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the meetings of the Licensing (Hearings) Sub-Committee held on 4 March and 11 March 2021 be confirmed as accurate records.

**83. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE:
UNI, 39 WESTERN BOULEVARD, LEICESTER, LE2 7HN**

The Director of Neighbourhood and Environmental Services submitted a report

for the review of an existing premises licence for Uni, 39 Western Boulevard, Leicester, LE2 7HN.

Members noted that representations had been received, and that it was necessary that the application be considered by the Sub-Committee.

Mr Nawzad Sharif Nahzad (Premises Licence Holder (PLH)) was present with a representative Mr Sajid Munir. Ms Grace Brough (Speciality Registrar, Public Health), Mr Ronald Ruddock (Trading Standards Manager), PC Jeff Pritchard (Leicestershire Police) were present as persons who had made representations. 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) presented the report and outlined details of the application. It was noted that an application was received on 8th February 2021 from Leicestershire Police for a review of an existing premises licence on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm.

The Sub-Committee Members further noted that supporting information for the review was sent to Leicestershire Police from Trading Standards and Public Health.

PC Pritchard was given the opportunity to outline the reasons for the review application and answered questions from Members and the representative for the PLH.

Ms Brough was given the opportunity to outline the reasons for the representation and answered questions from Members.

Mr Ruddock was given the opportunity to outline the reasons for the reasons for the representation and answered questions from Sub-Committee Members and the Police.

Mr Nahzad and Mr Munir were given the opportunity to present their case and answered questions from Members, the Police, Trading Standards Officer and Public Health Officer.

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 Uni, 39 Western Boulevard, Leicester, LE2 7HN be revoked.

In reaching their 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, Public Health and Trading Standards. The members had also considered the representations made by the Mr Nawzad Sharif-Nazhad (Premises Licence Holder (PLH)) and his representative Mr Sajid Munir, and the legal advice given to them during the hearing.

The Sub-Committee Members had taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

The Sub-Committee were asked to review the premises licence of Uni, which was licensed for off-sales of alcohol, seven days a week from 7:00am to midnight, those hours also being the opening hours of the premises. The premises licence was initially granted in May 2012 and had been transferred several times since 2014. The PLH had held the premises licence since February 2020 and was the Designated Premises Supervisor (DPS).

The application for review of the licence had been made by Leicestershire Police on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm. The Police referred to specific incidents which they believed should lead to revocation of the Licence.

Members were informed that on 6 December 2020 a complaint was made to the Police that the PLH or his son had threatened a customer with a baseball bat. The Police said that the complainant and his two friends were intoxicated and were not prepared to give witness statements. They had previously been banned from the shop but nevertheless had entered wanting to buy single cigarettes, which it would have been illegal for the PLH to sell. However, the Police found a baseball bat behind the till area and were not able to potentially progress the investigation because the PLH had breached the premises licence

condition requiring CCTV image recording at all times during opening hours and the retention of the images for a minimum of 31 days. Members were informed that when the Police had asked to view the CCTV footage on 6 December 2020 the PLH said he couldn't get it working and when the Police returned on 13 December 2020 they were informed that CCTV footage was recorded over every 24 hours.

Members were further informed that the Police had issued a formal warning letter to the PLH which also reminded him of his responsibilities under the Licensing Act 2003 and advised him to adhere to the conditions of the premises licence and the principles of the licensing objectives.

The Police reported that on 17 December 2020 PC Pritchard had observed a member of staff, Mr Ali Amini-Mazre, without a face covering or protective screen, working behind the counter serving a customer. The absence of a face covering had breached the then current All Tiers Coronavirus Regulations. It was further noted that the PLH had also entered the premises without wearing a face covering. PC Pritchard had spoken to the employee and the PLH about the face covering requirements in the Covid Regulations and reminded the PLH that CCTV footage was to be retained for 31 days in accordance with the premises licence conditions.

PC Pritchard had also noted during the visit that only page one of the premises licence was displayed on the wall behind the counter and not the page listing the licence conditions. The PLH was told to display the summary of the licence in full.

Those present at the meeting further heard that on 11 January 2021 the Council's Trading Standards Department wrote to the PLH reminding him of his responsibilities in relation to selling single cigarettes and cigarettes that did not conform to UK standards.

On 29 January 2021, PC Pritchard had visited the premises. During the visit the employee Mr Amini-Mazre admitted selling alcohol to customers despite not being the holder of a personal licence which was a breach of the premises licence condition that "All alcohol sales be made by the holder of a Personal Licence". The employee had been unable to produce a refusal register, which was a further breach of the premises licence condition "The licence holder will operate and maintain a refusals register which must remain on the premises and be made available immediately upon requests to any responsible authority". During the visit, the Police seized some 114 packets of illegal cigarettes from a shelf directly under the till. The cigarettes did not carry the required health warnings. The PLH told the Police under caution that the cigarettes belonged to him and that people had brought them into the shop.

Also, during the Police visit on 29 January 2021, found located under the counter was a suspected home-made offensive weapon consisting of two wooden poles about one meter in length, secured together with Sellotape. PC Pritchard made it clear to the PLH that the employee was not allowed to sell alcohol to customers until he had obtained a personal licence. At the Police's

request the PLH accessed the CCTV system via his mobile phone device and showed them footage from the previous seven days. However, despite the warnings given to him in December 2020, he was unable to recover any footage for the previous 31 days.

On 1 February 2021 PC Pritchard revisited the premises, whereon the employee again admitted selling alcohol to a customer despite not holding a personal licence.

The Police stated that the PLH had repeatedly ignored their warnings and had continued to breach the premises licence conditions which had been imposed at a review hearing in May 2014 following their representations regarding the sale of alcohol to children. The PLH was not involved with the premises at that time but his actions and those of his staff give the Police no confidence in his ability to promote and uphold the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm.

The PLH responded through his solicitor Mr Munir that the incident on 16 December 2020 was an isolated incident in respect of which the Police had decided to take "No further action".

In relation to the retention of CCTV images, the PLH informed the meeting that the issue was finally rectified on 20 February 2021 and the CCTV was now working in accordance with the premises licence conditions. The PLH maintained that many of the issues discussed at the meeting related to the employee who had since been dismissed.

Mr Munir, representative for the PLH, informed the meeting the PLH had learnt his lesson and that there had been a sea change in the management of the premises. He indicated that the PLH had taken on board all the Police concerns and now had the assistance of an uncle, who had held a personal licence since 2016. Mr Munir further noted there had been no further issues since 1 February 2021 (although those present noted the reference to finally rectifying the CCTV issue on 20 February 2021) and in those circumstances he asked the Sub-Committee Members to allow the premises licence to continue, albeit with amended conditions and a possible initial period of suspension.

Members, however, accepted the Police representations, in that despite warnings by the Police, the PLH had continued to breach the premises licence conditions. They noted the failure of the PLH to retain CCTV footage for 31 days had hindered the Police investigation into the incident on 6 December 2020. Members further noted that despite a warning from the Police, the employee at the premises continued to sell alcohol to customers when he did not hold a personal licence. In addition, illegal cigarettes had been found on a shelf under the till at the premises on 29 January 2021 and were clearly available for sale.

Members stated they were also concerned at the failure by the PLH and the employee to wear face coverings on 17 December 2020, thereby potentially putting customers' safety at risk. They noted the request by the PLH to accept

that the issues would not be repeated because the employee had been dismissed, and the PLH now had the assistance of a relative who held a personal licence. Members did not accept the representation and believed the PLH was fully aware of the ongoing breaches of the premises licence conditions and had been in a position to prevent the breaches but had not done so. They noted the PLH had also admitted ownership of the illegal cigarettes.

Members announced that, in the circumstances, their decision was that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm to revoke the premises licence.

The Premises Licence Holder would be informed that an appeal against the decision must be made within 21 days to the Magistrates Court.

84. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 12.10pm.

Appendix B1

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
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Appendix B2

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
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Document is Restricted

