



Leicester
City Council

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

Held: WEDNESDAY, 5 MAY 2021 (POSTPONED FROM 20 APRIL 2021) at 9:30
am

P R E S E N T:

Councillor Singh Johal (Vice-Chair in the Chair)

Councillor Fonseca

Councillor Westley

* * * * *

110. 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.

111. APOLOGIES FOR ABSENCE

There were no apologies for absence.

112. DECLARATIONS OF INTEREST

There were no declarations of interest.

113. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing (Hearings) Sub-Committee held 26 February 2021 be confirmed as a correct record.

114. APPLICATION FOR A NEW PREMISES LICENCE, MELTON ROAD CONVENIENCE STORE, 198 MELTON ROAD, LEICESTER LE4 5EE

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence for Melton Road Convenience Store, 198 Melton Road, LE4 5EE.

Mrs Harpreet Kaur Aurora was present with her representative Mr Anil Bhawsar. The 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 details of the application. It was noted that an objection to the application was received on 31 March 2021 on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm. The objector was concerned that that the granting of the licence would add to anti-social behaviour in the area.

Mrs Kaur Aurora through her representative Mr Bhawsar were given the opportunity to present their case and answered questions from Members.

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, Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

During private deliberation, 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 a new Premises Licence for Melton Road Convenience Store, 198 Melton Road, LE4 5EE be GRANTED

Members of the Sub-Committee had been asked to determine an application made under the Licensing Act 2003, for a new premises licence authorising off-sales of alcohol at Melton Road Convenience Store, 198 Melton Road, Leicester, LE4 5EE, seven days a week from 8am to 11pm, those hours also being the proposed opening hours of the premises.

Members of the Sub-Committee had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all the representations and the legal advice provided.

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, the Regulator's Code and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

A representation against the application had been received from a member of the public in writing. The representation was based on all four of the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In summary the member of the public was concerned that there were other off-licences in the vicinity and a nearby garage, which is open 24 hours, as such they stated a further off-licence would add to the current problems of anti-social behaviour.

Members noted that no representations had been received from any of the responsible authorities including the Police.

Members had considered the representations put forward by the Applicant's Representative which in summary were that they are an experienced family business having had approximately 10 years' experience of running other convenience stores on Melton Road and Gypsy Lane, Leicester . It was submitted that they will continue to run this premises in a responsible manner and in a way that will not undermine the licencing objectives. They will also have a zero tolerance against anti-social behaviour.

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

The Sub-Committee had considered each of the decisions 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 to GRANT the application without modification.

REASONS FOR THE DECISION

Members were confident that the Applicant would manage the premises in a manner that will promote and uphold the licensing objectives and in compliance with the requirements of the Licensing Act 2003.

Members did not accept that there was an over saturation of off-licensed premises in the area nor that the addition of this premises would add to any problems with anti-social behaviour.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

115. APPLICATION FOR A NEW PREMISES LICENCE, FOSSE FOODS DISCOUNT STORE, 143 FOSSE ROAD SOUTH, LEICESTER, LE3 0FW

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence for Fosse Foods Discount Store, 143 Fosse Road South, LE3 0FW.

The applicants, Mr Sadhev Rathod and Mr Anil Bhalsod were present. Mr Joseph Denzil (objector), the 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 details of the application. It was noted that objections to the application were received on 1 April 2021. It was noted that Police had objected to the application but had since agreed conditions with the applicant and withdrawn their objection.

Mr Denzil was given the opportunity to outline the reasons for his representations and answer questions from Members. He was concerned that there were already numerous off-licences in the area, and adding another would increase anti-social behaviour and crime in the area.

Mr Rathod and Mr Balsod were given the opportunity to present their case and answer questions from Members and the objector.

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 a new Premises Licence for Fosse Foods Discount Store, 143 Fosse Road South, Leicester, LE3 0FW be
GRANTED

Members of the Sub-Committee had been asked to determine an application made under the Licensing Act 2003, for a new premises licence authorising off-sales of alcohol at Melton Road Convenience Store, 198 Melton Road, Leicester, LE4 5EE, seven days a week from 10am to 10pm, those hours also being the proposed opening hours of the premises.

Members of the Sub-Committee had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all the representations and the legal advice provided.

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, the Regulator's Code and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Local residents had submitted representations, one of which included a petition containing 27 signatures, against the application due to concerns that the premises was close to residential properties and that the premises may lead to inappropriate behaviour, noise nuisance and anti-social behaviour. A third representation had also been received, however, Members were informed that the supposed author of the representation had contacted the Licensing Team to advise that he had not written the representation and that in actual fact he fully supported the application. As such he requested that the representation be withdrawn. Sub-Committee members agreed to do this.

The Sub-Committee members noted that Leicestershire Police had been in contact with the applicant and had agreed amendments to the Operating Schedule. As such the Police were now content that the Licensing Objectives would not be adversely affected if the licence were to be granted.

Members had considered the representations put forward by the Applicant which included but was not limited to that they had 42 years' experience of running a previous similar premises without any problems. It was submitted that they would continue to run the premises at 143 Fosse Road South, in a responsible manner and in a way that would not undermine the licensing objectives.

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

The Sub-Committee had considered each of the decisions available to them. As a result of what they had heard, Members were satisfied that it was appropriate and proportionate considering the licensing objectives to GRANT the application subject to the following conditions:

1. The licence holder will ensure that no alcohol supplied by the premises will be consumed on the premises.
2. The licence holder will ensure that beer, cider or lager above 7% ABV is not sold from the premises
3. The licence holder will ensure that a coloured high definition CCTV system is installed, maintained and records clear images permitting the identification of individuals whilst the premises is open to the public.
4. CCTV images shall be retained for a period of at least 28 days and those images shall be made available to an officer from a responsible authority in accordance with data protection law, within a reasonable period of time.
5. The CCTV system and recordings must have constant and accurate date and time stamp.
6. The CCTV system to be fitted with security functions to prevent recordings being tampered with or deleted.
7. The licence holder will operate a Challenge 25 policy with the only acceptable proof of age identification consisting of a current passport, photo card driving licence or identification carrying a PASS logo.
8. The licence holder will ensure that a fixed hooded litter bin is placed outside the front of the premises.

REASONS FOR THE DECISION

Members were confident that by adding the conditions, the Applicant would

manage the premises in a manner that will promote and uphold the licensing objectives and in compliance with the requirements of the Licensing Act 2003.

Members were concerned with the representation received from one member of the public which had mentioned anti-social behaviour in the area however when questioned about this, no evidence was provided to substantiate it. Members were therefore content that the hours applied for and granted to the premises were less than the hours some premises in the local area were able to open and close and as such would not add to any problems of noise nuisance or anti-social behaviour.

Members also did not accept that there was an over saturation of off-licensed premises in the area.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

116. ANY OTHER URGENT BUSINESS

There being no further business, the meeting closed at 11.02am.