



Leicester
City Council

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

Held: TUESDAY, 24 AUGUST 2021 at 10:00 am

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Byrne

Councillor Cank

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1. APPOINTMENT OF CHAIR

Councillor Singh Johal was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meetings of the Licensing (Hearings) Sub-Committee held 25 June 2021 and 23 July 2021 be confirmed as a correct record.

5. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE, AURA, 33-37 BELVOIR STREET, LEICESTER, LE1 6SL

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence within a Cumulative Impact Zone for Aura, 33-37 Belvoir Street, Leicester, LE1 6SL.

The applicant, Mr Jordan Singh was present with his representative, Mr Paddy Whur. Also present was Mr Neil Cooper (Noise and Pollution Control Team),

Councillor Kitterick (Ward Councillor), the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager presented the report and outlined details of the application. It was noted that objections to the application had been received on 17 June 2021 from the Noise and Pollution Control Team and Councillor Kitterick, Ward Councillor.

It was noted that Leicestershire Police had initially objected to the application on 6 July 2021 but had come to an agreement with the applicant.

Mr Cooper was given the opportunity to address the Sub-Committee and answer any questions from Members.

Councillor Kitterick was given the opportunity to address the Sub-Committee and answer any questions from Members and Officers.

Mr Singh and Mr Whur were given the opportunity to address the Sub-Committee, put forward their case, address concerns raised by objectors, and answer questions from Members and Officers,

All parties present 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 leave 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 within a Cumulative Impact Zone for Aura, 33-37 Belvoir Street. Leicester, LE1 6SI be GRANTED subject to conditions.

In reaching their decision, the Sub-Committee had carefully considered the Sub-Committee report presented by the Licensing Officer, all representations

submitted on behalf of the applicant, the representations by the Council's Noise and Pollution Control Team, the representation by Councillor Kitterick and the legal advice given during the hearing.

The Sub-Committee had been asked to determine an application for a new premises licence for 33-37 Belvoir Street, Leicester. When considering the application, the licensing objectives were of paramount concern. The Sub-Committee considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under S.182 of the Licensing Act 2003.

The application had been made by Olympus Development Limited in accordance with Section 17 of the Licensing Act 2003.

The licensable activities which were the subject of the application were set out in paragraph 5.2 of Licensing Officer report to Sub-Committee.

Representations submitted by the Police were withdrawn following a meeting with the applicant's representative. The applicant had agreed to a comprehensive set of conditions addressing the Police's concerns relating to the Prevention of Crime and Disorder. The agreed conditions included reduced operating hours and restricting the sale of alcohol to on sales.

The representations put forward by the Noise and Pollution Control Team and Councillor Kitterick engaged the Licensing Objective relating to the Prevention of Public Nuisance.

The Noise and Pollution Control Team's primary concern was to prevent noise nuisance to residents living in the flats above the premises and within the vicinity. Councillor Kitterick was also concerned about nuisance to residents living above the premises but he was also concerned by the nuisance caused by customers arriving and leaving the premises until the very early hours of the morning.

He additionally submitted that the operating hours originally applied for indicated that the premises would be a 'party bar' which would add to the existing problems in the Cumulative Impact area. However, he accepted that the applicant's agreement to the conditions put forward by the Police addressed issues relating to Crime and Disorder.

The Noise and Pollution Control Team submitted that the premises would only be viable if there was a robust sound insulation scheme preventing nuisance to the flats above. The team's concerns around sound breakout had been addressed by the applicant agreeing to keeping all windows and doors shut and by constructing a lobby entrance.

The representations also raised concerns about the premises being within the Belvoir Street Cumulative Impact area. Clarification was provided to the Sub-Committee by the Licensing Officer regarding the Council Licensing Policy regarding Cumulative Impact area and the Sub-Committee was referred to

relevant parts of the statutory guidance.

The representative for the applicant denied that the premises would be a 'party bar' and set out in detail how the business would be managed and operated. He informed the Sub-Committee the Police had checked the applicant's background and had been satisfied that he was genuine, and that the intention was to run a restaurant and bar. The food and drink would be sold at premium prices without any discounting. The applicant owned his own building company and intended to spend in the region of £300,000 to renovate the premises and would bring experience of managing and running a premise he owned in Rochester. The applicant's representative gave details of how noise from patrons arriving and leaving would be managed and how smoking outside the premises would be restricted to five individuals at any one time and customers would not be permitted to remove from the premises any alcoholic drinks.

The applicant's representative took the Sub-Committee through the additional conditions and addressed each of the concerns raised by the objectors.

Having considered all of the representations in detail the Sub-Committee were content to grant the application subject to the conditions consistent with the operating schedule, the conditions agreed with the police and subject to the further condition set out below.

In making a decision to grant a Premises Licence subject to conditions, the Sub-Committee were satisfied that:

- The application represented a different offer which would not add to the problems in the cumulative impact area
- There had been good engagement with the Police and contact attempted with objectors. The Sub-Committee were satisfied that engagement would continue with all responsible authorities and were assured that any issues arising at the premise would be addressed
- The applicant's background had been checked and the additional agreed conditions gave Sub-Committee assurance that the premises would be run responsibly, and the licensing objectives promoted

The Sub-Committee however took note of the representation by Councillor Kitterick and the Noise and Pollution Team and remained concerned about noise nuisance from live and amplified music to the residents occupying the flats above the premises. To address those concerns the granting of the premises licence would be subject to the following additional conditions:

1. To prevent nuisance from live and amplified music, the applicant must, prior to the opening of the premises, install a sound insulation scheme between the premises and the flats above.
2. Once a sound insulation scheme was installed the applicant must, prior to the opening of the premises, provide to the Council's Noise and Pollution Team in writing full details of the installed sound insulation scheme together with a Noise Management Plan.

3. After the premises opened and for a period of the first six months, the applicant shall meet with the Councils Noise and Pollution Control Team, on dates specified by the team, to review compliance with the Noise Management Plan.

6. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE, NATTERJACKS, 52A BRAUNSTONE GATE, LEICESTER, LE3 5LG

The Director of Neighbourhood and Environmental Services submitted a report on an application for a review of an existing Premises Licence for Natterjacks, 52A Braunstone Gate, Leicester, LE3 5LG.

The applicant, Mr Manoj Kumar was present. Mr Allistair Hollis (Noise and Pollution Control Team), the Licensing Team Manager (Policy and Applications), and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager presented the report and outlined details of the application. It was noted that a review application was received on 6 July 2021 from the Noise and Pollution Control Team.

Mr Hollis was given the opportunity to address the Sub-Committee and answer questions from Members, Officers, and the applicant.

Mr Kumar was given the opportunity to put forward his case, address concerns raised by the Noise and Pollution Control Team, and answer questions from Members and Officers.

All parties present 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 leave 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 Premises Licence for Natterjacks, 52A Braunstone Gate, Leicester, LE3 5LG be MODIFIED WITH NEW CONDITIONS.

In reaching their decision, the Sub-Committee had carefully considered the Sub-Committee report presented by the Licensing Officer, the application for review made by the Noise and Pollution Control Team in its capacity as Responsible Authority, the representation received from a resident, the representations made on behalf the Premises Licence Holder and the legal advice given during the hearing.

The Sub-Committee had been asked to determine an application for a Review of a Licence held at 52a Braunstone Gate, Leicester. When considering the application, the licensing objectives were of paramount concern. The Sub-Committee had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under S.182 of the Licensing Act 2003.

The current licensable activities which were the subject of the review were set out in paragraph 5.2 of Licensing Officer's report to the Sub-Committee.

The review application concerned noise nuisance being caused to residents due to the use of the rear outdoor seating area and the backdoor being left open.

Complaints relating to noise had been received by the Noise and Pollution Control Team from April 2021 with a noise nuisance being witnessed by the team on 4th June and 27th June 2021 about the use of the rear decking area. A further nuisance occurred on 17th July 2021 following which Noise Abatement Notices were served upon the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS).

In response, the PLH Mr Manoj Kumar opposed the grounds for review. He explained that the rear decking area was constructed in 2020 and the business reopened in April 2021 but subject to government guidelines relating to Coronavirus. These required the business to keep windows and doors open and to serve to seated customers. Prior to April 2021, there had been no real complaints. Mr Kumar informed the Sub-Committee that since 17th July 2021 he had put in place management controls and there had been no further complaints.

The Sub-Committee confirmed they had not taken anything put before them on face value and had scrutinised the evidence in detail.

The Sub-Committee had considered each of the options available to them.

As a result of what they had heard, the Sub-Committee were satisfied that the representations by the Noise and Pollution Control Team engaged one of the four licensing objectives and concluded that it was appropriate and proportionate in light of the Licensing Objective relating to the prevention of

public nuisance to modify the conditions of the licence to include the following additional condition:

- The applicant may use the rear decking area as overspill until 10pm from Sunday to Thursday and until 12 midnight on a Friday and Saturday

Reasons for the Decision

1. The Sub-Committee believed that the cause of the concerns which gave rise to the application for review was the use of the rear decking area and the opening of doors and windows
2. The Sub-Committee accepted the evidence of the Responsible Authority that the area at the back namely Bede Street was a residential area and very different in nature to Braunstone Gate. The area was quieter at night and the nearest resident was less than 15 metres away from the rear fire door to the outdoor decking area.
3. The condition which the Sub-Committee added would address the licensing objective relating to the prevention of public nuisance. The Sub-Committee also believed the added condition would address the cause of the concerns which led to the application for a review being submitted.
4. Additionally, the Sub-Committee advised the PLH to consider building an internal door and create a lobby in order to prevent noise breakout.

7. APPLICATION FOR A NEW PREMISES LICENCE, PRIDE, VICTORIA PARK

It was noted that an agreement had been reached regarding this application and that it would not be considered at the meeting.

8. ANY OTHER URGENT BUSINESS

There being no further business the meeting closed at 12.35pm.