



Leicester
City Council

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

Held: TUESDAY, 21 SEPTEMBER 2021 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Fonseca

Councillor Shelton

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1. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence from Councillors.

It was noted that an objector to the application at item 5 (Variation of an Existing Licence - The Grand Union) was unable to attend.

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting of the Licensing (Hearings) Sub-Committee held on 24 August 2021 be confirmed as a correct record.

5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE - THE GRAND UNION, 3-5 NEW WALK, 24 KING STREET, LEICESTER, LE1 6RL

The Director of Neighbourhood and Environmental Services submitted a report on an application for the variation of an existing premises licence for The Grand Union, 3-5 New Walk and 24 King Street, Leicester LE1 6RL.

Mr Matthew Swain for Marstons PLC was present accompanied by a legal representative Mrs Michelle Hazelwood. Councillor Patrick Kitterick was present as Ward Councillor, who had made a representation against the application. It was noted that a local resident who had submitted a representation in objection to the application was unable to attend the meeting. Also present was the Chief Licensing Officer and the Legal Adviser to the Sub-Committee.

The Chief Licensing Officer presented the report and outlined details of the application. It was noted that objections to the application had been received on 31 August 2021 from a Ward Councillor, which related to the prevention of public nuisance, and from a local resident which related to the prevention of crime and disorder and the prevention of public nuisance.

Mrs Hazelwood for the applicant was given the opportunity to address the Sub-Committee and answer any questions from Members and the Ward Councillor.

Councillor Kitterick was given the opportunity to address the Sub-Committee and answer any questions from Members, the applicant, and the applicant's legal representative.

The applicant volunteered a condition that late night refreshment be limited to hot drinks for consumption on the premises

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 variation of an existing premises licence for The Grand Union, 3-5 New Walk, 24 King Street, Leicester, LE1 6RL, be GRANTED subject to a condition.

Members of the Sub-Committee were asked to determine an application made under Section 34 of the Licensing Act 2003, to vary the premises licence at The Grand Union, 3-5 New Walk, 24 King Street, Leicester.

In reaching their decision, the Sub-Committee Members had listened carefully to all the representations, both in person and in writing. They had also taken account of statutory guidance issued under S.182 of the Licensing Act 2003 and the licensing authority's Statement of Licensing Policy.

Members of the Sub-Committee were asked to determine an application for the variation of the premises licence at The Grand Union to do the following:

1. Extend the terminal hour for the sale of alcohol Sunday to Wednesday until 2am and Thursday to Saturday until 4am.
2. Add licensable activities of Late-Night Refreshment and Dancing to the same hours as permitted for the sale of alcohol, and
3. Permit existing regulated entertainment to the same hours as permitted for sale of alcohol.
4. Add an extra hour for all activities at the start of British Summer Time

Members considered the representations received from the Ward Councillor and the local resident who had raised concerns regarding the prevention of public nuisance and the prevention of crime and disorder.

Members also considered representations made on behalf of the Applicant to address the concerns raised.

Members noted that representations against the grant of the variation had not been received from any responsible authority, namely the Police and the Noise and Pollution Control Team.

Members also considered the fact that the premises was within a Cumulative Impact Zone.

REASONS FOR DECISION

The Sub-Committee Members' overriding consideration was the protection of the public and as such they had spent a great deal of time assessing the

evidence and information before them.

The Sub-Committee had considered all the decisions available to them. As a result of what they had heard, Members were satisfied that it was appropriate and proportionate to GRANT the application with the following condition:

1. Late Night Refreshment be limited to the provision of hot drinks only for consumption on the premises.

The Sub-Committee Members stated that with the additional condition, they believed that the variation of the licence would not undermine the promotion of the licensing objectives or add to the problems in the Cumulative Impact Zone and would ensure that the Applicant will continue to uphold and promote the licensing objectives.

6. 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.

Appendix C - Application for a new Personal Licence.

7. APPLICATION FOR A NEW PERSONAL LICENCE

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new personal licence.

Mr Nigel Rixon for Leicestershire Police was present at the meeting. Also present were the Chief Licensing Officer and Legal Adviser to the Sub-Committee.

The Chief Licensing Officer presented the report and answered questions from Members. It was noted the applicant was not present.

Mr Nigel Rixon was then given the opportunity to present the representation from the Police and answer questions from Members.

All parties present were then 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 Officer 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 personal licence be REJECTED.

Members of the Sub-Committee had been asked to determine an application for a new personal licence under Part 6 of the Licensing Act 2003.

In reaching their decision the Sub-Committee Members carefully considered the Committee report presented by the Chief Licensing Officer, all representations received, and the legal advice provided.

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 the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

It was noted that neither the Applicant nor the Applicant's representative had attended the meeting.

The Sub-Committee had considered carefully the representation received from Leicestershire Police.

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

The Sub-Committee had considered 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 REJECT the application.

8. CLOSE OF MEETING

The meeting closed at 11.50 am.