



Leicester  
City Council

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

Held: TUESDAY, 4 JANUARY 2022 at 9:30 am

P R E S E N T:

Councillor Cank (Chair)

Councillor Gee

Councillor Westley

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**25. APPOINTMENT OF CHAIR**

Councillor Cank was appointed as Chair for the meeting.

**26. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**27. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they may have in the business to be discussed.

Councillor Gee declared he had previously heard an application for the premises in April 2020, and he approached the application with an open mind.

In accordance with the Council's Code of Conduct, the interests was not considered so significant that it was likely to prejudice the Councillors' judgement of the public interest. Councillor Gee was not, therefore, required to withdraw from the meeting.

**28. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting held on 24<sup>th</sup> November 2021 be confirmed as a correct record.

**29. 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 was considered that the public interest in maintaining the information as exempt outweighed 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 7

Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

B1) Application for a new premises licence within a Cumulative Impact Zone.

**30. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE**

The meeting on 24<sup>th</sup> November 2021, was reconvened to consider information requested by members.

The meeting reconvened at 10:00am on the 4<sup>th</sup> January 2022.

Introductions were made and the Chair outlined the procedure for the meeting again to those present.

The Applicant was present, accompanied by Designated Premises Supervisor (DPS), Licensing expert, interpreter, and an observer. PC Jefferson Pritchard (Leicestershire Police), Mr Tj Mavani (Licensing Team Manager (Enforcement)) and Mr Matthew Robinson (Licensing Enforcement Officer) were present as persons who had made representations. The Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) explained the additional information requested by Members had been received and reviewed by Members and officers. She then summarised the previous hearing for all present.

The Licensing Enforcement Officer then provided an update and answered

questions from Members, Officers and the Applicant and representatives.

The Licensing Enforcement Officer explained that the applicant had previously stated that they have gained experience at a local premise in Leicester City Centre, completed a mentoring programme and also completed work experience in Birmingham, that they were asked to provide references, evidence of training and certificates due to previous concern around lack of experience. The information had not been provided and when the training provider was contacted for the information, no consent was given to prove training was completed.

PC Pritchard was given the opportunity to put forward his representation and answered questions from Members. He expressed concerns should the application be granted.

The Licensing Expert for the applicant and the applicant through his translator were given the opportunity to make further comments with regards to the application and additional information received having heard from the Licensing Enforcement Officer, and answered questions from Members, Licensing Team Manager (Enforcement), Licensing Enforcement Officer and Licensing Team Manager (Policy and Applications).

All parties 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 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 decision and reasons would be publicly announced 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 informed the meeting that all but the Democratic Support Officers should withdraw from the room. 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 license within a

## Cumulative Impact Zone be REFUSED.

In reaching their decision the Sub-Committee Members carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all representations 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 Council's Licensing Policy on Cumulative Impact in relation to the Churchgate area of the city and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee had considered carefully all the representations from the relevant authorities and those made by the applicant.

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

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 considering the licensing objectives to REFUSE the application.

### REASON FOR THE DECISION

1. Members accepted the evidence presented by Leicestershire Police and the Licensing Enforcement Team at Leicester City Council and decided that granting the licence would add to the existing problems of cumulative impact in the area.
2. Despite further time having been given to the Applicant to provide comprehensive proof of their experience, training and qualifications gained within the Licensing trade, Members were concerned that the evidence provided was insufficient, lacked credibility and did not include any official document to confirm that adequate training and experience had been provided or any official and recognised qualifications gained.
3. Members had no confidence that the applicant had the experience or qualifications required to manage the premises in a manner that would promote and uphold the licensing objectives or in compliance with the requirements of the Licensing Act 2003.
4. Members did not believe that any conditions which could be added to the licence that were justifiable and appropriate would alleviate any of the concerns they had.
5. The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

### **31. PUBLIC SESSION**

The meeting moved into public session.

**32. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE BELGIAN CHIPS, 55 GRANBY STREET, LEICESTER, LE1 6EH**

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 within a cumulative impact zone for Belgian Chips, 55 Granby Street, Leicester.

The applicant Mr Mohammed Choudhury was present. Also present was the Licensing Team Manager (Enforcement), Mr Matthew Robinson, Licensing Enforcement Officer, who had made a representation. 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 a representation was received on 24<sup>th</sup> November 2021 from Leicestershire Police, in relation to the prevention of crime and disorder and public safety. The representation highlighted that concerns were raised that the premises occupies a prominent position in the city centre, close to many alcohol led premises and conditions have been requested in relation to the CCTV system and security staffing be added to the license if granted. It was noted that an agreement had been reached between the applicant and the Police and conditions agreed.

A second representation was noted on 7<sup>th</sup> December 2021 from Licensing Enforcement officers on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety. The representation highlighted that concerns were raised that the premises were selling hot food after 11pm without a premises licence, despite being warned that it was a requirement.

The Licensing Enforcement Officer outlined the reasons for the representation and answered questions from Members and Officers.

Mr Choudhury was given the opportunity to put forward his case and address concerns raised by Officers and Leicestershire Police and answer questions from Members and Officers.

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 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 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 license within a cumulative impact zone, for Belgian Chips, 55 Granby Street be GRANTED, subject to the agreed conditions.

Members of the Sub-Committee had been asked to determine an application made under the Licensing Act 2003, for a new premises licence situated within the Belvoir Street, Cumulative Impact Zone at Belgian Chips, 55 Granby Street, Leicester.

In reaching their decision the Sub-Committee Members carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all representations 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 Council's Licensing Policy on Cumulative Impact in relation to the Belvoir Street area of the city and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee had considered carefully all the representations from the relevant authorities and those made by the applicant.

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

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 considering the licensing objectives to GRANT the application subject to the following conditions:

1. The conditions consistent with the Operating Schedule
2. The conditions consistent with the representation from the Police
3. The premises will close Thursday – Saturday and Bank Holidays at 2am

4. The premises will close Sunday – Wednesday at 11.30pm
5. An additional Security Industry Authority front line door supervisor will be present at the premises when the premises is open after 11.30pm, Thursday – Saturday and Bank Holidays
6. No persons are to remain on the premises once they have been served their goods (paid or free). Signs are to be clearly displayed to reflect this and staff and management must fully enforce this condition.

#### REASON FOR THE DECISION

Members accepted the evidence presented by Leicestershire Police and the Licensing Enforcement Team at Leicester City Council however, they were of the opinion that the additional conditions were justifiable and appropriate and were confident that by adding them, 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 also of the opinion that granting the licence with the additional conditions would not add to the existing problems of cumulative impact in the area.

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

#### **33. ANY OTHER URGENT BUSINESS**

There being no other items of urgent business, the meeting closed at 12.05pm.