



Leicester
City Council

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

Held: MONDAY, 28 MARCH 2022 at 10:00 am

P R E S E N T:

Councillor Pickering (Vice-Chair in the Chair)

Councillor Westley

Councillor Singh Johal

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55. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair of the meeting.

56. APOLOGIES FOR ABSENCE

There were no apologies for absence.

57. DECLARATIONS OF INTEREST

There were no declarations of interest.

58. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 15th February 2022 be confirmed as a correct record.

**59. APPLICATION FOR A NEW PREMISES LICENCE FOR ONE STOP 7-9
CHARWOOD WALK, LEICESTER, LE5 3FN**

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence for One Stop, 7-9 Charnwood Walk, Leicester, LE2 1QN.

The Chair led on introductions and outlined the procedure the meeting would follow.

The Applicants Mr Franklin Dias (Owner) and Mr Newton Dias (Company

Secretary and Designated Premises Supervisor (DPS)) were present accompanied by Gill Sherratt, Licensing Consultant. Also present was the Chief Licensing Officer and the Legal Adviser to the Sub-Committee.

The Chief Licensing Officer presented the report. It was noted that a representation was received on 9th February 2022 from Leicestershire Police on the grounds of prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The Sub-Committee further noted that twelve identical representations were received throughout the representation period from members of the public on the grounds of all four licensing objectives.

The Sub-Committee further noted three identical representations were received on 20th February 2022 from members of public on the grounds of all four licensing objectives.

The Sub-Committee noted a further representation was received on 21st February from 15 members of staff at Bridge Junior School on the grounds of prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The Sub-Committee noted eight representations were received throughout the representation period from members of the public that related to all four objectives.

Mr Dias and Ms Sherratt were given the opportunity to address the Sub-Committee, put forward their case, address concerns raised by Leicestershire Police and members of the public and answer any 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 the deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced 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 Officer should withdraw from the room. The Sub-Committee then deliberated in

private to consider their decision.

The Sub-Committee Members 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 One Stop, 7-9 Charnwood Walk, Leicester, LE5 3FN be GRANTED subject to the conditions consistent with the operating schedule and the conditions consistent with representation from Leicestershire Police.

The Sub-Committee considered an application by ABFD Ltd for a Premises Licence for the One Stop Convenience Store. The Sub-Committee considered all the representations, both written and oral, and took account of the Statutory Guidance, the Regulators' Code, and the Council's Licensing Policy.

The Sub-Committee's decision was that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm to grant the application subject to the conditions detailed below as agreed at the hearing by the parties.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- The licence holder will report all crimes immediately and check CCTV footage.
- The licence holder will display information about safety rules.
- The licence holder will consult with the local community and report incidents where appropriate.

CONDITIONS CONSISTENT WITH REPRESENTATION FROM LEICESTERSHIRE POLICE

- CCTV will be installed at the premises, and the footage retained for a minimum of 28 days. The footage will be made available within 24 hours of a request being made by a relevant authority.
- There will be a member of staff who is trained to use the CCTV system, who will be on the premises whilst it is open to the public.
- Prominent signs will be placed at the exit, requesting customers to keep their noise to a minimum and to respect the needs of the local community.
- A 'Challenge 25' policy will be in place and adhered to, and only identification which is 'Pass' certified will be accepted.
- All staff will receive training on the 'Challenge 25' policy.
- All staff will be trained on the four licensing objectives and the responsible sale of alcohol.

- All staff training will be refreshed every 12 months and a written training log will remain on the premises and be produced to the relevant authorities upon a request being made.
- A refusal and incident book will be kept on the premises, this will be updated accordingly and produced to the relevant authorities upon a request being made.

REASONS FOR THE DECISION

The application requested authorisation of off sales of alcohol during the opening hours of the premises, those being 7am to 10pm daily. Representations were made by the Police, members of staff at a local school and twenty-three other members of the public regarding all of the licensing objectives. The Police had been concerned with the lack of detail in the application on the promotion of the licensing objectives but did not seek a refusal of the application. Rather, they had agreed conditions with the applicant to be added to the licence if it was granted. The other representations detailed the location of the premises close to schools, places of worship and a health centre. They referred to existing issues with anti-social behaviour and crime which could be exacerbated by the introduction of a new premises supplying alcohol. The representations were concerned with the current level of street drinkers in the area which might increase and the harm, including harm to children, that might result. The representations also referred to the presence of other licensed premises in the area and a likely increase in traffic and noise if the application was granted.

The applicant was ABFD Ltd. The Company was incorporated on 02/09/20. Mr Franklin Dias was the sole director, his brother Mr Newton Dias was the Company Secretary and was to be the Designated Premises Supervisor. The applicant accepted that the operating schedule in its application was not as comprehensive as it should have been and accepted it was understandable that local residents would be concerned without knowledge of what was intended for the premises.

The applicant explained that the premises was to be a One Stop Tesco franchise convenience store providing pay point facilities and selling groceries, fruit and veg, household items, alcohol, cigarettes, and lottery merchandise. The premises had been closed / derelict for the previous seven years. The applicant would be investing approximately £60,000. The premises would be refurbished and would in effect be a mini-supermarket. The business would be run as a family business. Mr Franklin Dias and Mr Newton Dias had managed the Public House next door to the premises for the last ten years without issue (having dealt with anti-social behaviour issues that existed around the Public House when they took it over). They lived in the community.

The Sub-Committee felt that some of the representations of local residents were speculative. The presence of other licensed premises in the area was a relevant issue only in so far as the Convenience Store might either generate or add to existing problems with anti-social behaviour and similar matters. Other

than the representations by the Police regarding the inadequacy of the operating schedule the Police had not provided any information regarding crime figures giving concern for levels of crime and anti-social behaviour in the area. No other Responsible Authorities had made representations.

The Sub-Committee had confidence in the standards required by the Tesco One Stop franchise and confidence in Mr Franklin Dias and Mr Newton Dias as evidenced by their track record in the area in connection with operating the Public House next door to the premises.

The Sub-Committee appreciated the concerns of local residents but was of the view that the conditions on the licence agreed by the applicant with the Police were appropriate and proportionate to deal with those concerns.

60. APPLICATION FOR A NEW PREMISES LICENCE FOR CORAH WORKS, 1ST FLOOR, EURO HOUSE, ST JOHN STREET, LEICESTER, LE1 3WL

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence for Corah Works, 1st Floor Euro House, St John Street, Leicester, LE1 3WL.

The Chair led on introductions and outlined the procedure the meeting would follow.

Mr Karandeep Ricky Singh Gill (Premises License Holder (PLH) / Designated Premises Supervisor (DPS)) was present accompanied by Mr Abdul Rahman, Licensing Agent. Mr David Braithwaite, Deputy Licensing Manager for Leicestershire Police and Mr TJ Mavani (Licensing Team Manager, Enforcement) were present as persons who had made representation. Also present was the Chief Licensing Officer and the Legal Adviser to the Sub-Committee.

The Chief Licensing Officer presented the report.

The Sub-Committee Members noted that a representation was received on 22nd February 2022 from the Licensing Enforcement Team, Leicester City Council 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 Sub-Committee Members noted a representation had been received from Mr David Braithwaite for Leicestershire Police on 24th February 2022 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 Sub-Committee Members noted a further representation had been received from the Noise Team, Leicester City Council on the grounds of the prevention of public nuisance.

Mr Braithwaite was given the opportunity to outline the details of the Police representation and answered questions from members.

The Licensing Team Manager (Enforcement) outlined the reasons for the representation and answered questions from Members and Officers.

Mr Gill and Mr Rahman were given the opportunity to put forward their 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 Premises Licence for Corah Works, 1st Floor, Euro House, St John Street, Leicester, LE1 3WL be GRANTED.

The Sub-Committee considered an application by Karandeep Gill for a Premises Licence for Corah Works, a nightclub. The Sub-Committee considered all the representations, both written and oral, and took account of the Statutory Guidance, the Regulators' Code, and the Council's Licensing Policy.

The Sub-Committee's decision was that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm to grant the application subject to the conditions detailed below as amended at the hearing by the Police and the Licensing Enforcement Team, save that there will be a daily end to licensable activities at 3am with a premises closing time of 3.30am. There will be no provision in the conditions for additional occasions in the calendar year with extended opening hours.

CONDITIONS CONSISTENT WITH REPRESENTATION FROM THE LICENSING ENFORCEMENT TEAM

- All licensable activities will cease a minimum of thirty (30) minutes prior to the allowed closing time on any day.
- The licence holder will ensure that there is a range of soft drinks available and displayed at the bar.
- A personal licence holder must be working (either paid or unpaid) at the premises during all times alcohol is sold or offered for sale.
- A register of all refusals and incidents will be logged and maintained, at the premises and be made available immediately to the authorities upon request
- No persons under 18 will be allowed on the premises without adult supervision at any time whilst licensable activities are being conducted and after 21:00hrs on any day unless specifically authorised by Leicestershire Police and the Licensing Authority
- There will be regular safety and security checks of areas such as toilets, lifts and entrances.
- Any form of amplification will be controlled and minimised not to cause any nuisance.
- The Licence Holder will meet with Leicestershire Police (and any other responsible authority) to discuss the event for which a risk assessment is required and been provided and will abide by any decision made in consultation with those agencies in relation to that event.
- The Licence Holder will ensure that the premises capacity does not exceed total numbers at any time including all staff, security or other event persons (paid or unpaid) in line with a valid Fire Risk Assessment.
- The Licence Holder will ensure a mechanical or electronic counting device is utilised at all music and/or dance events at the entrance to record the number of people on the premises and this will be documented, retained and available for inspection by the authorities.

CONDITIONS CONSISTENT WITH REPRESENTATION FROM LEICESTERSHIRE POLICE

- The premises will possess an operational Leicester City Watch retail radio and utilise it whilst the premises is open to the public.
- The premises will ensure that at least two operational body worn cameras are used by either staff or security whilst the premises is open to the public. Body worn footage must be retained for a minimum of 31 days and must be provided to an officer from a responsible authority within 72 hours of being requested.
- Security Industry Authority (SIA) front line door supervisors will be deployed at the premises from 10pm and remain on the premises until all members of the public have left the premises. Door supervisors must wear armbands which clearly identify themselves as door supervisors. A record of all door supervisors must be kept on the premises for at least six months and include their full name, date of birth and Security Industry Authority membership number.
- The premises licence holder must complete a monthly security review and if

deemed necessary take action. The premises licence holder shall ensure all Security Industry Authority (SIA) front line door supervisors deployed at the premises are legally entitled to be deployed at that time by checking them against the SIA database. A record of these checks must be kept on the premises and available for immediate inspection by an officer from a responsible authority.

- The licence holder will ensure a high definition, coloured CCTV camera system is installed, operational and recording whilst the premises is open to the public.
- The system must permit the identification of individuals. CCTV images must be securely stored, display an accurate date/time stamp and retained for a minimum of 31 days. CCTV must be provided to an officer from a responsible authority within 72 hours of being requested.
- CCTV cameras must cover all areas that the public have access to, including the entrance/exit and pavement area immediately outside the premises.
- The licence holder will operate a Challenge 21 policy with the only acceptable proof of age identification consisting of a current passport, photo card driving licence or identification carrying a PASS logo. A training record must be kept on the premises, retained for twelve months and produced to an officer from a responsible authority upon request.
- The licence holder will promote and ensure that all front of house staff are trained in public safety campaigns such as the “Ask Angela” or other similar schemes. A record of training must be retained for at least twelve months, the record kept on the premises and made available to the responsible authorities on request.

CONDITIONS CONSISTENT WITH REPRESENTATION AND AGREEMENT FROM THE NOISE TEAM

- All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving recorded/live music or speech are taking place.
- Lobby door system required at the first-floor entrance.
- Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 22:00 hours – 08:00 hours.
- The licensee shall take reasonable steps to prevent public nuisance being caused by customers outside whilst smoking
- Prominent, clear notices shall be displayed at all exits requesting customers and staff respect the needs of local residents by keeping noise to a minimum when outside the premises and when leaving the premises

REASONS FOR THE DECISION

Authorisation was sought for various licensable activities at the nightclub. The applicant Mr Gill Was to be the Designated Premises Supervisor (DPS). No representations had been received from members of the public.

Representations had been made by the Council’s Licensing Enforcement Team, the Police, and the Council’s Noise Team regarding all of the licensing

objectives.

The Sub-Committee heard the Licensing Enforcement Team and the Police were concerned at the lack of detail in the application regarding the promotion of the licensing objectives., which was despite the holding of a multi-agency meeting, at which Mr Gill was present, before he submitted the application. They had each set out conditions they felt should be attached to the licence if it was granted, but the starting position for the Police was that the application should be refused. The Police explained that the premises previously had the benefit of a premises licence but it lapsed on the death of the then licence holder Mr Girn. The Police had been concerned at the lack of contact with Mr Girn regarding the holding of events which had breached the licence conditions and when they attended his home address on 11/11/21 they found out he had died on 04/09/21.

The Police informed the Sub-Committee that following previous events at the premises, St John Street was often littered with waste and drugs paraphernalia, which they accepted was not attributable to the premises but there had been Police calls to the premises. The Police pointed to the holding of three unauthorised events at the premises in September and October 2021 which resulted in the Police having to respond to reports of crime and disorder (although the Police did not indicate that Mr Gill was involved in holding those events as they had not been able to ascertain who had been sending emails from the premises). The Police had concerns over the large capacity of the venue, the proposed late operating hours, the nature of proposed events being likely to attract Police resources and concerns regarding the lack of Leicester City Council CCTV coverage in the area and the outdated CCTV coverage at the premises. In addition, the Police indicated that Mr Gill was relatively inexperienced having only recently obtained a Personal Licence.

The Noise Team was concerned at the potential for public nuisance to residents, especially those in the residential units opposite the premises but had originally reached agreement with Mr Gill regarding conditions to be attached to the licence if it was granted. One of those conditions provided for opening hours of 9 am through to 4 am with no provision for additional opening hours. However, Mr Gill had requested, for commercial operation of the nightclub, that the Sub-Committee consider an end to licensable activities at 3.30 am with a closing time of 4 am, but with provision on twelve occasions in a calendar year for licensable activities to end at 4.30 am with a closing time of 5 am. The Police suggested an end to licensable activities at 3 am with a closing time of 3.30 am, with provision for additional events requested by Mr Gill.

Mr Rohomon on behalf of Mr Gill indicated that the premises would be operated in a similar fashion to its operation by Mr Girn. The intention was not to open the premises seven days a week, rather it was to cater for bespoke events. Mr Rohomon accepted that the operating schedule in the application had not been sufficient in content. He explained that Mr Gill had worked with Mr Girn and Mr Girn's brother for a number of years at the premises. Mr Gill had been the bar manager. Mr Rohomon indicated that Mr Gill had not appreciated any procedure that 'might' have been available subsequent to Mr Girn's death

regarding possible transfer of the licence.

Although the current application for a licence was a new application, Mr Girn had held his licence for ten years without objection by the Responsible Authorities. He questioned why it would now be appropriate to refuse a licence. Mr Gill and Mr Girn's brother were going to continue to operate the business so the only difference was the absence of Mr Girn. Mr Rohomon confirmed that the CCTV facilities at the premises were booked to be updated by 2 April 2022. He agreed with the conditions proposed by the Responsible Authorities with the exception of the condition regarding the opening hours.

The Sub-Committee noted that no members of the public had made representations and noted Mr Rohomon's representations regarding the previous licence and the presence of the same members of the management team at the premises.

The Sub-Committee shared the Police concerns regarding the unauthorised activities that took place in September and October 2021. The Sub-Committee was provided with the witness statement of PC Hughes who indicated that the event on 31 October 2021 led to reports of door staff being threatened and struggling to close the premises. Shortly after 4 am there were at least 100 people in the immediate area who were very loud. Several police crews attended to show a police presence and disperse the crowd which took approximately thirty minutes.

Having decided to grant a licence with conditions, the Sub-Committee felt that it was appropriate and proportionate for there to be a daily end to licensable activities at 3.00am with a premises closing time of 3.30 am, with no provision in the licence conditions for additional occasions in the calendar year with extended opening hours.

61. OBJECTION NOTICE FOR A TEMPORARY EVENT NOTICE: ROLLS AND ROTI LTD, 94 WOOD HILL, LEICESTER, LE5 3SQ

The agenda item was not taken as an agreement had been reached following publication of the agenda and prior to commencement of the Hearing.

62. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 1.06pm.