



Leicester
City Council

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

Held: THURSDAY, 18 AUGUST 2022 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Ali

Councillor Cank

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1. APPOINTMENT OF CHAIR

The meeting commenced at 10.30am when all parties required were present.

Councillor Pickering was appointed as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

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

There were no declarations of interests.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meetings held on 8 February, 30 March and 20 April 2022 be confirmed as a correct record.

5. APPLICATION FOR A NEW PREMISES LICENCE: VICKY'S CHIPPY, 27 AVENUE ROAD EXTENSION, LEICESTER, LE2 3EP

The Director of Neighbourhood and Environmental Services submitted a report on an application for Vicky's Chippy, 27 Avenue Road Extension, Leicester, LE2 3EP.

Mr Baig was present on behalf of the applicant MSF Venture Ltd alongside business partner, Mr Khan. Councillor Kitterick joined the meeting late, and Mr Brown (Clarendon Park and Friends) was present, giving representation. Also present was the Chief Licensing Officer, Licensing Enforcement Team Manager, having also joined the meeting late, and the Legal Adviser to the Sub-Committee.

The Chief Licensing Officer presented the report and answered questions from Members. It was noted that a representation was received on 30 June 2022 from the Licensing Enforcement in relation to the prevention of public nuisance in response to the application by MSF Venture Ltd received on 27 June 2022 on the grounds of the prevention of public nuisance. Further representations were received on 07 July 2022 from a local ward councillor on the grounds of the prevention of public nuisance.

A further five representations were made by members of the public, on the grounds of the prevention of public nuisance.

It was noted that another representation had been made on 12 July 2022 from another member of the public, whose representation had not been included in the report. The representation had been made on the grounds of the prevention of public nuisance.

Mr Brown was given the opportunity to outline the details of his representation as well as on behalf of the members of the public and answered questions from the applicant.

Councillor Kitterick was given the opportunity to outline the details of his representation and answered questions from Members and the applicant. He then left the meeting.

The Licensing Enforcement Team Manager was given the opportunity to outline the details of his representation and answered questions from Members and the applicant. The applicant has reached agreement with an additional condition with the Licensing Enforcement Team.

The Applicant was given the opportunity to present its case and answered questions from Members, the Legal Adviser to the Sub-Committee and those giving representation.

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 and were advised of the options available to them in making their 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 full reasons for the decision would be provided 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 withdraw from the meeting. Members then deliberated in private to consider their decision.

In reaching their decision the Sub-Committee Members had carefully considered the written report presented by the Chief Licensing Officer and considered all the representations, both written and oral, and had taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That it was appropriate for the promotion of the licensing objective of the prevention of public nuisance to grant a License authorising the provision of late-night refreshment to the public for consumption off the premises, on Sunday to Thursday from 23:00 to 00:00 hours and on Friday and Saturday from 23:00 to 01:00 hours, subject to the following conditions:

- Customers shall not be admitted to the premises after 23:00 hours daily.
- Customers who attend the premises after 23:00 hours shall not be provided with late night refreshment for consumption off the premises.
- Late Night refreshment shall only be provided by way of home delivery made by drivers employed at the premises by the licence holder using non-motorised vehicles (i.e. pedal cycles), electric vehicles or hybrid vehicles.

[For the avoidance of doubt, the engagement of a delivery driver with or through another operator to collect food from the premises for onward delivery to a customer would breach this condition.]

- The conditions consistent with the Operating Schedule detailed in Appendix C of the Licensing Officer's report.

- The conditions consistent with representation / agreement from the Licensing Enforcement team detailed in Appendix C of the Licensing Officer's report.

The applicant would be provided with the reasons for the decision in writing within five working days.

All parties would be advised of the right to appeal the decision to the Magistrates Court.

6. ANY OTHER URGENT BUSINESS

There being no other business, the meeting came to an end at 12:35pm.