



Leicester
City Council

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

Held: MONDAY, 26 JUNE 2023 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Cank

Councillor Westley

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14. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as the Chair and led on introductions.

15. APOLOGIES FOR ABSENCE

There were no apologies for absence.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing Hearing Sub-Committee held on June 1 2023 be confirmed as a correct and accurate record.

18. THE CHAIR MOVED THAT THE MEETING WAS NOW IN PRIVATE SESSION

19. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE FOR COURTYARD BAR AND VENUE, 67-71 GRANARY MEWS, CHURCH GATE, LEICESTER.

Councillor Pickering, as Chair welcomed all to the Committee and outlined the proceedings of the hearing.

The Director of Neighbourhood and Environmental Services submitted a report on an application for the review of an existing premises licence for Courtyard Bar and Restaurant, Churchgate, Leicester.

The Premises Licence Holder, The Designated Premises Supervisor and their legal representative were in attendance. Also present was PC Pritchard from Leicestershire Police, 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.

PC Pritchard was given the opportunity to outline the details of the representation from the Police and answered questions from Members of the Sub-Committee.

The applicants were given the opportunity to address the Sub-Committee and answered questions from the 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 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, 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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be 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 Premises licence be modified:

In reviewing the Premises Licence, the Sub-Committee considered the Licensing Officer's Report and all the representations, both written and oral.

The Sub-Committee took account of the Statutory Guidance, the Regulators' Code, and the Council's Licensing Policy.

The Review application engaged the licensing objectives relating to the prevention of crime and disorder, public safety and the prevention of public nuisance.

Following engagement between the parties, eighteen conditions had been agreed and committee was jointly invited by the parties to modify the conditions of the licence.

Members of the sub-committee confirmed that they had not taken anything put before them on face value and that they had scrutinised all of the information and evidence in detail

The sub-committee considered each of the options available to them and concluded:

*That the representations by Leicestershire Police engaged 3 of the 4 licensing objectives and the sub-committee concluded that it was appropriate and proportionate in light of Licensing objectives to **Modify** the conditions of the licence as set out below:*

The reasons are as follows:

1. The sub-committee were satisfied that the cause or causes of the concerns which gave rise to this application for review would be addressed by the agreed conditions
 2. The sub-committee were satisfied that following initial issues there had been good engagement between the parties and that the premise licence holder had demonstrated a good understanding of what was needed to put matters right and action had already been taken to comply with the agreed conditions
 3. The sub-committee felt that it was important that there was a consistency of security staff at the premises and that premises licence holder and designated premises supervisor work with the police to ensure this is given priority
 4. The sub-committee advises the premises licence holder to acknowledge this outcome as a warning shot across the bow
- Modified conditions:

Courtyard Bar & Venue New Conditions.

(1) The licence holder shall ensure that the premises is a member of Leicester City Watch and possess an operational retail radio whilst the premises is open to the public.

(2) The licence holder shall ensure that at least two operational body worn camera are deployed at the premises whilst the premises is open to the public between 11pm and 10am and worn by a member of staff or security staff.

(3) The licence holder shall ensure body worn camera footage in both an audio and visual format is available to an officer from a responsible authority within seven days of a request.

(4) A trained member of staff must be on the premises or available to be called upon during the hours that the premises is open to the public, who is able to operate the premises CCTV system and provide viewable images to an officer from a responsible authority.

(5) The licence holder shall ensure the premises CCTV is provided to an officer from a responsible authority in a viewable downloaded/uploaded format within fourteen days of being requested.

(6) The licence holder must routinely inspect the CCTV system and report any faults to Leicestershire Police Licensing Department on – licensing@leics.police.uk (or any future different email address) within 7 days.

(7) The licence holder shall ensure that at least one additional colour, high-definition CCTV camera is installed at the premises, which permits the identification of an individual in any lighting conditions. The camera(s) view must be free of obstructions.

(8) The licence holder shall ensure that all Security Industry Authority (SIA) front line door supervisors or other persons engaged at the premises for the purpose of supervising or controlling queues or customers, wear high visibility SIA badge arm bands whilst on duty.

(9) The licence holder shall ensure Security Industry Authority (SIA) front line door supervisors are provided with radios to enable them to contact each other and duty manager at the premises.

(10) The licence holder will provide full details (full name, date of birth and Security Industry Authority (SIA) badge number) of all front line door supervisors and others engaged at the premises for the purpose of supervising or controlling queues/customers (paid or not) to Leicestershire Police Licensing Department on licensing@leics.police.uk (or any future email different email address) within 48 hours of their deployment. The date/time of their deployment must also be included. Thereafter the licence holder will notify any changes of door staff not already communicated.

(11) No customer(s) will be permitted to enter or re-enter the premises between 5am and 10am, save for persons who have temporarily left the premises to smoke/vape.

Courtyard Bar & Venue New Conditions.

(12) Drinks must only be served in plastic or polycarbonate containers between

11pm and 10am excluding any private parties/functions where the public are excluded.

(13) An incident and refusals (that result into an incident) log will be kept on the premises and retained for a period of 12 months from the date of the incident. Entries must be made as soon as possible after the incident but no later than 24 hours after the event. Details to include date/time, summary of the incident, description of the person involved, name of the person involved, the outcome of the incident and who dealt with the incident. The log on completion will be made immediately available for inspection on request of an officer from a responsible authority.

(14) The licence holder shall ensure a person with a valid personal licence issued by a Local Authority is working at the premises, whether paid or voluntary, whilst alcohol is being sold or offered for sale between 11pm and 6am.

Remove existing CCTV licence conditions with Annex 2 & 3 and amend to below –

(15) A high definition, colour, HD CCTV camera system shall be installed at the premises, operational and recording whilst the premises is open to the public. The system must permit the identification of individual(s) in all lighting conditions.

(16) CCTV cameras must cover all areas that the public have access to, including the entrance, exit and to a reasonable extent the licensable area.

(17) The CCTV system images must be securely stored, display an accurate date/time stamp and retained for a minimum of 31 days.

(18) The licence holder shall ensure the premises CCTV is provided to an officer from a responsible authority in a downloadable/uploaded and viewable format within seven days of being requested.

5. The condition which we have added will address that licensing objective relating to the prevention of public nuisance. We also believe the added condition will address the cause of the concerns which led to the application for a review being submitted.
6. Additionally, we advise the Premises Licence Holder to consider building an internal door and create a lobby in order to prevent noise breakout

- 20. THE CHAIR MOVED THAT THE MEETING WAS NOW IN PUBLIC SESSION**
- 21. APPLICATION FOR A NEW PREMISES LICENCE FOR NELSON MANDELA PARK, LEICESTER**

Councillor Pickering, as Chair welcomed all to the Committee and outlined the proceedings of the hearing.

The Director of Neighbourhood and Environmental Services submitted a report on an Application for a New Premises Licence – Y2K Entertainment Music & Arts Limited – African Festival – Nelson Mandela Park- 26th August 2023.

Mr Morapara and Mr Matenga, Festival Manager, Theo Markham-Crew and a representative from Showsec, Mr Wallis were in attendance. Also present was PC Pritchard from Leicestershire Police, 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.

PC Pritchard was given the opportunity to outline the details of the representation from the Police and answered questions from Members of the Sub-Committee.

The Applicants and their representatives were given the opportunity to address the Sub-Committee and answered questions from the Members.

Councillor Kitterick as the Local Ward Councillor made a representation to the Committee in objection to the application. Councillor Kitterick joined the hearing at the midway point and due to work commitments left after making his representations.

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 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, 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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be 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.

In reviewing the Premises Licence the Sub-Committee considered the Licensing Officer's Report and all the representations, both written and oral.

The Sub-Committee took 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 the application for a new premises be GRANTED

In making their decision members carefully considered the committee report presented by the Licensing officer, the legal advice given during the hearing, the representations made on behalf of the applicant and representations made by Leicestershire Police, the Council's Noise and Pollution Control Team and Councillor Kitterick representing constituents in the area surrounding Nelson Mandela Park.

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.

In addition, the sub-committee had due regard to the Regulators Code and the Equality Act 2010 specifically the need to eliminate unlawful discrimination.

Members of the sub-committee confirmed that they had not taken anything put before them at face value and they had carefully scrutinised the information and evidence in detail and with due rigour.

The sub-committee's reasons for granting the application were as follows:

7. The sub-committee believed that the steps identified by the applicant in its operating schedule and event management plan together with the comprehensive list of conditions would ensure the promotion of the licensing Objectives
8. The sub-committee were also assured that the cooperation by the applicant with all responsible authorities would continue and that the applicant had already demonstrated a willingness to adopt constructive measures with a view to promoting the licensing objective
9. Members of the committee accepted many of the points made by Councillor Kitterick however they were satisfied by responses given on behalf of the applicant by the applicant's festival manager
10. Having examined all of the conditions carefully, members of sub-committee concluded that compliance with each would address the concerns raised by objectors and that in so doing compliance with the conditions would promote all four of the licensing objectives.

22. THE CHAIR MOVED THAT THE MEETING WAS NOW IN PRIVATE SESSION

23. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE FOR SOPHY, 8-10 KING STREET, LEICESTER

Councillor Pickering, as Chair welcomed all to the Committee and outlined the proceedings of the hearing.

The Director of Neighbourhood and Environmental Services submitted a report on an application made under section 34 of the Licensing Act 2003, for a variation of the existing premises licence at 8-10 King Street, Leicester.

Mr Dhillon Kumar and Mr Jai Dhillon Kumar were in attendance. Also present was PC Pritchard from Leicestershire Police, 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.

PC Pritchard was given the opportunity to outline the details of the representation from the Police and answered questions from Members of the Sub-Committee.

Mr Jai Dhillon Kumar was given the opportunity to address the Sub-Committee and answered questions from the 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 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, 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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be 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.

In reviewing the Premises Licence the Sub-Committee considered the Licensing Officer's Report and all the representations, both written and oral. The Sub-Committee took 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 the application to vary the premises licence be REJECTED

In reaching its decision the Sub-Committee Members have carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications) and the representations made both by the applicant and the objector Leicestershire Police. The members also considered legal advice given to them during the hearing.

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 guidance issued under Section 182 of the Licensing Act 2003.

Section 35 of the Licensing Act 2003 sets out the steps a Licensing Authority must take to determine an application to vary where relevant representations are received. The steps include:

- Hold a hearing to consider the representations and
- Having regard to the representations take such steps (if any) as it considers appropriate for the promotion of the licensing objectives

The sub-committee considered the application on its own merits and determined the application in its own right.

Reasons:

Members recognised the steps taken by the Premises Licence holder to reduce the number of incidents by employing a new security team and by taking practical measures to reduce flashpoints however members concluded that by failing to take practical steps to comply with the six agreed conditions, the applicant had failed to promote the licensing objectives.

The six conditions were aimed at promoting the licensing objectives particularly that relating to the prevention of crime and disorder and members expected the premises licence holder to have taken each of these steps regardless of the outcome of the application. Each of the six conditions put forward were ones that the members would expect a responsible premise to implement. Given the history of the premises and in light of the CCTV evidence relating to crime and disorder, members concluded that the variation if granted would as Leicestershire Police submitted, lead to an increase in incidents of crime and disorder.

Members concluded that the Premises holder's representations before them did not acknowledge the seriousness of the incidents relied upon by

Leicestershire Police and the premises licence holder failed in his representations to demonstrate a willingness to promote the licensing objectives.

24. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 1.44pm