



Leicester
City Council

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

Held: FRIDAY, 7 JULY 2023 at 10:00 am

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Cank

Councillor Chauhan

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1. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as Chair and led on introductions.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

Councillor Chauhan declared he is a Ward Councillor for Belgrave and knows Officers from the station.

Councillor Singh Johal declared he had previously attended an event held at Ramgarhia Community Centre.

4. 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.

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.

A1) – Application for a Review of an Existing Premises Licence

5. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE FOR SHREE SAI SUPERSTORE, 144 CHECKETTS ROAD, LEICESTER, LE4 5EQ

The Director of Neighbourhood and Environmental Services submitted a report on an application for the review of an existing premises licence for Shree Sai Superstore, 144 Checketts Road, Leicester.

The Premises Licence Holder (PLH) was present accompanied by an employee and his legal representative, Mr Panchal. Mr Jefferson Pritchard, Police Constable for Leicestershire Police was present, accompanied by PC Thomas, PS Mistry, Mark Wicks and Amelia Lewis, Trading Standards Officers. Also present was the Chief Licensing Officer and the Legal Adviser to the Sub-Committee.

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

The Chief Licensing Officer presented the report and outlined details of the application. It was noted an application was received on 16 May 2023 from Leicestershire Police for a review of the existing premises licence for Shree Sai Superstore, 144 Checketts Road. The application was made on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm.

PC Pritchard was given the opportunity to outline the details of the Police representation and answered questions from Members. He advised the committee that 144-146 Checketts Road was two separate premises with the same name, same Premises Licence Holder and Designated Premises Supervisor but with two separate licences. The alleged crime had taken place at 146 Checketts Road and the review had been requested for 144 Checketts Road. PC Pritchard apologised for this oversight and stated that a separate review would be submitted for 146 Checketts Road.

PC Thomas was given the opportunity to address the Sub-Committee and explain the time line of events which had led Leicestershire Police to request a review of the Licence.

Mr Wicks was given the opportunity to provide supporting information and answered questions from Members.

The PLH and his Solicitor were given the opportunity to address the Sub-Committee and answered questions from the Police, Trading Standards Officers and Members. They advised they would only answer questions which related to 144 Checketts Road as per the report submitted by Leicestershire Police.

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 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:

Members of the sub-committee considered each of the options available to them and decided to REJECT the application for a review of the Premises Licence at 144 Checketts Road

The reasons for the decision:

1. The sub-committee identified that the cause or causes of the concerns which gave rise to the application for review did not relate to the subject address, which at the time of the hearing remained closed and physically unconnected to the address where criminality was said to

have occurred.

2. At the time of the hearing Leicestershire Police had not interviewed the Premises Licence Holder or the Designated Premises Supervisor and whilst the representations made an inference regarding the state of their knowledge of the criminality at 146 Checketts Road, the evidence was not sufficient to satisfy the sub-committee regarding a prospective failure to promote the licensing objectives at 144 Checketts Road when and if those premises open to the public.
3. Evidence from the Premises Licence Holder indicated that all aspects of the licence conditions for 144 Checketts Road would be complied with in the event the premises were to reopen.

6. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE FOR RAMGARHIA COMMUNITY CENTRE, ULVERSCROFT ROAD, LEICESTER, LE4 6BY

The Director of Neighbourhood and Environmental Services submitted a report on an application for a variation of an existing premises licence for Ramgarhia Community Centre, Leicester.

Introductions were made and the Chair outlined the procedure the meeting would follow.

The Designated Premises Supervisor (DPS) was present. PS Pete Colgate was present, accompanied by PS Chris Brown, PC Kim Thomas, PS Rakhi Mistry. Mr TJ Mavani (Licensing Team Manager, Enforcement) and Ms Lorraine Moore (Licensing Enforcement) were present. Also present were 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 26 May 2023 from Leicestershire Police. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee is concerned that the variation application fails to promote all of the licensing objectives and that due to issues with a recent event at the premises, the police have no faith in the management.

PS Colgate and his team were 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.

The Premises Licence Holder was given the opportunity to put forward his case and address concerns raised by Officers and Leicestershire Police, and answered 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 variation of an existing Premises Licence for Ramgarhia Community Centre, Ulverscroft Road, Leicester be REFUSED.

Reasons for the decision:

Members accepted the written representations submitted by Leicestershire Police and the Licensing Enforcement Team. Members accepted the evidence of PS Chris Brown regarding the incidents on 20th and 21st May 2023 and the breaches of the premises licence conditions. Members also accepted the evidence of PC Thomas.

Members accepted that Mr Sanghera had been put on notice regarding his responsibilities following an email from Licensing Enforcement Team on 27th April. Further, during the course of 20th May and 21st May he could have taken steps to ensure the conditions of the premises licence were not breached following direct contact with him by the Police.

In light of the of the incidents on 20th and 21st May 2023 and Mr Sanghera's subsequent responses in meetings with the Police and the Licensing Enforcement team. The sub-committee had no confidence in Mr Sanghera's ability to promote the licensing objectives and members were particularly disturbed by Mr Sanghera's refusal to take responsibility for the licensable activities beyond the running of the bar.

7. ANY OTHER URGENT BUSINESS