



Leicester
City Council

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

Held: MONDAY, 15 DECEMBER 2014 at 9:30am

P R E S E N T:

Councillor Dr Barton (Chair)

Councillor Byrne

Councillor Westley

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1. APPOINTMENT OF CHAIR

Councillor Barton was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Potter.

3. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they may have in the business on the agenda.

There were no declarations.

4. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: 64-66 GRANBY STREET, LEICESTER

The Director, Environmental Services, submitted a report that required Members to determine an objection notice relating to a temporary event notice (TEN) submitted by Mr Nilesh Vadoliya for Corner off-licence 64-66 Granby Street, Leicester.

Members noted that an objection notice had been received in respect of the Temporary Event Notice, which necessitated that the Temporary Event Notice had to be considered by Members.

Mr Vadoliya was present at the meeting. PC Jon Webb from Leicestershire

Police was present. Also present was the Licensing Team Manager and the Solicitor to the hearing panel.

The Licensing Team Manager presented the report. It was noted that an objection had been received from Leicestershire Police on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety.

PC Webb for Leicestershire Police outlined the reasons for the objection and answered questions from Members.

Mr Vadoliya was then given the opportunity to respond to the points and concerns that were raised by Leicestershire Police and answered questions from Members.

All parties were then given the opportunity to sum up their positions and make any final comments.

Prior to Members considering the application, the Solicitor to the hearing panel advised Members of the options available to them in making a decision. Members 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.

The Licensing Team Manager, the Solicitor to the hearing panel, Mr Vadoliya, and PC Webb then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the hearing panel was then called back into the hearing to advise on the wording of the decision.

The Licensing Team Manager, Mr Vadoliya and PC Webb then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the hearing panel for advice on the wording of their decision.

RESOLVED:

That the objection notice given for a temporary event notice at Corner Off-Licence, 64-66 Granby Street, Leicester be disregarded.

The Hearing Panel decided to disregard the objection notice and to impose on the Temporary Event Notice the additional condition from the existing premises licence that the licensee will ensure no beers, lagers or ciders are sold where the alcohol by volume (ABV) exceeds 5.5%.

The Hearing Panel were satisfied that the TEN would not have a detrimental impact on the Cumulative Impact Zone.

5. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: GRANDE GUSTO, 17 NARBOROUGH ROAD, LEICESTER LE3 0LE

The Director, Environmental Services, submitted a report that required Members to determine an application for a new premises licence within a cumulative impact zone, Grande Gusto, 17 Narborough Road, Leicester LE3 0LE.

Members noted that a representation had been received in respect of the application, which necessitated that the application had to be considered by Members.

Mr Przybyszewski, the applicant and owner of the premises was present and was accompanied by Mr Carr, his representative and an interpreter in the Polish language. Mrs Przybyszewski, restaurant manager and proposed Designated Premises Supervisor was also present. PC Jon Webb from Leicestershire Police was present. Also present was the Licensing Team Manager and the Solicitor to the hearing panel.

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

The Licensing Team Manager presented the report. It was noted that a representation had been received that related to the prevention of crime and disorder and public safety.

PC Webb outlined the reasons for the representation and answered questions from Members.

Mr Przybyszewski through his representative was then given the opportunity to respond to the points made and answered questions from Members.

All parties were then given the opportunity to sum up their positions and make any final comments.

Prior to Members considering the application, the Solicitor to the Hearing Panel advised Members of the options available to them in making a decision. Members 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.

The Licensing Team Manager, the Solicitor to the Hearing Panel, the applicant,

the applicant's representative, the proposed DPS, the interpreter and PC Webb then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the Hearing Panel was then recalled to the hearing to give advice on the wording of the decision.

The Licensing Team Manager, the applicant, the applicant's representative, the proposed DPS, the interpreter and PC Webb then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the Hearing Panel for advice on the wording of their decision.

RESOLVED:

that the application for a new premises licence within a cumulative impact zone for Grande Gusto, 17 Narborough Road, Leicester LE3 0LE be granted subject to the conditions consistent with the Operating Schedule in Appendix C and subject to amendment of Condition 5 to read "Challenge 25" instead of "Challenge 21" and in relation to CCTV to add the condition consistent with the police representation, as follows:-

1. The licence holder will ensure that alcohol is not served without a meal being purchased from the restaurant.
2. The licence holder will ensure that intoxicated customers are not allowed admission to the premises.
3. The licence holder will ensure that no bottles or glasses are taken outside the premises
4. The licence holder will ensure that CCTV is installed following advice from the Leicestershire Police and maintained in accordance with the Information Commissioners CCTV Code of Practice. Images will be kept for a minimum of 31 days and made available to the Police and responsible authorities within 24 hours of a request being made.
5. The licence holder will ensure that the Challenge 25 policy is operated at the premises.
6. The licence holder will operate a refusals register.
7. The licence holder will ensure that doors and windows are kept closed (except for access and egress) when the premises is open after 9pm.
8. The licence holder will ensure that a sign is displayed on the premises requesting that customers leave quietly.

In reaching the decision the Hearing Panel were satisfied that the new premises would not have an impact on the Cumulative Impact Zone.

6. ANY OTHER URGENT BUSINESS

The meeting closed at 11.12am