



Leicester
City Council

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

Held: MONDAY, 22 DECEMBER 2014 at 9:30 am

P R E S E N T:

Councillor Clarke (Chair)

Councillor Dr Barton

Councillor Byrne

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1. APPOINTMENT OF CHAIR

Councillor Clarke was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies.

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. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: MYSTIC SPICE, 146C LONDON ROAD, LEICESTER.

The Director, Environmental Services, submitted a report that required Members to determine an application for a new premises licence within a cumulative impact zone, Mystic Spice, 146C London Road, Leicester.

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 Balalur Rahim, applicant was present. PC Jon Webb and Inspector Nigel Rixon from Leicestershire Police were 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 four licensing objectives, the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

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

Mr Rahim was then given the opportunity to respond to the points made and answer 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 Rahim, PC Webb and Inspector Rixon 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, Mr Rahim, PC Webb and Inspector Rixon 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 Mystic Spice 146C London Road, Leicester be granted subject to the conditions consistent with the Operating Schedule together with the conditions consistent with the representation from the police as stated in Appendix C and subject to a minor amendment to one of the conditions proposed by the police representation to insert the words "...CCTV is

installed *no later than 1st June 2015* following advice..." as follows:-

1. The licence holder will put in place management controls and training of all staff so they are aware of their responsibilities under the Licensing Act including age verification.
2. The licence holder will ensure there is no drunk and disorderly, violent or anti-social behaviour on the premises.
3. The premises will be fitted with fixed internal and external lighting to aid public safety.
4. The licence holder will ensure that all fixtures and fittings of the premises are maintained and in a good condition.
5. Deliveries to the premises will be arranged at a suitable time or in a suitable manner so they don't cause disruption to neighbouring residents.
6. Alcohol will only be sold to customers who are purchasing a substantial meal.
7. The licence holder will ensure that CCTV is installed no later than 1st June 2015 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.
8. The licence holder will ensure all incidents of crime or disorder will be reported to the police and recorded in an incident book to be kept at the premises which will be made available to responsible authorities and police on request.
9. The licence holder will ensure all staff are trained in the "Challenge 25" policy and that suitable signs relating to Challenge 25 are displayed in the restaurant.
10. The licence holder will ensure a refusal book is maintained and kept at the premises and made available to responsible authorities and police on request.

In reaching the decision the panel concluded this premises had operated with a licence previously and there was no reason to believe the current business would have any greater impact because of the licensable activity than the previous business.

5. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: 10-12 HINCKLEY ROAD, LEICESTER.

The Director, Environmental Services, submitted a report that required Members to determine an application for a new premises licence within a cumulative impact zone, LAT Food Ltd, 10-12 Hinckley Road, Leicester LE3 0RA.

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 Ignus Kalnins, applicant was present. PC Jon Webb and Inspector Nigel Rixon from Leicestershire Police were 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 four licensing objectives, the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

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

Mr Kalnins was then given the opportunity to respond to the points made and answer 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 Kalnins, PC Webb and Inspector Rixon 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, Mr Kalnins, PC Webb and Inspector Rixon 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 LAT Food Ltd, 10-12 Hinckley Road, Leicester LE3 0RA be granted subject to the conditions consistent with the Operating

Schedule together with the conditions consistent with the representation from the police as stated in Appendix C as follows:

- a. The licence holder will do a full risk assessment of the premises to cover all four licensing objectives.
- b. The licence holder will ensure anyone who appears to be drunk and or aggressive will not be allowed on the premises.
- c. The licence holder will make sure litter is regularly cleared from the external areas around the premises.
- d. The licence holder will discourage drinking and anti-social behaviour in the vicinity of his premises.
- e. All customers will be asked to leave the premises quietly.
- f. Staff will ensure that any children on the premises are supervised by the adults accompanying them.
- g. The licence holder will ensure staff are trained to be vigilant regarding proxy sales of alcohol.
- h. The licence holder will ensure that all staff, paid or unpaid, are trained in responsible alcohol retailing, including the licensing objectives, at six monthly intervals and that this training is documented and signed for.
- i. The licence holder will operate and maintain a refusals register which will be kept on the premises and made available to the responsible authorities on request.
- j. The licence holder will maintain an incident log which will be kept on the premises and made available to Police and responsible authorities on request. All incidents will be reported to the police.
- k. The licence holder will ensure that CCTV is installed following advice from the Leicestershire Police and maintained at all times the premises is open to the public and will be kept for a minimum 31 days. Recordings will be made available to the Police and responsible authorities within 48 hours of a request for the recordings being made.
- l. The licence holder will provide training to all staff, paid or unpaid, working at the premises in relation to Challenge 25 and will adopt this as the premises "age policy". This training is to be documented and repeated a minimum of twice a year to retain focus.
- m. The licence holder will display notices to inform customers that they will be asked for proof of age if they appear under 25 to the person selling the alcohol.
- n. The licence holder will display signs to inform customers not to purchase alcohol for or on behalf of anyone that has not reached 18 years of age.

The Hearing Panel decided to grant the licence subject to the conditions consistent with the operating schedule together with the conditions consistent with the representation from the police as stated in appendix C. Where there was duplication, the police worded condition would take precedence, except for the final condition in the representation from the police, which was removed as that was already covered by legislation.

In making their decision the Hearing Panel noted it was the intention of the applicant Mr Ignus Kalnins to surrender the licence of his current premises on 63 Narborough Road, Leicester and it was noted that he was transferring the business and with the conditions attached the Hearing Panel did not believe

the business would adversely impact upon the CIZ.

6. PRIVATE SESSION

RESOLVED:

“that the press and public be excluded during consideration of the following report 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 that is likely to reveal the identity of an individual

B1 Application for a new personal licence.

7. APPLICATION FOR A NEW PERSONAL LICENCE

The Director of Environmental Services submitted a report that required Members to determine an application for a new personal licence.

Members noted that a representation had been received from the police which necessitated that the application for a new personal licence had to be considered by Members. The report also highlighted the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority’s Licensing Policy.

The applicant, PC Jon Webb and Inspector Nigel Rixon of the Leicestershire Police were present at the meeting. The Licensing Team Manager and the Solicitor to the hearing panel were also present.

The Licensing Team Manager presented the report and outlined the details of the application. It was noted from the report that a representation had been received from the Leicestershire Police on the grounds of the prevention of crime and disorder.

Inspector Rixon outlined the reasons for the objection as stated in the representations previously submitted. He further stated that as the applicant’s relevant conviction was not spent under the Rehabilitation of Offenders Act, the

Police view was that the prevention of crime and disorder licensing objective would be undermined if the applicant held a personal licence before that time had elapsed.

The applicant was then given the opportunity to respond to the points made, state his case as to why there were exceptional and compelling circumstances for members to consider granting the application and to respond to Members questions.

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

The Solicitor to the hearing panel advised Members of the options available to them in making a decision.

The Licensing Manager, the Solicitor to the hearing panel, the applicant, Inspector Rixon and PC Webb then left the meeting.

The Members then gave the application full and detailed consideration.

The Solicitor to the hearing panel was then recalled to give advice to the Members on the wording of the decision.

The Licensing Manager, the applicant, Inspector Rixon and PC Webb then returned to the meeting.

The Chair informed all 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 personal licence be refused.

The Hearing Panel were satisfied that there was no compelling evidence to suggest they should grant a personal licence and to grant would undermine the licensing objectives, in particular preventing crime and disorder. The Hearing Panel were not convinced the applicant had been honest today and there was no evidence that the applicant was no longer at risk of offending. The Hearing Panel felt that the nature of the unspent conviction and the lack of exceptional or compelling reasons to grant left them with no choice but to refuse.

8. ANY OTHER URGENT BUSINESS

The meeting closed at 11.31am.