



Leicester
City Council

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

Held: MONDAY, 12 JANUARY 2015 at 9:30 am

P R E S E N T:

Councillor Clarke (Chair)

Councillor Byrne

Councillor Westley

* * * * *

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: SANDRINGHAM
SERVICE STATION, 270 MELTON ROAD, LEICESTER. LE4 7PB**

The Director of Environmental and Enforcement Services submitted a report that required Members to determine an application for a new premises licence for Sandringham Service Station, 270 Melton 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 David Aquila the applicant was present and was accompanied by Mr Robert Botkai, solicitor and HKS representative Pauline Himsworth. 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 on 4 December 2014 that related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

It was noted that the objector was not present but had sent an email to say that the objector was unable to attend or be represented today and that the hearing should proceed and that the written representations be taken into account.

Mr Botkai on behalf of the applicant outlined the details of the application and responded to the written representation and answered questions from Members.

The Chair asked about the point made by the objector regarding a failure to advertise the previous application outside the premises in 2006 and what weight ought to be given to that. The Licensing Team Manager confirmed this was a new application for a premises licence and it should be considered on its own merits. The Licensing Team Manager said she was not aware of the previous application not being advertised and her advice to residents would be that if there were problems with a licence they could apply for the licence to be reviewed.

The applicant was then given the opportunity to sum up their position 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 about s176 of the Licensing Act 2003, 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 applicants' solicitor and HKS representative 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 applicants' solicitor and HKS

representative 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 for Sandringham Service Station, 270 Melton Road, Leicester be granted subject to the conditions consistent with the Operating Schedule in Appendix C with three additional conditions as follows:

- a. There shall be no sale of beer or cider with an ABV content in excess of 5.5% save for premium products.
- b. There shall be no sale of beer or cider in single cans or bottles of the same or smaller size to a standard can.
- c. The licence holder will maintain a refusal book or log to record any refusals of the sale of alcohol. The book or log shall be monitored regularly by store management. The log or book will be made available to the police, licensing authority or other authorised persons.

In reaching the decision the Hearing Panel were satisfied that the previous operation had not attracted the attention of the responsible authorities and there was no objection received from the responsible authorities and there was not enough actual evidence from the objector.

The Hearing Panel noted that s176 of the Licensing Act 2003 would need to be monitored going forward. The Hearing Panel commented that of course 24 hour alcohol sales were a cause of concern but they expected the applicant to run a professionally managed operation.

5. ANY OTHER URGENT BUSINESS

None.

The meeting closed at 10.40am