



Leicester  
City Council

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

Held: FRIDAY, 16 JANUARY 2015 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 the Chair.

**2. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Shelton and Councillor Byrne was attending in his place.

**3. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they may have in the business to be discussed. No such declarations were made.

**4. APPLICATION FOR A NEW PREMISES LICENCE: MORRISONS M LOCAL,  
11-13 MARKET STREET, LEICESTER LE1 6DN**

The Director of Local Services and Enforcement submitted a report that required Members to determine an application for a new premises licence, Morrisons M Local, 11-13 Market Street, Leicester LE1 6DN.

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

Ms Kelly Nichols, Licensing Manager for Morrisons was present and was accompanied by Ms Clare Johnson, Solicitor acting on behalf of Morrisons. Inspector Nigel Rixon and PC Jon Webb from Leicestershire Police were

present. Also present was the Licensing Team Manager and the Solicitor to the Sub-Committee.

The Licensing Team Manager reported that a request for an adjournment had been received from a representee. Members noted that the application for an adjournment had been considered by the Director of Local Services and Enforcement, in accordance with delegated powers, and he had determined that the application should be refused and the licensing hearing should proceed to hear the application for a new premises licence. The representee had been informed of the reasons for this decision.

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

The Licensing Team Manager presented the report and responded to members questions. It was noted that a representation had been received on 18 December 2014 from Leicestershire Police 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 also noted that a representation had been received on 18 December 2014 from a local person that related to the prevention of crime, the prevention of public nuisance, public safety and the protection of children from harm. It was noted that the applicants had now agreed to amend their hours of opening and hours for the supply of alcohol from 6.00 am to midnight to 6.00 am to 11.00 pm following discussions with Leicestershire Police. It was noted that the 3<sup>rd</sup> and 4<sup>th</sup> bullet points of the options available to Members, outlined in paragraph 2.1 of the report, were not applicable to this application.

With the agreement of all concerned, a letter of support for the application from the Chair of the Market Street Traders Association, which had been received after the agenda had been published, was circulated to all present. A copy of the letter had also been sent to the representee who was not at the meeting.

PC Webb outlined the reasons for the Police representation and the outcome of discussions with the applicant which had resulted in the agreement to reduce the hours of operation together with a number of conditions for CCTV, staff training and restrictions on the sale of alcohol. These additional conditions were contained in the submission made by the Police. PC Webb then answered questions from Members.

Ms Johnson on behalf of the applicant outlined the details of the application and responded to the points made in the representations and answered questions from Members.

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

Prior to Members considering the application, the Solicitor to the Sub-Committee 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 Sub-Committee, the applicant, the applicant's solicitor, Inspector Rixon and PC Webb then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the Sub-Committee was then recalled to the hearing to give advice on the wording of the decision.

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

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

RESOLVED:

that the application for a new premises licence for Morrisons M Local, 11-13 Market Street, 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.

REASON FOR THE DECISION

Sub Committee members felt that the applicant had courteously gone through the single remaining objection line by line. They thanked the objector for bringing these matters to their attention. They believed the relevant objections had been covered by the police conditions. They were confident that Morrisons M Local would be a responsible addition to the High Street and would maintain good relationships with its neighbours and the responsible authorities, and in the words of the representing solicitor, they were confident that the applicant would be "super-diligent and support the achievements of all the licensing operators." They considered their decision was necessary and proportionate.

**5. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: DOMINGOS SUPERSTORE, 67-69 CHURCHGATE, LEICESTER LE1 3AN**

The Director, Local Services and Enforcement, submitted a report that required Members to determine an application for a new premises licence within a cumulative impact zone, Domingos Superstore, 67-69 Churchgate, Leicester LE1 3AN.

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 Sunday Ajeibi, applicant was present together with his representative Mr Acharya, solicitor. PC Jon Webb and Inspector Nigel Rixon from Leicestershire Police were present. Also present was the Licensing Team Manager and the Solicitor to the Sub-Committee.

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 and public safety. It was noted that the 3<sup>rd</sup> bullet point of the options available to Members, outlined in paragraph 2.1 of the report, was not applicable to this application.

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

Mr Ajeibi and Mr Acharya were then given the opportunity to respond to the points made and answer questions from Members. Mr Acharya stated that his application for a personal licence had now been approved.

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 Sub-Committee, Mr Ajeibi, Mr Acharya, PC Webb and Inspector Rixon then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the Sub-Committee was then recalled to the hearing to give advice on the wording of the decision.

The Licensing Team Manager, Mr Ajeibi, Mr Acharya, PC Webb and Inspector Rixon then returned to the meeting.

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

**RESOLVED:**

that the application for a new premises licence within a cumulative impact zone for Domingos Superstore, 67-69 Churchgate, Leicester LE1 3AN be granted subject to the conditions consistent with the Operating Schedule.

**REASON FOR THE DECISION**

In reaching their decision Sub-Committee members said that their starting point of refusal had been effectively rebutted. They noted the specialised nature of the store and they noted the co-operation of the applicant. Street drinkers and anti-social behaviour was a genuine concern for members of the council; reflected in the city wide street drinking order decision. However, the applicant had shown that it was unlikely there would be an impact upon the Cumulative Impact Zone. It was now for the applicant to prove this as he would know that a review of the licence could have serious consequences.

**6. CLOSE OF MEETING**

The meeting closed at 12.30pm