



Leicester
City Council

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

Held: TUESDAY, 21 APRIL 2015 at 6.00pm.

The meeting commenced at 6.00pm due to technical difficulties with presentation equipment.

P R E S E N T:

Councillor Clarke (Chair)

Councillor Riyait

Councillor Sangster

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1. APPOINTMENT OF CHAIR

Councillor Clarke was appointed Chair for the meeting.

The Chair gave apologies for the late start to the meeting due to technical issues.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

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

There were no declarations of interest.

**4. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE:
THE GRAPEVINE, 33-37 BELVOIR STREET, LEICESTER, LE1 6SL**

The Director of Local Services and Enforcement submitted a report that required Members to determine an application for a review of an existing premises licence for The Grapevine, 33-37 Belvoir Street, Leicester, LE1 6SL.

Members noted that a review application had been received, which

necessitated that the application had to be considered by Members.

Mr Stephen Podesta (Designated Premises Supervisor) and Mr John Merry (Bar Manager) were present accompanied by Mr Sakhi and Ms Patel (legal representatives). Inspector Nigel Rixon and PC Jon Webb were present from Leicestershire Police. Mr Neil Cooper and Mr Terence Olaf from the Noise Team and Councillor Patrick Kitterick, Ward Councillor were present. Also present were the Solicitor to the hearing panel and the Licensing Team Manager.

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

The Licensing Team Manager informed the hearing panel that a request had been made for the panel to consider whether the application for the review should be heard in public or in a closed hearing. Inspector Rixon said the request had been made under Section 14 of the Licensing Act 2003 (Hearings) Regulations 2005. He said there were a number of criminal investigations in connection with the premises that could be compromised if the meeting was to be heard in public during discussion of additional information circulated to the hearing panel prior to the meeting, and the viewing of CCTV / police footage.

Councillor Kitterick requested if the panel were minded to hear the meeting in private, that the representations from himself and the Noise Team be heard in the public domain.

The Solicitor to the hearing panel advised Members to assist them in making a 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 S Podesta, Mr J Merry and legal representatives, Inspector Rixon, PC Webb, Noise Team Officers, and Councillor Kitterick then withdrew from the meeting. Members gave the request consideration. The Solicitor to the hearing panel was recalled to the hearing to give advice.

The Licensing Team Manager, Mr S Podesta, Mr J Merry and legal representatives, Inspector Rixon, PC Webb, Noise Team Officers, and Councillor Kitterick then returned to the meeting.

RESOLVED:

that the press and public be excluded during consideration of the following reports and information in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve 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 3

Information relating to the financial or business affairs of any particular person (including the authority).

1. Additional information, including witness statements
2. CCTV / police DVD footage

Those present at the meeting were informed the order of the meeting would be as follows:

1. The Licensing Officer would present the report.
2. Councillor Kitterick, the Noise Team Officers, the Police would outline their representations in that order.
3. The Police would indicate when they wished to move into private session.
4. The Grapevine representatives would return to the meeting to and have opportunity to make their submission and respond to points made.
5. The Grapevine representatives would be given the opportunity to ask questions during public session.

The Licensing Team Manager presented the report. Those present were informed that parties to the hearing had received additional information and CCTV footage which was not available to the public. It was noted that the application for a review of the premises was made on the grounds of prevention of crime and disorder, public safety and the prevention of public nuisance. It was also noted that two representations were received from Councillor Kitterick and the Noise Team on the grounds of the prevention of public nuisance.

Councillor Kitterick outlined the reasons for the representation and answered questions from Members and representatives for the premises. Councillor Kitterick then left the meeting at this point after asking those present if they had any further questions of him.

The Noise Team Officer outlined the reasons for the application for the review of the licence and answered questions from Members, the Police, and representatives for the premises.

Prior to the Police's submission, the Chair reiterated that they should indicate when they wanted to move into private session.

The Police outlined the reasons for the application for the review of the licence,

and answered questions from Members, legal representatives for the premises. The Police then requested that the hearing move into Private Session.

The Licensing Team Manager, Mr S Podesta, Mr J Merry and legal representatives, and Noise Team Officers then withdrew from the meeting.

It was agreed that Mr Podesta and Mr Sakhi be invited back into the room to as part of the private session to listen to the Police's submission. Additional information was discussed and CCTV / police footage was shown.

The meeting was adjourned for a five minute comfort break.

The Licensing Team Manager, the Solicitor to the hearing panel, Mr S Podesta, Mr J Merry and legal representatives, Inspector Rixon, PC Webb, and Noise Team Officers then returned to the meeting.

Mr Podesta, Mr Merry and their representatives then made their submission to the 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 S Podesta, Mr J Merry and legal representatives, Inspector Rixon, PC Webb, and Noise Team Officers then withdrew from the meeting.

Members gave the application full and detailed consideration.

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

The Licensing Team Manager, Mr S Podesta, Mr J Merry and legal representatives, Inspector Rixon, PC Webb, and Noise Team Officers 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 the decision.

RESOLVED:

That the existing premises licence for The Grapevine, 33-37 Belvoir Street, Leicester, be revoked.

The Sub-Committee Members said the application to review the premises had been made because of concerns that those managing, working or even attending as customers were unable to promote the licensing objectives at The Grapevine. They added that whilst this must be true, the ultimate responsibility must be with the Management for the premises.

The meeting was told that three of the licensing objectives had been invoked, and were taken one by one.

The Sub-Committee Members said Councillor Kitterick had received a representation informing him of noise levels at the premises, and the present letting agents had been unable to let nearby flats. Members said that being a good neighbour meant the prevention of public nuisance in an area, which included residential property, was important. The Sub-Committee said they were not convinced successive Designated Premises Supervisors (DPS), and other responsible individuals had been 'good neighbours'.

The Sub-Committee Members said the Noise and Pollution Control team had informed those present of several issues, particularly associated with the buildings suitability for such a venue. Members said they had heard that steps had been taken, which included substantial investment, including the installation of a satisfactory noise limiter. However, they added they had also heard that such equipment had been tampered with in the past and that it was not possible to be confident from a professional perspective that the steps taken would be a remedy for the noise related issues.

The Sub-Committee said the premises had been a venue that had attracted issues of concern for public safety. Members added the meeting had been told and had seen compelling evidence of individuals being physically harmed by people who were at the premises to ensure the safety of the public.

The Sub-Committee said there were live investigations ongoing. They said people associated with the premises had been duplicitous, not only with the police, but also with colleagues, which pointed to a dishonest culture. Members were concerned that people associated with the premises were suspected of crime, one of whom had been convicted of crime. Moreover, that some of those individuals were or had been in a management position, interim or not, was of grave concern to the Sub-Committee.

Members said for many years the management's structure had let customers and staff down. They said the present DPS had a good record, but had been poorly let down by the management structure he had found himself in, which was an amateurish operation.

The Sub-Committee said a toxic blend of poor management and unqualified

individuals, however well-meaning, led the Sub-Committee to believe the premises licence should be permanently revoked to ensure safety of the public. Members did not consider there were any conditions that would satisfy them that the licensing objectives could be upheld.

5. CLOSE OF MEETING

The meeting closed at 11.05pm.