



Leicester
City Council

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

Held: TUESDAY, 10 NOVEMBER 2015 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)
Councillor Byrne (Vice Chair)

Councillor Dr Barton

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7. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

8. APOLOGIES FOR ABSENCE

There were no apologies for absence.

9. DECLARATIONS OF INTEREST

Members were asked to declare any interest they might have in the business to be discussed.

Councillor Byrne declared the premises at Appendix C, Burnham Drive Newsagents, fell in her Ward, though she had never visited the premises, and would view the application with an open mind based on its own merits.

In accordance with the Council's Code of Conduct the interest was not considered so significant that it was likely to prejudice Councillor Byrne's judgement of the public interest. Councillor Byrne was not therefore required to withdraw from the meeting during consideration and discussion on the item.

10. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

that the minutes of the previous meetings of the Licensing Hearings Sub-Committee on 29 July 2015, 10 August 2015 and 28 August 2015 be confirmed as a correct record.

**11. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE:
APRES LOUNGE, 94 HIGH STREET, LEICESTER, LE1 5YP**

The Director of Local Services and Enforcement submitted a report that required Members to determine an application for a variation of an existing premises licence for Apres Lounge, 94 High Street, Leicester, LE1 5YP.

Members noted that three representations had been received, from two Ward Councillors and one local resident in respect of the application. This necessitated that the application for a variation of an existing premises licence had to be considered by Members.

The applicants, Mr Ercan Dogan joint owner with Mr Alex Salter were present. Councillor Lynn Senior was present and was also representing Councillor Patrick Kitterick, as Castle Ward Councillors who had made a representation against the application. Also present were the Licensing Team Manager and the Solicitor to the Sub-Committee.

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

The Licensing Team Manager presented the report and outlined the details of the application. Members were asked to note that, should they be minded to grant the licence extension, a condition in Annex 2 of the current premises licence would have to be removed as it would contradict new licensing hours.

There were no further questions on the report from Members, the applicants or Councillor Senior.

Councillor Senior outlined the reasons for the representations from Councillor Kitterick and herself.

There were no questions from Members or the applicants.

Mr Salter and Mr Dogan were then given the opportunity to outline the details of the application, responded 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 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, Mr Salter, Mr Dogan and Councillor Senior 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 Salter, Mr Dogan and Councillor Senior 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 variation to an existing premises licence for Apres Lounge, 94 High Street, Leicester be granted, with an amendment to the application as applied for, and the removal of a condition from the existing premises licence.

The Sub-Committee Members considered the representations made by the applicant and the objector in full. Members said there was no precedent set for the area as the applicant had implied. The Sub-Committee Members considered that granting the later licence would add to already existing problems being experienced in that part of town.

The Sub-Committee Members agreed with the objector that the existing problems centred around crime and disorder and general disruptive behaviour could be added to by granting the licence as applied for. The Sub-Committee therefore granted a licence until 04.00 hours. To facilitate the agreed new hours, the condition on the current licence at Annex 2, that referred to the hours for licensable activities and opening hours, namely 'All licensable activities will cease at 02:00hrs and the opening hours will be until 03:00hrs', was no longer relevant to the decision made, and would be removed.

12. APPLICATION FOR A NEW PREMISES LICENCE: BURNHAM NEWS, 72 BURNHAM DRIVE, LEICESTER, LE4 0HP

The Director of Local Services and Enforcement submitted a report that required Members to determine an application for a new existing premises licence for Burnham News, 72 Burnham Drive, Leicester, LE4 0HP.

Councillor Byrne declared an interest that the premises was in her Ward, she had not visited the premises and would view the application with an open mind.

Members noted that a representation was received from Leicestershire Police, and related to the prevention of crime and disorder and the prevention of public nuisance. The Police had reached an agreement with the applicant, and a copy of the representation and agreement of requested additional conditions was

attached to the report. Members also noted a representation from the owner of the premises which related to the prevention of public nuisance and the prevention of crime and disorder had been received. A representation was also received from a local resident who was concerned about the possible increase of anti-social behaviour if another off-licence were to open. A further representation was received from a nearby business/resident which related to the prevention of crime and disorder. The above representations necessitated that the application for a new premises licence had to be considered by Members.

Members were asked to note that some of the issues raised in the representations related to need or protection of an existing business and were not relevant considerations under the Licensing Act 2003 and must be disregarded.

The proposed Designated Premises Supervisor (DPS) for the premises Mr Joginder Singh Matharoo was present at the meeting on behalf of the applicant. Mr Davinder Singh was present as a person who had made a representation. Also present were the Licensing Team Manager and the Solicitor to the Sub-Committee.

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

The Licensing Team Manager presented the report and outlined the details of the application. Members were asked to note the application was received from Mr Sembhi, lessee at Burnham News, and under the Licensing Act was a valid applicant. It was also noted that the extra hour applied for at Christmas would require further clarification as to whether the hour would be attached to the start or the end of opening hours.

There were no further questions on the report from Members, Mr Matharoo or Mr Singh.

Mr Singh outlined the reasons for the representation.

There were no questions from Members or the Applicant.

Mr Matharoo was then given the opportunity to outline the details of the application, responded to the points made, and answered questions from Members and the Licensing Team Manager.

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 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, Mr Matharoo and Mr Singh 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 Matharoo and Mr Singh 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 Burnham News, 72 Burnham Drive, Leicester, LE4 0HP be granted.

The Sub-Committee Members considered in full the representations made by all of the objectors, many of which they could not take into consideration. Members said they had paid particular attention to the representation and subsequent agreement with the Police, and found them completely relevant.

The Sub-Committee Members therefore granted the licence consistent with the standard conditions and the operating schedule and the conditions agreed with the Police in their entirety. The hours for the supply of alcohol and the hours the premises would be open to the public were at 10.00hours to 23.00hours, Monday through to Sunday, without the additional hour requested in the application for the month of December.

Conditions Consistent with the Representation / Agreement with Leicestershire Police

- (a) The licence holder will ensure that CCTV is installed following advice from the Leicestershire Police and maintained in accordance with the Information Commissioner's CCTV Code of Practice.
- (b) The licence holder will ensure that images are recorded at all times the premises is open to the public and the recorded images are retained for a minimum of 30 days.
- (c) The licence holder will ensure that there is always a member of staff on the premises, whilst it is open to the public, who is trained to operate and provide images from the CCTV system to Police officers and Responsible Authorities.
- (d) The licence holder will maintain an incident book to record all incidents at the premises of crime and disorder, damage to property and personal injury. This book is to be retained at the premises, made available to

Police Officers and Responsible Authorities on request and retained for a minimum of 12 months.

- (e) The licence holder will ensure a refusal register is maintained at the premises to record any refused sales. The register is to be retained at the premises and be made available immediately to Police Officers and Responsible Authorities on request.

13. CLOSE OF MEETING

The meeting closed at 11.44am.