



Leicester
City Council

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

Held: FRIDAY, 27 NOVEMBER 2015 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Shelton

* * * * *

1. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Kitterick (Councillor for the Castle Ward), who had hoped to address the Sub-Committee on his representation in regard to the 147 Snooker Centre, 37-43 Rutland Street application but could not attend due to work duties. Councillor Kitterick requested Members to take into account his written representation.

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. MINUTES OF PREVIOUS MEETINGS

The minutes of the previous meetings held on 15 October 2015 and 16 October 2015 were agreed as an accurate record.

**5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE:
BAR 47 - BASEMENT OF SPARK VIP, 37-43 RUTLAND STREET,
LEICESTER, LE1 1RE**

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 Bar 47 – Basement of Spark VIP, 37-43 Rutland Street, Leicester, LE1 1RE.

Members noted that two representations had been received; one from Leicester City Council's Noise Team and one from the Management of the Queen Street Apartments, Leicester in respect of the application. This necessitated that the application for a variation of an existing 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 Tianzhu Wang and Tim Sturgess the applicant's agent and DPS for the premises were not present at the meeting and had not sent apologies. Robin Marston – Noise Team representative and Max Thorpe – Queen Street Apartments representative were present at the meeting. The Licensing Team Manager and the Solicitor to the hearing panel were also present.

The Sub-Committee felt it was in the public interest to consider the application without the applicant being present.

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. It was noted from the report that the two representations had been received on 2 November 2015 and both related to the prevention of public nuisance. There were no questions on the report from Members.

Robin Marston outlined the reasons for the representation.

There were no questions from Members or the representative of the Queen Street Apartments.

Max Thorpe was then given the opportunity to outline the reasons for the second representation, circulated photographs showing external views/ exits of the premises to everyone present at the meeting and answered questions made by Members.

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.

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

The Solicitor to the Sub-Committee advised Members of the options available to them in making a decision.

The Licensing Team Manager, the Solicitor to the Sub-Committee, Robin Marston and Max Thorpe then withdrew from the meeting.

The Members then gave the application their full and detailed consideration.

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

The Licensing Manager, Rob Marston and Max Thorpe then returned to the meeting.

The Chair informed all 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 of an existing licence for Bar 47 – Basement of Spark VIP, 37-43 Rutland Street, Leicester, LE1 1RE be refused.

REASONS FOR THE DECISION

The Sub-Committee had decided not to grant the variation of the licence because the conditions placed by the Noise Team were not considered to be sufficient to satisfy the Sub-Committee in respect of the surrounding residential property. The application was refused in the interest of the protection against noise nuisance of the residents of Queen Street Apartments.

6. APPLICATION FOR A NEW PREMISES LICENCE: 147 SNOOKER CENTRE, 37-43 RUTLAND STREET, LEICESTER, LE1 1RE

The Director, Local Services and Enforcement, submitted a report that required Members to determine an application for a new premises licence for 147 Snooker Centre, 37-43 Rutland Street, Leicester, LE1 1RE.

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

The applicant Mr Stephen Flude together with Mr Simon Green the proposed Designated Premises Supervisor, PC Jon Webb from Leicestershire Police and Robin Marston – the Noise Team representative, were all present at the hearing. Also present were 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. There were no questions on the report from Members, the applicant or those who had made

representations.

Robin Marston outlined the reasons for the representations made by the Noise Team and answered questions from Members. Following discussions with the applicant prior to this hearing, agreement had been reached on conditions that would satisfy the Noise Team's original concerns. The suggested conditions were contained in Appendix E of the report.

PC Jon Webb outlined the reasons for the representations made by the Police and answered questions from Members. Following discussions with the applicant prior to this hearing, agreement had been reached on a number of conditions that would satisfy the original concerns raised by the Police in the representation. These suggested conditions were contained in Appendix E of the report.

Mr Stephen Flude was then given the opportunity to outline the details of the application, responded to the points made and answered questions from Members. Mr Flude also explained that he would ensure one member of staff was located at the bottom of the stairs every evening to ensure the public exit correctly.

Members then considered the written representation from Councillor Kitterick on behalf of Ward constituents in relation to the prevention of crime and disorder and the prevention of public nuisance. There were no further questions from Members, the applicant or the representatives.

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, PC Webb, Robin Marston, Mr Flude and Mr Green 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, PC Webb, Robin Marston, Mr Flude and Mr Green 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 147 Snooker Centre, 37-43 Rutland Street, Leicester, LE1 1RE be granted.

REASONS FOR THE DECISION

In reaching their decision the Sub-Committee had considered this application and measured it against the objectors concerns but considered that the agreements reached between the objectors and the applicant sufficiently protected the Licensing objectives. The Councillors objection which was a general objection triggered by the lack of detail in the application was satisfied by the agreements reached between the Police and the Noise Team. The Sub-Committee therefore granted with the conditions laid out at Appendix E on pages 91-92 of the report.

7. CLOSE OF MEETING

The Chair declared the meeting closed at 11.10am.