



Leicester  
City Council

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

Held: FRIDAY, 19 FEBRUARY 2016 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Dr Barton

Councillor Byrne

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**6. APPOINTMENT OF CHAIR**

Councillor Thomas was elected as Chair for the meeting.

**7. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**8. DECLARATIONS OF INTEREST**

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

**9. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE -  
SHREE DAMANIA MACHHI MAHAJAN (COMMUNITY HALL), 103-105  
FRISBY ROAD, LEICESTER LE5 0DQ**

The Director, Local Services and Enforcement, submitted a report that required Members to determine an objection notice relating to a temporary event notice (TEN) submitted by Mr Vincent Suster for Shree Damania Machhi Mahajan (Community Hall), 103-105 Frisby Road, Leicester.

Members noted that an objection notice had been received in respect of the Temporary Event Notice, which necessitated that the Temporary Event Notice had to be considered by Members.

Mr Vincent Suster, (the applicant) Mrs Irena Suster and Natalia Manmiko, representing the applicant, were present at the meeting. Also present was the

Head of Regulatory Services and the Solicitor to the Sub-Committee. Two members of the Council's Noise Team were also present.

The Chair outlined the procedures to be followed at the meeting to consider the Temporary Event Notice.

Mike Broster, Head of Regulatory Services, presented the report. It was noted that an objection had been received from the Noise Team on the grounds of the prevention of public nuisance. It was also noted that the building did not have a Premises Licence and therefore no conditions could be added to the Temporary Event Notice. The Sub-Committee could only issue a counter notice under Section 105(2) of the Licensing Act 2003 if this was considered appropriate to promote the licensing objectives (this would prevent the event from taking place) or the Sub Committee could dismiss the objection notice and the allow the event to take place without any conditions.

Chloe Roper and Terrence Olaf from Council's Noise Team outlined the reasons for the objection and answered questions from Members, the Solicitor to the Sub-Committee and the applicant's representative. It was noted that the construction of the building made it completely unsuitable for any event involving amplified music with large numbers of people attending as it would result in having a significant public nuisance impact upon the surrounding area. It was for this reason that the Noise Team could not envisage a compromise being reached to allow the event to proceed. It was also noted that the planning consent for the building prohibited the use of the building after 11.30pm.

Following a question from the applicant's representative it was further noted that a Temporary Event Notice could not take precedence over any restrictions placed on the building through conditions on the planning consent.

Mr Suster's representative was then given the opportunity to respond to the points and concerns that were raised by Noise Team 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 Head of Regulatory Services, the Solicitor to the Sub-Committee, Mr Suster, Mrs Suster, the applicant's representative, the representatives of the Noise Team and the press withdrew from the meeting.

Members then gave the application their full and detailed consideration.

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

The Head of Regulatory Services, Mr Suster, Mrs Suster, the applicant's representative, the representatives of the Noise Team and the press 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 a counter notice under Section 105 (2) of the Licensing Act 2003 be issued for this application.

#### REASONS FOR THE DECISION

The Sub-Committee decided to issue the counter notice because they agreed with the Noise Team that to allow the event would cause a serious public nuisance.

The Sub-Committee considered the type of building it was and also its location within a heavily populated area, highlighting its unsuitability for this event.

The Sub-Committee expressed sympathy to the applicant as a result of those responsible for operating the building failing to inform them that the building should not be used after 11.30pm on any day.

The Sub-Committee also requested the Planning Services Enforcement Team to investigate the breach of planning conditions for the building as it was evident that the building was being used after 11.30pm on a number of occasions.

#### **10. CLOSE OF MEETING**

The Chair declared the meeting closed at 10.45am.