



Leicester
City Council

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

Held: THURSDAY, 16 JUNE 2016 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Byrne

Councillor Cank

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1. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

Members of the sub-committee were asked to declare any disclosable pecuniary or other interest they may have in the business on the agenda.

Councillor Thomas declared that he had an "other interest" as he had sat on the original Licensing panel that had dealt with the first application for a licence at these premises. Councillor Thomas stated that he maintained an open mind with regard to the proceedings today.

In accordance with the Council's Code of Conduct the interest was not considered so significant that it was likely to prejudice a Member's judgment of the public interest and Councillor Thomas was not therefore required to withdraw from the meeting.

4. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the Licensing Hearing sub-committee dated

17th May 2016 be confirmed as a correct record.

5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: HARVEYS, 43 BELVOIR STREET, LEICESTER LE1 6SL

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an application for a variation of an existing premises licence within a cumulative impact zone for Harveys, 43 Belvoir Street, Leicester LE1 6SL.

The sub-committee noted that a representation had been received in respect of the application, which necessitated that the application for a variation of an existing licence had to be considered by the sub-committee.

Mr Abdul Caratella, the applicant was present with his solicitor Mr Jonathan Smith and Mr George Domleo, a trainee solicitor who was observing proceedings.

PC Webb from Leicestershire Police was present. Councillor Lynn Senior (Ward Councillor) was present on behalf of Councillor Patrick Kitterick (Ward Councillor) representee. Also present was the Licensing Team Manager and the Trainee Solicitor to the sub-committee.

Introductions were led by the Chair and the procedure for the meeting was outlined to those present.

The Licensing Team Manager presented the report. It was noted that two representations were received, one from Leicestershire Police and one from Councillor Patrick Kitterick (Ward Councillor) that related to three of the licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance and public safety.

The Licensing Team Manager referred to the bundle of additional information that had been submitted by the applicant and confirmed the number of Temporary Event Notices that had been issued since 2014 for this premises.

Councillor Lynn Senior (Ward Councillor) on behalf of Councillor Kitterick (Ward Councillor) outlined the reasons for the representation.

PC Webb outlined the reasons for the representation and responded to questions from the sub-committee.

Mr Jonathan Smith the applicant's solicitor was then given the opportunity to outline the details of the application, respond to the points made and to answer questions from the sub-committee. The applicant Mr Abdul Caratella also addressed the sub-committee with regards to his background and experience.

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

Prior to the sub-committee considering the application, the Trainee Solicitor to the sub-committee advised the options available to them in making a decision. The sub-committee were advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision the sub-committee felt that 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 in the presence of the parties.

The Licensing Team Manager, the Trainee Solicitor to the sub-committee, Councillor Lynn Senior, PC Webb, Mr Abdul Caratella, Mr Jonathan Smith and Mr George Domleo then withdrew from the meeting.

The sub-committee then gave the application full and detailed consideration.

The Trainee Solicitor to the sub-committee was then recalled to the meeting to give advice on the wording of the decision.

The Licensing Team Manager, Councillor Lynn Senior, PC Webb, Mr Abdul Caratella, Mr Jonathan Smith and Mr George Domleo then returned to the meeting.

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

RESOLVED

That the application for a variation of an existing premises licence within a cumulative impact zone: Harveys, 43 Belvoir Street, Leicester LE1 6SL be granted subject to modification of the conditions as follows:

1. The times the licence shall operate licensable activities be varied to:
 - Supply of Alcohol on Thursday, Friday and Saturday night from 10.00pm to 4.00am
 - Entertainment on Thursday, Friday and Saturday night to cease at 3.30am
 - Opening hours on Thursday, Friday and Saturday night from 10.00pm to 4.30am
2. All other conditions to continue as stated in the original licence.

In reaching their decision the sub-committee said that they had listened carefully to the representations made by the Police regarding the lack of resources available in the early morning and the representations made by the Ward Councillor and the sub-committee were not convinced that by extending the licence to 6am that would not have an impact on the cumulative impact zone. The sub-committee did however feel that there was a need for parity in the Belvoir Street area and so agreed to extend the supply of alcohol licence to

4am on Thursday, Friday and Saturday nights with the entertainment on these nights to cease at 3.30am and the final closing times to be 4.30pm, when the building must be cleared. The sub-committee decided that all other conditions of the original licence should remain as they were.

6. ANY OTHER URGENT BUSINESS

There being no other business the meeting closed at 11.50am.