



Leicester
City Council

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

Held: TUESDAY, 21 JUNE 2016 at 9:30 am

P R E S E N T:

Councillor Byrne (Chair)

Councillor Cank

Councillor Unsworth

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7. APPOINTMENT OF CHAIR

Councillor Byrne 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 disclosable pecuniary or other interest they may have in the business on the agenda.

Councillor Unsworth declared an "other declarable interest" as the applicant was the son of someone he had met previously.

In accordance with the Council's Code of Conduct, the interest was not considered so significant that it was likely to prejudice Councillor Unsworth's judgement of the public interest and he was, therefore, not required to withdraw from the meeting.

10. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing (Hearings) Sub-Committee held on 11 May 2016 were confirmed as an accurate record.

11. APPLICATION FOR A NEW PREMISES LICENCE: COFFEE SHOP/ CAFE/ BAR/ LOUNGE & RESTAURANT - 95 QUEENS ROAD, LEICESTER, LE2 1TT

The Director of Neighbourhoods and Environmental Services, submitted a report that required Members to determine an application for a new premises licence for Coffee Shop/ Café/ Bar/ Lounge & Restaurant – 95 Queens Road, Leicester LE2 1TT.

Members noted that ten representations had been received between 6 May and 23 May 2016 in respect of the application, which necessitated that the application had to be considered by Members.

The applicant Mr Philip Luithlen together with his co-applicant Mr Bob Louis, Councillor Lynn Senior (Member of the Castle Ward who had made a representation), Mr Andrew Sansome (Noise Team representative), Mr Garry Walker (local resident who had made a representation) were all present at the hearing. Also present was the Licensing Team Manager and the legal advisor to the Sub-Committee.

It was noted that a member of the public was also present.

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

The Licensing Team Manager presented the report and outlined the details of the application. It was noted that of the ten representations; six were received from local residents, one from Planning, Transportation & Economic Regeneration, two from Castle Ward Councillors and one from the Noise Team at Leicester City Council. There were no questions from members, the applicants or the persons who had made representations.

Councillor Lynn Senior, Garry Walker and Andrew Sansome outlined the reasons for their representations and answered questions from Members and the applicant.

Philip Luithlen and Bob Louis were then given the opportunity to outline the details of the application, responded to the points made in the representations 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 legal advisor 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 legal advisor to the Sub-Committee, the applicants, the persons who had made representations and the member of public then withdrew from the meeting.

Members then gave the application full and detailed consideration.

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

The Licensing Team Manager, the applicants, the persons who had made representations and the member of public then returned to the meeting.

The Chair informed all persons present that they had recalled the legal advisor to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

That the application for a new premises licence for Coffee Shop/ Café/ Bar/ Lounge & Restaurant – 95 Queens Road, Leicester LE2 1TT be granted with all the conditions consistent within the operating schedule and the noise team representation contained in Appendix C, subject to the following:

- The provision of identification being ‘challenge 25’ not ‘challenge 21’.
- The Licence holder would not permit children on the premises between 21:00 and 00.00 (subject to the 24/7 operation being removed).
- That the premises be vacated by 00:30 and,
- No food should be ordered after 23:30 (Monday to Saturday) in respect of taking the “last orders”.

REASONS FOR THE DECISION

In reaching their decision the Sub-Committee members said that they had considered the application carefully along with the representations. The Sub-Committee were satisfied that the owners understood the residents’ concerns and had recognised these by being willing to comply with the additional conditions requested by the noise team in Appendix C.”

12. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: GOURMET COFFEE BAR & KITCHEN, LEICESTER RAILWAY STATION

The Director of Neighbourhoods and Environmental Services, submitted a report that required Members to determine an application for a new premises licence within a Cumulative Impact Zone for Gourmet Coffee Bar & Kitchen, Leicester Railway Station, London Road, Leicester, LE2 0QB.

Members noted that a representation had been received in respect of the application, which necessitated that the application had to be considered by

Members.

The applicant - Mr Nicholas Garnell, PC Jon Webb from Leicestershire Police, the Licensing Team Manager and the legal advisor to the Sub-Committee were all present at the hearing.

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

The Licensing Team Manager presented the report and outlined the details of the application.

PC Jon Webb outlined the reasons for the representation and answered questions from Members.

Mr Garnell was 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 legal advisor 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 legal advisor to the Sub-Committee, PC Webb and the applicant then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The legal advisor 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 and the applicant then returned to the meeting.

The Chair informed all persons present that they had recalled the legal advisor to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

That the application for a new premises licence within a Cumulative Impact Zone for Gourmet Coffee Bar & Kitchen, Leicester Railway Station, London Road, Leicester, LE2 0QB be granted.

REASONS FOR THE DECISION

In reaching their decision the Sub-Committee members had listened to and taken into account all that had been discussed. The Sub-Committee were happy that the applicant had communicated with the Police and other parties. The Sub-Committee did not believe that granting this licence would add to the Cumulative Impact in this area. The Sub-Committee therefore granted the licence subject to all the conditions in Appendix C.

13. CLOSE OF MEETING

The Chair declared the meeting closed at 11:42am.