



Leicester
City Council

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

Held: TUESDAY, 16 MAY 2017 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Byrne

Councillor Cank

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15. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

16. APOLOGIES FOR ABSENCE

There were no apologies for absence.

17. DECLARATIONS OF INTEREST

Members of the Sub-Committee were asked to declare any disclosable pecuniary or other interests they may have in the business on the agenda.

Councillor Thomas declared that he had an Other Disclosable Interest as he used to visit the premises in previous years, and advised the previous tenant on the purchase of the premises from the brewery.

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 judgement of the public interest and Councillor Thomas was not therefore required to withdraw from the meeting.

18. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE, VICTORIA JUBILEE, 112 LEIRE STREET, LEICESTER, LE4 6NT

The Director, Neighbourhoods and Environmental Services, submitted a report that required Members to determine an application for a variation of an existing premises licence for Victoria Jubilee, 112 Leire Street, Leicester, LE4 6NT.

Members noted that representations had been received from the Noise Team of Leicester City Council and two nearby residents, which 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 Mr Yogesh Chauhan, and Mr Terence Olaf, Pollution Control Officer, Leicester City Council were present at the meeting. The Licensing Team Manager and the Solicitor to the Sub-Committee were also present.

The Licensing Team Manager presented the report and outlined the details of the application. It was noted from the report that a representation had been received from Noise Team, Leicester City Council which related to the licensing objective of the prevention of public nuisance. It was also noted that two representations were received from nearby residents which related to the licensing objectives of the prevention of public nuisance and public safety.

Mr Olaf outlined the reasons for the objection as stated in the representations previously submitted, and presented a signed agreement with the applicant for the reduction of hours requested for licensed activities to take place between the hours of 10.00am and 12.30am Sunday to Thursday and 10.00am to 1.00am Friday and Saturday. The agreement also stated the opening hours of the premises should be between 10.00am and 1.00am Sunday to Thursday, and between 10.00am and 1.30am Friday and Saturday. It was also agreed that all live or amplified music should be played through a noise limiting device set at a level agreed by the Leicester City Council Noise and Pollution Team.

Mr Chauhan was then given the opportunity to respond to the points made, state his case as to why there were exceptional and compelling circumstances for Members to consider granting the application and to respond to Members questions.

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.

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, the applicant, and Mr Olaf then left 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 to the Members on the wording of the decision.

The Licensing Manager, the applicant, and Mr Olaf 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 at Victoria Jubilee, 112 Leire Street, Leicester, LE4 6NT be GRANTED, subject to the modification of the requested times as outlined in the agreement report with the Noise Team, the installation of a noise limiting device set at an agreed level by the Leicester City Council Noise and Pollution Team, and an amendment to a condition on the existing licence at Annex 3 to read 'The outdoor area must not be used by customers after 23:00 hours on any day of the week'.

REASON FOR THE DECISION

- 1) Members said there were fewer incidents associated with the premises than had historically been the case;
- 2) Whilst the committee recognised the concerns of the residents, the applicant had signed an agreement over operating hours and a noise limiting device.

The applicant was advised to be considerate towards neighbours of the premises.

19. CLOSE OF MEETING

The meeting closed at 10.22am.