



Leicester
City Council

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

Held: WEDNESDAY, 12 JULY 2017 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Byrne

Councillor Cank

* * * * *

1. APPOINTMENT OF CHAIR

Councillor Hunter was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

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

Councillor Byrne declared that she had been present as a panel member when a previous application had been made with regard to the Toast Inn premises but she retained an open mind on this application.

In accordance with the Councils Code of Conduct, the interest was not considered so significant in relation to this application that it was likely to prejudice a Members judgment of the public interest and Councillor Byrne was not required to withdraw from the meeting.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing (Hearings) Sub-Committee meetings held on 16th May 2017 and 18th May 2017 were confirmed as an accurate record.

**5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE:
TOAST INN, 34 FRANCIS STREET, LEICESTER LE2 2BD**

The Director, Neighbourhoods and Environmental Services, submitted a report that required the sub-committee to determine an application for a variation of an existing premises licence for Toast Inn, 34 Francis Street, Leicester LE2 2BD.

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 Paul Walsh the applicant, Ms Miles representee and the Noise Team Officer, Leicester City Council were present at the meeting. The Licensing Team Manager and the Solicitor to the sub-committee were 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 details of the application. It was noted that four representations had been received from the Noise Team, Leicester City Council and local residents which related to the licensing objectives of prevention of public nuisance and concerns were raised that noise from the premises would impact on neighbouring properties. The Licensing Team Manager referred to some additional information that had been submitted by the applicant which the representee did not object to being presented.

Ms Miles outlined the reasons for the representation and responded to questions from the sub-committee.

The Noise Team Officer outlined the reasons for the representation and explained that he had met with the applicant and there had been some agreement reached concerning the application for the variation of an existing premises licence and informed the sub-committee of the amendments that the Noise Team would seek to be added. The Noise Team Officer answered questions from the sub-committee.

Mr Paul Walsh, the applicant 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.

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

It was noted that the sub-committee had also read and taken into account the written representations of the 2 local residents who were not in attendance.

Prior to the sub-committee considering the application the Solicitor to the sub-committee advised the sub-committee of the options available to them in

making a decision and 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 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 Solicitor to the sub-committee, Mr P Walsh, Ms Miles and the Noise Team Officer then withdrew from the meeting.

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

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

The Licensing Team Manager, Mr P Walsh, Ms Miles and the Noise Team Officer 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

1. That the application for a variation of an existing premises licence: Toast Inn, 34 Francis Street, Leicester LE2 2BD be granted as sought with the conditions consistent with the operating schedule and subject to the amendments as follows:
 - (i) The opening hours Monday to Saturday will be 10am to 11pm and on Sundays 10am to 6pm,
 - (ii) No music shall be played in the garden,
 - (iii) The garden shall be closed from 10pm Monday to Saturday,
 - (iv) All music on the premises shall cease by 11pm Monday to Saturday.
2. That in relation to Christmas Eve and New Year's Eve activities and opening times there be no variation and the Applicant be at liberty to submit Temporary Event Notices as necessary.

In reaching their decision the sub-committee commented that after careful consideration and taking account of the representations of the objectors and the applicant they had agreed to vary the licence as sought except for the amendments outlined above. The sub-committee felt that with these conditions on the licence the premises would not be detrimental to the residents and surrounding area.

6. ANY OTHER URGENT BUSINESS

There being no further business the meeting closed at 10.28am.

