



Leicester
City Council

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

Held: MONDAY, 23 OCTOBER 2017 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Byrne

Councillor Cank

* * * * *

7. APPOINTMENT OF CHAIR

Councillor Thomas 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 Thomas declared an 'other disclosable interest' in that he was a Belgrave Ward Councillor and the premises location (of agenda item 5 – The Local Store, 116 Bruin Street) was within the Belgrave Ward. In accordance with the Council's Code of Conduct the interest was not considered so significant that it was likely to prejudice Councillor Thomas's judgement of the public interest. Councillor Thomas was not, therefore, required to withdraw from the meeting during consideration and discussion on the item.

10. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing (Hearings) Sub-Committee held on 9 October 2017 were confirmed as an accurate record.

11. APPLICATION FOR A NEW PREMISES LICENCE: THE LOCAL STORE, 116 BRUIN STREET, LEICESTER LE4 5AY

The Director of Neighbourhoods and Environmental Services, submitted a report that required Members to determine an application for a new premises licence for The Local Store, 116 Bruin Street, Leicester, LE4 5AY.

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 was not present at the hearing, however, Mr Anil Bhawsar (agent) and Mr Dhruv Kacha (premises employee) were both present on behalf of the applicant. The Licensing Team Manager and the Legal Advisor to the Sub-Committee were also present at the hearing.

It was noted that a representative from the Press was also present.

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

The Licensing Team Manager presented the report. There were no questions.

It was noted that the residents who had submitted representations were not present at the hearing, however their written representations were before the Sub-Committee.

Mr Bhawsar and Mr Kacha were 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, Mr Bhawsar, Mr Kacha and the representative from the Press 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, Mr Bhawsar, Mr Kacha and the representative from the Press 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 The Local Store, 116 Bruin Street, Leicester, LE4 5AY be GRANTED with the conditions consistent with the operating schedule and with the agreement of the applicant's representative added an additional condition that;

1. Beer, cider and lager will not be sold that is higher than 5.5% by volume.

REASONS FOR THE DECISION

In reaching their decision the Sub-Committee Members said that they had carefully considered the written and verbal representations by the applicant and the objectors. The Sub-Committee felt that the added condition would ensure the Licensing objectives of preventing public nuisance, Anti-Social Behaviour and protecting children from harm.

12. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: BRAUNSTONE FRYER, 53 BRAUNSTONE GATE, LEICESTER

The Director of Neighbourhoods and Environmental Services, submitted a report that required Members to determine an application for a new premises licence for Braunstone Fryer, 53 Braunstone Gate, Leicester.

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 Zuber Patel and PC Jon Webb from Leicestershire Police were present at the hearing. Also present was the Licensing Team Manager and the Legal Advisor to the Sub-Committee.

It was noted that a representative from the Press 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 answered questions from Members.

PC Webb outlined the reasons for the representation. There were no questions

from Members or the applicant.

Mr Patel was then given the opportunity to outline the details of the application, responded to the points made and answered questions from Members. Whilst making his representation Mr Patel disclosed that he had already been issued with the licence for this premises but had subsequently been informed that the licence had to be withdrawn as it had been issued due to an administrative error. The Sub-Committee requested a short adjournment of the hearing to receive advice from the Legal Advisor to the Sub-Committee and information on the report from the Licensing Team Manager.

PC Webb, Mr Patel and the representative from the Press then withdrew from the hearing and returned following the short adjournment.

The Sub-Committee informed those present that having received clarification from the Licensing Manager and having received legal advice they would continue with the hearing as it was in the public interest to do so.

Mr Patel and PC Webb then responded to further 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, Mr Patel, PC Webb and the representative from the Press 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, Mr Patel, PC Webb and the representative from the Press 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 Braunstone Fryer, 53 Braunstone Gate, Leicester be GRANTED with the

additional condition;

1. CCTV situated outside the premises on the advice of the Police.

REASONS FOR THE DECISION

In reaching their decision the Sub-Committee Members said that they had carefully considered the implications surrounding this licence application. The Sub-Committee acknowledged the Police representation and had considered this against the natural rights of the applicant. Further consideration had been given to the type of merchandise being sold at these premises. In the light of this, the Sub-Committee did not consider that allowing this licence would add greatly to the throng of people inhabiting these areas at busy times. The added condition was designed to prevent law and disorder.

13. CLOSE OF MEETING

The Chair declared the meeting closed at 11.45am.