



Leicester  
City Council

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

Held: TUESDAY, 12 DECEMBER 2017 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Fonseca

\* \* \* \* \*

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

There were no declarations.

**4. MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the meetings of the Licensing Hearings sub-committee held on 9<sup>th</sup> October 2017 and 3<sup>rd</sup> November 2017 be confirmed as a correct record.

**5. PRIVATE SESSION**

RESOLVED:

That the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A (4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of "exempt" information, as defined in the Paragraphs detailed below

of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

**6. APPLICATION TO TRANSFER AN EXISTING PREMISES LICENCE AND TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR: DOMINGOS SUPERSTORE, 67-69 CHURCH GATE, LEICESTER LE1 3AN**

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine applications to transfer an existing premises licence within a cumulative impact zone and to vary a premises licence to specify an individual as a designated premises supervisor for Domingos Superstore, 67-69 Church Gate, Leicester LE1 3AN.

The sub-committee noted that a representation had been received that necessitated that the applications to transfer an existing premises licence within a cumulative impact zone and to vary a premises licence to specify an individual as a designated premises supervisor had to be considered by the sub-committee.

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

The applicant Mr Kanagalingam, the applicant's legal representative Mr Peter Millward from Josiah Hincks solicitors, Mr Joe Matharu from Josiah Hincks solicitors, PC Jon Webb from Leicestershire Police, the Licensing Team Manager and the Solicitor to the sub-committee was present.

The Licensing Team Manager presented the report. It was noted that a representation had been received from Leicestershire Police on 9<sup>th</sup> November 2017 in relation to the prevention of crime and disorder as they believed there were exceptional circumstances which would undermine the crime prevention objective should the applications be granted.

PC Jon Webb from Leicestershire Police outlined the reasons for the representation and responded to questions from the sub-committee and the applicant's legal representative.

The applicant's legal representative Mr Peter Millward was then given the opportunity to respond to the objection and to outline the reasons for the applications. The applicant's legal representative Mr Peter Millward then answered questions from the sub-committee.

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

Prior to the sub-committee considering the application the Solicitor to the sub-committee advised of the options available to them in making their decisions. The sub-committee were also advised of the relevant policy and statutory

guidance that needed to be taken into account when making their decisions.

In reaching their decisions 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 with the parties represented present, in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

The applicant Mr Kanagalingam, the applicant's legal representative Mr Peter Millward from Josiah Hincks solicitors, Mr Joe Matharu from Josiah Hincks solicitors, PC Jon Webb from Leicestershire Police, the Licensing Team Manager and the Solicitor to the sub-committee withdrew from the meeting.

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

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

The applicant Mr Kanagalingam, the applicant's legal representative Mr Peter Millward from Josiah Hincks solicitors, Mr Joe Matharu from Josiah Hincks solicitors, PC Jon Webb from Leicestershire Police, the Licensing Team Manager then returned to the meeting.

**RESOLVED:**

That the applications to transfer an existing premises licence within a cumulative impact zone and to vary a premises licence to specify an individual as a designated premises supervisor for Domingos Superstore, 67-69 Church Gate, Leicester LE1 3AN be refused.

In reaching their decisions the sub-committee commented that they found the reasons given by the applicant's representative did not justify the failure of the applicant to uphold the licensing objectives which were of paramount importance and therefore the sub-committee decided to refuse the applications. The sub-committee were not satisfied by the applicant's reasons for concealing the high strength alcohol behind the counter and they were concerned about the concealed unpaid duty tobacco and therefore did not believe the applicant would uphold the licensing objectives, especially preventing crime and disorder.

**7. ANY OTHER URGENT BUSINESS**

There being no further business the meeting closed at 11.17am.

