



Leicester  
City Council

## **LICENSING (HEARINGS) SUB-COMMITTEE**

**DATE: TUESDAY, 12 DECEMBER 2017**

**TIME: 9:30 am**

**PLACE: Meeting Room G.03, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

### **Members of the Sub-Committee**

Councillors Cank, Fonseca and Thomas

Members of the Sub-Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

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## Information for members of the public

### Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

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- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

### Further information

If you have any queries about any of the above or the business to be discussed, please contact Anita James, **Democratic Support on (0116) 454 6358 or email [anita.james2@leicester.gov.uk](mailto:anita.james2@leicester.gov.uk)** or call in at City Hall, 115 Charles Street.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

## **PUBLIC SESSION**

### **AGENDA**

#### **FIRE/EMERGENCY EVACUATION**

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to area outside the Ramada Encore Hotel on Charles Street as Directed by Democratic Services staff. Further instructions will then be given.

- 1. APPOINTMENT OF CHAIR**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

- 4. MINUTES OF THE PREVIOUS MEETING**

**Appendix A**

The minutes of the meetings of the Licensing Hearing Sub-Committee held on 9<sup>th</sup> October 2017 and 3<sup>rd</sup> November 2017 are attached and Members are asked to confirm them as a correct record.

- 5. PRIVATE SESSION**

### **AGENDA**

#### **MEMBERS OF THE PUBLIC TO NOTE**

Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain “exempt” information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Sub-Committee makes the following resolution:-

“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.”

Paragraph 1

Information relating to an individual

Paragraph 2

Information which is likely to reveal the identity of an individual

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**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**

**Appendix B**

The Director of Neighbourhood and Environmental Services submits a report on an application to transfer an existing premises licence and to vary a premises licence to specify an individual as a designated premises supervisor for Domingo's Superstore, 67-69 Church Gate, Leicester LE1 3AN.

Please note that the report and supporting information contains exempt information and is attached for Members only. These papers are marked "NOT FOR PUBLICATION". The information in these papers will be exempt as defined in paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The information therefore must not be disclosed or discussed at the meeting in public. Should Members wish to refer to any of these details it is recommended that the meeting move to a Private Session and exclude the Press and Public during its consideration.

A copy of the associated documentation is attached for Members only.

(Wards affected: Belgrave)

**7. ANY OTHER URGENT BUSINESS**







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# Appendix A

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

Held: MONDAY, 9 OCTOBER 2017 at 10:30 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 of the sub-committee were asked to declare any disclosable pecuniary or other interest they may have in the business on the agenda.

Councillor Thomas declared in relation to the "Fountain" that he recognised a person in the CCTV footage. He also declared he was President of the Railway Men's Club and knew there were customers frequenting the Railway Men's Club who also frequented the Fountain but he had an open mind and this would have no bearing on any decision he came to today.

Councillor Thomas declared in relation to the "Candle Rooms" that he was aware that the applicant had visited the constituent MP Keith Vaz who Councillor Thomas was agent to. He also declared that Mr Veejay Patel was his former co-councillor for the Belgrave Ward and that he recognised Mr Ashlik Madlani. He stated none of this would have any bearing on any decision he came to in relation to the matters before him and he remained impartial.

PC Jon Webb from Leicestershire Police did not object to Councillor Thomas continuing in his role as Chair and member of the sub-committee established to determine the Objection Notice submitted by Leicestershire Police.

**4. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE:  
FOUNTAIN PUBLIC HOUSE, 52 HUMBERSTONE GATE, LEICESTER, LE1  
1WB**

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an application for a review of an existing premises licence for Fountain Public House, 52 Humberstone Gate, Leicester LE1 1WB.

The sub-committee noted that an application for a review of an existing premises licence had been received which necessitated that the application had to be considered by the sub-committee.

PC Jon Webb from Leicestershire Police (applicant), Mr Antony Foster representee on behalf of Age UK, Mrs Anne Brennan the Premises Licence Holder (PLH), Mr Adam Munday representee, Mr David Hodgkinson representee, Mrs Diane Taylor representee, Mr John Cooper representee, Mr Morris Taylor representee, Ms Cathryn Bryan-Dooher representee and Mr Nigel Jacobs representee were present.

Mr David Hodgkinson was nominated speaker on behalf of Mrs Anne Brennan PLH and representees supporting the premises.

The Licensing Team Manager and the Legal adviser to the sub-committee were also present.

Also in attendance were members of the public and a reporter from the Leicester Mercury.

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

The Licensing Team Manager presented the report. It was noted that an application for the review of an existing premises licence had been received from Leicestershire Police on 24<sup>th</sup> August 2017 which was made on the grounds of the prevention of crime and disorder. Concerns were raised that there had been a number of incidences of stolen goods being sold on the premises. Sixteen representations were received during the representation period in support of the premises. One representation was received on 1<sup>st</sup> September 2017 from Age UK related to the prevention of public nuisance with concerns that they were being subjected to noise and smoke nuisance from customers at the Fountain.

The sub-committee were advised that not all representees were present today and the sub-committee confirmed they had read the written representations submitted.

PC Jon Webb from Leicestershire Police outlined the reasons for the application for the review of an existing premises licence. PC Jon Webb



advised that CCTV was available and requested that the press and public be excluded from the hearing whilst the CCTV footage from the premises was shown as it was likely that exempt information would be disclosed during representations to the sub-committee.

The sub-committee were satisfied that the press and public (except representees) should be excluded from the hearing whilst CCTV was played.

**RESOLVED:**

that the press and public be excluded from the hearing whilst CCTV was played in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involved 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 was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Paragraph 1 - Information relating to an individual.

Paragraph 2 - Information likely to reveal the identity of an individual.

**IN PRIVATE SESSION**

The CCTV footage from the premises was played.

**RESUMED IN OPEN SESSION**

PC Jon Webb informed the sub-committee of the conditions that the Leicestershire Police would seek to be added to the existing licence and responded to questions of the sub-committee and representees.

Mr Antony Foster on behalf of Age UK was then given the opportunity to outline the reasons for his representation and answered questions from the sub-committee.

Mr David Hodgkinson on behalf of the PLH and the representees supporting the premises was then given the opportunity to respond to the application for the review of the licence and answered questions from the sub-committee.

All 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 Legal adviser to the sub-committee advised them 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 with the parties represented present.

The Licensing Team Manager, the Legal Adviser to the sub-committee, PC Jon Webb, Mr Antony Foster on behalf of Age UK, Mrs Anne Brennan PLH, Mr Adam Munday representee, Mr David Hodgkinson representee, Mrs Diane Taylor representee, Mr John Cooper representee, Mr Morris Taylor representee, Ms Cathryn Bryan-Dooher representee, Mr Nigel Jacobs representee, members of the public and a reporter from the Leicester Mercury withdrew from the meeting.

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

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

The Licensing Team Manager, PC Jon Webb, Mr Antony Foster on behalf of Age UK, Mrs Anne Brennan PLH, Mr Adam Munday representee, Mr David Hodgkinson representee, Mrs Diane Taylor representee, Mr John Cooper representee, Mr Morris Taylor representee, Ms Cathryn Bryan-Dooher representee, Mr Nigel Jacobs representee, members of the public and a reporter from the Leicester Mercury returned to the meeting.

The Chair informed all persons present that they had recalled the Legal Adviser to the sub-committee for advice on the wording of their decision.

#### RESOLVED

1. That the condition regarding CCTV be removed from the existing premises licence for Fountain Public House, 52 Humberstone Gate, Leicester LE1 1WB,
2. That the conditions of the existing premises licence for Fountain Public House, 52 Humberstone Gate, Leicester LE1 1WB be modified to add 7 conditions requested by the Police and subject to amendment as follows:
  - i. The licence holder shall ensure that a CCTV system is installed following advice from Leicestershire Police and maintained in accordance with the Commissioners Codes of Practice. The system must record at all times and images must be retained for a period of 31 days,
  - ii. The licence holder must ensure there is always a member of staff present who is able to operate the CCTV system and provide images to the Police and Responsible Authorities on request,
  - iii. The licence holder shall maintain an incident book to record all incidents at the premises of crime and disorder, damage to property and personal injury,
  - iv. All staff, whether paid or unpaid shall report to the police any incidents of people selling or trying to sell items to staff or customers which a normal person may perceive to be stolen. This must be at the time the

- alleged sale takes place or as soon as operationally possible,
- v. The licence holder shall ensure that all staff, paid or unpaid, receive training twice a year relating to Responsible Alcohol Retailing and the Licensing Act 2003. The training to be documented and signed for at the time by both the trainer and trainee and such records to be retained for 2 years,
  - vi. The licence holder shall ensure that there is always a personal licence holder on duty at the premises,
  - vii. Both sets of fire exit doors that exit onto HILL STREET shall be secured at all times with a Fire Exit Security Seal.

In reaching their decision the sub-committee commented that they had listened carefully to the applicant and considered carefully the written and verbal representations and decided to remove the condition regarding CCTV from the original licence and replace that with the conditions proposed by the police (set out as “a to h” in their application) subject to condition h being amended to refer to both sets of fire doors. The sub-committee felt the addition of these conditions would go a long way to alleviating the problems and would address the licensing objectives of preventing crime and disorder and preventing public nuisance.

## **5. ANY OTHER URGENT BUSINESS**

RESOLVED:

To take an item of urgent business to allow the Objection Notice given for a Temporary Event Notice to be considered within the statutory time period for Temporary Event Notices.

## **6. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: CANDLE ROOMS**

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an objection notice relating to a Temporary Event Notice (TEN) submitted by the applicant Mr Ashlik Madlani for an event at the Candle Rooms.

The sub-committee noted that an objection notice had been received in respect of the Temporary Event Notice which necessitated that the Temporary Event Notice had to be considered by the sub-committee.

Mr Veejay Patel on behalf of the applicant, Mr Madlani the applicant, PC Jon Webb from Leicestershire Police, the Licensing Team Manager and the Legal Adviser to the sub-committee were present.

A reported from the Leicester Mercury was also present.

The Licensing Team Manager presented the report. It was noted that an objection had been received from the Leicestershire Police on the grounds of the prevention of crime and disorder and public safety. It was also noted that there was no current premises licence therefore no conditions could be applied to the temporary event notice to promote the licensing objectives.

PC Jon Webb from Leicestershire Police outlined the reasons for the objection, concerns were expressed that this was a premises situated within an area that was subject to Leicester City Councils Cumulative Impact policy, the area experienced incidents of crime and disorder on a weekly basis and many of these incidents were related to alcohol consumption. People attending this event would be vulnerable to actions of intoxicated people and the event would increase vehicular traffic in a confined area at a critical time when public safety may be compromised.

There were no questions from the sub-committee.

Mr Veejay Patel on behalf of the applicant was then given the opportunity to respond to the objection and to outline the reasons for the application. Mr Veejay Patel and Mr Ashlik Madlani 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 Legal adviser to the sub-committee advised them of the options available to them in making a decision. The sub-committee 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 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 with the parties represented present, in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

Mr Veejay Patel on behalf of the applicant, Mr Ashlik Madlani the applicant, PC Jon Webb, the Licensing Team Manager, the Legal adviser to the sub-committee and the press withdrew from the meeting.

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

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

The Licensing Team Manager, PC Jon Webb, Mr Veejay Patel on behalf of the applicant, Mr Ashlik Madlani the applicant and the press then returned to the meeting.

The Chair informed all persons present that they had recalled the Legal adviser to the sub-committee for advice on the wording of their decision.

RESOLVED

That a counter notice under Section 105 (2) of the Licensing Act 2003 be issued (as it was considered appropriate for the promotion of the licensing objectives to do so).

In reaching their decision the sub-committee commented that they had taken into consideration all that had been said by the applicant and the objector and despite assurances given by the applicant the sub-committee were not convinced that by allowing the TEN it would not add to the footfall and problems being experienced in this area of the city. The sub-committee therefore decided to issue a counter notice.

There being no further business the meeting closed at 13.24pm.





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

Held: FRIDAY, 3 NOVEMBER 2017 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)  
(Vice Chair)

Councillor Cank

Councillor Shelton

\* \* \* \* \*

**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. ANY OTHER URGENT BUSINESS**

RESOLVED:

To take an item of urgent business to allow the Objection Notice given for three Temporary Event Notices to be considered within the statutory time period for Temporary Event Notices.

**5. OBJECTION NOTICE GIVEN FOR THREE TEMPORARY EVENT NOTICES:  
THE SHED, 5 YEOMAN STREET, LEICESTER**

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an objection notice relating to three Temporary Event Notices (TEN's) submitted by the applicant Miss

Elizabeth Barker-Carley for The Shed, 5 Yeoman Street, Leicester.

The sub-committee noted that an objection notice had been received in respect of the three Temporary Event Notices which necessitated that the Temporary Event Notices had to be considered by the sub-committee.

Miss Elizabeth Barker-Carley the applicant, Mr Dan Brockle the applicant's representative, an officer from the Noise Team, the Licensing Team Manager and the Legal Advisor to the sub-committee were present.

The Licensing Team Manager presented the report. It was noted that an objection had been received from the Noise Team on the grounds of the prevention of public nuisance.

The Licensing Team Manager advised that there was an existing premises licence and therefore there was the option to add conditions from the existing premises licence to any Temporary Event Notices if it was appropriate for the promotion of the licensing objectives to do so and if the condition would not be inconsistent with the carrying out of the licensable activities under the Temporary Event Notice.

The Noise Team Officer outlined the reasons for the objection and responded to questions from the sub-committee.

Mr Dan Brockle on behalf of the applicant was then given the opportunity to respond to the objection and to outline the reasons for the application. Mr Dan Brockle and Miss Elizabeth Barker-Carley 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 Legal Advisor to the sub-committee advised of the options available to them in making a decision. The sub-committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

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 Licensing Team Manager, the Noise Team Officer, Miss Elizabeth Barker-Carley the applicant, Mr Dan Brockle the applicant's representative and the Legal Advisor to the sub-committee withdrew from the meeting.

The sub-committee then gave the application their 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 Noise Team Officer, Miss Elizabeth Barker-Carley the applicant, Mr Dan Brockle the applicant's representative 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**

1. That the objection notice be disregarded.

In reaching their decisions the sub-committee commented that after lengthy and intense consideration of the representations made on behalf of the applicant and the Noise Team they had decided to grant the three Temporary Event Notices. The sub-committee made its decisions on the basis of its expectation that the Noise Team to be proactive in monitoring noise levels on street and in the venue and to set a suitable level prior to the night of the first TEN taking place. The sub-committee felt that the applicant would particularly observe the Licensing Objective of Preventing Public Nuisance.

There being no other business the meeting closed at 10.39am.



# Appendix B

By virtue of paragraph(s) 1, 2, 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 1, 2, 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
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