



Leicester  
City Council

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

Held: FRIDAY, 5 JANUARY 2018 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Byrne

Councillor Cank

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**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.

Councillors Thomas and Cank noted that they were on the previous Sub-Committee which considered an application to transfer the licence and change the Designated Premises Supervisor at the same establishment. It was however noted that this was a completely separate and different matter under consideration.

**4. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE:  
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 an application for a review of an existing premises licence for Domingos Superstore, 67-69 Church Gate, Leicester, LE1 3AN.

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.

The Premises Licence Holder Mr Sunday Ajeibi (PLH), The Premises Licence Holder's Legal Representative Mr Frank Fender, PC Jonathan Webb from Leicestershire Police, the Licensing Team Manager and the Legal Advisor to the sub-committee were present.

Also present was 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 7<sup>th</sup> November 2017 on the grounds of the prevention of crime and disorder, and the prevention of public nuisance. Concerns were raised that the premises was knowingly selling alcohol in breach of the licence conditions to 'street drinkers' which was concealed from the responsible authorities on the premises.

PC Jonathan Webb outlined the reasons for the application for the review of an existing premises licence and answered questions from the sub-committee.

Prior to making his response to the application, Mr. Frank Fender had sought clarification as to whether Mr. Ajeibi was actually the premises licence holder at the time of the visit to the premises by PC Webb. This was because an application (previously considered by the Licensing Hearings Sub-Committee on 12<sup>th</sup> December 2017) to transfer the premises licence to Mr. Thirunavukkarasu Kanagalingam had been submitted in October. Whilst it was acknowledged there was some confusion on this matter, the Licensing Team Manager was able to confirm to the Sub-Committee that a letter had been sent to Mr. Kanagalingam on 30<sup>th</sup> October 2017, rejecting his application as the documentation was incomplete. A valid application was not received by the Licensing Team until 7<sup>th</sup> November 2017, therefore during that interim period, which covered the date of the visit from PC Webb, the premises licence reverted to Mr. Ajeibi.

Mr Frank Fender on behalf of the PLH was then given the opportunity to respond to the application for the review of the licence.

All parties present were then given the opportunity to sum up their positions and make any final comments. Subsequent questions from the sub-committee were also responded to.

Prior to the sub-committee considering the application the Legal Advisor to the sub-committee advised the sub-committee 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, as well as relevant case law.

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 Advisor to the sub-committee, PC Jonathan Webb, Mr. Sunday Ajeibi PLH and Mr Frank Fender then withdrew from the meeting.

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

The Legal Advisor to the sub-committee was then recalled to the meeting room to give advice on the wording of the decision.

The Licensing Team Manager, PC Jonathan Webb, Mr. Sunday Ajeibi PLH and Mr Frank Fender then returned to the meeting room.

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 conditions of the existing premises licence for Domingos Superstore, 67-69 Church Gate, Leicester, LE1 3AN be modified in regard to the following four conditions:

- 1) That Mr. Thirunavukkarasu Kanagalingam not be employed in Domingos Superstore;
- 2) That the CCTV system be updated with advice from Leicestershire Police on an appropriate system and recordings from the system shall be available for inspection by responsible authorities at all times;
- 3) That all alcohol for sale in the shop be kept in full view, behind the counter;
- 4) That the refusal book be kept up to date and available for inspection at all times by responsible authorities.

The sub-committee commented that they had carefully considered the representations from both the Police and the Premise Licence Holder's representative and felt that the conditions above would help to promote the licensing objectives. The Chair further commented that the Premises Licence Holder was fortunate to retain the Licence and the Sub-Committee wouldn't necessarily be sympathetic in future.

