



Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: FRIDAY, 5 JANUARY 2018

TIME: 9:30 am

PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Sub-Committee

Councillors Byrne, Cank 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

Officer contact: Anita James
Democratic Support
Leicester City Council
City Hall, 115 Charles Street, Leicester, LE1 1FZ
Tel: 0116 454 6358
email: anita.james2@leicester.gov.uk

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** 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. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE: DOMINGOS SUPERSTORE, 67-69 CHURCH GATE, LEICESTER LE1 3AN** **Appendix A**

The Director of Neighbourhood and Environmental Services submits a report on an application for the review of an existing premises licence for Domingos Superstore 67-69 Church Gate, Leicester LE1 3AN

Report attached. A copy of the associated documentation is attached for Members only. Further copies are available on the Council's website at www.cabinet.leicester.gov.uk or by phoning Democratic Support on 0116 4546358

Wards Affected: Castle

- 5. ANY OTHER URGENT BUSINESS**



Leicester
City Council

WARDS AFFECTED
Belgrave

Appendix A

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Hearing under the Licensing Act 2003

5 January 2018

**Application for a review of an existing premises licence
Domingos Superstore, 67-69 Church Gate, Leicester, LE1 3AN**

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

2. Determination to be made

2.1. Having considered the application and representation, Members must consider whether to

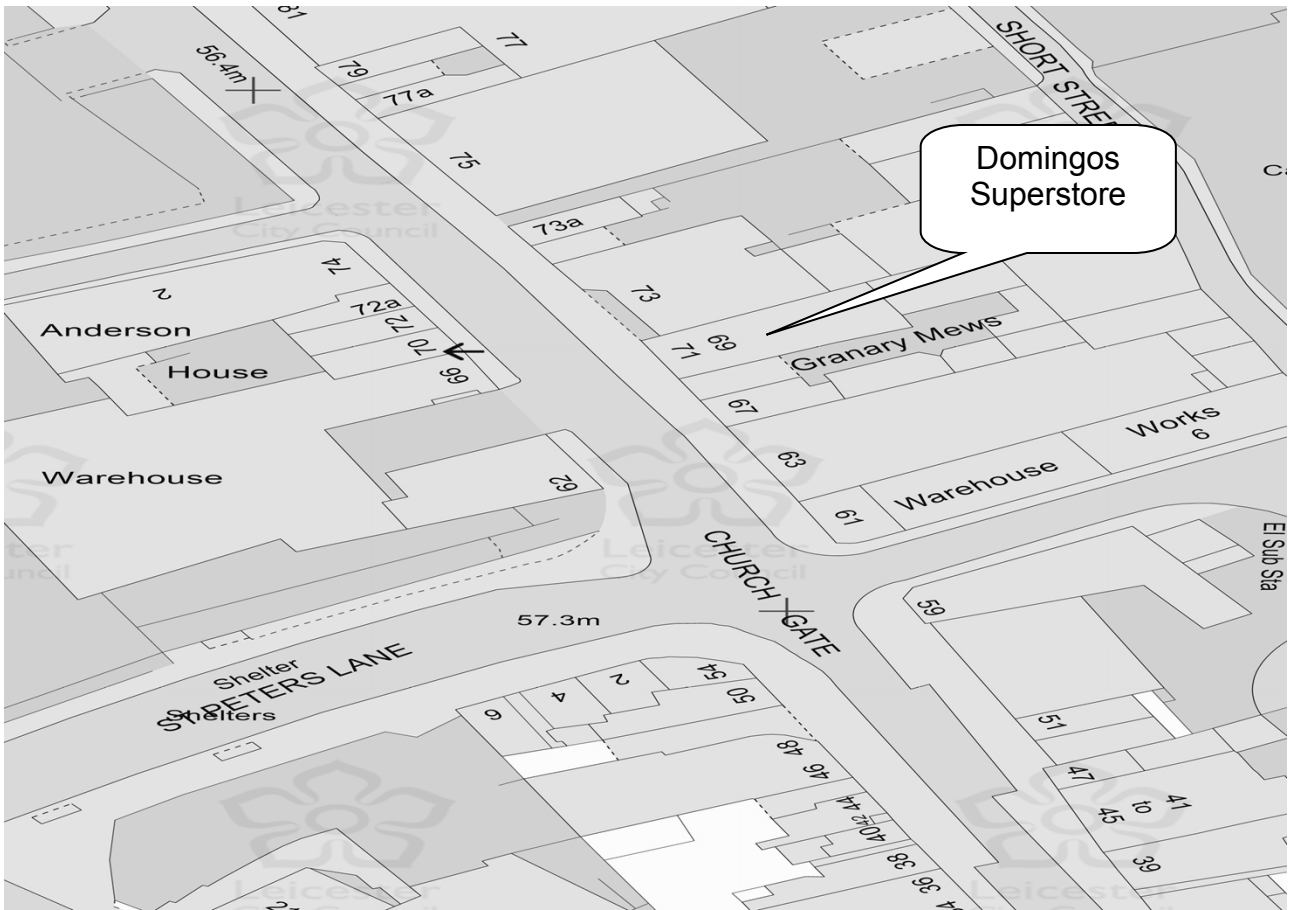
- Reject the review application
- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

3.1 This report outlines an application for a review of an existing premises licence for Domingos Superstore and summarises the representations received. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

4. Location Plan



5. Existing Licence

- 5.1. The existing licence is attached at Appendix A.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Supply of Alcohol	Monday to Sunday 09.00 – 21.00
Opening hours	Monday to Sunday 08.00 – 22.00

6. Review application

- 6.1 An application was received on 7th November 2017 from Leicestershire Police for a review of the existing premises licence for Domingos Superstore. The application was made on the grounds of the prevention of crime and disorder and the prevention of public nuisance. A copy of the application is attached at Appendix B.
- 6.2 Leicestershire Police are concerned that staff at the premises are knowingly selling alcohol in breach of the licence conditions to ‘street drinkers’ which they conceal from the responsible authorities on the premises.

7. Representations

- 7.1 No additional representations were received during the statutory representation period.

8 Steps to Promote the Licensing Objectives

- 8.1 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

9. Statutory Guidance

- 9.1 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the government has issued guidance under section 182 of the Licensing Act 2003. The relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.5	The licensing objectives
1.15	General principles
1.16	Each application on its own merits
2.1 – 2.5	Crime and disorder
2.14 – 2.20	Public nuisance
8.33 – 8.41	Steps to promote the licensing objectives
9.12	Representations from the Police
9.30 – 9.40	Hearings
9.41 – 9.43	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.27 – 10.68	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.33	Reviews
13.44 – 13.45	Licensing hours

10. Statement of Licensing Policy

- 10.1 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
2	Fundamental Principles
5	Licensing Hours
7	Prevention of Crime and Disorder
9	Prevention of Public Nuisance
12	Duplication
13	Standardised conditions

11. Points for Clarification

- 11.1 The licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application they have made?
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives?

12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Parag. 6 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

13. Background Papers – Local Government Act 1972

An application to transfer the premises licence holder and vary the designated premises supervisor to Mr Thirunavukkarasu Kanagamingam was received on 7th November 2017. Leicestershire Police objected to this application and a hearing was held 12th December 2017 where the application was refused. The premises licence holder and designated premises supervisor therefore reverted back to Mr Sunday Ajeibi.

14. Consultations

14.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

15. Report Author
Amy Day
Licensing Officer
0116 454 3054
Amy.day@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application for review
C	Representations

Licensing Act 2003
Premises Licence

LEIPRM1562



Leicester
City Council

Local Services & Enforcement
 Leicester City Council
 York House
 91 Granby Street
 Leicester
 LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Domingos Superstore

67 - 69 Churchgate, Leicester, LE1 3AN.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

Expires **no expiry**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption	OFF the premises only Mon-Sun	9:00am	9:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon-Sun	8:00am	10:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Sunday Tony Ajeibi

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Sunday Tony AJEIBI



Licensing Act 2003
Premises Licence

LEIPRM1562



Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. LEIPRS3259 Issued by Leicester

ANNEXES

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence -

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a) a holographic mark, or
- b) an ultraviolet feature.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 2 - Conditions consistent with the operating schedule

The licence holder will ensure a proof of age policy is in place at the premises where any person who appears to be under the age of 21 years is asked for identification in the form of a passport or driving licence. All staff will be trained in the policy.

The licence holder will install a CCTV system recording both internally and externally, which will be maintained following advice from the Leicestershire Police and compliance Commissioners CCTV Codes of Practice.

The licence holder will ensure the CCTV system is recording at all times the premises are open and the images are retained for a minimum period of 30 days and made available to responsible authorities within 24 hours of request.

The licence holder will ensure refusals and incident books are kept at the premises where all refusals and incidents are logged with date/times and name of person making the entry. The book will be made available to responsible authorities on request.

The licence holder will ensure that no beers, lagers, ciders or perrys are sold where the alcohol by volume (ABV) exceeds 5.5%.

The licence holder will ensure that any alcohol on display outside licensable times is not accessible to customers attending the premises and that signs are clearly displayed informing customers the times alcohol is available for sale.

The licence holder will ensure customers are advised to leave the premises quietly and not to litter the premises or surroundings.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None





Leicester
City Council

Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**Domingos Superstore**

67 - 69 Churchgate, Leicester, LE1 3AN.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon-Sun	8:00am	10:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Sunday Tony Ajeibi

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Sunday Tony AJEIBI

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

099874
06/12/17

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Appendix B

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

LICENSING SECTION
RECEIVED

07 NOV 2017

I Jonathan James WEBB

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

LEICESTER CITY COUNCIL

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Domingos Superstore
67 - 69 Church Gate

Post town Leicester

Post code (if known) LE1 3AN

Name of premises licence holder or club holding club premises certificate (if known)

Sunday Tony AJEIBI

Number of premises licence or club premises certificate (if known)

LEIPRM1562

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC1790 Jonathan WEBB Force Licensing Department Leicestershire Police, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG
Telephone number (if any) 101 Ext 6683
E-mail address (optional) licensing@leicestershire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

1. The premises were visited at 1330hrs Thursday 02nd November 2017 by PC1790 Jon WEBB, Licensing Officer Leicestershire Police.
2. On display for sale within the fridge at the rear of the store and on the shelves next to it was a large quantity of various beers, lagers, ciders and perrys which were above the alcohol by volume (ABV) of 5.5%
3. The premises licence has a condition which states "The licence holder will ensure that no beers, lagers, ciders or Perrys are sold where the alcohol by volume (ABV) exceeds 5.5%.
4. Whilst PC Webb was in the shop a number of customers recognised as 'street drinkers' entered and approached both the fridge and the member of staff before leaving without any alcohol.
5. The only member of staff present Thirunavukkarasu KANAGALINGAM was asked whether there were any other products on the premises that were above 5.5% to which he replied 'NO'
6. Located under the shops counter were 3 boxes containing 13 x cans of Kerpackie beer 9% abv, 9 x cans of K Cider 8.4% abv and 7 x cans of Perla Mocna beer 7.6% abv.
7. Also located concealed under the counter was a quantity of tobacco with Polish writing on the packaging and due to their location believed to be non duty paid tobacco.

Leicestershire Police believe that the staff at the premises are knowingly selling alcohol in breach of the licence conditions to 'street drinkers' which they conceal from the responsible authorities on the premises.

Staff are fully aware that the customers they are selling the alcohol to are those who cause anti-social behaviour fuelled by the alcohol which they are prepared to sell.

It is the view of Leicestershire Police that the licensing objectives would be best promoted by the revocation of this licence,

Please provide as much information as possible to support the application
(please read guidance note 2)

A full statement will be completed and made available by PC1790 Jonathan Webb. Bodycam and CCTV footage will be made available showing the incident and the finding of the alcohol beneath the counter.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

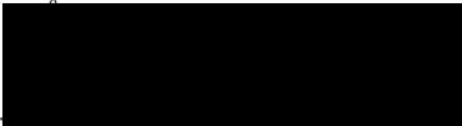
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 03 November 2017

Capacity Licensing Officer Leicestershire Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

