



Leicester
City Council

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

Held: THURSDAY, 22 FEBRUARY 2018 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Shelton

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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.

Councillor Cank declared that she had been copied into email correspondence by a non-party relating to this application and the contents of that email did not give rise to a conflict and that she retained an open mind on the application.

Councillor Shelton declared that he was present at a Heritage, Culture, Leisure & Sport Scrutiny Committee meeting that received a presentation on the Haymarket development and its plans and he retained an open mind on the application.

In accordance with the Council's Code of Conduct, the interests declared were not considered so significant in relation to this application that it was likely to prejudice a Member's judgement of the public interest and Councillors were therefore not required to withdraw from the meeting.

4. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the Licensing (Hearings) sub-committee meetings held on 8 December 2017, 12 December 2017 and 5 January 2018 be confirmed as an accurate record.

5. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: HAYMARKET THEATRE, 1 GARRICK WALK, LEICESTER LE1 3AF

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an application for a new premises licence within a cumulative impact zone for Haymarket Theatre, 1 Garrick Walk, Leicester LE1 3AF.

The sub-committee noted that an application for a new premises licence within a cumulative impact zone had been received which necessitated that the application had to be considered by the sub-committee.

The applicants Mr Spittle, Ms Phillips and Mr Jenkins, the applicants legal representatives Mr Phillips counsel and Ms Soar solicitor, PC Jon Webb of Leicestershire Police and Mr Rixon of Leicestershire Police were present.

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

In attendance as an observer was the Director of Tourism, Culture & Inward Investment for Leicester City Council.

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 a representation had been received from Leicestershire Police on 26 January 2018 relating to the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm and concerns were raised that there was insufficient information from the applicant to assess how they would promote the licensing objectives and not add to the existing issues in the cumulative impact zone.

It was noted that the applicant had submitted additional information on 21 February 2018 which proposed 11 additional conditions that could be added to the licence, if granted.

PC Jon Webb for Leicestershire Police outlined the reasons for the representation and responded to questions from the sub-committee.

The applicant's legal representative Mr Phillips, counsel, made submissions on behalf of the applicant that responded to the representations, outlined the

reasons for the application and referred to the additional information. Questions from the sub-committee were responded to by the applicants and their legal representative.

10.50am a member of press joined the meeting.

All parties were then given the opportunity to sum up their positions and make any final comments including suggested conditions that might be added to the licence if granted.

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 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, in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

The Licensing Team Manager, the Legal Advisor to the sub-committee, PC Jon Webb of Leicestershire Police, Mr Rixon of Leicestershire Police, the applicants Mr Spittle, Ms Phillips and Mr Jenkins, the applicants legal representatives Mr Phillips counsel and Ms Soar solicitor, the Director of Tourism, Culture & Inward Investment and the member of press then withdrew from the meeting.

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

The Legal Advisor 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 of Leicestershire Police, Mr Rixon of Leicestershire Police, the applicants Mr Spittle and Ms Phillips, the applicant's legal representatives Mr Phillips counsel and Ms Soar solicitor and the member of 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 within a cumulative impact zone: Haymarket Theatre, 1 Garrick Walk, Leicester LE1 3AF be granted subject to the conditions consistent with the operating schedule (at appendix C of the report) together with the additional conditions proposed by the applicant in their additional information and the conditions put forward during the meeting as follows:

1. The licence holder must liaise with the police and licensing authority to ensure that policies are made fit for purpose and lodged within 28 days

of the licence being granted, thereafter the policies to be kept up to date to reflect the purpose of the Licensing Objectives,

2. No off sales will be permitted apart from during trade and seasonal events,
3. The licence holder will liaise with the police regarding their calendar of events.

In reaching their decision the sub-committee said that they had considered both the written and the verbal representations from the applicant and the objector and had decided to grant this application because they did not feel that it would add significantly to the cumulative impact area as this venue will offer a different form of entertainment. The sub-committee therefore granted the licence with all of the conditions consistent with the operating schedule and all the conditions proposed by the applicant submitted in their additional information along with the conditions agreed during the meeting as set out above.

6. ANY OTHER URGENT BUSINESS

There being no further business the meeting closed at 11.51am.