



Leicester
City Council

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

Held: TUESDAY, 27 FEBRUARY 2018 at 9:30 am

P R E S E N T:

Councillor Singh-Johal (Chair)

Councillor Byrne

Councillor Unsworth

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1. APPOINTMENT OF CHAIR

Councillor Singh-Johal was appointed as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

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

**5. APPLICATION OF A NEW PREMISES LICENCE EURO MARKET, 747
AYLESTONE ROAD, LEICESTER. LE2 8TG**

The Director, Neighbourhoods and Environmental Services, submitted a report that required Members to determine an application for a new premises licence: Euro Market, 747 Aylestone Road, Leicester, LE2 8TG.

The sub-committee noted that a representation had been received in respect of the application, which necessitated that the application had to be considered by

Members.

The start of the meeting was delayed to allow time for the applicant to appear, however the meeting commenced at approximately 9.45am in her absence as no message had been received from her to say she had been delayed.

Present at the meeting was Philip Lycett, Environmental Protection Officer, Rugby Borough Council, Penny Clarke, Licensing Officer, Rugby Borough Council, The Licensing Team Manager and the Solicitor to the Sub-Committee.

Introductions were made to those present.

The Licensing Team Manager presented the report. There were no questions from Members.

Mr Philip Lycett outlined the reasons for the representation relating to the prevention of Crime & Disorder, prevention of public nuisance and engagement with regulatory authorities.

Shortly after Mr Lycett started his presentation, Ms Dominiak and her friend entered the meeting. There was a brief pause in proceedings and a discussion ensued regarding Ms Dominiak's level of understanding of English. It was agreed by the Sub-Committee and Ms Dominiak that the meeting could continue with her friend interpreting for her as necessary. The Chair gave her friend the opportunity to update Ms Dominiak throughout the meeting until it was agreed to be unnecessary.

There were no questions from the Members. The applicant raised no questions but made a comment through her friend that she did not agree with the presentation.

Marta Dominiak was then given the opportunity to state her case, respond to the points made and answer questions from Members and the representee.

All parties were then given the opportunity to sum up their positions and make any final comments. Mr. Lycett took this opportunity.

Prior to Members considering the application, the Solicitor to the Sub-Committee advised Members of the options available to them in making a decision. Members 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, Members 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 Solicitor to the Sub-Committee, Marta Dominiak, her friend, Philip Lycett, Rugby Borough Council, Penny Clarke, Rugby Borough Council, then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the Sub-Committee was then recalled to the hearing to give advice on the wording of the decision.

The Licensing Team Manager, the Solicitor to the Sub-Committee, Marta Dominiak, her friend, Philip Lycett, Rugby Borough Council, Penny Clarke, Rugby Borough Council, then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

that the application for a new premises licence for Euro Market, 747 Aylestone Road, Leicester, LE2 8TG, be refused.

REASONS FOR THE DECISION

In reaching their decision Sub-Committee members said that they had considered in full, the application from Marta Dominiak for a new premises licence for Euro Market, they had considered carefully the representations made by Rugby Borough Council and the applicants response. The Council's paramount consideration was the promotion of the licensing objectives. The Sub-Committee did not believe that the applicant was a suitable person to hold a premises licence or be named as the designated premises supervisor as it was not felt that the licensing objectives, in particular, the prevention of crime & disorder and the prevention of public nuisance, would be upheld as the applicant had failed to demonstrate a clear ability and competency in running a business and as such they were not confident in the applicant's ability to manage the business properly and uphold the licensing objectives.