



Leicester
City Council

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

Held: TUESDAY, 19 JUNE 2018 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Singh Johal

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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 Thomas declared that he was President of the Railway Men's Club and was familiar with Live Music issues that could occur but he had an open mind and this would have no bearing on any decision he came to today.

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

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing (Hearings) sub-committee meeting held on 8th June 2018 be confirmed as an accurate record.

5. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE: PI BAR, 1 NORMAN STREET, LEICESTER, LE3 0BA

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 PI Bar, 1 Norman Street, Leicester LE3 0BA.

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.

Mr Hodgson the Premises Licence Holder (PLH), two Noise Team officers, the Chief Licensing Officer and the Solicitor to the sub-committee were present.

Also in attendance was a reporter from the Leicester Mercury.

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

The Chief Licensing Officer presented the report. It was noted that an application for the review of an existing premises licence had been received from the Noise Team on 2nd May 2018 which was made on the grounds of the prevention of public nuisance. Concerns were raised that there had been a number of complaints from nearby residents since September 2017 regarding loud music from live bands and noise nuisance from live bands had been witnessed on four separate occasions by the Noise Team.

An officer from the Noise Team outlined the reasons for the application for the review of an existing premises licence and informed the sub-committee that the Noise Team were seeking removal of "Live Music" as a licensable activity from the existing licence.

Mr Hodgson the PLH 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 final comments.

Prior to the sub-committee considering the application the Solicitor 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 Chief Licensing Officer, the Solicitor to the sub-committee, the Noise Team

officers, Mr Hodgson the PLH and the press withdrew from the meeting.

The sub-committee 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 Chief Licensing Officer, the Noise Team officers, Mr Hodgson the PLH and the press 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 Live Music be excluded as a licensable activity from the scope of the licence.

In reaching their decision the sub-committee commented that they had been asked to determine an application for a review of a premises licence at PI Bar, 1 Norman St, Leicester. When considering this matter the licensing objectives were of paramount concern. The sub-committee had considered this case on its own merits and in accordance with the licensing authority's statement of licensing policy and guidance issued under s 182 of the Licensing Act 2003. The application was made by the Noise Team at Leicester City Council under s51 of the Licensing Act 2003 on the ground of the prevention of public nuisance.

The Noise Team had received a number of complaints from nearby residents since September 2017 regarding loud music coming from the premises from live bands. The Noise Team had also witnessed this nuisance on 4 separate occasions between January 2018 and April 2018.

After hearing the views of the Noise Team and the proprietor and taking into consideration the non-suitability of a noise limiter the sub-committee were agreed that they had no alternative but to remove Live Music from the licence to uphold the licensing objectives in particular public nuisance.

6. APPLICATION FOR A NEW PREMISES LICENCE: GREEN LANE FRUIT & VEG, 42-44 GREEN LANE ROAD, LEICESTER, LE5 3TH

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an application for a new premises licence for Green Lane Fruit & Veg, 42-44 Green Lane Road, Leicester, LE5 3TH.

The sub-committee noted that a representation had been received which necessitated that the application for a new premises licence had to be considered by the sub-committee.

Mr Bhawsar on behalf of the applicant, Mr Modhwadia the applicant, Mr Modhwadia (senior) the applicant's father, the Chief Licensing Officer and the Solicitor to the sub-committee were present.

Also in attendance was a reporter from the Leicester Mercury.

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

The Chief Licensing Officer presented the report and outlined details of the application. It was noted that a representation had been received on 11th May 2018 from a local resident in the form of a petition signed by 73 local residents which related to the prevention of crime and disorder, the prevention of public nuisance and public safety. Concerns were raised that the grant of a licence would add to existing noise and alcohol related disturbances in the area.

It was noted that neither the local resident lodging the petition or any of the signatories were present, the sub-committee confirmed they would take account of the petition as a written representation when considering matters.

The Chief Licensing Officer informed the sub-committee that a petition in support of the application had also been received on 22nd May 2018 from the applicant bearing 179 signatures.

Mr Bhawsar on behalf of the applicant was then given the opportunity to outline the details of the application, respond to the points made in the petition/written representation and to answer questions from the sub-committee.

All parties were then given the opportunity to sum up their positions and make final comments.

Prior to the sub-committee considering the application the Solicitor 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 Chief Licensing Officer, the Solicitor to the sub-committee, Mr Bhawsar on behalf of the applicant, Mr Modhwadia the applicant, Mr Modhwadia (senior) and the press withdrew from the meeting.

The sub-committee 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 Chief Licensing Officer, Mr Bhawsar, on behalf of the applicant, Mr Modhwadia the applicant, Mr Modhwadia (senior) and the press 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: Green Lane Fruit & Veg, 42-44 Green Lane Road, Leicester LE5 3TH be granted with the conditions consistent with the operating schedule.

In reaching their decision the sub-committee commented that they had been asked to determine an application for a new premises licence at Green Lane Fruit & Veg, 42-44 Green Lane Road Leicester. When considering this matter the licensing objectives were of paramount concern. The sub-committee considered this case on its own merits and in accordance with the licensing authority's statement of licensing policy and guidance issued under s182 of the Licensing Act 2003.

The application was made by Mr Modhwadia in accordance with s17 of the Licensing Act 2003. Mr Modhwadia wanted to sell alcohol from the premises between the hours of 7am and 11pm. A representation was received from a local resident in the form of a petition which stated they were concerned that the grant of the licence would add to the existing problems in the area of noise and alcohol related disturbances.

After considering two petitions, one for and one against the application and considering the statements made by the applicant's representative the sub-committee agreed to grant the application for a new premises licence as sought. The sub-committee did not believe that the granting of the licence would add further noise or disruption to this area.

7. ANY OTHER URGENT BUSINESS

There being no further business the meeting closed at 12.10pm