



Leicester
City Council

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

Held: TUESDAY, 24 JULY 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.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing (Hearings) sub-committee meeting held on 19th June 2018 be confirmed as an accurate record.

**5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE:
THE TWO-TAILED LION LTD, 22 MILLSTONE LANE, LEICESTER**

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an application for a variation of an existing premises licence for the Two-Tailed Lion Ltd, 22 Millstone Lane, Leicester.

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

Mr Willis and Mr Baker the applicants, the Chief Licensing Officer and the Solicitor to the sub-committee were present. Also present was an observer from legal services and an observer from democratic services.

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 from the Noise Team on 21st June 2018 which related to the prevention of public nuisance. Concerns were raised that music from the premises and noise from people leaving the premises could cause public nuisance to local residents. The Noise Team had suggested several conditions be added to the licence and agreement had been reached with the applicant and as such the Noise Team was not present.

A second representation was received on 11th June 2018 from a local resident relating to the prevention of public nuisance and concern was raised that noise from the premises would affect local residents. The local resident had emailed Licensing to advise that they had discussed matters with the applicant and were seeking a compromise to add conditions to control noise from the premises and not to have a 1am closing time other than special holidays.

It was noted that the local resident was not present and the sub-committee indicated they would take account of all written representations when considering matters.

The applicant was then given the opportunity to respond to the representations and answered questions from the sub-committee during which the applicant confirmed the only area not agreed with the local resident was the opening hours as the applicant would prefer the flexibility to be open until 1am on Fridays and Saturdays. The applicant had also agreed there would be no amplified live music played at the premises.

The applicant was then given the opportunity to 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 Willis and Mr Baker the applicants and the observer from legal services withdrew from the meeting.

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

The Solicitor to the sub-committee, accompanied by the observer from legal services, was then recalled to the hearing to give advice on the wording of the decision.

The Chief Licensing Officer, Mr Willis and Mr Baker the applicants 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 variation of an existing premises licence: The Two-Tailed Lion Ltd, 22 Millstone Lane, Leicester be granted with the conditions consistent with the operating schedule and the conditions consistent with agreement with the Noise Team and subject to the following additional condition:-

(i) No amplified live music to be played at the premises.

In reaching their decision the sub-committee commented that they had carefully considered the committee report, the presentation by the licensing officer, all representations submitted and the legal advice given during the hearing.

The sub-committee were asked to determine an application to vary a premises licence at The Two-Tailed Lion, 22 Millstone Lane, 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 section 182 of the Licensing Act 2003.

The application was made under section 34 of the Licensing Act 2003.

Representations were received from the Noise Team and from a local resident both relating to the prevention of public nuisance. The sub-committee were aware however that the Noise Team and the resident had suggested a number of conditions which if adhered to would make it possible to operate the activities applied for without causing public nuisance. The sub-committee noted that the applicant had stated he was willing to agree to the conditions suggested apart from the opening hours on Friday and Saturday as they would prefer the flexibility to be open until 1am.

The sub-committee considered each of the options available to them today.

The sub-committee were of the opinion that by adding conditions to the licence it would be possible for the premises to operate the activities applied for without causing a public nuisance. The conditions to be added were those consistent with the operating schedule and those consistent with the agreement of the Noise Team as set out in appendix D to the committee report together with an additional condition that no amplified live music be played at the premises. The sub-committee were satisfied that the opening hours on Friday and Saturday should be 10am – 1am and that the proposed hours for licensable activity set out in the application should be granted as sought.

6. ANY OTHER URGENT BUSINESS

There being no further business the meeting closed at 10.25am.