



Leicester
City Council

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

Held: FRIDAY, 1 FEBRUARY 2019 at 9:30 am

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Hunter

Councillor Unsworth

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49. APPOINTMENT OF CHAIR

Councillor Singh Johal was elected as chair for the meeting.

50. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cank and Councillor Fonseca who were replaced on the panel by Councillor Hunter and Councillor Unsworth.

51. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interests they may have in the business on the agenda.

There were no declarations of interest made.

52. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 19th December 2018 could not be confirmed as accurate since none of the current panel members were present at that meeting.

RESOLVED:

That the minutes of the meeting held on 10 January 2019 be confirmed as a correct record.

53. APPLICATION FOR A NEW PREMISES LICENCE, LP1153, 40 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 LP1153, 40 Green Lane Road, Leicester, LE5 3TH.

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

The applicant Mr Parbat Sisodiya, Mr Ryan O'Mahony on behalf of the applicant, Mr David Braithwaite of Leicestershire Police, PC Claire Jackson of Leicestershire Police, were also present.

The Chief Licensing Officer and Legal Advisor to the sub-committee were also present.

In attendance as observers were a paralegal from the Legal Team and an Environmental Health Officer.

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 a representation had been received from Leicestershire Police on 21st December 2018 relating to all four licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm, and concerns were raised that the premises was already trading as an off-licence and granting a licence for on sales at this premises would undermine the four licensing objectives.

It was noted that the applicant had submitted additional information which had been circulated prior to the meeting and the sub-committee confirmed had been read.

Mr David Braithwaite for Leicestershire Police outlined the reasons for the representation. Mr David Braithwaite and PC Claire Jackson then responded to questions from the sub-committee. Concerns included the impact the premises could have on the area and the increased risk of anti-social behaviour, as well as the lack of separation between drinkers and customers in the store which would effectively become a bar.

Mr O'Mahony on behalf of the applicant outlined the reasons for the application. Questions from the sub-committee were responded to by the applicant Mr Sisodiya and Mr O'Mahony.

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

Prior to the sub-committee considering the application the Legal Adviser 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 applicant Mr Sisodiya, Mr O'Mahony, Mr Braithwaite of Leicestershire Police, PC Jackson of Leicestershire Police, the Chief Licensing Officer, the Legal Advisor to the sub-committee and the two observers then withdrew from the meeting.

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

The Legal Adviser to the sub-committee and the observing paralegal were recalled to the meeting to give advice on the wording of the decision.

The applicant Mr Sisodiya, Mr O'Mahony, Mr Braithwaite of Leicestershire Police, PC Jackson of Leicestershire Police, the Chief Licensing Officer and Environmental Officer 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 license for LP1153 40 Green Lane Road, Leicester, LE5 3TH be REFUSED.

In reaching their decision the sub-committee commented that they had listened carefully to all the representations and had taken into account the Statutory Guidance and the Council's Licensing Policy.

The sub-committee decided that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm to refuse the application.

The reasons for the sub-committee's decision were:

1. Although they accepted that the applicant had no control over matters beyond the immediate area surrounding the premises, they noted the information provided by the police regarding the level of street drinking, anti-social behaviour and public nuisance in the Green Lane Road area.
2. Although the premises were currently operated as a convenience store and off-licence and now benefit from a change of use, the premises

were relatively small. The applicants proposed use of the premises would clearly fail to promote the licensing objectives as:

- (i) Drinking and non-drinking customers would be in close proximity separated at best by only a rope and post barrier;
- (ii) Drinking customers would have direct access to the fridges containing the alcohol;
- (iii) Unaccompanied children entering the premises would be witness to a drinking environment.

3. The sub-committee did not feel that conditions could appropriately be imposed to negate these concerns.

54. ANY OTHER URGENT BUSINESS

There being no further business the meeting closed at 11:22am.