



Leicester
City Council

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

Held: WEDNESDAY, 19 DECEMBER 2018 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Fonseca

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38. APPOINTMENT OF CHAIR

The meeting commenced at 10:30am.

Councillor Thomas was elected as chair for the meeting.

39. APOLOGIES FOR ABSENCE

There were no apologies for absence.

40. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business to be discussed.

There were no declarations of interest made.

41. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meetings held on 23rd and 27th November 2018 be confirmed as a correct record.

42. APPLICATION FOR NEW PREMISES LICENCE TIGRE EYES 7 ABBEY STREET, LEICESTER, LE1 3TE

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 Tigre Eyes Restaurant, 7 Abbey Street, Leicester, LE1 3TE.

Members noted that representations had been received in respect of the application, which necessitated that the application had to be considered by Members.

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

The applicant, Tigre Eyes Ltd, was represented by Mr Nelu Axinte and Mrs Alina Axinte (Designated Premises Supervisor). PC Jeff Pritchard, Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police), Mr Chris White (Noise Team), the Chief Licensing Officer and Legal Adviser to the Sub-Committee were also present.

The Chief Licensing Officer presented the report and outlined details of the application. It was noted that a representation has been received from Leicestershire Police on 2nd November 2018 which related 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. The Police were concerned the applicant had not addressed the Cumulative Impact Area, and raised further concerns regarding the current CCTV and the hours of operation applied for. It was further noted that a representation was received on 8th November 2018 from the Noise and Pollution Team, Leicester City Council which related to the licensing objective of the prevention of public nuisance. It was noted an agreement had been reached between the applicant and the Noise and Pollution team for additional conditions to be placed on the licence if granted to help prevent noise nuisance.

PC Pritchard from Leicestershire Police was given the opportunity to outline the reasons for the representation, and responded to questions from the Sub-Committee. The Police were concerned over the impact the premises could have in the area, in particular exacerbating anti-social behaviour.

The Noise Team Officer was given the opportunity to outline the reasons for the representation, and informed the Sub-Committee of additional conditions that had been agreed in order to restrict noise.

Mrs Axinte outlined the reasons for the application, and answered questions from Members and those who had made representations.

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

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee 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, 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 the parties represented present.

Mr Axinte, Mrs Axinte, PC Pritchard, Mr Braithwaite, the Chief Licensing Officer, Noise Team Officer and Legal Adviser to the Sub-Committee then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of their decision.

Mr Axinte, Mrs Axinte, PC Pritchard, Mr Braithwaite, the Chief Licensing Officer and Noise Team Officer then returned to the meeting.

RESOLVED:

That the application for a new premises licence within a cumulative impact zone for Tigre Eyes Limited, 7 Abbey Street, LE1 3TE be REFUSED.

REASON FOR THE DECISION.

The Sub-Committee had listened carefully to all of the representations and took into account the Statutory Guidance and the Council's Licensing Policy including its special policy on cumulative impact in relation to the Church Gate area of the City.

The Sub-Committee considered the application on its individual merits, and felt that the applicant had failed to demonstrate that the granting of the licence (even with conditions) would be unlikely to add to the existing problems of cumulative impact in the area and had failed to satisfy the Sub-Committee through their representations or in their Operating Schedule that they would promote the licensing objectives particularly in the licensing objective of Crime and Disorder. The Sub-Committee accepted the representations made by the Police and were concerned that the applicant has not taken on board recommendations made to them by the police regarding the opening hours, the CCTV or types of services on offer from the premises.

The Sub-Committee's decision was 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 reject the application.

43. ANY OTHER URGENT BUSINESS

None.

