



Leicester
City Council

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

Held: MONDAY, 6 JANUARY 2020 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Fonseca

Councillor Gee

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40. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

41. APOLOGIES FOR ABSENCE

There were no apologies for absence.

42. DECLARATIONS OF INTEREST

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

There were no declarations of interest made.

43. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meetings held on 29th November 2019 and 6th December 2019 be confirmed as a correct record.

44. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: LOST BAR, 139A NARBOROUGH ROAD, LEICESTER, LE3 0PB

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an objection relating to two Temporary Event Notices (TENs) submitted by the applicant Mr Julius Ephi, Licence Holder for Lost Bar 139a Narborough Road, Leicester LE3 0PB.

The sub-committee noted that an objection notice had been received in respect of the two Temporary Event Notices (TENs) which necessitated that the Temporary Event Notices be considered by the sub-committee.

Mr Julius Ephi, applicant and Premises Licence Holder; Mr Kevin Mabaya, Bar Manager; Mr David Braithwaite, Police Assistant Licensing Manager; the Licensing Team Manager (Policy and Applications) and the Legal Advisor to the sub-committee were present.

The Licensing Team Manager (Policy and Applications) presented the report. It was noted that an objection had been received from Leicestershire Police on the ground of the prevention of crime and disorder, public safety and the prevention of public nuisance.

Mr David Braithwaite, Police Assistant Licensing Manager outlined the reasons for the objection, referring to additional information of incidents reported at the premises and responded to questions.

Mr Julius Ephi, applicant and Premises Licence Holder and Mr Kevin Mabaya, Bar Manager were then given the opportunity to respond to the objection and outline their reasons for the application and ways in which they were addressing the licensing objectives. Mr Julius Ephi and Mr Kevin Mabaya then answered questions from the sub-committee.

Mr Julius Ephi advised the sub-committee and confirmed that the Temporary Event Notice applied for related to just one event on 11th January 2020 to 12th January 2020 and the second date 11th February 2020 was a mistake. The second Temporary Event Notice was therefore withdrawn.

Both 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 Advisor to the sub-committee advised the options available to the sub-committee 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 with the parties represented present, in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

Mr Julius Ephi, applicant and Premises Licence Holder; Mr Kevin Mabaya, Bar Manager; Mr David Braithwaite, Police Assistant Licensing Manager; the Licensing Team Manager (Policy and Applications) and the Legal Advisor to the sub-committee then withdrew from the meeting.

The sub-committee then gave the application their full and detailed

consideration.

The Legal Advisor to the sub-committee was then recalled to the hearing to give advice on the wording of the decision.

Mr Julius Ephi, applicant and Premises Licence Holder; Mr Kevin Mabaya, Bar Manager; Mr David Braithwaite, Police Assistant Licensing Manager; the Licensing Team Manager (Policy and Applications) 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 a counter notice under Section 105 (2) of the Licensing Act 2003 be issued (as it was considered appropriate for the promotion of the licensing objectives to do so.)

The sub-committee commented that they had been asked to consider one Temporary Event Notice for an event at the Lost Bar on the 11th to 12th January 2020. In relation to the event the applicant seeks to extend the terminal hour to 4.30am.

The Notices had been received from Mr Julius Ephi a director of Lost Bar Limited in accordance with Part 5 of the Licensing Act 2003.

The Licensable activities which are subject to the Temporary Event Notice were set out in paragraph 5.3 of the Licensing Officers report to the sub-committee.

An objection to the Notices was received from Leicestershire Police who state that if events were to go ahead, the licensing objectives, namely the prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance would not be upheld.

In reaching their decision the sub-committee had carefully considered the Licensing Officers report, the presentation by the Licensing Officer, representations submitted by the applicant, the objections received, and the legal advice given during the hearing.

As a result of what they had heard, the sub-committee was of the opinion that the extension of the hours would not promote the Licensing Objectives particularly that relating to the Prevention of Crime and Disorder. The sub-committee accepted the evidence presented by the Police regarding incidents occurring after the terminal hour had passed and long after the premises should have been closed for business. The sub-committee were not satisfied that the steps identified by the applicant were sufficient to address the problems nor were they satisfied with the Licence holders' ability to promote the licensing objectives over the period of the extended hours. The events would therefore undermine the licensing objectives and should not take place.

The sub-committee's decision was therefore to serve a counter notice under Section 105 (2) of the Licensing Act 2003 which has the effect of ending any authority to provide licensable activities that would otherwise arise from the giving of the TEN and the events cannot go ahead.

45. ANY OTHER URGENT BUSINESS

There being no further business the meeting closed at 11.05am