



Leicester  
City Council

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

Held: FRIDAY, 1 MAY 2020 at 10:00 am

P R E S E N T:

Councillor Hunter (Chair)  
Councillor Pickering (Vice-Chair)

Councillor Gee

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**64. APPOINTMENT OF CHAIR**

Councillor Hunter was appointed as Chair for the meeting.

The Chair outlined the procedure for the meeting to be followed and led on introductions.

**65. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Singh Johal. Councillor Pickering was present in place of Councillor Singh Johal.

**66. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**67. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE, THE YELLOW DOOR, 34 BELVOIR STREET, LEICESTER, LE1 6QH**

The Chair confirmed with the Sub-Committee Members that the reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report requiring the Sub-Committee to determine an application for a new premises licence within a Cumulative Impact Zone for The Yellow Door, 34 Belvoir

Street, Leicester, LE1 6QH.

The Sub-Committee noted that representations had been received which necessitated that the application for a new premises licence had to be considered by the Sub-Committee.

The applicant Mr Amritpal Singh Gill was present as was his Solicitor Mr Kulwant Manak. Mr Nigel Rixon (Licensing Manager, Leicestershire Police), PC Jeff Pritchard (Leicestershire Police), Neil Cooper (Environmental Health Officer, Noise Team), Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that a representation was received on 18 March 2020 from the Noise Team which related to the licensing objective of the Prevention of Public Nuisance. The Noise Team were concerned that there were previous issues at the premises with noise break out which were resolved through the use of a noise limiter set by the Noise Team.

It was further noted that a representation was received on 1 April 2020 from Leicestershire Police which related to the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety. The Police were concerned that there were numerous issues at the premises under the previous premises licence resulting in the licence being revoked.

Mr Rixon and PC Pritchard from Leicestershire Police were given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee. The Police were concerned that the premises would operate in a similar way to the previous premises including opening until 4am, an hour later than the surrounding premises.

Mr Cooper from the Noise Team was given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee. Mr Cooper asked that a condition be added to the licence, if granted, in relation to a noise limiter.

Mr Singh Gill and Mr Manak outlined the reasons for the application and answered questions from Members of the Sub-Committee, Mr Cooper of the Noise Team and the Police.

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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be publicly announced and confirmed in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called to give advice on the wording of the decision.

The Chair then asked all but the Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

#### RESOLVED:

That the application for a new premises licence within a Cumulative Impact Zone for The Yellow Door, 34 Belvoir Street, Leicester, LE1 6QH be REFUSED.

In reaching their decision, members of the Sub-Committee had carefully considered the committee report presented by the Licensing Officer, all representations submitted on behalf of the applicant, the representations from Leicestershire Police and the Council's Noise and Pollution Team and the legal advice given during the hearing.

The Sub-Committee were asked to determine an application for a new premises licence at 34 Belvoir Street Leicester in the Belvoir Street Cumulative Impact Zone. When considering the application, the licensing objectives were of paramount concern. The Sub-Committee considered the application 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 had been made by Mr Amritpal Singh Gill in accordance with Section 17 of the Licensing Act 2003.

The licensable activities which were the subject of the application were set out in paragraph 5.2 of the Licensing Officer's report to committee.

Representations had been received from the Council's Noise and Pollution Team and Leicestershire Police. The representations engaged 3 of the 4 licensing objectives, namely the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

The Noise and Pollution Team said that the noise nuisance from the premises could only be addressed by using a noise limiting device set at agreed sound levels.

The objection from Leicestershire Police related to the prevention of crime and

disorder and the fact that the premises was situated within a Cumulative Impact Zone and the application did not address these issues. Leicestershire Police had particular concerns about alcohol related violence which they said increased between 3am and 4am and the applicant's ability to manage a surge of customers if premises nearby closed at an earlier time.

The Police said that the licensing objectives would not be met if the premises opened until 4am.

The Police confirmed that engagement by the applicant with them had been good and that the applicant had the best of intentions.

The applicant had in reply asked the Sub-Committee to consider the application on its own merits. The applicant and his representative had offered to alter their operating schedule to meet some of the concerns expressed by the police including offering not to allow admissions to the premises after 3am. The applicant was willing to accept most of the conditions put forward by the Police were the Sub-Committee minded to grant the application.

The Sub-Committee confirmed that they had considered the application on its own merits and subjected the representations made to them by the police to scrutiny and not accepted them at face value.

The Sub-Committee fully considered the issues raised by all parties.

The decision of the Sub-Committee was that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety and prevention of public nuisance to REFUSE the application.

## REASONS FOR THE DECISION

It was the view of the Sub-Committee that the applicant had failed to demonstrate that the grant of the licence (even with conditions) would be unlikely to add to the existing problems of cumulative impact in the area. When questioned by the Sub-Committee neither the applicant nor his representative was able to demonstrate an appreciation or understanding that the premises for which a licence was applied for was within the Belvoir Street Cumulative Impact Zone and accordingly failed to put forward in the operating schedule, or indeed before the Sub-Committee any material which would demonstrate that the grant of a licence would be unlikely to add to the problems of cumulative impact on Belvoir Street.

The applicant had failed to satisfy the Sub-Committee in his representations before them or in the Operating Schedule that he would promote the licensing objectives particularly the licensing objective of prevention of crime and disorder. The Sub-Committee accepted the representations made to them by the Police regarding the increase in alcohol related violence between the hours of 3am and 4am and they were not satisfied by the responses given to them by the applicant regarding the management of customers who in all likelihood would surge to the premises following closure of licensed premises nearby.

The Sub-Committee were also not satisfied by the arrangements for door security proposed by the applicant. In their opinion, the applicant had not fully grasped what was required to promote the licensing objectives in the location within the Belvoir Street Cumulative Impact Zone which had a long history, not confined to the previous owners, of alcohol related violence and anti-social behaviour.

The applicant would be advised of their right to appeal to the Magistrates Court within 21 days of the decision.

**68. ANY OTHER URGENT BUSINESS**

There being no other urgent business the meeting closed at 11.55am.