



Leicester
City Council

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

Held: TUESDAY, 12 MAY 2020 at 1:00 pm

P R E S E N T:

Councillor Hunter (Chair)
Councillor Pickering (Vice Chair)

Councillor Gee

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7. 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.

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Simon Joynes, Noise Management Representative for the applicant.

9. DECLARATIONS OF INTEREST

There were no declarations of interest made.

10. APPLICATION FOR A NEW PREMISES LICENCE: XTRA HUMONGOUS, LAND BETWEEN ST JOHN STREET AND BURLEYS WAY

The Chair confirmed with Sub-Committee Members that the reports for the meeting had been read and Police bodycam footage circulated to them had been viewed.

The Director of Neighbourhood and Environmental Services submitted a report which required the Sub-Committee to determine an application for a new premises licence for Xtra Humungous Ltd, for the land between St John Street

and Burleys Way, Leicester.

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

The applicant Paul Brindley was present accompanied by representatives Mr Rob Edge (Agent), Mr Lee Wilkinson (Traffic Management), Mr Lloyd Major (Public Safety) and Ms Helen Overton (Health and Safety). Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police), PC Jeff Pritchard (Leicestershire Police), Ms Hanifa Turk (Public Safety Team), Mr Terence Olaf (Noise and Pollution Control Team), Licensing Team Manager (Policy and Applications), Licensing Team Manager (Enforcement) 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 28 February 2020 from the Public Safety Team at Leicester City Council which related to public safety. The Public Safety Team were concerned that the location was badly maintained and offered a number of potential dangers to the public. They had also expressed concerns regarding crowd safety and access to and from the area for emergency vehicles.

It was noted that representation was received on 1 March 2020 from the Licensing Team Manager (Enforcement) relating to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. The Licensing Team Manager (Enforcement) was not satisfied that the activities applied for would not have a negative impact on the licensing objectives and that the type of events to take place were not fully clear or defined in order to make a reasonable judgement.

A representation was received on 2 March 2020 from the Noise and Pollution Control Team at Leicester City Council relating to the prevention of public nuisance. The Noise Team were concerned that the applicant intended to hold frequent outdoor events, including large-scale music events and that there would be an inherent difficulty in noise control and management which would have a negative effect on existing and proposed nearby residential properties.

A representation was received on 2 March 2020 from Leicestershire Police relating to all four licensing objectives. The Police were concerned about the location of the site and safe access to and from the venue, lack of CCTV in the area and the impact of events on nearby residential accommodation. The Police had also raised concerns regarding child safety due to a lack of detail surrounding what type of events would be taking place.

Mr Braithwaite 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, applicant and applicant's representatives. The Police were concerned that large events on a regular basis would have a negative impact on all four licensing objectives if not run correctly and that the

applicants had not provided enough information on events that would take place and how any potential negative impact could be mitigated. They were particularly concerned that proposed road closures would obstruct emergency vehicles, especially ambulances which use Burleys Way as a major route to Leicester Royal Infirmary.

Ms Turk (Public Safety Team) was given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee, applicant and representatives. The Public Safety Team were concerned about a number of potential dangers to the public such as uneven ground, broken and shattered windows, and a large hole which could result in a potential fall from height.

The Licensing Team Manager (Enforcement) was given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee, applicant and representatives.

Mr Olaf (Noise Team) was given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee, applicant and representatives.

The applicant Mr Brindley, and representatives Ms Overton, Mr Major and Mr Wilkinson outlined the reasons for the application and responded to questions from the Sub-Committee, Licensing Enforcement Officer 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 that 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 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 for Xtra Humongous Ltd. for the land between St John Street and Burleys Way be REFUSED.

The Sub-Committee had been asked to determine an application for a new Premises Licence. In reaching their decision the Sub-Committee had carefully considered all the representations and had taken into account the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

It was noted the applicant had provided generic information regarding the nature of events to be held if the licence were to be granted indicating that a total of 15 music events and 68 other types of event would be held each year, each with attendance restricted to less than 5,000.

REASONS FOR THE DECISION

The Sub-Committee felt that the land which was the subject of the application could best be described as derelict. It was currently in poor condition and clearly currently presented a danger to members of the public. The Sub-Committee felt the applicant had not provided detailed information regarding how it was proposed the site would look once work had been undertaken to make it safe and suitable for use for licensable activities. The Sub-Committee were informed that the site would be separated from the immediate surrounding area, which included derelict buildings, by the erection of fencing where appropriate, the effectiveness of which would be supplemented by the presence of security personnel at events.

The Sub-Committee had viewed bodycam footage of the site and the immediate area. The site had poor and restricted access and egress routes which raised real concern for crowd safety and access for emergency vehicles. In an email dated 05/05/20, the Police had indicated that the applicant's proposed Traffic Management Plan was "inappropriate, unachievable and arguably, unsafe". Even accepting that the Plan was put forward as a draft only and allowing for the indication that Traffic Management Plans would be tailored for individual events, the Sub-Committee agreed with the Police representations made.

In the absence of detailed information from the applicant as to how noise levels would be contained, the Sub-Committee had been informed it was likely that noise from outdoor events, especially music events, would have a negative effect on nearby residential properties. Large numbers of people attending the site would bring nuisance issues arising from noise control and behaviour.

The applicant had indicated that CCTV equipment would be installed covering the whole site, but would not cover the surrounding area including the access and egress routes, and which Members believed would present difficulties for the investigation of crime and disorder which unfortunately would be likely to arise, even in a limited form, where there were large congregations of people.

In the absence of detail regarding the exact nature of events and how they

would be run, it was not possible for Members to be satisfied that children would be protected from harm.

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, the prevention of public nuisance and the protection of children from harm to refuse the application.

The applicant would be advised of the right to appeal to the Magistrate's Court within 21 days.

11. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 5.30pm.

