



Leicester
City Council

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

Held: TUESDAY, 15 DECEMBER 2020 at 10:00 am

P R E S E N T:

Councillor Pickering (Vice-Chair in the Chair)

Councillor Fonseca

Councillor Shelton

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31. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair for the meeting.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (The 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

32. APOLOGIES FOR ABSENCE

There were no apologies for absence.

33. DECLARATIONS OF INTEREST

There were no declarations of interest made.

34. PRIVATE SESSION

RESOLVED:

That the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the

information.

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7

Information relating to the any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

B1) Application for a Summary Review of an Existing Premises Licence: Sumo, 54 Braunstone Gate, Leicester, LE3 5LG

B2) Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor: Sumo, 54 Braunstone Gate, Leicester, LE3 5LG

35. APPLICATION FOR A SUMMARY REVIEW OF AN EXISTING PREMISES LICENCE: SUMO, 54 BRAUNSTONE GATE, LEICESTER, LE3 5LG

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

The Director of Neighbourhood and Environmental Services submitted a report on a summary review of an existing premises licence for Sumo, 54 Braunstone Gate, Leicester, LE3 5LG.

This was a formal review after interim steps were taken to suspend the premises licence for Sumo and remove the Designated Premises Supervisor (DPS) on 25th November 2020. The application was made on the grounds that the premises were associated with serious crime or serious disorder or both.

Members noted that representations had been received in respect of the application, which necessitated that the application for a summary review of an existing premises licence had to be considered by the Sub-Committee.

The Premises Licence Holder (PLH and also DPS for the premises) was present with a Legal Representative. Mr Nigel Rixon (Licensing Manager, Leicestershire Police), PC Jeff Pritchard (Licensing Officer, Leicestershire Police), Neil Cooper (Environmental Officer, Noise Control and Pollution Team), Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee were present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined the details of the application. It was noted that an application for a summary review of an existing premises licence was received on 23 November 2020.

PC Pritchard for Leicestershire Police was given the opportunity to outline the reasons for the summary review application.

It was noted that a representation was received on 26 November 2020 from the Noise Control and Pollution Team on the grounds of public nuisance. Mr Cooper (Environmental Officer) was given the opportunity to outline the reasons for the representation and answered questions from the Legal Representative for the PLH.

The Legal Representative for the PLH was given the opportunity to present the case for the PLH and answered questions from Members, Environmental Officer and the Police.

All parties were 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.

In reaching their decision, Members agreed they should deliberate in private on the basis that it was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present.

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

The Chair then asked all but 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. The Legal Adviser to the Sub-Committee was called back to the meeting to give advice on the wording of the decision.

RESOLVED:

That the premises licence for Sumo, 54 Braunstone Gate, Leicester, LE3 5LG be REVOKED, and the Designated Premises Supervisor be REMOVED from the premises licence.

In reaching their decision the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications) and the representations made by Leicestershire Police, and the Noise and Pollution Control Team, Leicester City Council. The Members had also considered the representations made on behalf of the Premises Licence Holder (PLH) (who was also the Designated Premises Supervisor (DPS)) and taken into account the legal advice given to them during the hearing.

The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

The Members had not taken anything presented to them by the Police at face value and they confirmed that they had scrutinised the information put before them by all parties.

The Sub-Committee had considered carefully the representations made on behalf of the PLH.

The Sub-Committee had considered each of the options available to them. As a result of what they had heard, Members were satisfied that that it was appropriate and proportionate in light of the licensing objectives to remove the Designated Premises Supervisor from the licence and to revoke the premises licence.

Members had also reviewed the interim steps imposed on the 25th November 2020 and decided it was appropriate for the promotion of the licensing objectives for the steps to remain in place pending any appeal, namely that the DPS be removed from the licence and the premises licence be suspended.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives, particularly the prevention of crime and disorder.

The Premises Licence Holder would be informed that an appeal against the final review or the interim steps must be made within 21 days to the Magistrate's Court.

36. APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR: SUMO, 54 BRAUNSTONE GATE, LEICESTER, LE3 5LG

The application was withdrawn prior to the meeting.

37. CLOSE OF MEETING

There being no further items of urgent business, the meeting closed at 11.55am