



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE
(ZOOM VIRTUAL MEETING)

Held: THURSDAY, 4 MARCH 2021 at 10:00 am

P R E S E N T:

Councillor Pickering (Vice Chair in the Chair)

Councillor Cank

Councillor Westley

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67. 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.

68. APOLOGIES FOR ABSENCE

There were no apologies for absence.

69. DECLARATIONS OF INTEREST

There were no declarations of interest.

70. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing (Hearings) Sub-Committee held on 30th October 2020 be confirmed as a correct record.

71. 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 review of an existing Premises Licence: Doner Master, 124 Narborough Road, LE3 0BT.

72. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE: DONER MASTER , 124 NARBOROUGH ROAD, LE3 0BT

Introductions were made and the procedure for the meeting was outlined.

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

The Director of Neighbourhood and Environmental Services submitted a report on an application for a review of an Existing Premises Licence for Doner Master, 124 Narborough Road, LE3 0BT.

The applicants and representatives were present. PC Jeff Pritchard (Leicestershire Police), Licensing Team Manager (Policy and Applications), and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined the details of the application. Members noted that an application was received on 18 January 2021 for the review of the existing Premises Licence.

PC Pritchard was given the opportunity to outline the reasons for the application for the review and answer questions from Members.

The applicants and representative were given the opportunity to present their

case and answered questions from Members, Officers, and 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.

In reaching their decision, Members 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.

The Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. 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 Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the Premises Licence for Doner Master, 124 Narborough Road, LE3 0BT be REVOKED.

Members of the Sub-Committee were asked to determine an application made under the LA 2003, for a review of 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. The members had also considered the representations made by the representative of the Premises Licence Holder (PLH) and 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.

Leicestershire Police had applied for the review as they were satisfied that the premises were not being run in an acceptable manner by the PLH or members of his staff and that they had no confidence in the PLH's ability to promote and uphold the licensing objectives.

The Sub-Committee had considered carefully the representations made on

behalf of the PLH including the proposed conditions which the representative for the PLH stated would address the concerns raised by the police.

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

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 revoke the premises licence.

REASONS FOR THE DECISION

Members accepted the evidence presented by the police and were satisfied that the premises were not being run in an acceptable manner by the PLH despite previous warnings and communications from the police. They had no confidence that the PLH or his staff would promote or uphold the licensing objectives and Members felt that lessons that should have been learnt from incidents in 2015 had not been.

The Members had no confidence that the premises were being run responsibly or in compliance with the requirements of the Licensing Act 2003. With regards to the Coronavirus Pandemic, Members stated it was every business owner's duty to ensure they understood the rules and regulations so as to ensure their duty in relation to the health and safety of customers and staff members was upheld. Members had no confidence this had been, or would be, complied with in the future.

Members had no confidence that training in relation to the licensing objectives had been, or would be, undertaken or provided to all staff members in the future. Members also stated that the PLH or members of his staff had failed to engage appropriately with the police on a number of occasions when they had been requested to do so.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives, particularly public safety, the prevention of crime and disorder and the protection of children from harm.

The Premises Licence Holder Would be informed that an appeal against the decision must be made within 21 days to the Magistrates Court.

73. ANY OTHER URGENT BUSINESS

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