



Leicester  
City Council

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

Held: FRIDAY, 26 FEBRUARY 2021 at 10:00 am

P R E S E N T:

Councillor Singh Johal (Vice-Chair in the Chair)

Councillor Fonseca

Councillor Shelton

\* \* \* \* \*

**60. APPOINTMENT OF CHAIR**

Councillor Singh Johal 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.

**61. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**62. DECLARATIONS OF INTEREST**

Councillor Fonseca declared for the avoidance of doubt that she was the Councillor for the Ward in which the premises was situated, but had had no contact with the applicant.

**63. MINUTES OF PREVIOUS MEETINGS**

RESOLVED:

That the minutes of the meeting of the Licensing (Hearings) Sub-Committee held on 26<sup>th</sup> January 2021 adjourned to 10.00am on 9<sup>th</sup> February 2021 and 11.00am 9<sup>th</sup> February 2021 be confirmed as a correct record.

## 64. 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 new Premises Licence, Off Licence: 10-12 Uppingham Road, Leicester, LE5 0QD.

## 65. APPLICATION FOR A NEW PREMISES LICENCE, OFF LICENCE: 10-12 UPPINGHAM ROAD, LEICESTER, LE5 0QD

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.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence, Off Licence, for 10-12 Uppingham Road, Leicester, LE5 0QD.

The applicant was present. Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police), PC Niahul Patel (Leicestershire Police), Licensing Team Manager (Policy and Applications), a local resident who had submitted an objection, 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 for a new Premises Licence was received on 7 January 2021,

and that Leicestershire Police submitted an objection to the application on 27 January 2021 on the grounds of to the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

The Sub-Committee further noted that twenty-one representations had been made by members of the public against the grant of the application based on all the licensing objectives. In addition, three petitions opposing the application had been submitted.

Mr Dave Braithwaite and PC Niahul Patel for Leicestershire Police were given the opportunity to outline the reasons for the objection to the new Premises Licence and answer questions from Members.

The local resident was given an opportunity to outline the reasons for their objection to the new Premises Licence and answer questions from Members.

The applicant was given the opportunity to present their case and answered questions from Members, Officers, the Police and local resident.

Each party then made a closing submission.

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 application for a new Premises Licence, Off Licence for 10-12 Uppingham Road, Leicester, LE5 0QD be REFUSED.

Members of the Sub-Committee had considered all the representations and had taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

The application before Members of the Sub-Committee was for a Premises

Licence authorising off-sales of alcohol at a proposed new convenience store / off-licence at 10-12 Uppingham Road, Leicester, seven days a week from 7 am to midnight, those hours also being the proposed opening hours of the premises. The premises were located in a residential area where there were currently some shops and other off-licences. Members were informed the applicant was to be the Designated Premises Supervisor (DPS) at the premises. Members were further informed the applicant had held a Premises Licence for another off-licence in Leicester since 2012 and was the DPS at those premises.

Representations against the application had been received from Leicestershire Police. 21 members of the public had made representations against the application, and three petitions containing some 227 signatories against the application were also received.

The representations were based on all four of the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

In summary, both the Police and the members of the public objected to the grant of a premises licence on the basis that it would add to existing crime and disorder and public nuisance in the area. The premises was situated opposite Humberstone Road pocket park, also known as Sparrow Park. Despite the alcohol related Public Space Protection Order which was in place in respect of all public places within the City of Leicester, there were longstanding ongoing issues with males congregating and drinking alcohol in the park. The park was often littered with empty bottles, cans and broken glass and residents were prevented from using the park for fear of intimidation. Members were informed by the Police and resident that the issues were not limited to the Park area and existed in the immediate vicinity of the premises. Residents were concerned about leaving their houses in an evening and reference had been made to 51 crime reports having been made in connection with violent and sexual offending, criminal damage, arson, anti-social behaviour, vehicle crime and public order incidents in the immediate vicinity of the premises between July and November 2020.

Sparrow Park had a children's play area and the resident reported the area could not be used safely because of the littering issues, and that parents were unwilling to allow their children to be witness to the anti-social behaviour involving groups of males drinking and urinating on the park.

Quite separately, the Police raised concerns regarding the applicant's ability to uphold the licensing objectives and reported that the applicant's current off-licence in Leicester had been subject to a licence compliance check on 15 January 2021 by the Police following complaints from local residents in that area that single cigarettes were being sold and that people were drinking alcohol inside the premises. On inspection, the Police had seized a substantial quantity of rolling tobacco and cigarettes on which no UK duty had been paid. The tobacco and cigarettes were found behind the serving counter at the premises. It was further reported the applicant had maintained a no comment

response when interviewed under caution by the Police, who had since submitted a file to the Crown Prosecution Service.

During his submission at the meeting, the applicant in response explained his intention to operate what they referred to as a unique community store offering organic food and vegetables, vegan foods and locally made beers and wines, and that the sale of alcohol would only account for some 10% of the business.

The applicant accepted that there were current crime and disorder and public nuisance issues in the area and offered conditions to be placed on the premises licence should it be granted which would assist in combating those issues. He offered the operation of a can and bottle deposit scheme (with each item being stamped with the details of the business) which would provide a financial incentive for the return of empty cans and bottles. He further offered the provision of bins, security personnel and CCTV outside the premises covering Sparrow Park.

In the relation to the tobacco seized at the applicant's current premises he denied any wrongdoing and stated that not all of the items seized required UK duty to be paid. The Police had not asked them for evidence that duty had, where appropriate, been paid. The applicant indicated that he welcomed a court appearance so that he would be able to clear his name and to that end would produce evidence that the UK duty had been paid in court.

Members of the Sub-Committee accepted that the applicant had played no part in the creation of the current issues in the area. Members of the Sub-Committee also noted that the Police had not provided crime figures for the area and had not currently made an application for a review of the applicant's existing Premises Licence. Members were told that may follow in due course.

Members were extremely concerned that rolling tobacco and cigarettes on which UK duty had not been paid were seized on 15 January 2021 from the existing premises for which the applicant was the Premises Licence holder and at which he was the DPS. The applicant had not provided the Sub-Committee with the evidence, which he indicated he had, to show payment where appropriate of UK duty. The circumstances surrounding the rolling tobacco and cigarettes seizure raised issues in connection with his ability to uphold the licensing objectives in an area where there were substantial existing problems.

Members believed the issues in relation to crime and disorder and public nuisance in the vicinity of the premises were clear and present. They in turn raised serious concerns for public safety and the protection of children from harm. Members considered the introduction of another premises selling alcohol in the circumstances outlined would have added to the difficulties.

Members of the Sub-Committee felt 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 Magistrates Court within 21 days of receipt of the decision.

**66. ANY OTHER URGENT BUSINESS**

There being no other business, the meeting closed at 12.32pm.