



Leicester
City Council

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

Held: FRIDAY, 25 JUNE 2021 at 10:00 am

P R E S E N T:

Councillor Cank (Chair)

Councillor Gee

Councillor Westley

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1. APPOINTMENT OF CHAIR

Councillor Cank was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing Hearings held 26, 27, 30 April and 5 May 2021 be confirmed as a correct record.

**5. APPLICATION FOR A NEW PREMISES LICENCE CHAIWALA, 2-16
LOUGHBOROUGH ROAD, LEICESTER LE4 5LD**

The Chair led on introductions and confirmed with the Sub-Committee 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 for Chaiwala, 2-16 Loughborough Road, Leicester, LE4 5LD.

Representatives on behalf of the applicant, Mr Muhammed Ibrahim and Mr Nil Naik attended the hearing together with solicitor, Mr Walaiti Rathroe. Also present was the Licensing Team Manager (Policy and Applications), Councillors Nita Solanki and Padmini Chamund (on behalf of the objectors), and the Legal Adviser to the Sub-Committee. The objector did not attend the hearing

The Licensing Team Manager presented the report and outlined details of the application. It was noted that an objection to the application had been received on 10 May 2021 which necessitated the application being considered by the Sub-Committee.

Councillors Solanki and Chamund addressed the Sub-Committee on behalf of the objector and answered questions from the Sub-Committee, the Applicant and his legal representative. They expressed concern that extended hours for the premises would further add to litter, noise, and traffic issues in the area.

Mr Rathore and representatives for the applicants were given the opportunity to put forward their case, address the concerns raised by the objector and answer questions from Members and Officers.

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 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 leave 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 for Chaiiwala, 2-16 Loughborough Road, LE4 5LD be GRANTED subject to conditions.

In reaching their decision, Members carefully considered the committee report presented by the Licensing Officer, all representations submitted on behalf of

the applicant, the representations by Councillors on behalf of a resident and the legal advice given during the hearing.

The Sub-Committee had been asked to determine an application for a new Premises Licence for 2-16 Loughborough Road. 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 has been made by Melton Road Foods Limited trading as Chaiiwala 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 Licensing Officer's report to committee and related to the provision of late-night refreshment, Monday to Sunday between the hours of 11pm to 2am.

Councillors Solanki and Chamund appeared on behalf of the resident who had made the written representation and submitted a petition signed by 28 individuals. The resident did not attend the hearing.

Representatives on behalf of the applicants were present at the hearing accompanied by a solicitor.

The representations engaged the licensing objective relating to the Prevention of Public Nuisance and it was submitted that this objective would not be upheld if the licence application for late night refreshments was granted. On behalf of the resident, the Councillors stated that allowing the premises to provide late night refreshment until 2am would cause a nuisance to residents living nearby – the nuisance would include noise, pollution, and late-night traffic etc. It was also submitted that disposal of rubbish on to the street was already a problem and this would be made worse if the premises were allowed to open until late.

The Applicant's representative submitted that there were no direct complaints relating to the premises and the concerns expressed by the resident were speculation and not premises specific. It was further stated that there was no evidence of any wrongdoing by the premises and the Sub-Committee should take note of the fact that responsible authorities such the Police and Environmental Health had not objected to the application. The owner of the business stated that his business was community based and community focused and that there had been an offer of mediation which had not been taken by the resident who had objected to the application.. The owner further stated that sufficient bins had been provided and that any litter in the immediate area was cleared by staff throughout the day and prior to closing the premises.

The Sub-Committee took note of the fact that current planning permission prevented the premises from opening beyond 11pm. The restriction also applied to other food businesses in the immediate area. However, the Sub-Committee recognised that Planning and Licensing operated independently

and involved considerations of different, albeit related, matters. The Sub-Committee fully considered the issues raised by the representations but having heard from the Applicant's representative and from the owner, the Sub-Committee were satisfied that the majority of the concerns expressed by and on behalf of the residents were beyond the immediate control of the premises, and the Sub-Committee, accepted the owner's assurance w that he would proactively address any concerns as they arose.

The Sub-Committee were content to grant the application but felt that in addition to the conditions offered in the operating schedule, the following condition should be added to prevent nuisance to residents beyond 11pm:

1. No outdoor seating and tables to be allowed after 11pm

The applicant would be informed of the right to appeal the decision for 21 days.

6. ANY OTHER URGENT BUSINESS

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