



Leicester
City Council

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

Held: TUESDAY, 15 FEBRUARY 2022 at 9:30 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Cank

Councillor Gee

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47. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair of the meeting.

48. APOLOGIES FOR ABSENCE

There were no apologies for absence.

49. DECLARATIONS OF INTEREST

There were no declarations of interest.

50. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 31st January 2022 be confirmed as a correct record.

51. 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 was considered that the public interest in maintaining the information as exempt outweighed 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 any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

B1) Application for the review of an existing Premises Licence: Off Licence, 345 Catherine Street, Leicester, LE4 6GG.

B2) Application for the review of an existing Premises Licence – Convenience Store (known as Bratislava), 300 Gipsy Lane, Leicester, LE4 9BX

52. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE: OFF LICENCE, 345 CATHERINE STREET, LEICESTER, LE4 6GG

The Director of Neighbourhood and Environmental Services submitted a report on an application for the review of an existing premises licence for Off Licence, 345 Catherine Street, Leicester, LE4 6GG.

The Licensing Hearing commenced at 11:24am, due to the applicant's legal representative. arriving late to the meeting. The Chair confirmed with the Designated Premises Supervisor (DPS) and their legal representative, Mr David Braithwaite (Deputy Licensing Manager for Leicestershire Police), Ms Minaxi Patel (Trading Standards), that they would be able to fully present their case within the time constraints caused by the late start which would allow Members proper time for deliberation, and that the application would be heard simultaneously with the application for review of Convenience Store (known as Bratislava), 300 Gipsy Lane, Leicester, LR4 9BX, as suggested by the Legal Adviser to the Sub-Committee and agreed by the parties. All parties agreed to proceed with the hearing.

Introductions were made and the Chair outlined the procedure for the meeting to those present.

The Premises Licence Holder (PLH) / Designated Premises Supervisor (DPS) was present, accompanied by his Legal Representative. Mr David Braithwaite (Deputy Licensing Manager for Leicestershire Police) and Ms Minaxi Patel (Trading Standards Officer) were present. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-

Committee.

The Licensing Team Manager (Policy and Applications) presented the reports for both applications. It was noted in both reports that an application was received on 22 December 2021 from Leicestershire Police for a review of the existing premises licences. for Off Licence, 345 Catherine Street, Leicester and Convenience Store, 300 Gipsy Lane, Leicester. The applications were made on the grounds of the prevention of crime and disorder and public safety.

Mr Braithwaite was given the opportunity to outline the details of the Police application and answered questions from Members.

Ms Patel was given the opportunity to outline the details of the report from Trading Standards in support of the Police application and answered questions from Members.

The PLH/DPS and his Legal Representative were given the opportunity to address the Sub-Committee and answered questions from the Police and Members.

All parties present 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 their decisions. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decisions.

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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

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

The Chair then informed the meeting that all but the Democratic Support Officers should withdraw from the room. The Sub-Committee then deliberated in private to consider their decision on both applications heard.

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 Europe Mini Market Off-Licence, 345 Catherine Street, Leicester be REVOKED.

In reaching their decision, Members had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all representations submitted on behalf of the PLH / DPS, the representations from the Police and Trading Standards, and legal advice given during the hearing.

The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the review application, in accordance with Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

REASONS FOR THE DECISION

The application for review of the Licence was made by Leicestershire Police on the grounds of the prevention of crime and disorder and public safety.

The Sub-Committee had accepted the Police representations as regards the prevention of crime and disorder and public safety. They had no confidence that the PLH/DPS would uphold the licensing objectives. The Statutory Guidance issued under section 182 of the Licensing Act 2003 recognised this.

In the circumstances, the Sub-Committee's decision was that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder and public safety to REVOKE the Licence.

The PLH / DPS would be informed that an appeal against the decision must be made within 21 days to the Magistrates Court.

53. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE: CONVENIENCE STORE (KNOWN AS BRATISLAVA) 300 GIPSY LANE, LEICESTER, LE4 9BX

The Director of Neighbourhood and Environmental Services submitted a report on an application for the review of an existing premises licence for Convenience Store (known as Bratislava), 300 Gipsy Lane, Leicester, LR4 9BX.

The application was heard simultaneously with the application for the review of an existing premises licence for Off Licence, 345 Catherine Street, Leicester, LE4 6GG.

It was noted that the DPS for the premises was not present at the meeting, but the Sub-Committee noted the involvement of the business owner in the premises, who was the DPS / PLH for Off Licence, the other premises under consideration at the Hearing.

RESOLVED:

That the premises licence for Convenience Store (known as Bratislava), 300 Gipsy Lane, Leicester be REVOKED.

In reaching their decision, Members had carefully considered the committee report presented by the Licensing Team Manager (Policy and Applications), all representations submitted on behalf of the PLH / DPS, the representations from the Police and Trading Standards, and legal advice given during the hearing.

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54. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 1.04pm.

