



Leicester
City Council

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

Held: TUESDAY, 12 JULY 2022 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Gee

Councillor Whittle

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1. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as Chair for meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

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

A1) – Application for a Review of an Existing Premises Licence

5. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE - ABS GROCERS, 126 NARBOROUGH ROAD

The Director of Neighbourhood and Environmental Services submitted a report on an application for the review of an existing premises licence for ABS Grocers, 126 Narborough Road, Leicester.

Mr Amandeep Singh, Designated Premises Supervisor (DPS) was present, accompanied by his Solicitor, Mr Sutherland. Mr Jefferson Pritchard, Police Constable for Leicestershire Police was present accompanied by Mr Mark Wicks, Trading Standards Officer. 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 report. It was noted that Mr Amandeep Singh owned the company Deol and Deol Sons Limited which held the Premises Licence. It was further noted that a review application was received on 23 May 2022 from Leicestershire Police on the grounds of all four licensing objectives.

Mr Wicks was given the opportunity to outline the details of the report from Trading Standards in support of the Police representation and answered questions from Members.

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

Mr Singh and his Solicitor were given the opportunity to address the Sub-Committee and answered questions from the Police, Trading Standards Officer 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 decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

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 decision 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. The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the conditions on the Premises Licence for ABS Grocers be modified to include the conditions contained within the representation by Deol and Deol Sons Limited with a modification to condition 4 in relation to CCTV.

Additional Conditions

1. "Challenge 25"

The Licensee to adhere to a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age restricted products are asked for proof of their age.

The Licensee to prominently display notices advising customers of the "Challenge 25" policy.

The following proofs of age are the only ones to be accepted:

- Proof of age cards bearing the "Pass" hologram symbol
- UK Photo Driving licence
- Passport

The Licensee to ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under - 18s attempting to purchase alcohol.

Notices will be prominently displayed at the entry and point of sale stating that CCTV is in use, Challenge 25 is operated, and the provisions of the licensing act are in force regarding underage and proxy purchases and sales.

2. Training

All staff will be trained for their role on induction and at regular intervals of six

months thereafter. Training will include identifying persons under 25, making a challenge, acceptable proof of age, making and recording a refusal, avoiding conflict and responsible alcohol retailing.

Written training records will be kept and made available to police or council officers on request.

3. Refusals Book

The licensee to keep a register of refused sales of all age-restricted products (Refusals Book).

The Refusals Book to contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the salesperson refusing the sale.

The Refusals Book to be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.

The Refusals Book to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

4. CCTV

The CCTV system shall be maintained in working condition and record the premises whilst it is open to the public.

Recordings to be retained for a minimum of 28 days and be made available to the Police or Officers of the Council upon request and be of evidential quality.

The equipment MUST have a suitable export method i.e., CD/DVD/USB facility so that the Police can make evidential copies of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy. If this format is non-standard, i.e., manufacturers proprietary, then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the Police and the Licensing Authority on a standard computer. Subject to the Data Protection act 2018, copies must be made available to the police and officers of the council upon request.

Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e., capable of identification.

To have signs displayed in the customer area to advise that CCTV is in operation.

Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.

A log will be maintained detailing maintenance and any downloads from the system.

5. Management and staff will discourage persons drinking or loitering outside the shop.

6. Notices will be prominently displayed by the exit asking customers to respect nearby residents and to leave quietly, not to loiter outside the shop and not to drink in the street so as to cause a nuisance or disorder in the area

7. The shop front will be kept tidy at all times and shall be swept at close.

8. A written record shall be kept of all incidents occurring in, or immediately outside the premises. This written record shall be made available to police or council officers upon request.

REASONS FOR THE DECISION

Members were reassured that since the transfer of the Premises Licence on the 13th June 2022, the police had confirmed that no further issues that had previously been a cause for concern had been reported and that they, together with Leicester City Council's Trading Standards Department, would continue to visit the premises periodically.

As a result, they were confident that with the additional conditions and measures put in place, that the PLH / DPS would manage the premises responsibly and in a manner that would promote and uphold the licensing objectives and in compliance with the requirements of the Licensing Act 2003.

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

All parties would be advised of the right to appeal the decision to Magistrates Court.

6. ANY OTHER URGENT BUSINESS

There being no other Items of urgent business, the meeting closed at 7:14pm.

