



Leicester
City Council

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

Held: WEDNESDAY, 6 SEPTEMBER 2023 at 10:00 am

P R E S E N T:

Councillor Whittle (Chair)
(Vice Chair)

Councillor Cank

Councillor Chauhan

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6. APPOINTMENT OF CHAIR

Councillor Whittle was appointed as Chair and led on introductions.

7. APOLOGIES FOR ABSENCE

There were no apologies for absence.

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meetings held on 19th June 2023, 26th June 2023 and 7th July 2023 be confirmed as the correct record.

10. APPLICATION FOR A NEW PREMISES LICENCE FOR POPEYES, 40 WELFORD ROAD, LEICESTER

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence for Popeyes, 40 Welford Road, Leicester.

The applicant, Mr Saad Ahmed was present. PC Karl Turner, Leicestershire Police, TJ Mavani, Licensing Manger (Enforcement) and Minaxi Patel,

Licensing Enforcement Officer were present. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Chair led on introductions and outlined the procedure the meeting would follow.

The Licensing Manager (Policy and Applications) presented the report and outlined details of the application. It was noted an application was received on 17 July 2023 from Popeyes Express LTD, 40 Welford Road, Leicester for a new premises licence.

A representation was received on 9 August 2023 from Leicestershire Police, relating to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that the premises had been offering unauthorised licensable activities and the application was vague and did not refer to specific ways of promoting the licensing objectives

A representation was received on 9 August 2023 from the Licensing Enforcement Team, relating to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned about the timings of the applied activities, location of CCTV cameras and the details provided in the operating schedule. They had been in contact with the applicant and have agreed conditions.

A representation was received on 09 August 2023 from the Noise team. The representation related to the prevention of public nuisance. The noise officer was concerned that noise from deliveries, customers coming and going from the premises, people congregating outside and having a flue running would cause issues for the residential premises which were close by. The officer had been in contact with the applicant and have agreed conditions.

The Licensing Team Manager (Enforcement) addressed the Sub-Committee and outlined details of the representation and answered questions from the Members

PC Turner was given the opportunity to outline the details of the representation from the Police and answered questions from Members of the Sub-Committee.

The applicants were given the opportunity to address the Sub-Committee and answered questions from the 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 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 Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

Members of the sub-committee considered each of the options available to them and decided to REJECT the application for the following reasons:

1. The sub-committee accepted the representations put forward by the Police and Licensing Enforcement Team and agree with the Licensing Enforcement Manager when he stated that having heard from Mr Ahmed at the hearing he had even less confidence in Mr Ahmed ability to promote the licensing objectives
2. Mr Ahmed was less than honest at the hearing particularly with regard to sale of hot food and drink after 11pm despite warnings, Mr Singh's involvement in the business and the operation of the business website
3. The sub-committee found discrepancies in the dates given by Mr Ahmed for when he was out of the country. He told officers that he was abroad between April and 22nd June 2023. At the hearing he informed committee that he was abroad for the whole of June returning on 5th July 2023
4. The sub-committee did not accept Mr Ahmed's explanation regarding the business website redirecting customers to American Fried Foods in August. The evidence from PC Culverwell was that when he rang the premise's phone number it was answered by an employee saying 'POPEYES' and delivery of the food was fulfilled by Palwinder Singh
5. The sub-committee's overall conclusion was that Mr Ahmed had failed to demonstrate the ability to manage the business and his proven behaviour was not that of a person who would be able to promote the licensing objectives.

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

11. APPLICATION FOR A NEW PREMISES LICENCE FOR CITY OF LEICESTER COLLEGE, DOWNING DRIVE, LEICESTER.

Councillor Whittle, as Chair welcomed all to the Committee and outlined the proceedings of the hearing.

The Director of Neighbourhood and Environmental Services submitted a report on an Application for a New Premises Licence for City of Leicester College, Downing Drive, Leicester.

Mr Sean Whiting, Strategic Business Lead, on behalf of City of Leicester College was present. Also present were Licensing Team Manager (Enforcement), Licensing Team Manager (Policy and Applications) and the Legal Advisor to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application.

A representation was received on 09 August 2023 from the Licensing Enforcement team. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that that allowing the premises to be used in accordance with the application, it would undermine the Licensing Objectives.

A representation was received on 13 August 2023 from a member of the public. The representation related to the prevention of crime and disorder and the prevention of public nuisance. The representee was concerned that the local area would suffer noise nuisance, pollution and traffic issues if the licence was to be granted.

The Licensing Enforcement Team Manager was given the opportunity to outline the details of his representation and answered questions from Members and the applicant.

The Applicant was given the opportunity to present its case and answered questions from Members, the Legal Adviser to the Sub-Committee and those giving representation.

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 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, the Sub-Committee 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 full reasons for the decision would be provided 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 asked all but Members of the Sub-Committee and Democratic Support Officer to withdraw from the meeting. Members then deliberated in private to consider their decision.

In reaching their decision the Sub-Committee Members had carefully considered the written report presented by the Chief Licensing Officer and considered all the representations, both written and oral, and had taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

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

RESOLVED:

Having considered written and oral the representations in detail the committee's decision was to GRANT the application subject to conditions.

12. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 12:02pm.

