



Leicester
City Council

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

Held: TUESDAY, 9 JUNE 2015 at 10:15 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Byrne

Councillor Shelton

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7. APPOINTMENT OF CHAIR

RESOLVED:-

That Councillor Thomas be elected as Chair for the meeting.

8. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business to be discussed. Councillor Byrne, declared an Other Disclosable Interest as she had been a customer of the premises on a few occasions. She did not consider the interest was sufficient to prevent her from considering the application with an open mind and with complete impartiality.

9. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: GOOD OLD DAYS, 2 MARWOOD ROAD, LEICESTER, LE4 2ED

The Director, Local Services and Enforcement, submitted a report that required Members to determine an objection notice relating to a temporary event notice (TEN) submitted under the Licensing Act 2003 by Ms G A Mansfield for 'Good Old Days', 2 Marwood Road, Leicester, LE4 2ED.

Members noted that an objection notice had been received in respect of the Temporary Event Notice, which necessitated that the Temporary Event Notice had to be considered by Members.

Miss Jean Wright, the owner, was present at the meeting. Also present was the Licensing Team Manager and the Solicitor to the Sub-Committee. An officer from the Council's Noise Team was also present.

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

The Licensing Team Manager presented the report. It was noted that an objection notice had been received from the Council's Noise Team on the grounds of the prevention of public nuisance.

A representative from the Council's Noise Team outlined the reasons for the objection notice and answered questions from members.

Following a question from the Chair, the Solicitor to the Sub-Committee stated, for clarity, that the Sub-Committee could only consider the application as submitted which was for the sale of alcohol and provision of late night refreshment up to 4.00 am. The existing premises licence allowed the sale of alcohol, provision of late night refreshment and the performance of live or recorded music until 1.30am on a Sunday morning. The licence also required the premises to be closed at 1.30am on a Sunday morning.

Miss Jean Wright was then given the opportunity to outline the details of the application and respond to the points made in the objection notice given by the Noise Team and to answer questions from members.

All parties were then given the opportunity to sum up their positions and make any final comments.

Prior to Members considering the application, the Solicitor to the Sub-Committee advised Members of the options available to them in making a decision. Members 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.

The Licensing Team Manager, the Solicitor to the Sub-Committee, Miss Jean Wright the applicant and the representative from the Noise Team then withdrew from the meeting.

Members then gave the application their full and detailed consideration.

The Solicitor to the Sub-Committee was then recalled to the hearing to advise on the wording of the decision.

The Licensing Team Manager, Miss Jean Wright, the applicant, and the representative of the Noise Team then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

That the objection notice given for a temporary event notice at 'Good Old Days', 2 Marwood Road, Leicester, LE4 2ED be accepted and that the Sub-Committee issue a counter notice under Section 105 (2) of the Licensing Act 2003 on the grounds that to disregard the objection notice on the noise that would be generated would not uphold the licensing objective on the grounds of prevention of public nuisance. The Sub-Committee also took into consideration that the premises is situated in a residential area and is not a city centre venue.

10. CLOSE OF MEETING

The Chair declared the meeting closed at 12.05 pm.