



Leicester
City Council

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

Held: FRIDAY, 14 OCTOBER 2016 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Shelton

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9. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

10. APOLOGIES FOR ABSENCE

There were no apologies for absence.

11. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they may have in the business on the agenda.

There were no declarations of interest.

12. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: BENOS BOOZE, 98 NARBOROUGH ROAD, LEICESTER, LE3 0BS

The Director of Neighbourhoods and Environmental Services, submitted a report that required Members to determine an application for a new premises licence within a Cumulative Impact Zone for Benos Booze, 98 Narborough Road, Leicester, LE3 0BS.

Members noted that a representation had been received in respect of the application, which necessitated that the application had to be considered by Members.

The applicant - Mr Joseph Silva was present together with his legal

representative Mr Edward Barr (a barrister). PC Jon Webb from Leicestershire Police, the Licensing Team Manager and the legal advisor to the Sub-Committee were all also present at the hearing.

It was noted that a member of the public was also present.

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

The Licensing Team Manager presented the report and outlined the details of the application. It was noted that one relevant representation had been received on 7th September 2016 from Leicestershire Police that related to three of the licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance and public safety. There were no questions from the Police or Members.

Mr Barr announced that the applicant would like to propose to vary the timings for the premises (from what was in the original application) to; 8am-11pm Monday to Saturday and 10am-11pm Sunday for the sale of alcohol and hours for the closure of premises.

PC Webb outlined the reasons for the representation and answered questions from Members and Mr Barr who also circulated photos of the premises next door.

Mr Barr and the applicant were then given the opportunity to outline the details of the application, responded to the points made and answered questions from Members and PC Webb. Mr Barr also circulated further photos of the premises layout and an architects plan.

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

Prior to Members considering the application, the legal advisor 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, legal advisor to the Sub-Committee, PC Webb, the member of public, the applicant and his legal representative then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The legal advisor to the Sub-Committee was then recalled to the hearing to give advice on the wording of the decision.

The Licensing Team Manager, PC Webb, the member of public, the applicant and his legal representative then returned to the meeting.

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

RESOLVED:

That the application for a new premises licence within a Cumulative Impact Zone for Benos Booze, 98 Narborough Road, Leicester, LE3 0BS be refused.

REASONS FOR THE DECISION

In reaching their decision the Sub-Committee members had regard to the Council's licensing policy, the government guidance and the four licensing objectives. The Sub-Committee had also considered the written representations and the oral presentations made at the hearing.

The Sub-Committee found that the applicant had not demonstrated that the grant of this licence with or without conditions would not add to the existing problems within the Cumulative Impact Zone.

The Sub-Committee felt that the grant of the licence would undermine the promotion of three of the licensing objectives those being; the prevention of crime and disorder, public safety and the prevention of public nuisance. The Sub-Committee therefore refused the application.

13. CLOSE OF MEETING

The Chair declared the meeting closed at 11.20am.

