



Leicester
City Council

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

Held: WEDNESDAY, 9 AUGUST 2017 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Hunter

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1. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

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

Councillor Thomas declared an other disclosable interest in the item on Kapz News & Booze as he was a Belgrave Ward Councillor and the premises was within the Belgrave Ward. Councillor Thomas stated that he had not been contacted by anyone with regard to this application and he retained an open mind.

4. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing (Hearings) sub-committee meeting held on 12th July 2017 be confirmed as an accurate record.

**5. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE:
KAPZ NEWS & BOOZE, LOUGHBOROUGH ROAD, LEICESTER.**

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an application for a review of an existing premises licence for Kapz News & Booze, Loughborough Road, Leicester.

The sub-committee noted that an application for a review of an existing premises licence had been received which necessitated that the application had to be considered by the sub-committee.

PC Jon Webb from Leicestershire Police, Mr Rahul Vaghela the Premises Licence Holder, Mr Kapil Vaghela in support of Premises Licence Holder, Mr Baldip Singh Solicitor for Premises Licence Holder, Mr Paramjit Singh representee and Ms Linda Harrison representee were present.

Also present was the Licensing Team Manager, Solicitor to the sub-committee and an observing solicitor.

Also in attendance was Councillor Chohan local ward councillor, members of the public and a reporter from the Leicester Mercury.

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

Pc Jon Webb for Leicestershire Police requested that the public and press be excluded from the hearing as it was likely that exempt information would be disclosed during representations to the sub-committee. Mr Baldip Singh Solicitor for the Premises Licence Holder agreed that the hearing should be held in private.

The sub-committee were satisfied that the press and public should be excluded from the hearing during representations.

RESOLVED:

that the press and public be excluded from the hearing during representations in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it was likely in view of the nature of the proceedings that exempt information would be disclosed as defined in 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 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.

Mr Paramjit Singh representee, Ms Linda Harrison representee, Councillor Chohan local ward councillor, members of the public and a reporter from the

Leicester Mercury then withdrew from the meeting.

IN PRIVATE SESSION

The Licensing Team Manager presented the report. It was noted that an application for the review of an existing premises licence had been received from Leicestershire Police on 15 June 2017 on the grounds of the prevention of crime and disorder and concerns were raised about the handling of stolen goods at the premises.

It was also noted that during the statutory representation period there were 14 written representations received, 1 from a local councillor and 13 from local residents all of those positive and in support of the Premises Licence Holder and the business Kapz News & Booze.

PC Jon Webb for Leicestershire Police outlined the reasons for the application for the review of an existing premises licence and informed the sub-committee that police investigations were ongoing. PC Jon Webb for Leicestershire Police then answered questions from the sub-committee.

Mr Baldip Singh Solicitor for the Premises Licence Holder was then given the opportunity to respond to the application and answered questions from the sub-committee.

Mr Baldip Singh Solicitor for the Premises Licence Holder asked the sub-committee to note that the Premises Licence Holder was agreeable to a modification of conditions to demonstrate compliance with the licensing objectives.

Mr Paramjit Singh representee and Ms Linda Harrison representee were recalled to the meeting and given the opportunity to outline their representations and answer questions from the sub-committee.

All parties were then given the opportunity to sum up their positions and make any final comments. Mr Paramjit Singh representee and Ms Linda Harrison representee then withdrew from the meeting during Mr Baldip Singh, Solicitor for the Premises Licence Holders' summing up.

Prior to the sub-committee considering the application the Solicitor to the sub-committee advised the sub-committee of the options available to them in making a decision and 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 being present.

The Licensing Team Manager, the Solicitor to the sub-committee, the observing solicitor, the Applicant, the Applicants Supporter and the Applicants

solicitors then withdrew from the meeting.

The sub-committee then gave the application full and detailed consideration.

The Solicitor to the sub-committee together with the observing solicitor was then recalled to the hearing to give advice on the wording of the decision.

IN OPEN SESSION

The Licensing Team Manager, PC Jon Webb from Leicestershire Police, Mr Rahul Vaghela the Premises Licence Holder, Mr Kapil Vaghela in support of Premises Licence Holder, Mr Baldip Singh Solicitor for Premises Licence Holder, Mr Paramjit Singh representee, Ms Linda Harrison representee, members of the press and public then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the sub-committee together with the observing solicitor for advice on the wording of their decision.

RESOLVED

1. That the existing premises licence: Kapz News & Booze, 286 Loughborough Road, Leicester LE4 5PH be revoked.

In reaching their decision the sub-committee commented that they had listened carefully to all of the representations and taken into account the Statutory Guidance and the Council's Licensing Policy. The sub-committee heard that stolen goods were displayed openly on the premises. In the circumstances of this matter the sub-committee decided that it was appropriate for the promotion of the licensing objective of the prevention of crime and disorder to revoke the licence.

6. ANY OTHER URGENT BUSINESS

RESOLVED:

To take an item of urgent business to allow the Objection Notice given for a Temporary Event Notice to be considered within the statutory time period for Temporary Event Notices.

7. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: MIX'D, 73B CHURCHGATE, LEICESTER

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an objection notice relating to a Temporary Event Notice (TEN) submitted by the applicant Mr Anup Patel for an event at the Mix'd Café Bar, 73b Churchgate, Leicester.

The sub-committee 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 the sub-committee.

Mr Anup Patel the applicant, an officer from the Noise Team, the Licensing Team Manager, the Solicitor to the sub-committee and an observing solicitor were present.

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

The Licensing Team Manager clarified that the application for a Temporary Event Notice related to an event on 26th August from 2pm until 11pm only and the provision for late night refreshment element was not applicable as the event would finish at 11pm. The sub-committee were also asked to disregard reference at paragraph 7 in the report to the existing premises licence as this application referred to an area outside of the licensed premises area and there was therefore no option of adding conditions to any Temporary Event Notice for that.

The Noise Team officer outlined the reasons for the objection and responded to questions from the sub-committee.

Mr Anup Patel, the applicant, was then given the opportunity to respond to the objection and to outline the reasons for his application. Mr Anup Patel the applicant then answered questions from the sub-committee.

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

Prior to the sub-committee considering the application the Solicitor to the sub-committee advised of the options available to them in making a 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 that 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 provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

The Licensing Team Manager, the Noise Team officer, Mr Anup Patel the Applicant, the Solicitor to the sub-committee and the observing solicitor withdrew from the meeting.

The sub-committee then gave the application their full and detailed consideration.

The Solicitor to the sub-committee together with the observing solicitor was then recalled to the hearing to give advice on the wording of the decision.

The Licensing Team Manager, the Noise Team officer and Mr Anup Patel the Applicant then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the sub-committee together with the observing solicitor for advice on the wording of their decision.

RESOLVED:

That the objection notice given for a Temporary Event Notice: Mix'd Café Bar, 73b Churchgate, Leicester LE1 3AN be disregarded.

In reaching their decision the sub-committee commented that they had listened carefully to the representations and taken into account the Statutory Guidance and the Council's Licensing Policy. The sub-committee decided that it was appropriate for the promotion of the licensing objective of the prevention of public nuisance not to give the premises user a counter notice.

There being no further business the meeting closed at 12.32pm.