



Leicester
City Council

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

Held: TUESDAY, 15 AUGUST 2017 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Cank

Councillor Fonseca

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1. APPOINTMENT OF CHAIR

Councillor Hunter was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

Councillors Cank and Hunter declared an 'other disclosable interest' in the application for a new premises licence for Suga, (49-53 Granby Street) (Minute No.4 below), as they had both been into the former Mr Bojangles Champagne Bar (49-53 Granby Street) as a customer. Councillor Hunter also declared an 'other disclosable interest' as she knew of some of the people named in the report but had no close association with them. In accordance with the Council's Code of Conduct the interests were not considered so significant that they were likely to prejudice Councillor Cank's or Councillor Hunter's judgement of the public interest. Councillors Cank and Hunter were not, therefore, required to withdraw from the meeting during consideration and discussion on the item.

Andrew Cowan – the Solicitor to the applicant also declared that he had been in the former Mr Bojangles Champagne Bar when working in Leicester.

Throughout the course of the hearing, Councillor Fonseca declared an 'other disclosable interest' that he had been one of the Members of the Sub-Committee which heard the previous Mr Bojangles Champagne Bar application. In accordance with the Council's Code of Conduct the interest was not considered so significant that it was likely to prejudice Councillor Fonseca's

judgement of the public interest as each application was considered on its individual merit. Councillor Fonseca was not, therefore, required to withdraw from the meeting during consideration and discussion on the item. Andrew Cowan also indicated that he had no objection for Councillor Fonseca to continue being on the Sub-Committee for this hearing.

4. APPLICATION FOR A NEW PREMISES LICENCE: SUGA, 49-53 GRANBY STREET, LEICESTER, LE1 6EH

The Director of Neighbourhoods and Environmental Services submitted a report that required Members to determine an application for a new premises licence for Suga, 49-53 Granby Street, Leicester, LE1 6EH.

Members noted that a representation had originally been received from Leicestershire Police and the Noise Team in respect of the application, which necessitated that the application for a new premises licence had to be considered by Members.

Prior to the Hearing an agreement was made between the applicant and the Noise Team in respect of the application.

The applicant - Mr Jatinda Banga together with his Solicitor - Mr Andrew Cowan and PC Jon Webb from Leicestershire Police were all present at the hearing. Also present was the Licensing Team Manager and the Solicitor to the Sub-Committee with an observing Solicitor.

It was noted that a representative of the Press 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 noted the additional report provided by the Police which was not for publication and the recent additional information provided by the applicant in regards to a request to change the Designated Premises Supervisor (DPS). There were no questions.

PC Jon Webb outlined the reasons for the representation and requested to discuss details of the additional information which was not for publication. The Solicitor to the Sub-Committee advised Members that if the discussion were to go ahead, Members may want to consider entering into a private session.

It was then agreed by Members to resume the next part of the hearing in private session. 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 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Paragraph 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The representative from the press then withdrew from the meeting.

IN PRIVATE SESSION

PC Webb continued outlining the reasons for his representation and answered questions from Members.

Mr Banga and Mr Cowan were then given the opportunity to outline the details of the application, responded to the points made in the representations and answered questions from Members. An additional document of information was requested to be accepted by Members in support of the applicant's application. There being no objection by PC Webb, the Sub-Committee agreed to accept the additional information at the hearing.

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, the observing Solicitor, PC Webb, Mr Banga and Mr Cowan (applicant's Solicitor) then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the Sub-Committee with the observing Solicitor were then recalled to the hearing to give advice on the wording of the decision.

IN OPEN SESSION

The Licensing Team Manager, PC Webb, Mr Banga, Mr Cowan and the representative of the press 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 application for a new premises licence for SUGA, 49-53 Granby Street, Leicester, LE1 6EH be refused.

REASONS FOR THE DECISION

In reaching their decision Sub-Committee members said that they had listened carefully to all the representations and taken into account the Statutory Guidance and the Council's Licensing Policy. Mr Banga was inexperienced in the area of licensing. The details provided for the originally proposed DPS were incorrect as regards her current address and personal licence number. The Sub-Committee noted the 2016 Prohibition Notice served by Leicestershire Fire & Rescue. The Sub-Committee felt the steps proposed in the application for the protection of children from harm were inadequate for a City Centre premises which would be open into the early hours of the morning.

The Sub-Committee's decision was that, it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm to reject the application.

5. APPLICATION FOR A NEW PREMISES LICENCE: THE LOCAL STORE, 116 BRUIN STREET, LE4 5AY

The Director of Neighbourhoods and Environmental Services submitted a report that required Members to determine an application for a new premises licence for The Local Store, 116 Bruin Street, LE4 5AY.

Members noted that representations had been received from six local residents in respect of the application, which necessitated that the application had to be considered by Members.

The applicant, Mr Dharmesh Valobo had sent apologies in advance for his absence and also requested that the hearing go ahead without him being present. The Sub-Committee agreed that it was in the public interest to proceed with the hearing in the absence of the applicant.

The Licensing Team Manager, the Solicitor to the Sub-Committee and the observing Solicitor were all present at the hearing.

It was noted that a representative of the Press 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 answered questions from Members.

It was noted that the residents who had submitted representations were not present at the hearing, however their written representations were before the Sub-Committee.

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, the observing Solicitor and the representative of the press then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the Sub-Committee with the observing Solicitor were then recalled to the hearing to give advice on the wording of the decision.

The Licensing Team Manager and the representative of the press 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 application for a new premises licence for The Local Store, 116 Bruin Street, LE4 5AY be refused.

REASONS FOR THE DECISION

In reaching their decision Sub-Committee Members said that they had carefully considered the written representations and taken into account the Statutory Guidance and the Council's Licensing Policy. The Sub-Committee noted the alcohol related issues in the local area and the Anti-Social Behaviour that was referred to in the representations.

The Sub-Committee's decision was that it was appropriate for the prevention of public nuisance to reject the application.

6. CLOSE OF MEETING

The Chair declared the meeting closed at 11:55am.