



Leicester
City Council

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

Held: FRIDAY, 3 NOVEMBER 2017 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)
(Vice Chair)

Councillor Cank

Councillor Shelton

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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.

There were no declarations.

4. ANY OTHER URGENT BUSINESS

RESOLVED:

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

**5. OBJECTION NOTICE GIVEN FOR THREE TEMPORARY EVENT NOTICES:
THE SHED, 5 YEOMAN STREET, LEICESTER**

The Director of Neighbourhood and Environmental Services submitted a report that required the sub-committee to determine an objection notice relating to three Temporary Event Notices (TEN's) submitted by the applicant Miss

Elizabeth Barker-Carley for The Shed, 5 Yeoman Street, Leicester.

The sub-committee noted that an objection notice had been received in respect of the three Temporary Event Notices which necessitated that the Temporary Event Notices had to be considered by the sub-committee.

Miss Elizabeth Barker-Carley the applicant, Mr Dan Brockle the applicant's representative, an officer from the Noise Team, the Licensing Team Manager and the Legal Advisor to the sub-committee 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 advised that there was an existing premises licence and therefore there was the option to add conditions from the existing premises licence to any Temporary Event Notices if it was appropriate for the promotion of the licensing objectives to do so and if the condition would not be inconsistent with the carrying out of the licensable activities under the Temporary Event Notice.

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

Mr Dan Brockle on behalf of the applicant was then given the opportunity to respond to the objection and to outline the reasons for the application. Mr Dan Brockle and Miss Elizabeth Barker-Carley 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 Legal Advisor 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 decisions 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, Miss Elizabeth Barker-Carley the applicant, Mr Dan Brockle the applicant's representative and the Legal Advisor to the sub-committee withdrew from the meeting.

The sub-committee then gave the application their 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, the Noise Team Officer, Miss Elizabeth Barker-Carley the applicant, Mr Dan Brockle the applicant's 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

1. That the objection notice be disregarded.

In reaching their decisions the sub-committee commented that after lengthy and intense consideration of the representations made on behalf of the applicant and the Noise Team they had decided to grant the three Temporary Event Notices. The sub-committee made its decisions on the basis of its expectation that the Noise Team to be proactive in monitoring noise levels on street and in the venue and to set a suitable level prior to the night of the first TEN taking place. The sub-committee felt that the applicant would particularly observe the Licensing Objective of Preventing Public Nuisance.

There being no other business the meeting closed at 10.39am.

