



Leicester
City Council

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

Held: TUESDAY, 22 MAY 2018 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)
Councillor Hunter (Vice Chair)

Councillor Shelton

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12. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

13. APOLOGIES FOR ABSENCE

There were no apologies for absence.

14. 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 made.

**15. TWO OBJECTION NOTICES FOR TWO TEMPORARY EVENT NOTICES:
CASBA CAFE, 34A ST STEPHENS ROAD, LEICESTER, LE2 1GG**

The Director of Neighbourhood and Environmental Services submitted a report that required the Sub-Committee to determine objection notices relating to two Temporary Event Notices (TENs) submitted by the premises user Mr Sid Ahmed Chenaa for events at Casba Café, 34a St Stephens Road, Leicester, LE2 1GG.

The Sub-Committee noted that objection notices had been received in respect of the Temporary Event Notices which necessitated that the Temporary Event Notices had to be considered by the Sub-Committee.

Mr Chenaa the premises user, two officers from the Noise Team, the Chief

Licensing Officer and Legal Adviser to the Sub-Committee were present.

The Chief Licensing Officer presented the report and answered questions from Members. It was noted that objection notices had been received from the Noise Team on the grounds of the prevention of public nuisance. It was further noted that because the two TEN applications were identical apart from different event dates, they would be heard by the Sub-Committee together.

The Chief Licensing Officer advised that there was no existing premises licence, and therefore, there was no option to add conditions. It was not open to the sub-committee to amend the opening times on the TENs. Colour photographs of the outside of the premises were circulated to Members.

The Noise Team Officer outlined the reasons for the objection notices and responded to questions from the Sub-Committee.

Mr Chenea was then given the opportunity to respond to the objections and to outline the reasons for the TENs being given, and 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 Adviser 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 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 Chief Licensing Officer, Noise Team Officers, Legal Adviser to the Sub-Committee, and Mr Chenea then withdrew from the meeting.

The Sub-Committee then gave the application their full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the hearing to give advice on the wording of the decision.

The Chief Licensing Officer, Noise Team Officers, and Mr Chenea then returned to the meeting.

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

RESOLVED:

That a counter notice under Section 105 (2) of the Licensing Act

2003 be issued for each of the Temporary Event Notices as it was considered appropriate for the promotion of the licensing objectives to do so.

REASON FOR THE DECISION

The Sub-Committee issued the counter notices to the Temporary Event Notices for events on 24th to 30th May 2018 and 1st June to 6th June 2018 in the interests of the licensing objective of the prevention of public nuisance. The Sub-Committee considered that containing the noise from people's voices would be impossible and the premises user had not considered this or offered any possible solution.

The premises user was informed there was a right of appeal. However, the Chief Licensing Officer indicated to the premises user that he could apply for a late Temporary Event Notice with an amendment to hours, and advised that he should discuss this option with the Noise Team.

16. CLOSE OF MEETING

The meeting closed at 10.10am.

