



Leicester
City Council

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

Held: MONDAY, 6 AUGUST 2018 at 9:30 am

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Byrne

Councillor Fonseca

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7. APPOINTMENT OF CHAIR

Councillor Singh Johal was elected as Chair for the meeting.

8. APOLOGIES FOR ABSENCE

There were no apologies for absence.

9. 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.

10. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing (Hearing) Sub-Committee meeting held on 24 July 2018 be confirmed as a correct record.

11. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: PROPOSED NIGHTCLUB, 46 ABBEY STREET, LEICESTER LE1 3TD

The Chief Licensing Officer informed those present that the applicant had withdrawn the application prior to the meeting.

12. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: MINI KAR CZMA, 80 NARBOROUGH ROAD, LEICESTER LE3 0BS

The Director of Neighbourhood and Environmental Services submitted a report that required the Sub-Committee to determine an application for a new premises licence within a cumulative impact zone for Mini Karczma, 80 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 Ms Magda Zelazek was present with an interpreter. Mr Nigel Rixon was present as police representation. The Chief Licensing Officer, Legal Adviser to the Sub-Committee, and Democratic Support Officer observing the proceedings were also present. A representative from the press was also present.

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

The Chief Licensing Officer presented the report. It was noted that a representation was received on 9th July 2018 from a Leicestershire Police that related to the prevention of crime and disorder, and the prevention of public nuisance, public safety, and the protection of children from harm. The Police were concerned the application had made no reference to the cumulative impact zone in her application to show the premises would not add to existing problems in the area. They also commented that the promotion of the licensing objectives had not been considered on the application, and had specified conditions they would like added to the licence if granted.

Mr Rixon outlined the reasons for the police's representation and answered questions from Members.

Ms Zelazek through the interpreter was then given the opportunity to respond to the points made and answered questions from Members and Mr Rixon.

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 Adviser 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 Chief Licensing Officer, Legal Adviser to the Sub-Committee, Mr Rixon, Ms Zelazek and her interpreter, and representative from the press then withdrew from the meeting.

Members then gave the application full and detailed consideration.

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

The Chief Licensing Officer, Mr Rixon, Ms Zelazek and her interpreter, and representative from the press 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 the application for a new premises licence within a cumulative impact zone for Mini Karczma, 80 Narborough Road, Leicester, LE3 0BS be REFUSED.

REASON FOR THE DECISION

The Sub-Committee had listened carefully to all the representations and had taken into account the statutory guidance and the Council's Licensing Policy, including its special policy on cumulative impact in relation to the Braunstone Gate area of the City.

The Sub-Committee believed that insufficient information had been received from the applicant to demonstrate how she would prevent further impact on issues in the Cumulative Impact Zone. That remained the case despite the comments made by the applicant during the hearing.

Therefore, the Sub-Committee believed that in making their decision, it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm to reject the application.

However, their advice to the applicant was if she were to submit the application again, she would need to give due consideration to the Council's Cumulative Impact Policy and consideration of training for herself and her staff.

13. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 11.26am.

