



Leicester
City Council

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

Held: FRIDAY, 12 OCTOBER 2018 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Unsworth

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20. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

21. APOLOGIES FOR ABSENCE

There were no apologies for absence.

22. DECLARATIONS OF INTEREST

Councillor Thomas declared for the avoidance of doubt that he was the president of a Working Men's Club.

In accordance with the Council's Code of Conduct, the interests declared were not considered so significant in relation to the application that it was likely to prejudice a Member's judgement of the public interests and the Councillor was therefore not required to withdraw from the meeting.

23. MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting 7 September 2018 were agreed as an accurate account.

24. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: OASIS BAR, 148 NARBOROUGH ROAD, LEICESTER LE3 0BT

The Director of Neighbourhood and Environmental Services submitted a report that required the Sub-Committee to determine an application for a new

premises licence for Oasis Bar, 148 Narborough Road, Leicester, LE3 0BT.

The Sub-Committee noted that a representation had been received which necessitated that the application for a new premises licence had to be considered by the Sub-Committee.

Mr Rana Singh Sahota the applicant was present with a licensing agent Stuart Gibson. The Chief Licensing Officer and Legal Advisor to the Sub-Committee were present. Nigel Rixon (Licensing Manager for Leicestershire Police) and PCSO Lorraine King were also in attendance.

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

A picture showing the front of the premises was circulated.

The Chief Licensing Officer presented the report and outlined the details of the application. It was noted that a representation had been made by 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 made no reference to the Cumulative Impact Zone and the application failed to show how the premises would not add to existing problems in the area.

Mr Rixon and PCSO King outlined the reasons for the police's representation and answered questions from the Sub-Committee.

Mr Sahota and his licensing agent Stuart Gibson were then given the opportunity to respond to the points made and answered questions from the Sub-Committee and Mr Rixon.

All 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 on 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 Chief Licensing Officer, Legal Adviser to the Sub-Committee, Mr Rixon and PCSO King from Leicestershire Police, Mr Sahota and his Licensing agent Stuart Gibson then withdrew from the meeting.

The Sub-Committee then gave the application 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, Legal Adviser to the Sub-Committee, Mr Rixon and PCSO King from Leicestershire Police, Mr Sahota and his licensing agent Stuart Gibson 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 the decision.

RESOLVED:

That the application for a new Premises Licence within a Cumulative Impact Zone for Oasis Bar, 148 Narborough Road, Leicester LE3 0BT be REFUSED

REASON FOR THE DECISION

In reaching their decision, members had carefully considered the committee report, the presentation by the legal officer, all representations submitted on behalf of the applicants, the representation by the Police and the legal advice given during the hearing.

The Sub-Committee were asked to determine the application for a new premises licence at Oasis Bar, 148 Narborough Road, Leicester. When considering the application, the licensing objectives were of paramount concern. Members considered the case on its own merits and in accordance with the Council's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

The application had been made by Mr Rana Singh Sahota in accordance with Section 17 of the Licensing Act 2003.

Mr Singh's application was for the licensable activity of the supply of alcohol. The opening hours proposed were from 11:00hrs to 23:00hrs, Monday to Sunday. Following a reduction offered by the applicant during the hearing, the licensable activities would if the application was granted operate until 22:30hrs.

Representations had been received from the Police objecting to the grant of the new Premises Licence on the basis that the premises were within the Braunstone Gate Cumulative Impact Zone and on the basis that the application had failed to address each of the four licensing objectives.

The Sub-Committee had critically scrutinised the information put before them by the Police, and had considered each of the options available to them. As a result of what the Sub-Committee had heard they were satisfied with the representations made by the Police had engaged each of the Licensing objectives and concluded that the applicant had failed to satisfy the Sub-Committee that granting a new Premises Licence would not add to the problems of cumulative impact on the licensing objectives.

It was also noted that there were already a large number of Off Licences, On

Licences and late-night refreshments premises in the area. Although the business was aimed at a different clientele the Sub-Committee did not believe that the application provided for a genuinely different offer and the applicant had failed to demonstrate to the Sub-Committee that the business would not add to the problems of the Cumulative Impact Zone.

The Sub-Committee did not feel that any conditions which were justifiable and appropriate could be added to the Licence to negate concerns and as a result they rejected the application.

The applicant was informed he could appeal the decision within 21 days to the Magistrates Court.

25. ANY OTHER URGENT BUSINESS

There being no other items for urgent business the meeting closed at 11:00am