



Leicester
City Council

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

Held: FRIDAY, 24 APRIL 2020 at 10:00 am

P R E S E N T:

Councillor Hunter (Chair)
Councillor Pickering (Vice Chair)

Councillor Fonseca

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59. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

The Chair outlined the procedure for the meeting to be followed and led on introductions.

60. APOLOGIES FOR ABSENCE

There were no apologies for absence.

61. DECLARATIONS OF INTEREST

There were no declarations of interest made.

**62. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE:
THE LOCAL STORE, 116 BRUIN STREET, LEICESTER, LE4 5JW**

The Chair confirmed with Sub-Committee Members that the reports for the meeting had been read and Police bodycam footage circulated to them had been viewed.

The Director of Neighbourhood and Environmental Services submitted a report requiring the Sub-Committee to determine an application for the review of an existing premises licence for The Local Store, 116 Bruin Street, Leicester, LE4 5JW.

The Sub-Committee noted that representations had been received which necessitated that the application for the review of the premises licence had to

be considered by the Sub-Committee.

Mr Anilkumar Tandel Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) was present, accompanied by Mr Anil Bhawsar, Licence Agent, and an interpreter. Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police), PC Martin Rawlings (Leicestershire Police), Licensing Team Manager (Policy and Applications), two Licensing Team Managers for Enforcement, two Licensing Officers for Enforcement, and Legal Adviser to the Sub-Committee were also present.

Mr Tandel confirmed he would require the use of the translator. The Chair confirmed with Mr Tandel that he understood the procedure for the meeting outlined.

The Legal Advisor to the Sub-Committee confirmed that two written representations had been received from Members of the public, but they were not present at the meeting.

The Licensing Manager (Policy and Applications) presented the report and outlined details of the review application. Further information from the applicant had also been circulated by email to Members prior to the meeting. It was noted that a review application had been received on 26th February 2020 from the Licensing Team Manager for Enforcement for a review of the existing premises licence on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Licensing Team Manager was concerned the premises was being used for on sales of alcohol, as the licence holder was allowing customers to drink alcohol on the premises. It was noted an application to transfer the premises licence and vary the DPS was received on 18th March 2020 from Mr Tandel. No representations were received from the Police, however the Licensing Team Manager still had concerns regarding the premises despite the change in ownership.

It was noted that a representation was received on 13th March 2020 from Leicestershire Police on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The Police were concerned with how the premises was being run, the unauthorised activities taking place and lack of control over activities by the premises licence holder.

It was further noted that representations had been received from two local residents on 19th March 2020 and 25th March 2020 who were concerned about drinking being allowed on the premises, and other types of anti-social behaviour such as spitting, inconsiderate parking and drunken behaviour.

For clarification it was noted in the report that Section 2.1, third bullet point 'Exclude a licensable activity from the scope of the licence', and sixth bullet point 'Revoke the licence' would amount to one and the same thing, as the licensable activity was for the off sales of alcohol, which if removed would remove the licence.

The Licensing Team Manager for Enforcement outlined the reasons for the application for review of the premises licence and responded to questions from the Sub-Committee. It was noted that officers had received complaints from residents raising concerns regarding drinking on the premises and anti-social behaviour. A letter had been sent to the premises licence holder Mr Dharmesh Valoba regarding the concerns raised by residents. Officers had visited the premises and found people in the storeroom to the rear of the premises, one of whom was attempting to conceal a plastic cup, and open alcohol vessels in the storeroom, on shelving in the shop and behind the counter. Other issues raised by the officers, and photos of the premises were contained in the report.

The Licensing Team Manager for Enforcement informed the meeting of concerns as to whether the business had changed hands and was owned by Mr Tandel, as he had not provided legal documentation to support ownership of the business. The Licensing Team Manager for Enforcement noted the additional information supplied by Mr Tandel for the meeting but stated the conditions put forward in the additional information were already on the licence. Licensing Officers had been in contact with Mr Tandel through email but had been unable to visit the premises to discuss required paperwork due to Covid19 restrictions.

The Chair asked Mr Tandel to confirm he had understood the Licensing Team Manager's representation to which Mr Tandel confirmed that he had.

The Legal Adviser to the Sub-Committee noted the application for review included a statement from a Leicester City Council Environmental Health Officer who was not present at the meeting.

Mr Braithwaite and PC Rawlings from Leicestershire Police were given the opportunity to outline the reasons for the representation and responded to questions from the Sub-Committee and respondents. It was stated that the Police rarely ask for a review of a premises licence and would usually only do so due to criminal activity or when licensing objectives are not being upheld. The Police raised concern over the impact the illegal drinking den would have on the community, particularly on the young and vulnerable. The Police supported the review called for by the Council's Licensing Team Manager for Enforcement, and the need for confirmation that the previous DPS had no connection to the premises.

Mr Bhawsar for Mr Tandel responded to the points made and answered questions from the Sub-Committee and the Police.

All parties were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were 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 that 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 Chair announced that the decision and reasons would be publicly announced and confirmed in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called to give advice on the wording of the decision.

The Chair then asked all but the Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

RESOLVED:

That the Premises Licence for The Local Store, 116 Bruin Street, Leicester, LE4 5JW be REVOKED.

In reaching their decision, Members of the Sub-Committee Members had carefully considered the Committee report, the representations made by the Licensing Enforcement Team Manager at Leicester City Council, Leicestershire Police, two local residents, those made on behalf of the Premises Licence Holder (PLH) by Mr Bhawsar (Mr Anilkumar Tandel's representative) and from Mr Tandel himself. The Sub-Committee Members also listened to the legal advice given during the hearing.

REASON FOR THE DECISION

The Sub-Committee Members considered the licensing objectives to be of paramount concern. They had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee noted the premises had a licence to operate and provide the supply of alcohol for consumption off the premises only.

The Licensing Enforcement Team Manager at Leicester City Council had asked for the review of the premises licence due to concerns regarding the previous PLH and Designated Premises Supervisor (DPS) who had allowed the sale and consumption of alcohol on the premises, had breached a number of his licence conditions and appeared to be unwilling to promote the licensing objectives.

The Sub-Committee noted that on the 18th March 2020 an application was received to transfer the Premises Licence and vary the DPS to Mr Tandel. They further noted that the Police had raised no objection to the transfer or variation and Mr Tandel was now the PLH and DPS.

Despite the transfer and variation, the Sub-Committee heard that the Licensing Team Manager still had concerns namely:

1. Whether the business had been transferred to Mr Tandel as documentation to confirm this had not been provided.

The Sub-Committee had heard from the PLH a number of representations which were summarised as follows:

1. That due to the Coronavirus pandemic the PLH had not received anything in writing or had signed anything to confirm that he was the new owner of the premises.
2. That he would abide by the licence conditions and would not run the business in the same manner as the previous PLH and DPS.
3. That he had no relationship with the previous PLH and DPS.

The Sub-Committee Members stated they had spent a great deal of time scrutinising the evidence before them in detail and had considered each of the options available to them in making their decision.

The Sub Committee Members were aware that the business was still owned by the previous PLH and DPS and Mr Tandel had not provided any information at all to confirm that the proposed sale of the premises would take place or was even underway. As such the Sub-Committee Members were concerned that the previous PLH and DPS would have some involvement in the business going forward.

The Sub-Committee were also of the view that Mr Tandel would not uphold or promote the licensing objectives.

The Sub-Committee did not believe that any modification to the licence conditions which were justifiable and appropriate could be made to prevent the incidents complained of from happening again, even under Mr Tandel's control. The decision the Sub-Committee made therefore was for the premises licence to be REVOKED.

Mr Tandel would be advised of his right to appeal the decision to the Magistrates Court within 21 days.

63. ANY OTHER URGENT BUSINESS

There being no other items of urgent business the meeting closed at 11.40am.