



Leicester
City Council

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

Held: TUESDAY, 27 APRIL 2021 at 10:00 am

P R E S E N T:

Councillor Pickering (Vice-Chair in the Chair)

Councillor Fonseca

Councillor Gee

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98. APPOINTMENT OF CHAIR

Councillor Pickering was elected as Chair for the meeting.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (the 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

99. APOLOGIES FOR ABSENCE

There were no apologies for absence.

100. DECLARATIONS OF INTEREST

There were no declarations of interest.

101. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: AFRICAN VILLAGE PUB, 29 CHURCHGATE, LEICESTER, LE1 3AL

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence within a Cumulative Impact Zone for African village Pub, 29 Churchgate, Leicester, LE1 3AL.

Members noted that a representation had been received, which necessitated

the application had to be considered by the Sub-Committee.

Mr Gebrkerstos Eyasu was present with a representative Mr Abraham Haile. PC Jeff Pritchard (Leicestershire Police), Mr Kennedy Nwokolo (Pollution Control Officer), Mr Tj Mavani (Licensing Enforcement Team Manager) and Mr Matthew Robinson (Licensing Enforcement Officer) were present as persons who had made representations. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that an application was received on 12th March 2021 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 that the premises may increase crime, disorder and anti-social behaviour and that the applicant seemed inexperienced and lacking in knowledge.

The Sub-Committee Members noted a representation that had been received on 16th March 2021 from the Noise Team on the grounds of the prevention of public nuisance. The Noise Team were concerned there would be increased noise levels and potential for disruption for neighbouring properties if the licence was granted as applied for.

Members were informed a further representation was received on 6th April 2021 from the Licensing Enforcement Team 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 Licensing Enforcement Team were concerned that the applicant lacked any knowledge about running a licensed premises and the conditions volunteered might not be enough to support the promotion of the licensing objectives.

The Licensing Team Manager, during the presentation of the report, drew to Members' attention Leicester City Council's special policy on cumulative impact in the Churchgate area, introduced in February 2005, and that it was for the applicant to demonstrate in the operating schedule that the premises would not be adding to the existing problems in the area.

PC Pritchard was given the opportunity to outline the reasons for the representation and answered questions from Members and the representative for the applicant.

Mr Nwokolo was given the opportunity to outline the reasons for the representation. For clarification the Licensing Team Manager (Policy and Applications) confirmed the application for live and recorded music was for indoors only.

Mr Mavani and Mr Robinson were given the opportunity to outline the reasons for the representation. It was noted that conditions had been put forward by the Police, the Noise Team and Licensing Enforcement Team, the latter of which had all been agreed by the applicant. It was asked that, should the licence be

granted, the conditions requested by Licensing Enforcement be applied in full.

It was noted that in addition to conditions consistent with the operating schedule, the Noise Team had requested the opening hours to be Monday to Sunday, 11:00 hours to 01:00 hours. It was requested that should the licence be granted, the conditions requested by the Noise Team be applied in full.

It was further noted that in addition to conditions consistent with the operating schedule, the following additional conditions were included in the Police representation:

- 1/ Licensable activities including the supply of alcohol to cease 30 minutes prior to closing to the public.
- 7/ A minimum of one Security Industry Authority (SIA) door supervisor must be on duty at the premises on Friday and Saturday between 11.00pm and must remain on duty at the premises on Friday and Saturday between 10.00pm and must remain on duty until the premises are closed and all customers have left.
- 11/ No alcoholic drinks or other supplied by the premises may be taken off the premises.
- 13/ No members of the public are permitted to remain on the premises after hours.

The Police had also requested that activities cease at 12:30am. It was requested that should the licence be granted, the conditions requested by the Police be applied in full.

Mr Eyasu through his representative Mr Haile were given the opportunity to present their case and answered questions from Members.

All parties were 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 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 Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the Members would deliberate in private at the end of the hearing.

The Chair then asked all but the Members of the Sub-Committee, Democratic Support Officers, Licensing Team Manager (Policy and Applications) and Legal Adviser to the Sub-Committee to disconnect from the meeting.

During private deliberation, the Legal Adviser to the Sub-Committee was called back to the meeting to give advice on the wording of the decision.

RESOLVED:

That the application for a new premises licence within a cumulative impact zone, for African Village Pub, 29 Churchgate, Leicester, LE1 3AL be REFUSED.

Members of the Sub-Committee had been asked to determine an application made under the Licensing Act 2003, for a new premises licence situated within the Churchgate, Cumulative Impact Zone.

The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the Council's Licensing Policy on Cumulative Impact in relation to the Churchgate area of the city and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In reaching their decision the Sub-Committee Members carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all representations from the relevant authorities and those made by the applicant, and the legal advice provided.

Members had not taken anything presented to them at face value and confirmed they had scrutinised the information put before them by all parties.

The Sub-Committee had considered all the decisions available to them. As a result of what they had heard, Members were satisfied that it was appropriate and proportionate considering the licensing objectives to REFUSE the application.

REASON FOR THE DECISION

Members accepted the evidence presented by Leicestershire Police, the Noise and Pollution Control Team at Leicester City Council and the Licensing Enforcement Team at Leicester City Council and decided that granting the licence would add to the existing problems of cumulative impact in the area.

Members had no confidence that the applicant had the experience required to manage the premises in a manner that will promote or uphold the licensing objectives or in compliance with the requirements of the Licensing Act 2003. They were also concerned that the Applicant did not fully appreciate the fact the premises was located in a Cumulative Impact Zone and had not addressed this within his application or the operating schedule.

Members did not believe that any conditions which could be added to the licence that were justifiable and appropriate would alleviate all the concerns they had.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

Any appeal against the decision must be made within 21 days to the Magistrates Court.

102. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE: FRIENDS FOODS RETAIL (T/A LONDIS), MERLIN HEIGHTS, 105 BATH LANE, LEICESTER, LE3 5AU

The meeting adjourned at 11.33am and reconvened at 11.45am.

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a variation of an existing premises licence for Friends Food Retail (T/A Londis), Merlin Heights, 105 Bath Lane, Leicester, LE3 5AU.

Members noted that a representation had been received, which necessitated the application had to be considered by the Sub-Committee.

The applicant Mr Thinojan Thirumohan was present with a representative Mr Suresh Kanapathi (Licensing Agent). Mr Andrew Sansome (Pollution Control Officer) was present as responsible authority who had made a representation. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that an application was received on 17th March 2021 from the Noise Team on the grounds of the prevention of public nuisance. The Noise Team were concerned that allowing the premises to operate for such long hours might increase noise disturbances to residents.

Mr Sansome was given the opportunity to outline the reasons for the representation.

Mr Kanapathi for Mr Thirumohan was given the opportunity to present their case and answered questions from Members and the Noise Team.

During the presentation Mr Kanapathi stated the applicant offered a condition that no deliveries between the hours of 9.00pm to 6.00am take place.

The Licensing Team Manager (Policy and Applications) informed the meeting there were discrepancies for allowed opening hours between planning consent and lease. It was noted that Planning, as consultees of the process had not objected to the application, but if granted, the Applicant would have to regularise the hours granted with Planning and the licence could not be utilised until confirmed with Planning.

All parties were 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 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 Licensing Act 2003 (Hearings) Regulations 2005.

The Chair asked then asked all but the Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting.

During private deliberation, the Legal Adviser to the Sub-Committee was called back to the meeting to give advice on the wording of the decision.

RESOLVED:

That the application for a variation of an existing premises licence for Friends Foods Retail (T/A Londis), Merlin Heights, 105 Bath Lane, Leicester, LE3 5AU be GRANTED.

Members of the Sub-Committee were asked to determine an application made under Section 34 of the Licensing Act 2003, to vary the premises licence. In reaching their decision, the Sub-Committee members had listened carefully to all the representations, both written and verbal. They had also taken account of statutory guidance issued under S.182 of the Licensing Act 2003 and the licensing authority's Statement of Licensing Policy.

Members of the Sub-Committee were asked to determine an application for the variation of the premises licence at Friends Foods Retail to allow the premises to open and allow the sale of alcohol (for consumption of the premises) 24 hours a day, 7 days a week.

Members had considered the representations received from the Noise and Pollution Control Team at Leicester City Council who had raised concerns regarding the prevention of public nuisance.

Members also considered representations made on behalf of the Applicant to address the concerns raised.

The Sub-Committee members overriding consideration was the protection of the public and as such they had spent a great deal of time assessing the evidence and information before them.

The Sub-Committee had considered all the decisions available to them. As a result of what they had heard, Members were satisfied that the concerns raised could be addressed fully with the imposition of conditions and as such it was appropriate and proportionate to GRANT the application to vary the existing Premises Licence, subject to the conditions consistent with the operating schedule as set out in Appendix D of the Committee Report.

Members also required that Condition 7 within Annex 2 of the Premises Licence be removed and replaced with the following new condition:

- No deliveries will take place between 9pm and 6am so as to prevent nuisance and disturbance to nearby residents.

The Sub-Committee Members believed that the imposed conditions would ensure that the Applicant would continue to promote the licensing objectives.

103. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 12.55pm.