



Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: TUESDAY, 9 NOVEMBER 2021

TIME: 10:00 am

PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Members of the Sub-Committee

Councillors Cank, Shelton and Singh Johal

Members of the Sub-Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

Officer contact: Angie Smith
Democratic Support, Leicester City Council
City Hall, 115 Charles Street, Leicester, LE1 1FZ
Tel: 0116 454 6354
email: angie.smith@leicester.gov.uk

Information for members of the public.

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings, and Scrutiny Commissions and see copies of agendas and minutes.

However, on occasion, meetings may, for reasons set out in law, need to consider some items in private.

Due to COVID restrictions, public access in person is limited to ensure social distancing. We would encourage you to view the meeting online but if you wish to attend in person, you are required to contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance. A guide to attending public meetings can be found here: (Insert link to new content on website when available)

Members of the public can follow a live stream of the meeting on the Council's website at this link: <http://www.leicester.public-i.tv/core/portal/webcasts>

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk, or by contacting us using the details below.

To hold this meeting in as Covid-safe a way as possible, all attendees are asked to follow current Government guidance and:

- maintain distancing while entering and leaving the room/building;
- remain seated and maintain distancing between seats during the meeting;
- wear face coverings throughout the meeting unless speaking or exempt;
- make use of the hand sanitiser available;
- when moving about the building to follow signs about traffic flows, lift capacities etc;
- comply with Test and Trace requirements by scanning the QR code at the entrance to the building and/or giving their name and contact details at reception prior to the meeting;
- if you are displaying Coronavirus symptoms: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, you should NOT attend the meeting, please stay at home, and get a PCR test.

Making meetings accessible to all

Wheelchair access – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Democratic Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to

record and/or report all or part of that meeting. Details of the Council's policy are available at www.leicester.gov.uk or from Democratic Support.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, Democratic Support on **(0116) 454 6354** or email angie.smith@leicester.gov.uk

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

LEICESTER CITY COUNCIL LICENSING SUB-COMMITTEE PROCEDURAL GUIDE

INTRODUCTORY PHASE

The meeting will be held in public unless stated otherwise in the report.

Present at the hearing will be Members of the Licensing Sub-Committee (minimum 3 Members), Officers from the Licensing Authority, a Legal Adviser to the Sub-Committee, an Officer from Democratic Services.

1. Participants at the meeting will introduce themselves as follows:
 - a. Members and Officers
 - b. Statutory Consultees (if any)
 - c. The Applicant and any representatives
 - d. Persons who have made representations
2. The Chair will check that the Applicant has received a copy of the Officer report.

INFORMATION GATHERING

(*Please Note – for the purposes of a hearing to determine an application in a Cumulative Impact Zone (CIZ), the Applicant will present their case first)

3. The Licensing Officer presents the report (previously circulated)

Questions (for clarification purposes only):
Members
Statutory Consultees (if any)
Persons who have made representations
Applicant and Representative(s)
4. Depending on the nature of the report, Statutory Consultees present their comments.

Questions (for clarification purposes only):
Members
Officers
Persons who have made representations
Applicant and Representative(s)
5. Persons who have made representations

Questions (for clarification purposes only):
Members
Officers
Statutory Consultees (is any)
Applicant and Representative(s)

6. *Applicant's Case

Questions (for clarification purposes only):

Members

Officers

Statutory Consultees

Persons who have made representations

7. Summing up in the following order

Officers

Statutory Consultees

Persons who have made representations

*Applicant and Representative(s)

8. The Legal Adviser to the Sub-Committee to advise the Sub-Committee in the presence of the Applicant, Representatives, Officers, Statutory Consultees, and persons who have made representations on relevant issues the Members need to be aware of when they come to make their decision.

DECISION MAKING

9. Apart from the Sub-Committee Members and the Democratic Support Officer everyone will be asked to withdraw from the meeting The Legal Adviser to the Sub-Committee may be called back to the meeting to advise on the wording of the decision the Sub-Committee Members will have made during private deliberation.

10. The Applicant will be advised that the decision made by the Sub-Committee will be made public within 5 working days of the meeting.

PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

- 1. APPOINTMENT OF CHAIR**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

- 4. MINUTES OF PREVIOUS MEETING** **Appendix A**

The Minutes of the meeting of Licencing (Hearings) Sub-Committee held on 21st September 2021 are attached and Members will be asked to confirm them as a correct record.

- 5. PRIVATE SESSION**

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended, and consequently that the Sub-Committee makes the following resolution:-

“that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.”

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

B1) Application for a Review of an Existing Premises License.

B2) Application for a Review of an Existing Premises License.

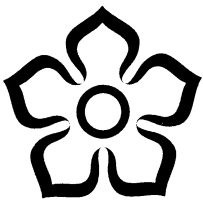
6. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE **Appendix B1**

The Director of Neighbourhood and Environmental Services submits a report.

7. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE **Appendix B2**

The Director of Neighbourhood and Environment Services submits a report.

8. ANY OTHER URGENT BUSINESS



Leicester
City Council

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

Held: TUESDAY, 21 SEPTEMBER 2021 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Fonseca

Councillor Shelton

* * * * *

1. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence from Councillors.

It was noted that an objector to the application at item 5 (Variation of an Existing Licence - The Grand Union) was unable to attend.

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

4. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting of the Licensing (Hearings) Sub-Committee held on 24 August 2021 be confirmed as a correct record.

5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE - THE GRAND UNION, 3-5 NEW WALK, 24 KING STREET, LEICESTER, LE1 6RL

The Director of Neighbourhood and Environmental Services submitted a report on an application for the variation of an existing premises licence for The Grand Union, 3-5 New Walk and 24 King Street, Leicester LE1 6RL.

Mr Matthew Swain for Marstons PLC was present accompanied by a legal representative Mrs Michelle Hazelwood. Councillor Patrick Kitterick was present as Ward Councillor, who had made a representation against the application. It was noted that a local resident who had submitted a representation in objection to the application was unable to attend the meeting. Also present was the Chief Licensing Officer and the Legal Adviser to the Sub-Committee.

The Chief Licensing Officer presented the report and outlined details of the application. It was noted that objections to the application had been received on 31 August 2021 from a Ward Councillor, which related to the prevention of public nuisance, and from a local resident which related to the prevention of crime and disorder and the prevention of public nuisance.

Mrs Hazelwood for the applicant was given the opportunity to address the Sub-Committee and answer any questions from Members and the Ward Councillor.

Councillor Kitterick was given the opportunity to address the Sub-Committee and answer any questions from Members, the applicant, and the applicant's legal representative.

The applicant volunteered a condition that late night refreshment be limited to hot drinks for consumption on the premises

All parties present 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.

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 Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

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

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

RESOLVED:

That the application for a variation of an existing premises licence for The Grand Union, 3-5 New Walk, 24 King Street, Leicester, LE1 6RL, be GRANTED subject to a condition.

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 at The Grand Union, 3-5 New Walk, 24 King Street, Leicester.

In reaching their decision, the Sub-Committee Members had listened carefully to all the representations, both in person and in writing. 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 The Grand Union to do the following:

1. Extend the terminal hour for the sale of alcohol Sunday to Wednesday until 2am and Thursday to Saturday until 4am.
2. Add licensable activities of Late-Night Refreshment and Dancing to the same hours as permitted for the sale of alcohol, and
3. Permit existing regulated entertainment to the same hours as permitted for sale of alcohol.
4. Add an extra hour for all activities at the start of British Summer Time

Members considered the representations received from the Ward Councillor and the local resident who had raised concerns regarding the prevention of public nuisance and the prevention of crime and disorder.

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

Members noted that representations against the grant of the variation had not been received from any responsible authority, namely the Police and the Noise and Pollution Control Team.

Members also considered the fact that the premises was within a Cumulative Impact Zone.

REASONS FOR DECISION

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 it was appropriate and proportionate to GRANT the application with the following condition:

1. Late Night Refreshment be limited to the provision of hot drinks only for consumption on the premises.

The Sub-Committee Members stated that with the additional condition, they believed that the variation of the licence would not undermine the promotion of the licensing objectives or add to the problems in the Cumulative Impact Zone and would ensure that the Applicant will continue to uphold and promote the licensing objectives.

6. PRIVATE SESSION

RESOLVED:

That the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to an individual.

Appendix C - Application for a new Personal Licence.

7. APPLICATION FOR A NEW PERSONAL LICENCE

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new personal licence.

Mr Nigel Rixon for Leicestershire Police was present at the meeting. Also present were the Chief Licensing Officer and Legal Adviser to the Sub-Committee.

The Chief Licensing Officer presented the report and answered questions from Members. It was noted the applicant was not present.

Mr Nigel Rixon was then given the opportunity to present the representation from the Police and answer questions from Members.

All parties present 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.

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 Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days.

The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

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

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

RESOLVED:

That the application for a personal licence be REJECTED.

Members of the Sub-Committee had been asked to determine an application for a new personal licence under Part 6 of the Licensing Act 2003.

In reaching their decision the Sub-Committee Members carefully considered the Committee report presented by the Chief Licensing Officer, all representations received, and the legal advice provided.

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 licensing authority's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

It was noted that neither the Applicant nor the Applicant's representative had attended the meeting.

The Sub-Committee had considered carefully the representation received from Leicestershire Police.

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

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

8. CLOSE OF MEETING

The meeting closed at 11.50 am.

Appendix B1

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Appendix B2

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

