



Leicester
City Council

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

Held: THURSDAY, 23 NOVEMBER 2023 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Adatia

Councillor Pantling

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18. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair.

19. APOLOGIES FOR ABSENCE

There were no apologies for absence.

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. MINUTES OF PREVIOUS MEETING

The minutes of the previous meetings held on 14th July 2023 and 27th July 2023 has been circulated and members confirmed that they were a correct record

22. 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.

Paragraph 2

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

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

A1) – Application for a new Personal Licence

23. APPLICATION FOR A NEW PERSONAL LICENCE

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

The Chair led on introductions and outlined the procedure the meeting would follow.

The applicant and PC Jefferson Pritchard were present. Also present were the Licensing Manager (Policy and Applications) and the Legal Advisor to the Sub-Committee.

The Licensing Manager presented the report and outlined details of the application. It was noted a representation was received on 2nd November 2023 from Leicestershire Police. The representation relates to the prevention of crime and disorder and public safety.

PC Pritchard was given the opportunity to outline the details of the Police representation and answered questions from Members.

The Applicant was given the opportunity to address the Sub-Committee and answered questions from the Police and 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 and were advised of the options available to them in making their 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, 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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

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

The Chair then informed the meeting that all but the Democratic Support Officers should withdraw from the room. 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:

Members of the sub-committee considered each of the options available to them and decided to **REJECT** the application for a new personal licence.

REASONS

Members stated that they had rejected the application as they deemed it necessary for the promotion of the licensing objectives, in particular the crime prevention objective due to the nature and seriousness of the offence committed.

Members were of the opinion that as a result, the Applicant was not a person to whom they believed would promote and uphold the licensing objectives or in compliance with the requirements of the Licensing Act 2003.

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.

24. PUBLIC SESSION

The Hearing then moved into Public Session.

25. APPLICATION FOR A NEW PREMISES LICENCE FOR BELGIAN CHIPS, 55 GRANBY STREET, LEICESTER

Councillor Pickering, as Chair welcomed all to the Committee and outlined the proceedings of the hearing.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence for Belgian Chips, 55 Granby

Street, Leicester.

Mr Zmg Kamaran the applicant was present, accompanied by Mr Semper and Mr Lupin. Also in attendance was Mr Jefferson Pritchard, Police Constable for Leicestershire Police, Mr Tj Mavani, Licensing Team Manager (Enforcement), Ms Libby Arculus, Licensing Officer and Mr Gary Geldard, Noise and Pollution Control Officer. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Advisor to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application.

A representation was received on 25 October 2023 from Leicestershire Police. The representation related to the prevention of crime and disorder, the prevention of public nuisance and public safety. The Police were concerned about the proposed operating hours and that the application failed to promote three of the licensing objectives. They had been in contact with the applicant and had agreed conditions.

A representation was received on 26 October 2023 from the Licensing Enforcement team. The representation related to the prevention of crime and disorder, the prevention of public nuisance and public safety. The Enforcement Team were concerned that the timings applied for, operation of the CCTV and details in the operating schedule were not specific to uphold the licensing objectives. They had been in contact with the applicant and had agreed conditions.

A representation was received on 27 October 2023 from the Noise team. The representation related to the prevention of public nuisance. The Noise team were concerned that the timings applied for will increase noise complaints and cause disturbances for nearby residents. They have been in contact with the applicant and have agreed conditions.

A representation was received on 30 October 2023 from a member of the public. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The member of public is concerned that granting of the licence would increase chaos and noise from late night drinkers congregating outside the premises. Also noise and smells from the premises will have an impact on nearby residents.

The Licensing Team Manager (Policy and Applications) addressed the Sub-Committee and outlined details of the representation and answered questions from Members.

Mr Jefferson Pritchard, Police Constable for Leicestershire Police, was given the opportunity to outline the details of the representation from the Police and answered questions from Members of the Sub-Committee and Officers.

Mr Mavani, Licensing Team Manager (Enforcement) was given the opportunity

to outline the details of the representation and answered questions from Members of the Sub-Committee and Officers.

Mr Geldard, Noise and Pollution Control Officer was given the opportunity to outline the details of the representation and answered questions from Members of the Sub-Committee and Officers.

The applicant and his representatives were given the opportunity to address the Sub-Committee and answered questions from the 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 and were advised of the options available to them in making their 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, 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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be announced in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the 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 new premises licence for Belgian Chips – 55 Granby Street, Leicester be **GRANTED**, subject to the conditions agreed with Leicestershire Police, the Licensing Enforcement Team and the Noise and Pollution Control Team and one additional condition.

The conditions are as follows:

1. The Premises Licence Holder or a person nominated by them in writing for the purpose will employ SIA door staff on a risk assessed basis. The risk assessment shall be in writing and shall be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
2. The Premises Licence Holder will ensure that, during hours of darkness, the frontage of the shop is adequately lit so as to provide safe access and egress to the premises by the public.

3. No unaccompanied persons under 16 shall be admitted to the premises after 22:00hrs, unless for safeguarding purposes.
4. The licence holder will ensure a high definition, colour HD CCTV camera system is installed, operational and recording whilst the premises is open to the public. The system must permit the identification of individual(s) in all lighting conditions.
5. The licence holder shall take reasonable steps to prevent public nuisance being caused by customers outside the premises by displaying prominent Quiet notices requesting customers respect the needs of local residents.
6. A training record must be kept on the premises, retained for 12 months from the date of the incident and produced to an officer from a responsible authority upon request.
7. There will be regular safety checks of areas such as toilets and entrances/exits and recorded in a logbook which will be kept on the premises and immediately available upon request from any authority officers.
8. The Licence is subject to Leicester City Council's Standard Conditions for Places of Public Entertainment, published on the Licensing Authority's website www.leicester.gov.uk/licensing
9. The licence holder will ensure that a full fire risk assessment will be conducted and reviewed and implemented in line with Fire Safety Legislation annually.
10. All licensable activities will cease at the following times:
Sundays to Thursdays at 01:00hrs
Fridays and Saturdays at 03:00hrs
Seasonal variation – Sunday (before a Bank Holiday Monday) from 11am until 3am.
11. The system must permit the identification of individuals in all lighting conditions. CCTV images must be securely stored, display an accurate date/time stamp, retained for a minimum of 31 days and a copy provided to an officer from a responsible authority within 72 hours of being requested.
12. Cameras must cover all areas that the public have access to, including the entrance/exit and pavement area immediately outside the premises.
13. The licence holder shall ensure a nominated staff member(s) is trained in the operation of the CCTV system and able to review recorded footage when requested by an officer from a responsible authority with minimum delay.

14. The licence holder shall complete monthly security reviews and if necessary or if directed by Leicestershire Police Licensing Department in writing, employ Security Industry Authority (SIA) front line door supervisors at the premises.
15. The licence holder shall ensure all Security Industry Authority (SIA) door supervisor(s) used at the premises record their full name, SIA registration number and the dates/time deployed on the premises. A record must be kept on the premises for six months and made available for inspection to an officer from a responsible authority upon request.
16. An incident log shall be kept on the premises, retained for a period of 12 months from the date of the incident and made available to an officer from a responsible authority upon request. The incident log must be completed within 24 hours of the incident and record the following:
 - (a) All crimes reported to the premises.
 - (b) Any ejections of patrons.
 - (c) Any complaints received concerning crime, disorder and anti-social behaviour.
 - (d) Any incidents of crime, disorder and anti-social behaviour inside, associated to the premises or immediately outside the premises.
 - (e) Any faults in the CCTV system.
17. CCTV at the premises must be in full operation prior to the agreed hours coming into force.

REASONS

Members accepted the concerns raised within the representations, however, were of the opinion that the imposition of the additional conditions, which were justifiable and proportionate, were sufficient to mitigate concerns raised regarding the premises. Members were also of the opinion that the additional conditions would ensure the Applicant would manage the premises in a manner that will promote and uphold the licensing objectives and in compliance with the requirements of the Licensing Act 2003.

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.

26. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 11.57am.