



Leicester  
City Council

## **LICENSING (HEARINGS) SUB-COMMITTEE**

**DATE: FRIDAY, 9 FEBRUARY 2024**

**TIME: 10:00 am**

**PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

### **Members of the Sub-Committee**

Councillors Pickering, Pantling and Whittle

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:** *Katie Jordan*  
*Democratic Support, Leicester City Council*  
*City Hall, 115 Charles Street, Leicester, LE1 1FZ*  
*Tel: 0116 454 2616*  
*email: [Katie.Jordan@leicester.gov.uk](mailto:Katie.Jordan@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 we recognise that some members of the public may not feel comfortable viewing a meeting in person because of the infection risk.

Anyone attending in person is very welcome to wear a face covering and we encourage people to follow good hand hygiene and hand sanitiser is provided for that purpose.

If you are displaying any symptoms of Coronavirus: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, and/or have taken a recent test which has been positive we would ask that you do NOT attend the meeting in person please.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk) or by contacting us using the details below.

### NOTE:

Separate guidance on attending the meeting is available for officers. Officers attending the meeting are asked to contact the Democratic Support Officer in advance to confirm their arrangements for attendance.

### 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](http://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 [committees@leicester.gov.uk](mailto:committees@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 will be 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 held on 6 September 2023 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 NEW PREMISES LICENCE – UNICO BAR AND RESTAURANT, 97 HUMBERSTONE GATE, LEICESTER LE1 1WB.

**6. APPLICATION FOR A NEW PREMISES LICENCE - Appendix B  
UNICO BAR AND RESTAURANT, 97 HUMBERSTONE  
GATE, LEICESTER LE1 1WB**

The Director of Neighbourhood and Environmental Services submits a report for a new premises licence for Unico Bar and Restaurant, 97 Humberstone Gate, Leicester, LE1 1WB.

**7. ANY OTHER URGENT BUSINESS**







Leicester  
City Council

# Appendix A

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

Held: WEDNESDAY, 6 SEPTEMBER 2023 at 10:00 am

P R E S E N T:

Councillor Whittle (Chair)  
(Vice Chair)

Councillor Cank

Councillor Chauhan

\* \* \* \* \*

**6. APPOINTMENT OF CHAIR**

Councillor Whittle was appointed as Chair and led on introductions.

**7. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**8. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**9. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the meetings held on 19<sup>th</sup> June 2023, 26<sup>th</sup> June 2023 and 7<sup>th</sup> July 2023 be confirmed as the correct record.

**10. APPLICATION FOR A NEW PREMISES LICENCE FOR POPEYES, 40 WELFORD ROAD, LEICESTER**

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence for Popeyes, 40 Welford Road, Leicester.

The applicant, Mr Saad Ahmed was present. PC Karl Turner, Leicestershire Police, TJ Mavani, Licensing Manger (Enforcement) and Minaxi Patel,

Licensing Enforcement Officer were present. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

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

The Licensing Manager (Policy and Applications) presented the report and outlined details of the application. It was noted an application was received on 17 July 2023 from Popeyes Express LTD, 40 Welford Road, Leicester for a new premises licence.

A representation was received on 9 August 2023 from Leicestershire Police, relating to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that the premises had been offering unauthorised licensable activities and the application was vague and did not refer to specific ways of promoting the licensing objectives

A representation was received on 9 August 2023 from the Licensing Enforcement Team, relating to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned about the timings of the applied activities, location of CCTV cameras and the details provided in the operating schedule. They had been in contact with the applicant and have agreed conditions.

A representation was received on 09 August 2023 from the Noise team. The representation related to the prevention of public nuisance. The noise officer was concerned that noise from deliveries, customers coming and going from the premises, people congregating outside and having a flue running would cause issues for the residential premises which were close by. The officer had been in contact with the applicant and have agreed conditions.

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

PC Turner was given the opportunity to outline the details of the representation from the Police and answered questions from Members of the Sub-Committee.

The applicants 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:**

Members of the sub-committee considered each of the options available to them and decided to REJECT the application for the following reasons:

1. The sub-committee accepted the representations put forward by the Police and Licensing Enforcement Team and agree with the Licensing Enforcement Manager when he stated that having heard from Mr Ahmed at the hearing he had even less confidence in Mr Ahmed ability to promote the licensing objectives
2. Mr Ahmed was less than honest at the hearing particularly with regard to sale of hot food and drink after 11pm despite warnings, Mr Singh's involvement in the business and the operation of the business website
3. The sub-committee found discrepancies in the dates given by Mr Ahmed for when he was out of the country. He told officers that he was abroad between April and 22<sup>nd</sup> June 2023. At the hearing he informed committee that he was abroad for the whole of June returning on 5<sup>th</sup> July 2023
4. The sub-committee did not accept Mr Ahmed's explanation regarding the business website redirecting customers to American Fried Foods in August. The evidence from PC Culverwell was that when he rang the premise's phone number it was answered by an employee saying 'POPEYES' and delivery of the food was fulfilled by Palwinder Singh
5. The sub-committee's overall conclusion was that Mr Ahmed had failed to demonstrate the ability to manage the business and his proven behaviour was not that of a person who would be able to promote the licensing objectives.

All parties would be advised of the right to appeal the decision to the Magistrates Court.

**11. APPLICATION FOR A NEW PREMISES LICENCE FOR CITY OF LEICESTER COLLEGE, DOWNING DRIVE, LEICESTER.**

Councillor Whittle, 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 City of Leicester College, Downing Drive, Leicester.

Mr Sean Whiting, Strategic Business Lead, on behalf of City of Leicester College was present. Also present were Licensing Team Manager (Enforcement), 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 09 August 2023 from the Licensing Enforcement team. 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 representee was concerned that that allowing the premises to be used in accordance with the application, it would undermine the Licensing Objectives.

A representation was received on 13 August 2023 from a member of the public. The representation related to the prevention of crime and disorder and the prevention of public nuisance. The representee was concerned that the local area would suffer noise nuisance, pollution and traffic issues if the licence was to be granted.

The Licensing Enforcement Team Manager was given the opportunity to outline the details of his representation and answered questions from Members and the applicant.

The Applicant was given the opportunity to present its case and answered questions from Members, the Legal Adviser to the Sub-Committee and those giving representation.

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 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, 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 full reasons for the decision would be provided 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 asked all but Members of the Sub-Committee and Democratic Support Officer to withdraw from the meeting. Members then deliberated in private to consider their decision.

In reaching their decision the Sub-Committee Members had carefully considered the written report presented by the Chief Licensing Officer and considered all the representations, both written and oral, and had taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

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

**RESOLVED:**

Having considered written and oral the representations in detail the committee's decision was to GRANT the application subject to conditions.

## **12. ANY OTHER URGENT BUSINESS**

With there being no further business, the meeting closed at 12:02pm.



# Appendix B

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

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