



Leicester
City Council

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

Held: MONDAY, 22 APRIL 2024 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Pantling

Councillor Whittle

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1. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. APPLICATION FOR A NEW PREMISES LICENCE - KING MARIO PIZZA, 1 LINTON STREET, LEICESTER, LE5 5JB

Councillor Pickering, as Chair led on introductions and outlined the procedure the hearing would follow.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new premises licence for King Mario Pizza, 1 Linton Street, Leicester, LE5 5JB.

The Applicant (Rising Sun Foods Limited)'s representatives Mr Rizwan Anwar, Manager of King Mario's Pizza, Himali Pujara, Director, Dolly Lodhari, Director, Jignesh Poojara, Director, and Dinesh Bajaj, Director, were present. Also in attendance was Paul Hardwick, Leicestershire Police, PC Kerenza Patelea, Leicestershire Police, Jasvinder Mann, Noise and Pollution team, and Elizabeth Arculus, Licensing Team. 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.

A representation was received on 25th March 2024 from the Police. 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 this premises had fallen into an area of special interest and was in a hotspot for serious crime and disorder.

A second representation was received on 27th March 2024 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 the late hours requested on the application would have an impact on the local community and the loose information provided on the operating schedule did not detail how the applicant would uphold the licensing objectives. They had been in contact with the applicant and had agreed conditions.

A third representation was received on 27th March 2024 from the Noise team. The representation related to the prevention of public nuisance. The representee was concerned that the later opening hours would increase footfall, including vehicles in the area which may cause more noise nuisances to local residents. They had been in contact with the applicant and had agreed conditions.

Ms. Arculus, Licensing Officer was given the opportunity to outline the details of their representation and answered questions from Members.

Mr Hardwick, Deputy Licensing Manager for Leicestershire Police, and PC Patelelea were given the opportunity to outline the details of the Police's representation and answered questions from Members and Officers.

Mr Mann, Noise and Pollution Control Officer was given the opportunity to outline the details of their representation and answered questions from Members.

Mr Anwar was 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 a new premises licence.

REASONS

1. Evington Road is a designated as an area of Special Interest. Section 8 of the Council's statement of the Licensing Policy requires applicants to fully consider the environmental factors in an area of special interest. Section 8.2 gives examples of the types of considerations which applicants should address in their operating schedules. Considerations include issues such as the types and number of licenced premises in the area, the density and locality of residential premises, traffic etc. Section 8.3 of the policy requires applicants to review 'the relevant information for applicants' documents and to submit a 'full and thoroughly considered application'. The onus was on an applicant to demonstrate the suitability and detail of their site. The application by Rising Sun Foods Limited failed to acknowledge that the premises were located in an area of special interest and the application failed to consider the environmental concerns relating to Evington Road and the 'relevant information for applicants' documentation.
2. The sub-committee accepted the representations put forward by the Police and Licensing Enforcement Team and agreed that the operating schedule did not contain the detailed information demonstrating how the applicant would uphold the licencing objectives. Mr Anwar accepted that application was not completed in 'the best way we could'.
3. Granting a further licence in an already saturated area was not in the overall interest of the community living and working in the vicinity of Evington Road and Linton Street. It would add to problems of noise nuisance, traffic congestion, parking etc. It would also add to the people attracted to the area which may result in an increase in the crime and disorder problems highlighted by the police.

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

5. APPLICATION FOR A NEW PREMISES LICENCE - PREMIER STORES, 97-99 NARBOROUGH ROAD, LEICESTER

An agreement was reached between all parties prior to the hearing date and the hearing was no longer necessary.

6. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 11:45am.