



Leicester
City Council

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

Held: MONDAY, 18 NOVEMBER 2024 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Cank

Councillor Cole

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12. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair.

13. APOLOGIES FOR ABSENCE

There were no apologies for absence.

14. DECLARATIONS OF INTEREST

Councillor Cank declared that the objector was a person she knew, and she would ensure to consider the matter with an open mind on the hearing. All parties agreed to accept her to remain as a Member of the hearing panel.

15. MINUTES OF PREVIOUS MEETING

The minutes of the previous meetings held on 23rd April 2024, 22nd May 2024 and 5th June 2024 were confirmed as a correct record.

16. APPLICATION FOR A NEW PREMISES LICENCE - TUDOR MINI MARKET, 229 TUDOR ROAD, LEICESTER

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 of a new premises licence for Tudor Mini Market, 229 Tudor Road, Leicester.

The Applicant Mr Awat Ghaderi and his representative Tony Clarke, Secure Licences Limited, were in attendance. The objector Ms Teri Downes was present. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee together with an observer.

Councillor Cank made a declaration of interest that she was acquainted with Ms Downes through her role as a Councillor. She indicated that she felt perfectly able to provide an unbiased decision in the matter. Mr Clarke on behalf of the applicant indicated that he was happy for Councillor Cank to continue to sit on the matter.

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

A representation was received on 15 October 2024 from a member of the public. It was signed by an additional 13 local residents. 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 representees were concerned that the area already had plenty of shops and could not cope with extra footfall. This would potentially increase litter, noise, loitering and street drinking. They felt that the early opening may impact on school journeys and was a health and safety risk. Additionally, the proposed late closing times may increase noise levels in this residential area.

Ms Downes was given the opportunity to outline the details of their representation and answered questions from Members. With the agreement of Mr Clarke, she submitted photographs of the premises and the Licensing Team Manager shared google images of the premises.

Mr Ghaderi and Mr Clarke were given the opportunity to address the Sub-Committee and answered questions from Members and Objector.

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:

The Sub-Committee's decision is that it is appropriate for the promotion of the licensing objectives to GRANT the application subject to the conditions consistent with the Operating Schedule detailed in Appendix C of the Licensing Officer's Report.

REASONS

In considering the application by Awat Ghaderi for a Premises Licence authorising the supply of alcohol seven days a week from 8am to 11pm for consumption off the premises at Tudor Mini Market, 229 Tudor Road, Leicester, the Sub-Committee has considered the Licensing Officer's Report and all the relevant representations, both written and oral. The Sub-Committee has taken account of all relevant legislation, the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy. The Sub-Committee has had regard in its deliberations to the steps appropriate to promote the licensing objectives in the overall interest of the local community and has decided the matter on its merits on the evidence presented to it. The Sub-Committee has had regard to the public sector equality duty detailed in section 149 the Equality Act 2010 and has taken a risk based approach to its decision which has been made on the balance of probability. The Sub-Committee has, as it is required to do, limited its deliberation to the promotion of the licensing objectives (with each licensing objective being of equal importance) and nothing outside of those parameters.

Tudor Mini Market is a small shop on Tudor Road. It has a small retail customer area and a storeroom with a toilet at the rear. The premises was previously a Barber Shop for over 40 years and more latterly a Letting Agency opening from 9am to 5pm with a relatively low footfall. The area is residential but there are a number of shops and Off-Licences in the area and on Tudor Road itself. The premises is to open seven days a week from 8am to 11pm. The application is for authorisation to supply alcohol during those hours for consumption off the premises. The applicant Awat Ghaderi will also be the DPS.

A written representation was received based on all of the licensing objectives in opposition to the application from a local resident which was supported by an additional 13 residents. The Sub-Committee was addressed at the hearing by the resident who explained and expanded on the representation. The representation was concerned as to manner in which the required Public Notice of the Application was displayed at the premises. The Sub-Committee was informed at the hearing that the Licensing Team are content the Notice was displayed correctly so the Sub-Committee has ignored that aspect. The representation indicates there is no need for another Mini Market / Off-Licence on Tudor Road. That commercial aspect is not a relevant representation as it

does not relate to the likely effect of the grant of the Licence on the promotion of at least one of the licensing objectives. However, it is a relevant representation to the extent it suggests an additional Off-Licence on Tudor Road would lead to an increase in crime and disorder or public nuisance or it would lead to increased concern for public safety or the protection of children from harm. The representation indicates that an additional Off-Licence will increase footfall to the area and as younger children play out on the pavement after school and at weekends that will require parents to be more diligent. There is a concern that people, especially young people, will loiter outside the Off-Licence in groups in the evenings, and this will create a street drinking environment. There is nowhere for customers to leave their bikes / scooters outside the premises so bikes will be left in the middle of the pavement. There is nowhere for delivery drivers to park outside the premises. There is nowhere for rubbish to be left. There is concern that boxes and rubbish left outside at the rear of the premises will exacerbate the rat problem that exists in the area. There are concerns that the only way to remove waste from the premises is through a narrow alley leading from the rear of the premises to the front pavement. The resident (with the agreement of Mr Ghaderi) submitted photographs of the premises at the hearing and the Licensing Officer shared google images of the premises detailing the alley. The resident indicated this was too narrow to allow commercial waste to be removed from the premises. The late opening of the premises would create additional noise nuisance in this residential area. There were concerns that an intention to install shutters at the premises would create a fire risk and attract graffiti. The resident indicated there is a residential flat above the premises which is currently occupied by a terminally ill tenant. In short, the resident indicated that notwithstanding its previous use as a Barber Shop and more recently a Letting Agency, the premises was really a house in a row of terraced houses which was not appropriate for use as a licensed convenience store as it would create disruption for local residents.

Mr Ghaderi's Licensing Agent Mr Clarke addressed the Sub-Committee in detail. He provided details of Mr Ghaderi's experience. Mr Ghaderi is the joint operator of another licensed convenience store in the area which has been open for approximately 3 ½ years without issue or complaint. He had taken a lease of the Tudor Road premises with a view to complimenting the other premises and catering in part for an Eastern European market opening. The premises has a rear area which will be used to store waste prior to collection by a Waste Contractor. The alley at the premises will be used for this purpose and whilst the alley is narrow the Waste Contractor will supply suitably sized receptacles for this to be done. Mr Ghaderi would look at attaching a small waste receptacle to the front wall of the premises to allow customers to dispose of litter. He was considering the installation of shutters which might be installed internally so that graffiti would not be an issue. That would be subject to any required planning permission and a fire risk assessment. Mr Clarke explained to the Sub-Committee how CCTV, various log records and Notices would be used at the premises in accordance with the conditions proposed in the Operating Schedule. Mr Clarke referred the Sub-Committee to an absence of representations from Responsible Authorities and indicated that crime statistics for the area available on the Internet did not disclose any wide-spread issues.

The premises are not yet open but, in the event anti-social behaviour related to the premises subsequently arose any such issues would be addressed at the time. Mr Ghaderi was keen to work with residents. He did not feel that footfall to the area would be significantly increased by the licensing of the premises as there was in the main an existing prospective clientele in the area.

The Sub-Committee appreciated the concern of neighbouring residents and were minded of the public sector equality duty detailed in section 149 the Equality Act 2010.

The Sub-Committee noted the existence of other licensed premises in the area and on Tudor Road itself. The commercial viability or local need for another licensed premises in the area was not a matter for the Sub-Committee. The sole matter for the Sub-Committee was whether it was appropriate to authorise the supply alcohol seven days a week from 8am to 11pm for consumption off the premises.

No representations had been received from any of the Responsible Authorities. In particular, the Police did not refer to any crime and disorder concerns in the area and the Noise Team did not raise any concerns regarding noise nuisance in this residential area.

The Sub-Committee believes the conditions subject to which the Licence is granted deal with the representations which have been made. The conditions are appropriate for the promotion of the licensing objectives and they are proportionate.

17. ANY OTHER URGENT BUSINESS

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