



Leicester
City Council

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

Held: WEDNESDAY, 11 DECEMBER 2024 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Adatia

Councillor Joshi

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1. Appointment of Chair

Councillor Pickering was appointed as Chair of the meeting.

2. Apologies for Absence

There were no apologies for absence.

3. Declarations of Interest

There were no declarations of interest.

4. Minutes of Previous Meeting

The minutes of the previous meetings held on 4 November 2024 and 18 November 2024 were recorded as a true and accurate record.

5. Application for a Review of an Existing Premises Licence under Licensing Act 2003 and Review of Pavement Licence Issued under the Levelling Up and Regeneration Act 2023 - Rum and Spice, 2 King Street, 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 a review of an existing premises licence under Licensing Act 2003 and review of pavement licence issued under the Levelling Up and Regeneration Act 2023 for Rum and Spice, 2 King Street, Leicester.

The premises licence holder Mr Merenre Millett, his representative Mr Joe Harvey, solicitor from Poppleston Allen, and Mr Reg Jeb, Certified Security Solutions, were in attendance. Also in attendance was PC Jefferson Pritchard, Leicestershire Police. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

All parties agreed that the hearing to focus on the review of an existing premises licence. The Police were advised to submit a separated application for a review of the pavement licence.

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

An application was received on 22 October 2024 from Leicestershire Police for a review of the existing premises licence for Rum and Spice. The application was made on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

PC Pritchard, Police Constable for Leicestershire Police, was given the opportunity to outline the details of the Police's review application and answered questions from Members and the representative of the premises licence holder.

Mr Millett, Mr Harvey and Mr Jeb were given the opportunity to address the Sub-Committee and answered questions from the Members and officers.

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 this 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:

As a result of the representations made to committee, it was satisfied that the representations by the Police engaged 3 of the 4 licensing objectives and committee accordingly determined that it is appropriate and proportionate in light of Licensing objectives to:

1. **REMOVE** Mr Niblett as the premises Designated Premises Supervisor.
2. **SUSPEND** the Premises Licence from 3 January 2025 until 28 February 2025.
3. **MODIFY** the licence conditions by reducing the Terminal hour on Fridays and Saturdays to 5am with the last entry for customers to be at 3am.
4. **MODIFY** the licence conditions by requiring the Premises Licence Holder to ensure that the fire exit doors in the basement and ground floor are not obstructed and kept clear at all times.
5. **MODIFY** the licence conditions by requiring the Premises Licence Holder to ensure a door security team is deployed at the premises from 11pm on Fridays and Saturdays and on bank holidays and on Christmas eve and New Year's Eve.
6. **MODIFY** the licence conditions by requiring the Premises Licence Holder to become a member of city watch Leicester.
7. **MODIFY** the licence conditions to encompass the steps put forward by Mr Harvey at paragraph 9 of his submissions which includes that all security staff shall wear bodycams, and have access to an internal radio system. All staff to be trained on an accredited course such as ALPS (award for licensed premises staff).

REASONS

1. Committee identified that the cause or cause of the concerns which gave rise to this review was the failure of the premise licence holder to comply with its legal obligations under the licensing Act 2003 and that failure led to serious breaches amounting to criminal offences.
2. Committee determined that once the premise licence holder's director was notified of the serious breaches, through numerous verbal and written warnings his response was delayed and ineffective. A professional and competent business should be able to complete forms to appoint a DPS and to take the steps identified to them by the Police to address serious breaches of the licence conditions.

3. The Premise Licence holder's director attributed blame for much of the wrongdoing to incompetent staff however committee found that he failed to take responsibility and was culpable for the cause or causes which led to the police making the application for review.
4. The premises has 3 floors containing residential accommodation, and it is imperative that the premise licence holder complies with the modified condition relating to fire safety and follows any advice given by the fire service.
5. The committee was on balance persuaded to accept Mr Harvey's submissions not to revoke the licence however it accepted the concerns expressed by the police and determined that the remedial actions identified above were appropriate and proportionate to promote the licensing objectives relating to the promotion of crime and disorder, public safety and the prevention of public nuisance.
6. Committee determined that 1 month closure offered by Mr Harvey was not sufficient for the premises to train staff, appoint a new DPS, apply to vary the licence and to address the other shortcomings raised in this review and accordingly it was appropriate to suspend the licence for the period set out above.
7. The Premise licence holder should treat this decision as a final warning and take all necessary steps to ensure the promotion of the licensing objectives.

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

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.

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.

D1) Application to vary a Premises Licence to specify an individual as Designated Premises Supervisor - Bungles Bar, 14 King Street, Leicester LE1 6RN

7. Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor - Bungles Bar, 14 King Street, Leicester LE1 6RN

The Applicant withdrew the application in the meeting. The hearing was cancelled.

8. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 12:35pm.