



Leicester
City Council

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

Held: WEDNESDAY, 29 JANUARY 2025 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Cank

Councillor Kennedy-Lount

* * * * *

6. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair.

7. APOLOGIES FOR ABSENCE

There were no apologies for absence.

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

**9. APPLICATION FOR A NEW PREMISES LICENCE - MISZAK MINI MARKET,
182 NARBOROUGH ROAD, LEICESTER, LE3 0BU**

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 Myszak Mini Market, 182 Narborough Road, Leicester, LE3 0BU.

The applicant Mrs Baghcheh Pirouzi and her representative Mr Tony Clarke, solicitor, were in attendance. Also in attendance were the objector Mr Mohammad Amini and his interpreter Ms Sima Mohammed. 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 20 December 2024 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 another off licence opening on the road would lead to increased crime and noise.

Mr Amini were given the opportunity to outline the details of their representation and answered questions from Members with the interpretation provided by Ms Mohammed.

Mr Clarke and Mrs Pirouzi were given the opportunity to address the Sub-Committee and answered questions from 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:

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 Mrs Bagcheh Pirouzi for a Premises Licence authorising the supply of alcohol seven days' a week from 0800 - 2200 for consumption off the premises at Miszak Mini Market, 182 Narborough Road, Leicester LE3 0BU, the Sub-Committee considered the Licensing Officer's report and all the relevant representations, both written and oral.

The Sub-Committee had taken account of all relevant legislation, the Statutory

Guidance, the Regulators' Code and the Council's Licensing Policy. The Sub-Committee 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 of the Equality Act 2010 and had taken a risk-based approach to its decision which has been made on the balance of probability. The Sub-Committee, 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.

Miszak Mini Market is a small shop on Narborough Road. It has a small retail customer area with a storeroom, kitchen and WC at the rear. Miszak Mini is situated on Narborough Road, which is in an area of 'Special interest.' The area is residential, but there are a number of shops including off-licences in the area.

The premises are to open seven days' a week, and the application is to supply alcohol during the hours of 0800 - 2200. The application is for authorisation to supply alcohol during the mentioned hours for consumption off the premises. The applicant Bagcheh Pirouzi will also be the DPS.

A written representation was received based on two of the licensing objectives in opposition to the application from a local business owner. The Sub-Committee was addressed at the hearing by the local business owner who explained and expanded on the written representation previously submitted. The local business owner was aided by an interpreter.

The written representation was relevant to the extent it suggested that an additional off-licence on Narborough Road would lead to an increase in crime and disorder, and create public nuisance, as it would result in an increase in the number of people who were under the influence. During the Sub-Committee hearing, the local business owner mentioned that the issues in the area would also impact upon students and pupils on their way home. It was also stated people who were drunk would attempt to purchase alcohol and felt as if his businesses could not be left unattended. There was mention of other business in the locality having their property damaged. Granting a premises licence to the applicant would mean that the area would become less safe and would exacerbate the existing problems in the area.

Mrs Pirouzi's Licensing Agent, Mr Clarke, addressed the Sub-Committee in detail. He provided details of Mrs Pirouzi's experience. Mrs Pirouzi had experience of working in off licences for approximately two years. Mrs Pirouzi also addressed the Sub-Committee and stated that she knew how to challenge those suspected to be under the influence and those considered to be underage. Mrs Pirouzi stated that alcohol would not be sold to people under the age of 18 years and was confident in requesting identification, if required.

Mr Clarke described the application as a 'good application' and the applicant

had been careful to promote the licensing objectives. Mr Clarke explained to the Sub-Committee how CCTV, various log records and notices would be used, including warning signs that street drinkers would not be served. Two external CCTV cameras would be positioned outside of the store. Images would be stored for thirty-one days. The applicant could not be held responsible for the existing problems in the area. Mr Clarke would supply training, and additionally include the books/records required. Mr Clarke stated that the applicant would restrict the sale of alcohol to a particular ABV.

The Sub-Committee appreciated the concern of the local business.

The Sub-Committee noted the existence of other licensed premises in the area. 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 of alcohol seven days' a week from 0800 to 2200 for consumption off the premises.

The Sub-Committee noted 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 the area.

The Sub-Committee noted the premises are located in an area of special interest.

The Sub-Committee, having heard from Mrs Pirouzi, were confident in her ability to promote all of the licensing objectives.

The Sub-Committee believes the conditions 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.

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

10. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE - SECRET GARDEN LOUNGE, 66 BRAUNSTONE GATE, LEICESTER

The applicant withdrew the application at the commencement of the hearing.

11. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 11:25am.

