



Leicester  
City Council

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

Held: THURSDAY, 6 MARCH 2025 at 4:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Cole

Councillor Joshi

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**12. APPOINTMENT OF CHAIR**

Councillor Singh Johal was appointed as Chair.

**13. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**14. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**15. MINUTES OF PREVIOUS MEETING**

The minutes of the previous meeting held on 18 December 2024 were recorded as a true and accurate record.

**16. 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.

B1) Application for a variation of an existing Premises Licence - Mini Off Licence, 220 Narborough Road, Leicester, LE3 2AN

**17. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE - MINI OFF LICENCE, 220 NARBOROUGH ROAD, LEICESTER, LE3 2AN**

Councillor Singh Johal, 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 variation to an existing premises licence for Mini Off Licence, 220 Narborough Road, Leicester, LE3 2AN.

The applicant was not present. The applicant had sent an email on 3<sup>rd</sup> March 2025 stating that he would not be attending as he would be on holiday. The applicant did not request an adjournment. The committee decided that it was just and convenient to proceed in the applicant's absence. PC Jefferson Pritchard, Leicestershire Police was present. Also present was the Service Manager (Regulatory Services) and the Legal Adviser to the Sub-Committee.

The Service Manager (Regulatory Services) presented the report and outlined details of the application.

A representation was received on 28 January 2025 from the Police. The representation related to the prevention of crime and disorder and the prevention of public nuisance. The Police were concerned that members of the public who were already under the influence of alcohol, would be drawn to the premises in the early hours of the morning, in order to buy more alcohol. This in turn would generate noise nuisance, as the operator would be unable to control customers once outside the premises. The Police were also concerned that a recent visit to the premises resulted in an ongoing criminal investigation. The Police recommended refusal of the application, however they had suggested conditions to be placed on the licence, if granted.

PC Pritchard, Police Constable for Leicestershire Police, was given the

opportunity to outline the details of their representation and answered questions from 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 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 **REJECT** the variation application due to illicit items being found at the premises and due to the applicant's failure to promote the licensing objective relating to crime and disorder.

#### REASONS

The Sub-Committee had been asked to determine an application made under section 34 of the Licensing Act 2003, for a variation of the existing premises licence held by the applicant at 220 Narborough Road Leicester

In reaching its decision the Sub-Committee had carefully considered the Committee report presented by the Licensing Service Manager and the representations made in writing by the applicant and the oral and written representations made the objector Leicestershire Police. The Sub-Committee also considered legal advice given to them during the hearing.

The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

Section 35 of the Licensing Act 2003 sets out the steps a Licensing Authority must take to determine an application to vary where relevant representations

are received. The steps include:

- Hold a hearing to consider the representations and
- Having regard to the representations take such steps (if any) as it considers appropriate for the promotion of the licensing objectives

The applicant currently holds a Premises Licence at Mini off licence, 220 Narborough Road, Leicester with opening and supply of alcohol hours 9am to 11pm Monday to Saturday and between 10am to 10pm on a Sunday. The applicant wished to extend the opening and supply of alcohol hours Mondays to Sundays to between 8am and 2am.

On 3<sup>rd</sup> March 2025, the applicant had emailed the Licensing Team and informed that he would not be attending as he would be on holiday. The applicant did not request for the hearing to be adjourned. The committee considered the email and the information it contained and decided that it was just and convenient to proceed with the hearing.

Leicestershire Police opposed the application on the basis that their representations engaged 2 of the 4 Licensing Objectives namely the prevention of crime and disorder and the prevention of public nuisance.

The Police conducted an unannounced visit on 20<sup>th</sup> January 2025 and found the following:

- The premises licence was not displayed in a prominent position
- Age restricted products including cigarettes and tobacco
- Age restricted products including cigarettes and tobacco were displayed for sale on a shelf behind the counter which was not covered from customer view
- A quantity of illicit cigarettes and tobacco was located behind the counter. These were in plain view of anyone behind the counter. The items were seized and a criminal investigation undertaken

At the hearing, Leicestershire Police informed committee that an employee at the premises had admitted to offence of keeping smuggled goods contrary to section 144 of the Licensing Act 2003. He informed the police that he had bought the illicit tobacco (50g) and non UK compliant cigarettes from someone who had come to the premises. He informed officers that he had paid £30 to £40 for the items. The police put the value of the items at £228 and doubted what he had put forward.

The police also advised that committee that prior to their unannounced visit they had received information suggesting that premises had been selling illicit tobacco and cigarettes.

The applicant's reasons for seeking an extension of the hours was to enable him to have the same hours as others operating in the area and to enable him to cater for night-shift workers

The applicant in his email of 3<sup>rd</sup> March 2025 informed committee that the licence summary was now prominently displayed and that roller shutter type device had not been fitted to ensure that to ensure that age restricted products were no longer on display. The email also stated that seized illicit items belong to the employee mentioned above and they had been for his own use. They had been purchased elsewhere and brought on to the premises.

The Sub-Committee considered the application on its own merits and determined the application in its own right. The Sub-Committee considered each of the options available to them. As a result of the submissions put before them, the Sub-Committee were not in any event satisfied that the applicant's reasons for extending the opening and supply hours until 2am in a mixed area which included residential properties were justified.

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

## **18. PUBLIC SESSION**

### **19. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE - TTR LOCAL, 22 KING STREET, LEICESTER**

Councillor Singh Johal, 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 variation to an existing premises licence for TTR Local, 22 King Street, Leicester.

The applicant Mr Murugaiah Sel Vakumaran and his representative Mr Suresh Kanapathi, Arka Licensing Consultants, were in attendance. Also in attendance were Elizabeth Arculus, Licensing Enforcement team, James Brown, Noise and Pollution team, PC Jefferson Pritchard, Leicestershire Police, and Councillor Patrick Kitterick, Castle Ward. Also present was the Service Manager (Regulatory Services) and the Legal Adviser to the Sub-Committee.

The Service Manager (Regulatory Services) presented the report and outlined details of the application.

A representation was received on 21 January 2025 from the Police. The representation related to the prevention of public nuisance, prevention of crime and disorder and public safety. Given the premises proximity to other licensed premises, the Police were deeply concerned about the premises' proposal to operate and sell alcohol 24/7. It was highly likely that the premises would act as a magnet if they served alcohol to customers already under the influence of alcohol and/or supply alcohol to those customers attending nearby licensed premises, either before or after.

There was also a possibility that members of the public/customers who were refused entry or ejected from nearby premises might elect to source alcohol

from the premises in order to continue their night out.

The public space seating area at the bottom of New Walk/King Street (within 20m from the premises) could provide an attractive space for customers to consume alcohol and other products purchased from the premises.

Similarly, the applicant would be unable to manage customers outside the premises between midnight and 6am, as they were in the public domain. But the very fact they were outside is likely to result in increased noise and public nuisance.

The application also referred to a delivery service, which would suggest delivery couriers on both pedal cycles, mopeds and motor vehicles would potentially be attending the premises to collect orders. This in turn would generate noise and was likely to disturb local residents who lived along King Street and Marlborough Street.

As alcohol related violent crime, disorder and anti-social behaviour increased in the city centre during the night-time economy, it meant there was a real risk of serious problems both at and in the proximity to the premises, regardless of the best intentions of the applicant.

Therefore, the Police requested the application to be refused, as it was both appropriate and proportionate to address the causes of the concern(s).

A representation was received on 24 January 2025 from a Councillor. The representation related to prevention of crime and disorder and prevention of public nuisance. The Councillor was concerned that a 24 hour off-licence would attract people, literally at all hours, to consume alcohol in the nearby vicinity and would have no apparent means of controlling the conduct of those who visited the premises.

The nearby location of several late-night premises would mean this area could turn into an open-air nightclub with none of the commensurate means of organisation or control. This would lead to excessive noise and disruption for nearby residents and the potential for serious crime and disorder.

A representation was received on 5 February from the Licensing Enforcement Manager. The representation related to prevention of crime and disorder, prevention of public nuisance and public safety. The Licensing Authority did have concerns about the premises and the effects the extended hours may have on the local community, both business and residential. This related to the details of the operating schedule that had been applied for, which did lay out some of the intentions of the applicant, however, it was loose in outlining specifically how they would uphold the licensing objectives.

The Licensing Authority believed that the application failed to promote three of the licensing objectives and therefore respectfully requested that the application was refused.

However, if the committee elected to grant the licence, the Licensing Authority respectfully requested that the committee considered attaching conditions in order to promote the licensing objectives.

A representation was received on 7 February 2025 from Noise Team. The representation related to prevention of public nuisance. The Noise Team were concerned that the applicant applied for licensable activities – supply of alcohol and late night refreshment - if permitted to carry on during the hours of application, would produce noise that unreasonably interfered with the use and caused public nuisance to nearby properties. Therefore, the Noise Team recommended refusal of the application.

A representation was received on 12 February 2025 from a member of public. The representation related to prevention of public nuisance, prevention of crime and disorder and public safety. The representee strongly objected to the late opening hours into the early morning due to the drunkenness of the public in this area. The noise and violence that would be created was very disturbing and not safe for neighbours coming into the residential properties near the shop. The representee added that the street drinking continued near this shop once alcohol had been bought.

PC Pritchard, Police Constable for Leicestershire Police, was given the opportunity to outline the details of their representation and answered questions from Members.

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

Councillor Kitterick was given the opportunity to outline the details of their representation and answered questions from Members and officers. He left the meeting after his presentation due to other commitments.

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

The Chair notified all attendants that there was a representation from a member of public, whose letter was included in the agenda pack, had to be considered.

Mr Kanapathi was given the opportunity to address the Sub-Committee and answered questions from 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 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 so as to vary the Premises Licence to authorise the supply of alcohol for consumption off the premises between 07.30 hours and 23.00 hours, seven days a week subject to the following additional conditions:

1. The conditions detailed in Appendix D of the Licensing Officer's Report (those being the conditions consistent with the Operating Schedule [as amended to exclude the last condition referring to store being closed between 00.00 to 06.00] and the conditions consistent with the representation from Licensing Enforcement).
2. Opening hours restricted to between 07.30 hours and 23.00 hours.
3. No heavy goods deliveries to be undertaken or received between the hours of 23.00 hours and 07.00 hours.
4. Between 07.30 hours and 23.00 hours, any pick-up order for delivery from online platforms by cyclist/motorbikes/moped/ cars to only be fulfilled from the King Street entrance of the store.

#### REASONS

In considering the application by Murugaiah Selvakumaran for variation of the Premises Licence held by him for TTR Local at 22 King Street, 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 and has decided the matter on its merits on the evidence presented to it. The Sub-Committee 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.

TTR Local is a convenience store situated on the ground floor of 22 King Street which is within the heart of the city centre. The area consists of a mixture of bars and restaurants, drinking establishments commercial businesses and residential dwellings. Several premises in the vicinity are licensed for the sale of alcohol for both on and off the premises and many of them are open throughout the night time economy. Typically, customers to the night time economy in the area start arriving at midnight and start to leave around 6am in the morning. The Premises is located next door to the Grand Union public house. Grand Union has 2 entrances on both King Street and New Walk. There are residential premises both along King Street and Marlborough Road. There is large seating area near the premises at the bottom of the New Walk. There is also other seating dotted around the area nearby

In July 2024, The Premises Licence was transferred to the applicant Mr Selvakumaran. The premises has restricted opening hours being 07.30hrs to 21.30 hours daily and the Licence authorises the supply alcohol for consumption off the premises seven days a week from 09.00hours to 20.00 hours. The Premises Licence has a number of conditions including the requirement to close the door on New Walk at 7.30pm and only operate through the king street entrance thereafter.

The variation sought by the Premises Licence holder was to enable him to supply alcohol for consumption off the premises 24 hours a day, seven days a week and to provide late night refreshment between 11pm and 5am. The application proposed that customers would not be able to physically enter the premises between midnight and 6am and that customers would be served through a hatch to be located at the King Street entrance.

The application as lodged was opposed by Leicestershire Police, the Licensing Enforcement Team, the Noise and Pollution Control Team, Councillor Kitterick and a member of the public.

At the hearing, the Premises Licence holder and his agent amended the variation application by reducing the hours of opening and supply of alcohol off the premises 6am to 12 midnight and abandoned the plan to open 24 hours a day and serve customers through a hatch after midnight.

The representations made by Leicestershire Police opposing the application engaged the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance. The Police put forward the following concerns:

- There are already 5 other premises which supply alcohol for consumption 'on the premises' which are located within 100 meters of the premise.
- On 7th August 2024, the police conducted a visit and found the premises to be in breach of a specific licence conditions relating to beer and

cider above 5.5%. Also, the applicant had moved address and not notified the local authority.

- On 6th September 2024, the applicant was issued with a further warning because of opening and trading after 9.30pm on 9th August 2024 and further Premises Licence breaches were found during a visit on 30th August 2024.
- Given the proximity to other licensed premises, the Police feared that the premises would act as a magnet and that the premises would serve alcohol to customers already under the influence of alcohol or supplying alcohol to customers attending nearby premises.
- There was also the possibility that customers refused entry or ejected from premises may buy alcohol from the applicant and carry on their night
- The public space seating area at the bottom of New Walk/King Street could provide a place for people to congregate and drink alcohol and consume other products purchased from the premises.
- The applicant would not if operating through a hatch be able to manage customers outside the premises between midnight and 6am leading to increased noise and public nuisance.
- The delivery service referred to in the application, would generate noise as this would involve the use pedal cycles, mopeds and motor vehicles which would cause a nuisance to residents living nearby.

The representations from the Licensing Enforcement Team, acting in their capacity of a responsible authority engaged the licensing objectives relating to the prevention of crime and disorder, public safety and prevention of public nuisance. The following concerns were raised:

- Officers visited the premises on 29th January 2025 and met with the applicant and his agent. The applicant was asked to clarify the proposal to open the premises for 24 hours and particularly the applicant's intention to operate through a hatch after midnight. At the meeting the applicant contradicted the application when he stated that the doors of the premises would be closed at 11pm and not midnight as stated in the application. The applicant was also unclear as to the location of the hatch. The applicant initially stated that he would use the closed iron grill gates on King Street entrance of the store however the licensing officer explained that the iron gates would not be acceptable means of trading. The applicant then suggested inserting a serving hatch in the corner glass window at the front of the shop. However the iron gate would obstruct this. On speaking to the agent, it was clarified that one side of the iron gates would be opened to allow for the use of the night hatch but this would compromise public safety. The officer did not consider the night hatch to be a viable option.
- Applicant explained that he would employ 2 additional members of staff from 10pm onwards and assured the officers that they would be fully trained in the licensing objectives.
- The applicant was asked about delivery drivers. He was initially unclear about their use but then stated that he would using delivery drivers who may be waiting outside the shop for orders.
- The officer established that there was no CCTV externally at the front or rear of the store however internal CCTV coverage good.

- The Applicant indicated that he would retain the 5.5ABV restriction on alcohol as this would mitigate issue with alcoholics/ street drinkers. However, he was unclear how he and his staff would deal with troublesome customers. He did not understand potential consequences of his business trading throughout the night time economy. The applicant's view was that the main way to deal with these issues would be to call the police.
- The applicant's Operating Schedule was loose in outlining specifically how they would uphold the licensing objectives.
- The licensing officer submitted that the application failed to promote 3 of the 4 objectives and invited the committee to rejection but application.

The Representation from the Council's Noise and Pollution Control Team acting in its capacity as a Responsible Authority engaged the licensing objective relating to the prevention of public nuisance. The team raised the following concerns:

- The supply of alcohol and late-night refreshment, if permitted to carry on during the hours applied for, would produce noise that would unreasonably interfere with the use and cause public nuisance to nearby properties.
- There was a noise sensitive flat located on the upper floor next to the premises and there were other residential properties on the corner of Marlborough Street and on King Street there was a 3-storey residential façade.
- Noise likely to be generated on the street from customers accessing the shop. People could arrive in groups after nearby bars close and are likely to be intoxicated and there would be shouting, screaming laughing and possibly glass bottles smashing. This would result in loud incidence of noise which would be intrusive to residents.
- In the opinion of the Noise team, from 4am onwards background noise level in the area would reduce significantly due to nearby venues closing and it would result in any noise from the premises to be amplified.
- People may consume drinks and other products on nearby benches to carry on the night and produce consistent loud noise much like in a beer garden.
- Deliveries and pick-ups would result in noise from vehicles, motorcycles, electric bikes, small vans and lorries which would impact nearby properties.
- The Application was detrimental to the licensing objective relating to prevention of public nuisance.

Representation from Councillor Kitterick engaged the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance. He submitted the following:

- A 24 hour off-licence would attract people at all hours to consume alcohol in the nearby vicinity and the applicant would have no apparent means of controlling conduct.
- The nearby location of several late-night premises would, if the variation

was granted, result in the surrounding area turning into an open-air nightclub with none of the means of organisation or control. This would lead to excessive noise and disruption for nearby residents and potential for serious crime and disorder.

At the hearing, Councillor Kitterick expanded on his written submission and gave detailed information regarding the surrounding area and presence of public seating near to the premises. He explained that the late-night premises started to get busy around midnight and it was likely that would-be customers would 'pre-load' with alcohol at the premises before going on to another venue. The prices at the premises would be cheaper than at the other venues. Councillor Kitterick had been contacted by 2 residents prior to the hearing who had voiced their concerns regarding the application and the likely impact on them from the nuisance that would be generated from customer and delivery vehicles. Councillor Kitterick also doubted the Premises Licence holder's ability to assess drunk customers approaching the hatch to buy more drink as it would be difficult to spot the signs which would otherwise be all too obvious. He was particularly worried about customers of nearby premises who had either been refused entry or ejected from the premises which would result in them hanging around for friends and/or start drinking in the street from alcohol bought from the premises. He believed that when this application was viewed on its own merits it was bound to result in a cocktail for problems. The premises nearby had a whole infrastructure to deal with any issues whilst this premises would simply not be able to deal with any problems.

There was a written representation from member which set out the following concerns:

- They strongly objected to the late opening hours into the early morning due to the drunkenness of the public in this area.
- They stated that noise and violence that comes with the situation was very disturbing, and it would not be safe for neighbours coming into the residential properties near the shop. They believed that there was street drinking near the premises and in their opinion the owners did not seem to care if drunk people kept buying alcohol.

In reply, Mr Suresh Kanapathi the agent representing Mr Selvakumaran stated that the premises had more products on offer than just alcohol. Mr Kanapathi further stated that having heard the representations, the applicant and his agent accepted that variation as sought would not be viable and to address the concerns raised, his client was now requesting the opening hours and supply of alcohol hours to be between 6am and 12 midnight. He asked for his client's application to be dealt with on its own merits. He explained the nature of the area and believed that the revised hours would promote the licensing objectives. He noted the concerns raised by the objectors and requested committee to consider whether any evidence had been submitted to support the concerns. He believed that there was no evidence to support the concerns. He stated the concerns were just that and that his client had demonstrated through several Temporary event Notices that he could operate for longer hours. Mr Kanapathi pointed to the fact no incidents had been reported to the Police during this period. He explained that the breaches of the licence

identified by the police in their representations had been rectified and that if the application was granted his client would ensure there was a minimum of 2 members of staff on Fridays and Saturdays.

The objecting parties maintained their concerns with regard to the revised hours put on behalf of the applicant however there was consensus that subject to conditions put forward by Licensing Enforcement and in the Operating Schedule a 7.30am opening would ensure that customers to the nearby premises would have left and that an 11pm closure would stop the pre-loading and address the other concerns raised.

On behalf of his client Mr Kanapathi accepted the 7.30am opening but maintained that his client should be allowed to open until midnight as there was no evidence to support the earlier closing time. He stated that as the premises were based in the city centre a midnight close should be permitted.

Members accepted the concerns raised by the objectors and decided that the licensing objectives would be promoted by granting a variation of the licence set out above. Members believed that the conditions would address most of the concerns however given the concentration of late-night premises a midnight close would not promote the licensing objective relating to the prevention of crime and disorder. The committee accepted the Police's representation that alcohol related violent crime, disorder and anti-social behaviour in the city centre was a problem and decided that an 11pm terminal hour for a premises of this nature in this area was reasonable and proportionate to promote the licensing objectives in the overall interest of the local community.

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

## **20. ANY OTHER URGENT BUSINESS**

With there being no further business, the meeting closed at 7:25pm.