



Leicester
City Council

Notes of the
HEARING UNDER THE LICENSING ACT 2003

Held: THURSDAY, 9 APRIL 2009 at 9:30am

P R E S E N T:

Councillor Thomas - Chair

Councillor Byrne Councillor Marriott

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15. APPOINTMENT OF CHAIR

RESOLVED:

that Councillor Thomas be appointed as Chair for the hearing.

16. DECLARATIONS OF INTEREST

Members were asked to declare any interest they may have in the business on the agenda.

No such declarations were made.

17. APPLICATION FOR A NEW PREMISES LICENCE: SALVADOR DELI, 50 QUEENS ROAD, LEICESTER LE2 1TU

The Service Director (Environmental Services) submitted a report that required Members to determine an application for a new premises licence for Salvador Deli, 50 Queens Road, Leicester, LE2 1TU.

Members noted that representations had been received in respect of this application, which necessitated that the application for a new premises licence had to be considered by Members.

Mr Jhan Husain, applicant and, Mr David Brown, applicant's Solicitor, Mr Garry Walker and Mrs Pauline Walker, objectors, an Officer from the Licensing Department, an Officer from the Noise Team and a Legal Officer were present at the meeting.

The Licensing Officer presented the report and evidence was heard from all parties present. It was noted that representations had been made on the grounds of the prevention of crime and disorder, prevention of public nuisance, protection of children from harm.

Colour photographs and a plan of the premises were circulated.

Concerns were expressed by the objectors at the street café application that had been submitted by the applicant. The Chair stated that any business to do with the Street Café concerns would be dealt with at a separate meeting as the sole reason for the Hearing was to consider the application for a premises licence. The objectors explained that there were a number of bars in the area and that had led to an increase in anti social behaviour. Concerns were raised that there would be increased levels of noise and the area would not be able to cope with the demand for parking. The objectors stated that they felt the premises were currently very attractive however their concerns lay with the licensing of the premises. They commented that granting the licence would lead to people congregating outside the premises and this would make people passing by or other people nearby uncomfortable. Concern was also raised that the area would not be able to sustain another bar and that people would be disturbed when going to sleep.

An Officer from the Noise Team commented that he had raised concern about the noise that would affect the adjoining house at 39 Howard Road, which shared a wall with the premises. The Hearing was informed that the applicant had agreed to a condition which meant that there would be no equipment installed on the wall. The Officer commented that the agreement of the condition would mean he would withdraw his objection.

The Solicitor for the applicant commented that there would be a small area at the back of the premises, which would be used for the consumption of alcohol. The alcohol would only be served until 8pm and this would be before most people went to sleep. The Solicitor commented that the premises would be managed responsibly. With regard to concern about the number of bars in the vicinity, the Solicitor commented that the bars were supported by the customers. Due to the capacity of the venue it would be easy to maintain control and there would be no late night noise as the premises closed at 8pm.

In response to queries by Members, the Solicitor stated that the Challenge 21 policy would be implemented and there would be a refusal book as well. In response to concerns raised by the objectors the applicant commented that there would be signs displayed which reminded customers to keep the noise down when leaving the premises and the premises would have a CCTV system installed.

Prior to deliberation, the Legal Officer advised Members of options available to them in making a 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

Mr Jhan Husain, applicant and, Mr David Brown, applicant's Solicitor, Mr Garry Walker and Mrs Pauline Walker, objectors, the Officer from the Noise Team,

the Licensing Officer and the Legal Officer then withdraw from the meeting.

Members called back the Legal Officer for clarification on the wording of their decision.

Mr Jhan Husain, applicant and, Mr David Brown, applicant's Solicitor, Mr Garry Walker and Mrs Pauline Walker, objectors, the Officer from the Noise Team and the Licensing Officer then returned to the meeting.

RESOLVED:

that the licence be granted from 08.00 to 20.00 daily, subject to the following conditions:

- 1) The Licence holder will maintain a CCTV system.
- 2) Any plasma screens/audio equipment affixed to the party wall between the premises and 39 Howard Road, or sited within the 2 metres of that wall shall not be used to provide an audio entertainment.
- 3) The premises will operate a Challenge 21 policy.
- 4) There would be refusal book kept which would be accessible to the Police and Licensing team.

18. APPLICATION FOR A NEW PREMISES LICENCE: TESCO STORES LTD, 40 GRANBY STREET, LEICESTER, LE1 6FB

The Service Director (Environmental Services) submitted a report that required Members to determine an application for a new premises licence for Tesco Stores Ltd, 40 Granby Street, Leicester, LE1 6FB.

Members noted that a representation had been received in respect of this application, which necessitated that the application for a new premises licence had to be considered by Members.

The applicant was represented by Mr John Dyas, Area Manager, Miss Tracey Longfield, Solicitor and Mr David Rawlings, Store Manager. An Officer from the Leicester City Council's Licensing Unit and a Legal Officer were also present at the meeting.

The Licensing Officer presented the report and evidence was heard from all parties present. It was noted that the representation had been made on the grounds of the prevention of crime and disorder and prevention of public nuisance.

The Solicitor for the applicant informed the Hearing that the premises would be a brand new store, which would be part of the national Tesco Stores Ltd Group. Comprehensive training would be given to staff and there was also regular refresher training as well. After May 2009 the company would be adopting a

'think 25 policy' across the country when serving alcohol. There would also be a prompt on the till which reminded the staff to ensure the person purchasing alcohol was not underage. The Hearing was informed that the store owner had already carried out training for the staff who would be working in the store. The Solicitor informed the meeting that Tesco were a responsible retailer and she explained how they would meet the Licensing objectives. There would be a CCTV system and security at the store from 2pm until closing time. As well as the prompt on the till, there would also be signage displayed on the store informing customers of the 'think 25 policy'.

The Solicitor for the applicant also circulated to the Members a previous judicial review case where an applicant for a licence had won on appeal after the licence had been rejected due to a magistrates court considering events that may occur in the future.

Prior to deliberation, the Legal Officer advised Members of options available to them in making a 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.

The applicant representatives, Mr John Dyas, Area Manager, Miss Tracey Longfield, Solicitor and Mr David Rawlings, Store Manager, the Licensing Officer and Legal Officer all withdrew from the meeting.

Members then gave the application full and detailed consideration.

Members called back the Legal Officer for clarification on the wording of their decision.

The applicant representatives, Mr John Dyas, Area Manager, Miss Tracey Longfield, Solicitor and Mr David Rawlings, Store Manager and the Licensing Officer all returned to the meeting.

RESOLVED:

that the licence be granted, subject to the following conditions:

- 1) The premises will have a digital CCTV system that covers many areas of the shop floor, including the proposed area to be used for beer and wine.
- 2) Images will be retained for a minimum of 21 days and made available on enforcement request.
- 3) A member of the management team will be on the premises all the time the store is open and will be trained to manage the store.
- 4) The store will adhere to all rules and regulations relating to

public safety.

- 5) All staff will be trained and regularly refreshed in the corporate 'Think 21' policy and the store will display signage around the premises.

19. CLOSE OF MEETING

The meeting closed at 12:13pm.

