



Leicester  
City Council

Notes of the  
HEARING UNDER THE LICENSING ACT 2003

Held: TUESDAY, 28 SEPTEMBER 2010 at 9:30am

P R E S E N T :

Councillor Byrne (Chair)

Councillor R. Blackmore

Councillor Potter

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**1. APPOINTMENT OF CHAIR**

RESOLVED:

that Councillor Byrne be appointed as Chair for the meeting.

**2. APOLOGIES**

Apologies were received from Councillor Lloyd-Harris.

**3. DECLARATIONS OF INTEREST**

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

Councillor Byrne declared that in respect of the application for a review of an existing premises licence for Bulls Head, 6 Bath Street, Leicester LE4 7QD, she had visited the premises several years ago and had an open mind on the application.

**4. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE:  
BULLS HEAD, 6 BATH STREET, LEICESTER LE4 7QD.**

The Director (Environmental Services) submitted a report that required Members to determine an application for a review of an existing premises licence for Bulls Head, 6 Bath Street, Leicester LE4 7QD.

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

Members were asked to note that the premises licence had now been transferred to the Designated Premises Supervisor (DPS), Mr Conrad Adrian

Riley. During the transition process papers had been served on the previous premises licence holders, Rajesh Vaitha and Viral Pala, and the new premises licence holder, Conrad Riley.

The Licensing Hearing papers had been served on Mr Riley at a home address registered with Licensing, but had been returned on the morning of the hearing marked 'Gone Away'. It was assumed that Mr Riley had not viewed the papers for the hearing and the home address on file was incorrect.

Members were asked if they wished to continue with the hearing in Mr Riley's absence. Members sought legal advice, and agreed to continue with the hearing.

Two representatives and Chris White from the Noise Control Team were present. Also present were the Licensing Team Manager and a Legal Officer from Leicester City Council.

The Licensing Officer presented the report and evidence was heard from all parties present. It was noted that representations had been received from a local resident and the Noise Team on the grounds of the prevention of public nuisance. Colour photos of the premises were then circulated to Members.

The Noise Control Team Officer then briefly outlined his application which related to complaints received from two residencies regarding noise from 6 Bath Street. The public nuisance was being caused by loud music emanating from the premises and raised voices from groups of customers congregating outside the premises late at night. He reported that the first complaint was received on 8 February 2010, and the Noise Control Team had since witnessed 8 noise nuisances. On 30 June 2010 Abatement Notices and accompanying letters were served on the premises licence holders (Mr Pala and Mr Vaitha). Copies of the notices were also hand delivered to the DPS, Mr Riley. The letter stated that in line with their premises licence conditions, doors and windows were to be kept closed when amplified music was played and that any further nuisances could result in a review of the premises licence.

On 27 July 2010 a further Abatement Notice was served on the DPS at the Bulls Head following another incident, as Noise Officers were having difficulty in contacting him at his own address. On the 29 July 2010 letters requesting the premises licence holders attend interviews under Caution on the 11 August 2010 were hand delivered to Unit 16, Town Square, Syston. The premises licence holders claimed they had no responsibility for the problems which were solely down to the DPS. The premises licence holders were informed they still had responsibility for the premises and the problems occurring.

Since the Abatement Notices were served, there were other reported incidents of noise disturbance and the Abatement Notices had been breached. The Council may consider taking legal proceedings. The premises licence holders and the DPS had not heeded the advice of the Noise Control Team, with continuing incidents of amplified music emanating from open windows and doors.

The objectors who made representations were given an opportunity to explain their concerns relating to the application and the following points were made:

- That they had bent over backwards to solve the issues, even inviting the DPS into their home. The DPS had acknowledged the noise but there was no change in the level of noise.
- In 20 years they had dealt with other DPS and people had responded in the past.
- They had never before called the Noise Control Team until the current DPS occupied the premises.
- They found it distressing to call out the Noise Control Team before they could consider going to bed.
- It could take around one hour before they could go to bed as sometimes the Noise Officer would need to come into their home to record the noise levels.
- There had been at least two more incidents that those recorded in the report.
- Music was a big problem. Sometimes barbeques would continue until 00.00hours.
- The back bedroom of their home backed onto the rear yard of the Bulls Head. Problems had become worse since the smoking ban and the summer months, and increased noise from music and rowdiness continued until late at night.
- The night before the hearing at 03.45am there had been shouting and an argument which had woken them.
- Once or twice the emptying of bottles had disturbed residents.

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.

Chris White from the Noise Control Team, the Licensing Team Manager, the Legal Officer and other interested parties then 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.

Chris White from the Noise Control Team, the Licensing Team Manager and other interested parties then returned to the meeting.

RESOLVED:

that the current Designated Premises Supervisor be removed and the following amendments and conditions be made to the licence:

- Reduce the hours for licensable activities to 11.00 to 23.00 hours Sunday to Thursday, and 11.00 to 00.00 hours Friday to Saturday.
- The licence holder will adopt the Challenge 21 policy and provide adequate, documented staff training, prior to staff being allowed to sell alcohol.
- A noise limiter shall be installed and the levels shall be set to the agreement of the Noise Control Team to prevent noise nuisance being caused to the public.
- The outside areas to the front and rear of the premises must not be used by customers after 23.00 hours.
- Notices shall be displayed internally at exits and externally in the outside area of the premises, requesting the public to respect the needs of local residents by keeping noise to a minimum when using the outside area and when leaving the premises.
- Disposal of waste bottle into external receptacles where the noise will be audible to neighbouring properties must not occur between 18.00 hours and 10.00 hours.

The above decision was made in the interests of the promotion of the licensing objectives, with particular regard to the prevention of public nuisance.

The representatives were advised that further issues should be reported to the Noise Control Team as the first point of call as there was an Abatement Notice in Place.

## **5. ANY OTHER URGENT BUSINESS**

### **AGREEMENT REACHED FOR AN APPLICATION FOR A NEW PREMISES LICENCE: OXJAM, BRAUNSTONE GATE, LEICESTER**

The Director (Environmental Services) submitted a report that required Members to agree whether a hearing was necessary in relation to an application for a new premises licence where full agreement had been reached between the applicant and any parties who had made representation.

#### **RESOLVED:**

that it be agreed that a hearing be unnecessary for Oxjam – Braunstone Gate, Leicester subject to the following conditions to be applied to the licence, agreed between the applicant and Noise Control Team:

- All busking be non-amplified.
- The main stage and Biscuit Tin Sound System are to finish at 20.30 hours.
- Noise levels are to be checked by organisers, particularly from

the Biscuit Tin Sound System and reduced if volume is excessive – Advice to be sought from the Noise Control Team.

- Local residents to have phone number of organisers on the day to call if they have a complaint.
- Letter to go to venues, explaining that they will still have to comply with the conditions on their premises licence.

## **6. CLOSE OF MEETING**

The meeting closed at 10.52am.