



Leicester
City Council

Notes of the
HEARING UNDER THE LICENSING ACT 2003

Held: MONDAY, 20 JANUARY 2014 at 9:50am

P R E S E N T:

Councillor Clarke - Chair

Councillor Byrne

Councillor Riyait

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1. APPOINTMENT OF CHAIR

The meeting commenced at 9.50am to allow Leicestershire Police and the Solicitor to the hearing panel to view additional information received for Agenda Item 4, application for a review of an existing premises licence: Long Bar, 29 Market Street, Leicester, LE1 6DN.

Councillor Clarke was elected as Chair for the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

Members were asked to declare an Disclosable Pecuniary or Other Disclosable Interests they may have in the business on the agenda.

Councillor Clarke declared an Other Disclosable Interest, as he had chaired a previous hearing for a Temporary Event Notice submitted by the Long Bar, but he would take the application before him on its own merits.

Councillor Clarke declared an Other Disclosable Interest as he had sat on a previous hearing for an application for Sumo for a Temporary Event Notice, but he would take the application before him on its own merits.

Councillor Thomas declared an Other Disclosable Interest as he Chaired a previous hearing for an application for Sumo for a Temporary Event Notice, but he would take the application before him on its own merits.

**4. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE:
LONG BAR, 29 MARKET STREET, LEICESTER, LE1 6DN**

The Director, Environmental Services, submitted a report that required Members to determine an application for a review of an existing premises licence for Long Bar, 29 Market Street, Leicester, LE1 6DN.

Ms Shabina Ladh (Solicitor), Mr John Snell (Instructed Barrister), Mr Yogesh Sharma (Licence holder and Designated Premises Supervisor), Mr Rakesh Dhyani, Mr Phillip Copson (Client Security Solutions), Mr J Alli (Door Supervisor) and Mr Anthony Dzvorski were present at the meeting for Long Bar. Inspector Nigel Rixon, PC Tejas Mavani (Police) and the Licensing Team Manager (Enforcement) were present as persons who had made representations. The Licensing Team Manager (Policy & Applications) and Solicitor to the hearing panel were also present.

Introductions were made and the procedure for the meeting was outlined to those present.

The Instructed Barrister for Long Bar requested that additional information be received by the Members of the hearing panel. The Police said that all other evidence was submitted two weeks prior to the hearing, and after viewing the additional information, there was not enough time for the police to investigate and respond to it. They did not agree to the request.

The Solicitor to the hearing panel said any document should be submitted five days prior to a hearing, and that it was a decision for the hearing panel as to whether they accepted the additional information. Any information presented at the hearing could only be accepted with the agreement of all parties.

The Licensing Team Manager (Policy & Applications) said the applicant (Police) had served documentation on the City Council and Long Bar on the same day, the 26th November 2013, following which there was a 28-day representation period, during which period additional information was received from the applicant.

AGREED:

The Chair said the hearing panel would not allow the submission of additional papers from Long Bar due to the lateness of the submission.

The Licensing Team Manager (Policy & Applications) presented the report. The Licensing Team Manager (Policy & Applications) explained that her presence at the meeting was neutral to the application, and that all questions should be directed through the Chair.

The Police outlined the reasons for the review application and answered questions from Members:

- A further statement outlining an additional incident and the retraction of

evidence, namely a disc containing CCTV footage, was distributed as second despatch to all parties prior to the meeting.

- The incidents listed in the review application from the Police were linked to CCTV evidence to confirm incidents were associated with Long Bar.
- An application for a review of a premises licence was a last resort taken by the Police, and Long Bar was brought for review due to the significant number of incidents which were putting the public at risk.
- To assist the premises with issues, an Action Plan was implemented and guidance was issued, but the Plan had been unsuccessful.
- The bar was within mainly eateries and retail premises.
- The Long Bar remained open for the latest time on Market Street.
- The present owners took over the premises on 26th July 2011. The Police visited Mr Sharma during July 2011 to talk about the licensing objectives and local policies.
- There were several issues due to noise, and a test purchase failure.
- In mid-June 2013, the Police received intelligence that there was underage drinking in the bar.
- The premises were visited on 28th June 2013 with the Licensing Team Manager (Enforcement). Mr Sharma had stated door staff were used on Wednesday evenings but had been obstructive when asked to produce his signing in book, but there were no door staff signed in on Wednesdays at all in the book when viewed.
- On 29th June 2013, the premises were re-visited and an Action Plan proposed, which was intended to reduce incidents and enable the licensing objectives to be upheld. It was further intended that the Plan would be reviewed after six months.
- Evidence was referred to in the report. Colleagues of PC Mavani reported numerous incidents at the premises throughout July and August 2013, that mainly occurred on a Wednesday night. Witness statements said all the incidents related to the premises.
- On 26th August 2013, PC Mavani spoke to Mr Sharma about Wednesday nights attracting a certain culture of persons which promoted violence, which was reiterated in evidence statements. Mr Sharma had responded that the premises did not want trouble and had barred some people, but they still went to the premises. The Police advised Mr Sharma to close on Wednesdays, which saw the number of incidents in the area on Wednesdays decrease by 90%.
- The incidents in the area increased significantly on Saturday, Sunday and Thursday evenings.
- There had been nine reports of thefts of mobile phones.
- On 8th November 2013, a test purchase was undertaken, and a 16 year-old boy was served alcohol.
- It was the responsibility of management to prevent incidents inside and out, and there was consistent violence and disorder at the premises.
- On 19th December 2013, the premises submitted a TEN application which was refused by the Licensing Panel.
- An unprecedented statement was received from the CCTV operators in the city centre, who had felt obliged to write to the Police because of their concern over the level of violence they had witnessed directly outside or

linked to the bar.

- Police believed there were no conditions that could be added to the licence that would reduce the number incidents at the premises, and asked for revocation of the licence.
- Since December there were no recorded crimes, but people had been issued with Section 21 dispersal orders from the area.

The Instructed Barrister for Long Bar, Mr Sharma and Mr Dhyani for Long Bar responded to the points made by the Police and answered questions from Members. The following points were made:

- Since 8th December 2013 there had been no incidents at the premises.
- Most of the incidents listed in the Police submission were not people leaving the premises, but people that were outside in the area already.
- Market Street was pedestrianized and wide, with people wandering from other bars and other late night venues and eateries near to Long Bar, some of which were a source of much trouble.
- The statistics of crime had gone down with the closure of Long Bar on Wednesdays, and the premises owners asked that terms and conditions be added to the licence to keep the premises closed on Wednesday's and reduce opening hours at other times.
- The licence could be conditioned to reflect the Action Plan put in place by the Police.
- Mr Sharma said he had 12 years in the hospitality industry and had experience in running a bar. He had been Premises Supervisor at Long Bard for 2 ½ years.
- The Action Plan served on the premises on 28th June 2013 had been implemented and was working, and there was a willingness to work with authorities. Issues had been resolved with the closure of the premises on Wednesday.
- There had been one Challenge 21 failure. The member of staff involved had been interviewed and subsequently received training. Bar staff had since received two lots of training, and monthly training of staff would follow. Challenge 21 training had been in place since 2011, and 10 minutes of training on checking ID was given to all new staff members.
- Security staff checked the ID of customers prior to entry.
- Mr Sharma denied there had been a group of four under-age people in the bar as stated in the evidence presented by the Police.
- Thefts occurred everywhere and not just at the Long Bar. Customers were advised through signage to keep a check on their belongings.
- The signing in book was referred to, and it was reiterated that door staff worked at the premises on Wednesday, Friday and Saturday evenings, and a statement was taken from door staff on a Wednesday. The premises were willing to put on extra door staff.
- It was agreed there had been problems outside the bar, but the premises had been smoothly run since November 2013, and there had been no serious incidents. The premises had a duty of care, and called the police if there were incidents in Market Street, which had a high footfall of people moving to and from other bars. The premises also had additional CCTV and

- called City Watch if they required assistance.
- Members referred to an incident of females fighting inside the bar on 18th October 2013. Mr Sharma said the fighting had moved to outside of the premises, but there had been no bruising as reported. As soon as the fight had been seen on CCTV, the lights in the premises had been turned on and the music stopped.
 - 2013 had been the busiest year for the premises, and they did their best and would continue to do so to promote the licensing objectives.

All parties were then given the opportunity to sum up their positions and make any final comments.

The Police said there had been no threat of closure when placing the premises on an Action Plan. The four 16 year-olds had stated in their interviews they had been drinking in the Long Bar. Legislation dictated that the four licensing objectives should be upheld. The Police had tried an incremental approach, with a reasonable and proportionate Action Plan. Incidents in and out of the premises continued and must not be allowed to do so, and closure was the only option.

The Instructed Barrister for Long Bar said it was accurate to say the Action Plan had not worked, but it was perfectly proper that any response should be proportionate and not excessive. There had been no incidents since December 2013, and it would be disproportionate to remove the licence. A reduction in hours from 11.00am to 3.00am was offered with total closure remaining on Wednesdays, as 14 of the 21 incidents occurred after 3.00am. There had been a dramatic reduction of crime in the area when the premises closed on Wednesdays, but all of the incidents listed in the statement from the Police were not accepted as being associated with Long Bar, and it was not accepted that local businesses had been troubled. There were valid concerns from the Police but the licence holders disputed whether the facts were reliable. The premises were doing their best with regards to Challenge 21, and the single untruth regarding the signing in book was not sufficient reason to revoke the licence.

Prior to Members considering the application, the Solicitor to the hearing panel advised Members of the options available to them in making a decision. Members 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.

The Licensing Team Manager (Policy & Applications), Solicitor to the hearing panel, Inspector Rixon, PC Mavani, Licensing Team Manager (Enforcement), Ms Ladh, Mr Snell, Mr Sharma, Mr Dhyan, Mr Copson, Mr Alli, Mr Dzvorski and other persons present then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the hearing panel was then called back to the meeting to advise on the wording of the decision.

The Licensing Team Manager (Policy & Applications), Inspector Rixon, PC Mavani, Licensing Team, Manager (Enforcement), Ms Ladh, Mr Snell, Mr Sharma, Mr Dhyani, Mr Copson, Mr Alli, Mr Dzvorski and other persons present then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the hearing panel for advice on the wording of their decision.'

RESOLVED:

that the existing premises licence for Long Bar, 29 Market Street, Leicester, LE1 6DN, be revoked.

The Hearing Panel said that based on the information before them at the meeting, they had a lack of confidence that the premises licence holders were able to uphold any of the licensing objectives. The Hearing Panel said that in the summing up for the premises licence holders, the representative had stated that if something happened in the future, the premises could take another look at the situation. The Hearing Panel said in the interests of public safety they were not prepared to take the risk. The Hearing Panel were confident their decision was necessary and proportionate given the seriousness and the sheer number of incidents reported.

The Hearing Panel said they had heard that children had not been protected from harm, they had heard of the numerous incidents of crime and disorder, they had heard that public safety had been compromised, therefore, they had no choice other than to revoke the licence.

The premises licence holder was advised of the right to appeal at Leicester Magistrates within 21 days.

5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: SUMO, 54 BRAUNSTONE GATE, LEICESTER, LE3 5LG

The Director, Environmental Services, submitted a report that required Members to determine an application for the variation of an existing premises licence within a Cumulative Impact Zone (CIZ) for Sumo, 54 Braunstone Gate, Leicester, LE3 5LG.

Members noted that representations had been received in respect of the application, which necessitated that the application had to be considered by Members.

Mr Andrew Walder, Designated Premises Supervisor (DPS), Mr Neil Cooper (Noise Control Team), Inspector Nigel Rixon, PC Tejas Mavani and PC Jon

Webb (observing) were present at the meeting. Also presented were the Solicitor to the hearing panel and Licensing Team Manager.

Introductions were made and the procedure for the meeting was outlined to those present.

The Licensing Team Manager presented the report. It was noted that a representation had been received from Leicester City Council's Noise Team which related to the prevention of public nuisance. The hearing panel was informed that an agreement had been reached between the applicant and the Noise Team that "Licensed activities and opening times on a Sunday night shall continue to be as specified on the existing premises licence, namely 11.00 to 01.00 for licensed activities and 11.00 to 02.30 for opening times other than Sunday before a bank holiday when licensed activities shall cease at 04.00 and the premises shall close at 04.00". Copies of the representation and agreement were attached to the report.

It was also noted that a representation had been received from Leicestershire Police which related to the prevention of crime and disorder and prevention of public nuisance.

The Police outlined the reasons for the representation and answered questions from Members:

- The premises was sited in a CIZ, and was a busy area.
- The premises had a large outside area which led to Braunstone Gate.
- The applicant had not referred to the CIZ or how they would mitigate impact on the area.
- The Police did not believe that the requested removal of conditions would affect the CIZ, however, they did not agree with the increase in licensable activities on Sunday into Monday.
- The Police requested additional conditions be added to the licence as listed in the report.

Mr Cooper, Noise Control Team, outlined the reasons contained in the representation and subsequent agreement, and answered questions from Members:

- There were concerns with regards to the premises opening later on Sunday evening and noise. One issue was persons entering and leaving the premises.
- In 2013 two Temporary Event Notices (TENs) were given, and there was a complaint at each of the events with regards to noise after 02.00, but there had been no way of ascertaining whether the noise was from Sumo.
- Many of the complaints about the premises came from residents of the River Buildings at the rear of the premises.
- The premises had proper use of a noise limiting device.
- The proposal for increasing licensable activities and opening hours on Sunday evenings was made in error, and an agreement had been reached

with the premises for the hours on a Sunday to remain as on the existing premises licence.

Mr Walder for the premises was then given the opportunity to respond to the points made and answered questions from Members:

- It had become common practice that people went out later.
- It was easier to control people leaving gradually.
- The conditions offered by the Noise Team and the Police were accepted.
- It was confirmed that food was provided on request.

All parties were then given the opportunity to sum up their positions and make any final comments.

Prior to Members considering the application, the Solicitor to the hearing panel advised Members of the options available to them in making a decision. Members 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.

The Licensing Team Manager, Solicitor to the hearing panel, Mr Walder, Mr Cooper, Inspector Rixon, PC Mavani and PC Webb then withdrew from the meeting.

Members then gave the application full and detailed consideration.

The Solicitor to the hearing panel was then called back into the hearing to advise on the wording of the decision.

The Licensing Team Manager, Mr Walder, Mr Cooper, Inspector Rixon, PC Mavani and PC Webb then returned to the meeting.

The Chair informed all persons present that they had recalled the Solicitor to the hearing panel for advice on the wording of their decision.

RESOLVED:

that the application for the variation of an existing premises licence be granted.

The Hearing Panel Members accepted that the application for a variation would not impact on saturation in the Cumulative Impact Zone (CIZ) and agreed to the variation of an existing premises licence within the CIZ for Sumo, 54 Braunstone Gate, Leicester, LE3 5LG. The Hearing Panel Members agreed to the removal of conditions as stated in the report. They were in agreement with the Police that two conditions should be added, along with the conditions consistent with the representation/agreement from the Noise Team. The new conditions are:

1. CCTV must be kept for a minimum of 28 days and this must be supplied to responsible authorities upon request in a timely manner.
2. A refusals register and incidents log must be accurately maintained, kept at the premises and available immediately upon request by a responsible authority.
3. Licensed activities and opening times on a Sunday night shall continue to be as specified on the existing premises licence, namely 11.00 to 01.00 for licensed activities and 1100 to 0230 for opening times other than Sunday before a bank holiday when licensed activities shall cease at 04.00 and the premises shall close at 04.30.
4. Licensed activities and opening times on a Saturday night shall be as proposed on the application for a variation of the premises licence namely 11.00 to 04.00 for licensed activities and 11.00 to 04.30 for opening times
5. The application to remove specified conditions from the premises licence for Sumo shall be as stated on the application for a variation for a premises licence.

The Hearing Panel were confident the conditions added were necessary and proportionate for the licensing objectives to be upheld.

6. CLOSE OF MEETING

The meeting closed at 1.40pm.