



Leicester
City Council

Notes of the
HEARING UNDER THE LICENSING ACT 2003

Held: FRIDAY, 7 FEBRUARY 2014 at 9:30am

P R E S E N T :

Councillor Byrne - Chair

Councillor Naylor

Councillor Shelton

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7. APPOINTMENT OF CHAIR

Councillor Byrne was elected as Chair for the meeting.

8. APOLOGIES FOR ABSENCE

There were no apologies for absence.

9. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable pecuniary or other interest they may have in the business of the agenda.

There were no declarations.

10. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: TWOJSMAK, 23 NARBOROUGH ROAD, LEICESTER, LE3 0LE

The Director of Environmental Services submitted a report on an application for a new premises licence within a Cumulative Impact Zone for Twojsmak, 23 Narborough Road, Leicester, LE3 0LE.

Members noted that a representation had been received from the Leicestershire Police which necessitated that the application for a new premises licence had to be considered by Members.

The Chair asked everyone present to introduce themselves.

The applicant Mr Said was present and was accompanied by Mr Arun who was acting as an interpreter (Kurdish language), also present was the Licensing Team Manager, the Solicitor to the hearing panel and PC Webb from the

Leicestershire Police.

The Licensing Team Manager presented the report. It was noted that the representation from the Leicestershire Police had been made on the grounds of the prevention of crime and disorder, and the prevention of public nuisance. Leicestershire Police were concerned that the premises fell within the Cumulative Impact Zone and the applicant had made no mention of this in the application.

The Licensing Team Manager circulated colour photographs of the location and exterior of the premises to all present.

PC Webb outlined the reasons for the Police representation:

- The premises were located in a Cumulative Impact Zone (CIZ) and as such it was appropriate for the Police to submit a representation in accordance with the Special Policy.
- There was a saturation of licensed premises within the Braunstone Gate area and the area of Narborough Road that fell within the CIZ.
- In a short distance on Narborough Road there were at present 13 alcohol licences issued to shops and a further 20+ issued to bars and restaurants.
- The Police were concerned that the applicant had made no mention of the CIZ in their application and they had failed to take into account local problems and concerns.
- The applicant had not shown that the new premises would not add to the cumulative impact.
- Although the premises were a small convenience store it would still have an impact on the area.
- The Police had suggested a number of conditions in their representation should Members be minded to approve the application, however, the Police would still seek to protect the over saturation of the area and the cumulative impact.

The applicant through his interpreter outlined the application and made the following points:

- The applicant had more than 5 years' experience running a shop and was the owner of another shop which sold alcohol 300 yards further along Narborough Road.
- The premises were already open as a shop that sold Halal meat and the applicant wanted to change the nature of the business.
- The applicant had experience in his other shop of challenging alcohol sales to underage people and had recently passed three test purchases there.
- The applicant stated that he was able to comply strongly with the law and any conditions of the licence and agreed to the conditions suggested by the Police.
- Any staff would undergo proper training and as the owner the applicant would take full responsibility.

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

The Solicitor explained in detail to the applicant the council's policy on Cumulative Impact Zones and the applicant was given time to read the policy.

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, the Solicitor to the hearing panel, Mr Said, Mr Arun and PC Webb then left 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 Said, Mr Arun and PC Webb then returned to the meeting.

RESOLVED:

that the application for a new premises licence within a Cumulative Impact Zone for Twojsmak, 23 Narborough Road, Leicester, LE3 0LE be refused.

The Chair stated that the applicant had not demonstrated that the premises would not add to the existing cumulative impact. Members formed the view that the applicant did not understand what the cumulative impact zone was and Members felt that the applicant did not appear to know that the premises fell within the cumulative impact zone. Members also felt that the applicant had not made any proposals as to how he would ensure that the premises did not add to the cumulative impact.

11. ANY OTHER URGENT BUSINESS

The Chair agreed to take an Agreement Report in respect of an application for a new premises licence in order to meet statutory timescales.

RESOLVED:

that the report listed below be considered as an item of Any Other

Urgent Business:-

Agreement Reached for an Application for a New Premises
Licence: Off Licence, 38-40 Belgrave Road, Leicester.

**12. AGREEMENT REACHED FOR AN APPLICATION FOR A NEW PREMISES
LICENCE: OFF LICENCE, 38-40 BELGRAVE ROAD, LEICESTER.**

The Director of Environmental Services submitted a report on an agreement reached for the application of a new premises licence for Off Licence, 38-40 Belgrave Road, Leicester.

A representation had been received from Leicestershire Police which would have necessitated the application being determined by Members.

An agreement had subsequently been reached between the applicant and the Police, which had resulted in additional conditions being applied to the licence to satisfy the representation that had been made.

Both the applicant and the Police now considered that, in light of the agreement, a hearing was not necessary and that the licence should be issued with the additional conditions set out in Appendix A of the report.

RESOLVED:

1. that a hearing was not now necessary for the following premises: Off Licence, 38-40 Belgrave Road, Leicester.
2. that the application be agreed with the conditions consistent with the operating schedule and the conditions agreed to satisfy the representation as set out in Appendix A.