



Leicester
City Council

Notes of the
HEARING UNDER THE LICENSING ACT 2003

Held: THURSDAY, 6 MARCH 2014 at 9:30am

P R E S E N T :

Councillor Byrne

Councillor Naylor

Councillor Shelton

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13. APPOINTMENT OF CHAIR

Councillor Byrne was elected as Chair for the meeting.

14. APOLOGIES FOR ABSENCE

There were no apologies for absence.

15. DECLARATIONS OF INTEREST

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

Councillor Shelton declared that he knew David Hartshorn, who had made a representation, but it would not influence his decision and he sat on the hearing panel with an open mind.

16. APPLICATION FOR A NEW PREMISES LICENCE: UNIT 22, 33 CANK STREET, LEICESTER LE1 5BG

The Director of Environmental Services submitted a report on an application for a new premises licence for Unit 22, 33 Cank Street, Leicester LE1 5BG.

Members noted that representations had been received from the Leicestershire Police and a local resident in respect of the application, which necessitated that the application had to be considered by Members.

The Chair asked everyone present to introduce themselves.

The applicant Mr Ruparell accompanied by Mr Husain (supporter) was present; also present were the Licensing Team Manager, the Solicitor to the hearing panel, PC Mavani of the Leicestershire Police and Mr Hartshorn (representee).

Members were informed that additional information in the form of documentary evidence from the applicant had been circulated to Members prior to the hearing which would form part of Mr Ruparell's submission.

The Licensing Team Manager presented the report. It was noted that a representation from the Leicestershire Police had been made on the grounds of the prevention of crime and disorder, and the protection of children from harm. It was also noted that a representation from a local resident Mr Hartshorn had been made on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

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

PC Mavani outlined the reasons for the Police representation and answered questions from those present:

- The premises were situated between two very busy areas of the night time economy and attracted a lot of footfall between the two.
- The area was fairly isolated which might leave the premises vulnerable.
- Leicestershire Police had discussed and agreed with the applicant that there should be tighter wording of the conditions in the operating schedule and some additional conditions: closing time reduced to 23.00hrs on Sundays, SIA registered security to be employed, CCTV to be installed following advice from the Police with recording and maintenance in accordance with the code of practice and to be retained for a minimum 28 days, applicant to become a member of the local City Watch Scheme.
- Timings for "door presence" were not usually included in conditions as that would form part of the licence and could cause problems. It was felt more appropriate to allow flexibility to have security at the busiest periods with risk assessment than to wrongly identify timings in the conditions.
- The applicant had indicated he would undertake SIA door training and the Police were encouraged by this as it would help the applicant to know what to expect and improve ability to risk assess situations.

Mr Hartshorn outlined the reasons for his representation:

- The location of the venue and the unit were sited at the arched gateway to St Martin's precinct and groups of people would congregate in this area and footfall would increase.
- Smokers would utilise space outside the premises.
- Access arrangements were a concern, especially if one door closed off.
- If outside seating implemented this would restrict the flow of pedestrians.
- Any risk assessment could leave a lot out and there could be a "wait and see" attitude rather than averting situations.
- The representee was gladdened by the additional information that the applicant had provided but still felt there was an issue with the site and its suitability to the type of venue suggested.

The applicant and his supporter outlined the application and made the following points:

- The applicant had a long experience of working in bars and restaurants.
- For the last 6 years the applicant had worked for Mr Husain as bar manager in two venues much larger than the proposed premises and had managed those in a professional manner, and upheld and promoted all licensing objectives.
- The applicant had developed and implemented company policies and trained staff to ensure licensing criteria met.
- The premises unit had been empty for at least 4 years and this project would regenerate the site.
- The applicant presented a series of storyboards which showed the aim was to create a destination venue, promoting the façade of the building and in keeping with that a unique interior with a strong 1920's art deco style playing jazz, soul and swing music, the bar would showcase premium cocktails, local and craft bottle beers, fine wines and serve food throughout including complimentary canapés.
- There would be a designated outside smoking area made up of interlocking gates that would be monitored by staff.
- The position of the premises between two busy areas added benefit to the area and provided a link way.

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

The Solicitor to the hearing panel advised members of the options available to them in making a decision. Members were 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 Ruparell, Mr Husain, Mr Hartshorn and PC Mavani 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 give advice on the wording of the decision.

The Licensing Team Manager, Mr Ruparell, Mr Husain, Mr Hartshorn and PC Mavani then returned to the meeting.

RESOLVED:

That the application for a new premises licence for Unit 22, 33 Cank Street, Leicester LE1 5BG be granted subject to the

following conditions consistent with the operating schedule and the conditions agreed with the Leicestershire Constabulary:

- The licence holder to promote staff training up to Level 1 in responsible alcohol retail.
- The licence holder to carry out a risk assessment to determine the potential effect on neighbouring premises and take necessary steps to limit any negative impact in relation to public nuisance.
- The licence holder to take steps to prevent noise disturbance and anti-social behaviour from customers arriving and leaving.
- Children shall not be allowed on the premises from 9pm until closing.
- All licensable activities and closing time to be reduced to 23.00hrs on Sundays.
- The licence holder to employ SIA registered security to deal with any likely contingency.
- The licence holder to ensure that CCTV is installed following advice from the Leicestershire Police, recording during all hours licensable activities are allowed and maintained in accordance with the Information Commissioner's CCTV Code of Practice.
- CCTV to be kept for a minimum of 28 days and made available upon request to responsible authorities.
- The licence holder to be a member of the local City Watch Scheme.

Members felt confident that the applicant would uphold all of the licensing objectives.

17. CLOSE OF MEETING

The meeting closed at 10.30am