



Leicester
City Council

Notes of the
HEARING UNDER THE LICENSING ACT 2003

Held: WEDNESDAY, 19 MARCH 2014 at 9:30am

P R E S E N T:

Councillor Thomas

Councillor Naylor

Councillor Riyait

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1. APPOINTMENT OF CHAIR

Councillor Thomas was elected as Chair for the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. ANY OTHER URGENT BUSINESS

4. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: THE SPORTSMAN, PARK RISE, WESTERN PARK, LEICESTER, LE3 6SG

The Director, Environmental Services, submitted a report that required Members to determine an objection notice relating to a temporary event notice (TEN) submitted by The Sportsman, Park Rise, Western Park, Leicester, LE3 6SG.

Members noted that an objection notice had been received in respect of the temporary event notice, which necessitated that the temporary event notice had to be considered by Members.

Mr Nicholas Gillespie (Premises User) and Ms Deborah Griffiths (Landlady), and Mr Robin Marston (Noise Team) were present at the meeting. Also present was the Licensing Team Manager and the Solicitor to the hearing panel.

The Chair asked everyone present to introduce themselves.

The Licensing Team Manager presented the report. It was noted that an objection had been received from the Noise Team on the grounds of the prevention of public nuisance. The Licensing Team Manager informed Members that the TEN would give an extra six hours operation of licensable

activities from midnight on the Friday and Saturday nights requested. In response to a question, she added the premises had not been before the hearing panel previously for a review.

Mr Marston on behalf of the Noise Team outlined the reasons for the objection and answered questions from Members:

- Pictures were circulated at the meeting, showing the location of the premises, situated in a residential area.
- The current licence was up to midnight on Friday and Saturday evenings, and 23.00 hours on Sunday evenings. There was a condition on the existing licence to keep noise in the premises during those times.
- The TEN was for consecutive weekend days.
- Noise complaints for the premises were received in 2008/09/10/11 and 2013. Noise issues were witnessed by the Noise Team in 2009 and 2010, when loud music could be heard in nearby properties.
- The premises had not been brought for a review as measures were put in place by the landlord at the time.
- The Noise Team were concerned with noise breakout from the premises, noise from people smoking outside, noise from people coming and going, and vehicles arriving at and leaving the premises should the TEN be allowed.
- Noise levels dropped in the area, and it was very quiet after midnight.
- It was not believed that any conditions on the current licence would control noise issues.
- The premises were built under old licensing laws, when public houses had earlier closing times.
- The Noise Team had not been able to negotiate with the premises user as they would have wanted conditions attached and a reduction in hours. The procedure for determining TENs did not allow for both of these options to be implemented together.
- It was not believed that a noise limiter would have dealt with the concerns of the Noise Team.
- It was recommended that the TEN be refused, and a counter notice issued.

The premises user was then given the opportunity to respond to the points made and answered questions from Members:

- The premises were under a different landlord when previous noise complaints were made. No complaints had been made under the present landlord.
- The premises did not have a noise limiter installed.
- Karaoke and discos took place at weekends, but the premises closed on time.
- The TEN was for a first year anniversary celebration for running of the premises by the landlord and landlady, and would be a private party for approximately 30-40 regular customers only.
- During the party, doors and windows would remain shut, and curtains

would be closed.

- There would be no coming and going by people and smoking would be monitored by the landlord and staff.
- Music from the disco would be dampened down after midnight.
- The celebrations would advertised internally, and people would receive a verbal invite. Those not invited would not be allowed entry.
- The majority of people invited would live in the area near to the premises.
- A party had taken place on New Year's Eve and there had been no complaints, as measures were put in place with regards to music volume and door cover.
- The party would be held at the back of the premises. The side door near to the field would be used for access and egress.
- It was not believed that the party would end at 06.00 hours, but possibly 03.00 – 04.00 hours.
- The Friday and Saturday would be a normal day until 19.00 hours.
- The premises were licensed to 23.00 hours on Sundays, but the premises user chose to close at 22.30 hours.

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

Mr Marston said the premises was in a residential area, and the local people should be afforded rest after midnight. The submitted TEN did not afford enough time to discuss options with the premises user. There was a history of complaints, including noise from people outside the premises. He added that noise from people leaving the premises in the early hours of the morning would be more noticeable.

Mr Gillespei said he would have been happy to negotiate a reduction in hours to 03.00 – 04.00 o'clock. He added that there were procedures in place to keep the noise level down, and karaoke would cease at midnight. He said there would be minimal noise as it was a private function.

The Licensing Team Manager informed the hearing panel that because it was a TEN, negotiation could take place with an objector to alter requested hours. This could then be formalised by a modification prepared by the objector. This process did not allow for conditions to be imposed. She added that the hearing panel did not have the option to amend hours, but could impose conditions on the TEN.

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, the Solicitor to the hearing panel, Mr Marston, Mr Gillespie and Ms Griffiths 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, the Solicitor to the hearing panel, Mr Marston, Mr Gillespie and Ms Griffiths 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 a counter notice be issued in relation to the Temporary Event Notice.

The Committee considered the TEN for The Sportsman, Park Rise, Western Park, Leicester, LE3 6SG. The Committee said that with the limited options available to them, they had no alternative than to issue a counter notice under Section 105 (2) of the Licensing Act 2003 on the grounds of the prevention of public nuisance.

5. CLOSE OF MEETING

The meeting closed at 10.40am.