



Leicester
City Council

Notes of the
HEARING UNDER THE LICENSING ACT 2003

Held: MONDAY, 31 MARCH 2014 at 9:30am

P R E S E N T :

Councillor Thomas

Councillor Westley

Councillor Riyait

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1. APPOINTMENT OF CHAIR

Councillor Thomas 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 any disclosable pecuniary or other interest they may have in the business on the agenda.

There were no declarations.

4. ANY OTHER URGENT BUSINESS

RESOLVED:

That the report of the Director of Environmental Services on an objection to a Temporary Event Notice for Hughies Café, 57 Humberstone Gate, Leicester be considered as an item of Any Other Urgent Business to allow the application to be considered within the statutory time period.

5. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: 57 HUMBERSTONE GATE, LEICESTER

The Director, Environmental Services, submitted a report that required Members to determine an objection notice relating to a temporary event notice (TEN) submitted by Hughies Café, 57 Humberstone Gate, Leicester.

Members noted that an objection notice had been received in respect of the

temporary event notice, which necessitated that the application for the temporary event notice had to be considered by Members.

An officer from the Noise Team was present at the meeting. Also present was the Licensing Team Manager and the Solicitor for the hearing panel. The premises user was not present.

The Licensing Team Manager informed Members that the premises user had sent an email requesting an adjournment of the hearing as he was not able to attend and could not send a representative.

Members refused to adjourn the hearing and agreed to consider the objection notice in the absence of the premises user as they felt it to be in the public interest to do so.

The Licensing Team Manager presented the report. It was noted that an objection notice had been received from the Noise Team on the grounds of the prevention of public nuisance.

The Noise Team officer proceeded to outline the reasons for the objection and distributed photographs of the venue to Members:

- There were concerns that residents may be disturbed by noise from the event.
- The application was for regulated entertainment and sale of alcohol for a DJ music event for 400 people from 13.00 until 21.30 hours in conjunction with another TEN at the same time in the basement of the premises for 150 people until 23.00 hours.
- There was no premises licence which meant that no conditions could be applied to the temporary event notice.
- Humberstone Gate is a mixed use area, the event was due to be held on a Sunday when the existing background noise level would be less and whilst impact on local businesses would be less it would result in a greater impact on nearby residential properties.
- The premises were surrounded by a large number of residential flats at Midland House and the Hub.
- Previous complaints had been made and noise nuisance observed when events on a lot smaller scale than the proposed event had taken place.
- There was no objection to the TEN for the basement of the Café as the sound would be contained.

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 and the Noise

Team officer then withdrew from the meeting.

Members then gave the temporary event notice full and detailed consideration.

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

The Licensing Team Manager and the Noise Team officer then returned to the meeting.

RESOLVED:

That a counter notice be issued in relation to the Temporary Event Notice.

The Members refused to licence the event on the grounds that Members did not think there was any way that the event if staged in the location applied for would not cause a severe noise nuisance.

6. CLOSE OF MEETING

The meeting closed at 10:06am