



Leicester
City Council

Notes of the
HEARING UNDER THE LICENSING ACT 2003

Held: FRIDAY, 6 JUNE 2014 at 9:30am

P R E S E N T:

Councillor Clarke - Chair

Councillor Dr. Barton

Councillor Byrne

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1. APPOINTMENT OF CHAIR

Councillor Clarke was appointed 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 interests they had in the business on the agenda.

Councillor Barton declared an interest in Appendix A, having attended events and been a performer at the premises as part of cultural exchanges.

Councillor Clarke declared an interest in Appendix A, as his daughter attended the venue as part of the Leicester Theatre Group. Councillor Clarke had sought legal advice to determine his position on the Panel. Councillor Clarke stated he would not put the safety of the public at risk, and his declaration would not prejudice his decision with regards to public interest, and he would sit on the Sub-Committee meeting with an open mind.

The meeting was asked to note Members were appointed to the Licensing Committee following Annual Council. The agenda for the meeting was published prior to Annual Council when membership of the Licensing

4. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: HANSOM HALL, 2 WELLINGTON STREET, LEICESTER, LE1 6ZG

The Director, Environmental Services, submitted a report that required

Members to determine an application for a new premises licence within a Cumulative Impact Zone for Hansom Hall, 2 Wellington Street, Leicester, LE1 6ZG.

Members noted that a representation had been received in respect of the application, which necessitated that the application for a new premises licence had to be considered by Members.

The applicant, Mr Karl Strickland, and PC Jon Webb from Leicestershire Police who had made a representation were present. Also present was the Licensing Team Manager and Solicitor to the hearing panel.

The Licensing Team Manager presented the report. It was noted that the representation from Leicestershire Police was made on the ground of the prevention of crime and disorder and the protection of children from harm. The representation referred to the Local Policy on Cumulative Impact for the Belvoir Street Gate area, introduced by Leicester City Council in February 2011.

PC Webb on behalf of the Police outlined the reasons for the representation and answered questions from Members:

- PC Webb referred the representation attached to the report, and the Council's Cumulative Impact Zone (CIZ) policy.
- The application for the premises licence needed to show in the operating schedule it would not impact on the CIZ.
- The high levels of anti-social behaviour on Belvoir Street was referred to, and the Police resources used on Friday and Saturday evenings in the area.
- The Police and Mr Strickland had had conversations, and Mr Strickland was willing to work with responsible authorities and was agreeable to additional conditions requested by the Police.
- The preferred wording for the conditions was that offered by the Police.
- The premises may increase footfall, and therefore, the chance of crime and disorder in the area, for example, when boxing events were held at the premises.
- The representation from the Police did not seek a refusal, but if the premises were licensed, there were concerns over what the premises could become in the future.
- The conditions in the representation from the Police were listed in Appendix C of the report, and they asked the hearing panel to consider the conditions to enhance the licensing objectives.

Mr Strickland was then given the opportunity to respond to the points made:

- The company was trying to work a different model. The idea of holding events and the premises earning money was taken to the City Mayor who was supportive of the idea.
- The City Mayor had allowed the building to be used. In return Mr Strickland and his company would be responsible for the repairs and

maintenance to the building.

- The premises would be used by projects for youth organisations, and profit would go to outreach and youth theatre projects and maintenance of Hansom Hall.
- The premises would not be used for commercial gain, and was not looking to steal trade from surrounding bars.
- The application form had not been completed as a 'bar' person and little was known previously about the CIZ. The Licensing Team had been helpful in assisting the completion of the form.
- Mr Strickland was in agreement with the comments made by PC Webb, and the suggested conditions.
- SIA registered door staff and premises officers for Hansom Hall had been contacted, and they would be employed as and when required, for example, music festivals.
- The Police were to look at the facilities to ensure they were compliant with requested conditions, for example, additional CCTV.
- The premises would be very strict in not allowing glasses to be taken outside of the venue.
- An incident book would be purchased.
- Alcohol would not be sold at any other time other than when events were taking place.
- The focus for the premises would be charity balls, wedding receptions and acoustic music. There would be no large bands playing as it did not suit the venue. The premises would be a sanctuary for music, and was acoustically perfect.
- Advice would be taken regarding licensing training.
- The company had a child protection policy, and the 14 staff had had CRB checks, and 8 employees had Chaperone Licences.
- One of the volunteers was a wrestler, but it was agreed that boxing or wrestling events would be struck from the application form.
- The premises would be closed before the nearby XY and Basement bars opened in the evenings.
- The premises would bring extra traffic to the area, but most people would leave the venue via taxi.
- The venue held 250 people cabaret-style comfortably.

The Licensing Team Manager emphasised the Live Music Act 2012 would become relevant if there were less than 200 people in the premises. It was also pointed out to the applicant that the application form said the serving of alcohol would commence at 16.00 hours, but the opening hours for the premises were from 18.00 hours. Mr Strickland said he was happy to amend the alcohol provision hours to read from 18.00 hours.

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

Mr Strickland added that if anything happened to him, the building and management of the premises would go back to the Council and functions in the building would cease.

Prior to deliberation, the Solicitor to the hearing panel advised members of options available to them in making their decision. Members were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decisions.

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 Strickland, PC Webb, and persons in the public gallery then withdrew from the meeting.

Members gave the application full and detailed consideration.

The Solicitor to the hearing panel was recalled to advise Members on the wording of their decision.

The Licensing Team Manager, Mr Strickland, PC Webb, and persons in the public gallery then returned to the meeting.

The Chair informed everyone present that the Solicitor to the hearing panel had been re-called to advise Members on the wording of their decision.

RESOLVED:

that the application for a new premises licence within a Cumulative Impact Zone (CIZ) be granted for Hansom Hall, 2 Wellington Street, Leicester, LE1 6ZG.

The Committee made the decision to grant the licence subject to conditions in the operating schedule, and those offered by Leicestershire Police. Where there was duplication, the Committee chose to use the Police's wording.

The Committee said that although the premises was in a CIZ, they were satisfied the premises would not contribute to the issue of saturation due to the nature of the operation of the premises, and would not affect the licensing objectives of the Protection of Children from Harm, and the Prevention of Crime and Disorder.

During the hearing the applicant agreed to amend the application so that the authorised supply of alcohol commenced at 18.00 on Fridays instead of 16.00, and to remove boxing/wrestling as a licensable activity.

5. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE: HAYCOCK & TAILBAR ASSOCIATES, 40-42 BELVOIR STREET, LEICESTER

The Director, Environmental Services, submitted a report that required Members to determine an application for a new premises licence within a Cumulative Impact Zone for Haycock & Tailbar Associates, 40-42 Belvoir

Street, Leicester.

Members noted that a representation had been received in respect of the application, which necessitated that the application for a new premises licence had to be considered by Members.

The applicants, Mr Martin Stevens and Mr Sam Dale, and PC Tejas Mavani from Leicestershire Police who had made a representation were present. Also present was the Licensing Team Manager and Solicitor to the hearing panel.

The Licensing Team Manager presented the report. The meeting was informed that the Live Music Act 2012 was relevant due to the hours of operation requested. It was noted that the representation from Leicestershire Police was made on the ground of the prevention of crime and disorder and the prevention of public nuisance. The representation referred to the Local Policy on Cumulative Impact for the Belvoir Street Gate area, introduced by Leicester City Council in February 2011.

PC Mavani on behalf of the Police outlined the reasons for the representation and answered questions from Members:

- The Council's Cumulative Impact Zone (CIZ) policy was referred to in relation to the location of the premises.
- The Police referred to the representation attached to the report.
- The applicants ran a premises in Bowling Green Street and had a good working relationship with the Police.
- The applicant had referred to the CIZ and was not alcohol led.
- The Police were not asking for a refusal but asked that the additional conditions requested in the representation be considered.
- The Police asked for a 3.00am closure to allow for dispersal of people, prior to other premises in the area closing at 4.00pm.

The applicants were then given the opportunity to respond to the points made:

- Mr Stevens and Mr Dale were equal partners in the business.
- They ran Hakamou in Bowling Green Street, and had a premises with the same name in Northampton. The applicants also ran a Haycock & Tailbar Associates premises in Northampton.
- Big venues discounted their beverages heavily, but the applicants wanted a smaller premises, whose target was a mixed selection of customers. No trouble was anticipated, as it was believed younger people did not behave as badly when older people were around.
- The new venue would be a mixed operation with seating and tables only, with no standing drinking allowed.
- The applicants said the larger premises on Belvoir Street would have high rents, and turned their venues over to discos late at night to make money.
- The Haycock & Tailbar Associates premises opened in Northampton under a block of flats. Initially residents had made representations as

they were concerned with the impact a bar would have on their lives. Residents had been pleased the premises had not had an impact on them, and were now customers of the bar.

- The premises was not alcohol or food led, but experience led.
- The venue offered an alternative for well-dressed people who were not quite ready to go home, but did not want to visit a venue with loud music.
- Food would be served throughout the evening, and would cater for customers who wanted to eat late in the evening. It was hoped that eventually people would be directed to the premises for food.
- The applicants were not interested in running an unruly premises, and issues would be addressed by the conditions outlined in the report at Appendix C.
- Free water would be provided, and would have a calming effect. The focus was on refreshment.
- The theatre facing the premises in Northampton had stated the bar had a positive effect on the area.
- It was not anticipated the restaurant would require the use of SIA registered door staff, unless an assessment required the use of such staff. The condition in the licence would be replaced with the model condition in the Council's Licensing Policy regarding the use of SIA door staff.
- The applicants were happy to operate a Challenge 25 policy.
- The applicants believed that 9.30pm was late enough for children to be allowed on the premises, due to the environment outside of the premises. They believed children should be away from the area by 9.30pm.
- The closure time would allow for people to finish their food and drink, and would allow for taxis to arrive.

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

Prior to deliberation, the Solicitor to the hearing panel advised members of options available to them in making their decision. Members were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decisions.

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 Stevens, Mr Dale, PC Mavani, and persons in the public gallery then withdrew from the meeting.

Members gave the application full and detailed consideration.

The Licensing Team Manager, the Solicitor to the hearing panel, Mr Stevens,

Mr Dale, PC Mavani, and persons in the public gallery then returned to the meeting.

RESOLVED:

that the application for a new premises licence within a Cumulative Impact Zone (CIZ) be granted.

The Committee made the decision to grant the licence subject to conditions in the operating schedule, and those offered by Leicestershire Police, subject to the following amendments:

Conditions Consistent with the Operating Schedule

Amendment regarding the use of SIA staff to read:

‘The Licensee will employ sufficient registered door staff to deal with any likely contingency.’

Amendment to the Challenge 21 policy to read:

‘The licence holder will ensure a Challenge 25 policy is adopted at the premises.’

The Committee said that although the premises was in a CIZ, they were satisfied the premises would not contribute to the issue of saturation due to the nature of the operation of the business, and would not affect the licensing objectives of the Prevention of Public Nuisance, and the Prevention of Crime and Disorder.

6. CLOSE OF MEETING

The meeting closed at 11.15am.