



Leicester
City Council

Notes of the
HEARING UNDER THE LICENSING ACT 2003

Held: THURSDAY, 29 MAY 2014 at 9:30am

P R E S E N T :

Councillor Clarke (Chair)

Councillor Riyait

Councillor Westley

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5. APPOINTMENT OF CHAIR

Councillor Clarke was appointed as Chair for the meeting.

6. APOLOGIES FOR ABSENCE

It was noted that Councillor Westley was present instead of Councillor Byrne, as Councillor Byrne had submitted her apologies.

7. DECLARATIONS OF INTEREST

Councillor Clarke declared that he had sat on a hearing panel in 2013 to consider a hearing in respect of an Objection Notice given for a Temporary Event Notice for the same premises. However this was a separate application and would be considered accordingly.

8. ANY OTHER URGENT BUSINESS

RESOLVED:

that the following items of urgent business be taken to allow the applications to be considered within the statutory time period for Temporary Event Notices:

- 1) OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: ALBEAL RESTAURANT, 207 EVINGTON ROAD.
- 2) OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: THE FRIARY, 12 HOTEL STREET, LEICESTER.

**9. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE:
ALBELA RESTAURANT, 207 EVINGTON ROAD, 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 Albela Restaurant, 207 Evington Road, Leicester.

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 Sheikh from the Albela Restaurant and Mr Sansome from the Noise Team were present at the meeting. Also present were the Licensing Team Manager and the Solicitor to the hearing panel.

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 Noise Team Officer outlined the reasons for the objection and answered questions from Members. Pictures were circulated at the meeting showing the location of the premises. The points raised included the following:

- The premises were situated in close proximity to a residential area and there were concerns that it would be difficult to prevent noise from customers using the premises.
- There were concerns relating to an increased likelihood of sleep disruption and possible complaints due to the potential noise from customer vehicles, customers arriving, leaving and using the outside of the premises until 03.30 hours daily, especially during the weekdays.
- The Noise Team had previously received complaints regarding on-street noise disturbance on Evington Road during Ramadan, though not relating to the Albela.
- The Noise Team would have preferred that the TEN only related to extended hours at the weekend.
- It was noted that Ramadan lasted for a period of 30 days and this particular application related to the first seven days of Ramadan.

The applicant then responded to the concerns raised by the Noise Team.

- The premises were also used by a charity called TEAMS, which provided food for the needy.
- There were no problems at the premises relating to litter or parking.

- A TEN for extended hours during Ramadan had been submitted in 2013 but was refused although an application for a TEN from a nearby premises was granted.
- The area was predominantly Muslim with a nearby Mosque which attracted several hundred visitors daily. There was no noise nuisance from the Mosque or from the Albela.
- Most of the customers would come from the Mosque, would park there and walk to the premises.
- In response to a concern expressed that people would meet outside the premises and talk in groups which could create a nuisance, Mr Sheik explained that they would work together to avoid any inconvenience. Ramadan was a time to promote spiritual well-being and the spirit of Ramadan would be defeated by any such nuisance.
- As a TEN could only be granted for a period up to 7 days, they were hoping to submit further applications in the hope that the extended hours would be granted for the whole month of Ramadan.
- With the agreement of the parties present, a petition from customers was circulated indicating support for the TEN.

The Licensing Officer informed the panel that the giving of free food was classed as an exempt supply and under those circumstances, a licence or TEN was not required.

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

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 Sheikh and Mr Sansome 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 Sheikh and Mr Sansome 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 it be agreed that the Objection Notice be disregarded.

The Chair explained that whilst there was potential for public nuisance, the Panel believed that this would potentially take place off premises and that the applicant would do everything in his power to prevent this from happening.

There had been no public objections or police objections but there had been an indication of support from customers. The panel could not impose any conditions but made a request that customers be made aware the premises were located in a residential area.

10. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: THE FRIARY, 12 HOTEL STREET, 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 The Friary, 12 Hotel Street, Leicester

The Licensing Team Manager informed the panel that an agreement had subsequently been reached between the premises user and the Noise Team who had submitted an objection to the TEN, which resulted in additional conditions being applied to the licence to satisfy the objection that had been made.

In light of the agreement, Members agreed that a hearing was not necessary and that the following conditions should be added to the TEN in the interests of preventing public nuisance from noise emanating from the premises.

RESOLVED:

that the following conditions be added to the TEN:

- 1) that a noise limiting device be installed, fitted and maintained in such a manner as to control all sources of amplified music and voice at the premises. The level shall be set to the agreement of the Noise Control Team to prevent noise nuisance being caused to the public. Once the device is set it should be inaccessible to the licence holder and their staff; and
- 2) the licence holder will ensure that the door leading onto Market Place South is only used as disabled access when there is no regulated entertainment taking place on the premises, so as to prevent noise breakout. The door shall also be used as a fire exit in all circumstances.

11. CLOSE OF MEETING

The meeting closed at 10.50 am.