



Leicester  
City Council

Minutes of the Meeting of the  
LICENSING (HEARINGS) SUB-COMMITTEE

Held: WEDNESDAY, 23 JULY 2014 at 5.00pm

P R E S E N T:

Councillor Byrne - Chair

Councillor Potter

Councillor Westley

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**1. APPOINTMENT OF CHAIR**

Councillor Byrne attended and was appointed as Chair to the meeting.

**2. APOLOGIES FOR ABSENCE**

Councillor Barton gave her apologies prior to the meeting.

**3. DECLARATIONS OF INTEREST**

Members were asked to declare any disclosable pecuniary or other interests they had in the business on the agenda.

Councillors Byrne, Potter and Westley said they knew Mr White, an observer in the public gallery to Appendix A on the agenda, an application for a new premises licence at Riverside Pavilion, but no discussion had taken place prior to the hearing regarding the application.

Councillor Potter declared she was a member on the Planning Committee, but planning legislation did not influence decisions at a Licensing (Hearings) Sub-Committee and could not be considered during the hearing.

Councillor Potter declared an interest in Appendix A on the agenda, as she was a member of the Safeguarding Children Panel, as representations had been made which related to the protection of children from harm.

In accordance with the Council's Code of Conduct, Members did not consider that the interests were so significant that it was likely to prejudice their judgement of the public interest. Councillors, therefore, did not consider they were required to withdraw from the meeting.

**4. APPLICATION FOR A NEW PREMISES LICENCE: RIVERSIDE PAVILION, RIVERSIDE FOOTBALL GROUND, BRAUNSTONE LANE EAST, LEICESTER, LE3 2FW**

The Director, Environmental Services, submitted a report that required Members to determine an application for a new premises licence for Riverside Pavilion, Riverside Football Ground, Braunstone Lane East, Leicester, LE3 2FW.

Members noted that representations 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 Kehar Singh Hayer was present with a representative, Mr Andrew Cox. Also present were Councillor Nigel Porter, local councillor for Aylestone, Mr Chris White (Noise Team, Leicester City Council), Mr Roger Barrington (Braunstone Town Council) and Ms Jenny Davie (local resident on behalf of Aylestone Meadows Appreciation Society - AMAS). Also present were the Licensing Team Manager and Solicitor to the hearing panel. Observing in the public gallery were Councillor Piara Singh Clair (former Chairman of the GNG Football Club). Mr Steve White (Chair of Governors, Ellesmere College), Mr Kulwinder Singh Johal and Dr. Johal were present in the public gallery and accompanied the applicant. Further members of the public were observing from the public gallery.

The Licensing Team Manager presented the report. Colour photographs of the exterior of the premises were circulated to all those present at the meeting. It was noted that a representation from the Noise Team was made on the grounds of the prevention of public nuisance. It was noted that representations from a local resident and from Braunstone Town Council were made on the grounds of the prevention of public nuisance. It was also noted that representations were received from Councillor Porter (Ward Councillor for Aylestone), a local resident, and local resident on behalf of Aylestone Meadows Appreciation Society on the grounds of the prevention of public nuisance and the protection of children from harm.

The meeting was informed that supplemental information had been circulated before the meeting, consisting of a signed agreement between the applicant and the Noise Team, and an email from a resident.

Mr Chris White on behalf of the Noise Team outlined the reasons for the objection and subsequent agreement with the applicant, and answered questions from Members:

- The premises was close to a number of residential properties, and the noise team was mainly concerned with on-street activity.
- An agreement was reached between the applicant and the Noise Team, to the conditions requested by the Noise Team outlined in the report.
- A noise limiter would not be considered at this point, as the structure of

the building should be adequate to prevent noise escaping from the premises with the doors and windows kept shut.

- The applicant indicated that regulated entertainment would only take place indoors.

In response to Members questions, the Licensing Team Manager made the following points:

- It was a statutory responsibility for the applicant to consult with the Fire Authority.
- It was the premises user's responsibility to carry out fire safety assessments, and to comply with regulations, but did not need to be considered as part of the licence application.

Councillor Porter, Ward Councillor for Aylestone, supported the concerns raised by local residents, and made the following points:

- He was please an agreement had been reached regarding the opening hours, and sale of alcohol hours, as one concern of the residents was noise from drunk people, and car doors slamming in the early hours of the morning.
- Local residents believed 8-10 Temporary Event Notices could be applied for each year, rather than the premises have a permanent licence for late hours.
- There was concern alcohol would be sold as early as 09.00 hours.

Ms Davie outlined the reasons for the objection, and made the following points:

- The council had initiated a football strategy to encourage youngsters to play football, and use the facilities.
- The club wanted to make money through the sale of alcohol, but it was not clear what access to the premises the under 18s would have when alcohol was being sold.
- Not all teenagers would have adults accompanying them, and would need access to soft drinks and snacks.
- It was a shared facility with Ellesmere College who would also use the facilities, and did not go hand in hand with the sale of alcohol.
- If the football club was not encouraging people to drink, then why apply for an alcohol licence.

Mr Hayer and his representatives were given the opportunity to respond to the points made:

- Mr Hayer managed the GNG Football Club. He did not drink, and he would not encourage anybody else to drink.
- Other clubs had children changing in the bar before and after matches, and the clubs survived.
- Parents also left their children with a trainer and went home. If parents had somewhere to sit, it would encourage them to stay.

- Galvanised fencing had been erected, and the premises was completely fenced off from Ellesmere College, and students would not be allowed into the bar area.
- The licence had been applied for at the request of parents, and would be good for the sustainability of the club, though the club fundraised as much as possible. The premises though would not be used as an off licence.
- Licensable activities would not take place outside of the premises.
- The club organisers would work with residents to alleviate concerns.
- Open days and evenings would be arranged to encourage all in the community to be involved in the club.
- The club was what the local community wanted.
- 5-6 local families already used the facilities available even though the club was not fully open yet and the club wanted to increase the number. The majority of children using the club were local.
- The premises had a capacity of approximately 200 people.
- Mr Hayer would personally be involved in the fire risk assessment of the premises, and the Fire Authority would dictate the capacity limit of people in the premises.
- The bar was closed off by a steel shutter when not in use.
- Children would not be allowed into the bar area, but in the recreational area accompanied by an adult.
- There were specific changing rooms for people to get changed.
- The premises were not currently in operation.
- GNG Football Club provided grass roots football, and were not there to provide alcohol to get people drunk, and would encourage responsible drinking.
- The supply of alcohol would provide 50% of the club's income. No funding was received, and the club relied on donations from the community.
- The club organisers were open to suggestions, such as the provision of family meals in the premises.

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

The Noise Team asked the Sub-Committee, that should they be minded to grant the application, to consider the requested conditions, as outlined in the representation and subsequent agreement.

The Licensing Team Manager clarified that operating hours could be longer than licensable activities hours.

Councillor Porter said local residents welcomed the use of the fields again, and the objection had been against development in the nature reserve, and not GNG Football Club. He hoped the activities would not be a nuisance to local residents.

Mr Barrington asked to point out an anomaly between operating hours and

licensable activities.

Prior to deliberation, the Solicitor to the Sub-Committee 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, Solicitor to the Hearing Panel, Mr Hayer, Mr Cox, Mr White, Mr Barrington, Ms Davie and persons in the public gallery then withdrew from the meeting. Councillor Porter left the meeting at this point.

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 Hayer, Mr Cox, Mr White, Mr Barrington, Ms Davie 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 be granted for Riverside Pavilion, Riverside Football Ground, Braunstone Lane East, Leicester, LE3 2FW, subject to the following conditions:

#### **Conditions Consistent with the Operating Schedule**

- The licence holder will ensure there is CCTV on the premises.
- The licence holder will ensure all staff will be trained to be observant and report anything unusual to management.
- Anybody under the influence of drugs will be asked to leave the premises, anyone dealing drugs will be reported to the police and banned from site.
- All children must be accompanied by a parent or guardian.

#### **Conditions Consistent with the Representation from the Noise Team**

- All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving live or amplified music are taking place.
- Prominent, clear notices shall be displayed at all exits / in designated smoking areas requesting customers and staff respect the need of local residents by keeping noise to a minimum when using the outside area

and when leaving the premises.

- Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 21.00 and 09.00 hours.

### **Additional Conditions added as part of the hearing**

- No under 18's to be allowed in the bar area unless accompanied by an adult.
- Changing facilities to be separate from the bar area.
- The licence holder to operate a Challenge 21 scheme.
- A refusals register will be maintained at the premises and made available to the authorities on request.
- No alcohol to be taken outside the pavilion.
- Late night refreshments to be provided and consumed inside the pavilion only.

Operating hours and hours of licensable activities of the premises were agreed as follows:

#### School term time

Monday to Thursday

Opening hours 09.00 to 23.30 hours

Regulated entertainment (indoors) 09.00 to 23.30 hours

Late night refreshment 23.00 to 23.30 hours

Supply of alcohol for consumption on the premises 16.00 to 23.00 hours

Friday

Opening hours 09.00 to 01.00 hours

Regulated entertainment (indoors) 09.00 to 01.00 hours

Late night refreshment 23.00 to 01.00 hours

Supply of alcohol for consumption on the premises 16.00 to 00.30 hours

Saturday

Opening hours 09.00 to 01.00 hours

Regulated entertainment (indoors) 09.00 to 01.00 hours

Late night refreshment 23.00 to 01.00 hours

Supply of alcohol for consumption on the premises 12.00 to 00.30 hours

Sunday

Opening hours 09.00 to 23.30 hours

Regulated entertainment (indoors) 09.00 to 23.30 hours

Late night refreshment 23.00 to 23.30 hours

Supply of alcohol for consumption on the premises 12.00 to 23.00 hours

#### School Holidays / Bank Holidays

Monday to Thursday

Opening hours 09.00 to 23.30 hours

Regulated entertainment (indoors) 09.00 to 23.30 hours  
Late night refreshment 23.00 to 23.30 hours  
Supply of alcohol for consumption on the premises 12.00 to 23.00 hours

Friday

Opening hours 09.00 to 01.00 hours  
Regulated entertainment (indoors) 09.00 to 01.00 hours  
Late night refreshment 23.00 to 01.00 hours  
Supply of alcohol for consumption on the premises 12.00 to 00.30 hours

Saturday and Sunday – as term time.

The Sub-Committee Members said the above conditions were requested in order to promote the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

**5. APPLICATION FOR A NEW PREMISES LICENCE: AVENUE, 92  
CAVENDISH ROAD, LEICESTER, LE2 7PH**

The Director, Environmental Services, submitted a report that required Members to determine an application for a new premises licence for Avenue, 92 Cavendish Road, Leicester, LE2 7PH.

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

Mr Jaspal Singh Kullar from Kullar Licence (UK) Ltd was present at the meeting, accompanied by Mr Amerjit Kullar. Mr Chris White from the Noise Team who had made representation was present. Also present were the Licensing Team Manager and Solicitor to the hearing panel.

The Licensing Team Manager presented the report. The meeting was informed apologies were received from the local resident who had made a representation, and also from Leicestershire Police. Members were also informed there were conflicts in the two agreements between the Noise Team and the applicant, and the Police and the applicant. The Noise Team had agreed a 09.00 hours opening time, and the Police had agreed a 10.00am opening time with the applicant.

It was noted that the representation from the Noise Team was made on the grounds of the prevention of public nuisance. The Noise Team had sought an agreement with the applicant, which was attached to the report.

Also noted was a representation from Leicestershire Police, made on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. The Police were concerned that the premises had its premises licence revoked on 28<sup>th</sup> March 2014 after a review application, and if the premises was licensed without strict conditions, the problems that

instigated the review might re-occur. The Police had sought an agreement with the applicant, which was attached to the report.

A representation was also received from a local resident on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. The resident was concerned that due to the close proximity the premises had to local residential properties, there would be disturbances from people using the decking at the front of the premises and the potential for anti-social behaviour.

The meeting was informed that the Live Music Act 2012 was relevant to the application due to the hours of operation requested.

Mr Chris White on behalf of the Noise Team outlined the reasons for the representation, and answered questions from Members:

- There were concerns the premises was located in close proximity of residential properties.
- Historically complaints with regards to noise from break-out music, and on-street activity were received from residents in the street when the premises had previously operated.
- The Noise Team had requested additional conditions be added to the premises licence if granted, and an agreement had been reached with the applicant.
- The premises had previously traded as a public house for approximately 40 years, and had separate flats and tenants above the premises.
- Historically activities would have occurred inside the premises. The nature of the pub business had changed over the years, for example, the smoking ban, and the level of noise and music needed to be managed, as the premises was in a residential area.
- The only time the condition on the closure of external doors and windows needed to be enforced was when live or amplified music was played, to protect local residents. If Members did not believe the condition was required, it could be omitted, and the premises could be reviewed in the future if issues arose.
- It was the Noise Team's position to prevent public nuisance. The removal of the decking on the front of the premises had not been discussed with the applicant. It was the owner's responsibility to control nuisance which could be done in a variety of ways.

Mr J Kullar and Mr A Kullar were then given the opportunity to respond to the points made:

- The premises was bought at auction with the tenants in place already.
- Mr Conrad Riley and Ms Amba Riley were known to Mr Kullar, and were previous tenants. Mr Kullar had been unaware of any issues at the premises until the licence was revoked.
- He would work hand in hand with the Police and licensing authority to check the background of future tenants. He had interested parties waiting for the



- licence to be granted.
- It was anticipated the applicant would run a quiet venue, with occasional local live music.
  - The applicant had agreed to a lot of conditions with the Noise Team and the Police.
  - The applicant also offered conditions on Challenge 21, an incident book on site, CCTV installation, and the hiring of door staff for live events.
  - The applicant had owned two bars previously on Narborough Road, and off-licences with no problems.
  - There was an area at the back of the premises segregated from residents that smokers could use.
  - The applicant said he would like the use of the front of the premises until 20.00 hours, when he would ask customers to move to the rear of the premises.
  - Waste disposal was in a separate area to the customers area at the back of the premises.

The Licensing Team Manager emphasised to Members one of the conditions agreed with the Police was Kullar Licence (UK) Ltd would retain the premises licence for 92 Cavendish Road, and a director of Kullar Licence (UK) Ltd would attend and complete a recognised Designated Premises Supervisor course.

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 White, Mr J Kullar and Mr A Kullar 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 White, Mr J Kullar and Mr A Kullar then returned to the meeting.

RESOLVED:

that the application or a new premises licence be granted for Avenue, 92 Cavendish Road, Leicester, LE2 7PH, subject to the following conditions:

### **Conditions consistent with the operating schedule**

- The licence holder will ensure all staff are trained.
- The licence holder will ensure anyone caught taking or dealing drugs will be reported to the Police and will be barred from the premises.

### **Conditions consistent with the representation from the Noise Team**

- The premises shall only be open to the public between the hours of 09.00 to 23.30 daily.
- Licensable activities shall not take place outside the hours of 10.00 to 23.00 daily.
- All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving live or amplified music are taking place.
- Prominent, clear notices shall be displayed at all exists/in designated smoking areas, requesting customers and staff respect the needs of the local residents by keeping noise to a minimum when using the outside area and when leaving the premises.
- Customers shall not be allowed to consume drinks out the front of the premises between the hours of 20.00 and 10.00 hours daily.
- Customers shall not be allowed to consume drinks outside the rear of the premises between the hours of 20.00 and 10.00 hours daily.
- Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 20.00 and 09.00 hours daily.

### **Conditions consistent with the representation from Leicestershire Police**

- Conrad Adrian Riley 12/05/64 and Amber Latoya Riley 16/08/92 are not allowed on the premises at any time whilst licensable activities are taking place.
- Conrad Adrian Riley and Amber Latoya Riley are not involved in the day to day management of the premises.
- The licence holder will ensure that no licensable activity shall take place in any outside area connected to the premises.
- Smoking will be restricted to the outside area at the rear of the premises from 20.00 hours till 23.00 hours. After 23.00 hours smoking may not take place in the outside areas to the front of rear of the premises.
- Registered door staff will be used when live music takes place, and the use of door staff will be risk assessed on an ongoing basis by the licence holder and/or designated premises supervisor. When a risk is identified, sufficient door staff will be employed.
- CCTV will be installed following the advice from Leicestershire Police and maintained in accordance with the Commissioners code of Practice for CCTV. Recordings will be maintained at all times the premises is open to the public and kept for a minimum of 31 days and will be made available to all Responsible Authorities within 48 hours of a request being made for those recordings.
- The licence holder will ensure all incidents of crime and disorder will

be reported to the Police and recorded in an incident book to be kept at the premises and made available immediately to the Responsible Authorities on request.

- The licence holder will provide training to all staff in relation to Challenge 25 and will adopt it as the premises age policy. This training will be documented and signed for and repeated a minimum of twice a year to retain focus.
- Kullar Licence (UK) Ltd will retain the premises licence for 92 Cavendish Road, Leicester, LE2 7PH whilst they are the owners of the Avenue Public House, 92 Cavendish Road, Leicester and a director of Kullar Licence (UK) Ltd will attend and complete a recognised Designated Premises Supervisor course whilst they are the owners of the Avenue Public House.
- Children under the age of 16 years will be supervised in the rear garden and inside the premises by a person over the age of 18 years at all times.

The Sub-Committee Members said they had taken out the requested condition from the Noise Team on the installation of a noise limiter as they did not believe the condition to be reasonable for the new premises owner.

The Sub-Committee Members said the above requested conditions were agreed in order to promote the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

## **6. CLOSE OF MEETING**

The meeting closed at 1.15pm.