



Leicester
City Council

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

Held: THURSDAY, 10 JANUARY 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Cank

Councillor Shelton

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44. APPOINTMENT OF CHAIR

The meeting commenced at 9:50am.

Councillor Hunter was elected as chair for the meeting.

45. APOLOGIES FOR ABSENCE

There were no apologies for absence.

46. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business to be discussed.

There were no declarations of interest made.

**47. APPLICATION FOR A NEW PREMISES LICENCE, PALMARINA LOUNGE,
109 KING RICHARDS ROAD, LEICESTER, LE3 5QG**

The Director of Neighbourhood and Environmental Services submitted a report that required the Sub-Committee to determine an application for a new premises licence for Palmarina Lounge, 109 King Richards Road, Leicester, LE3 5QG.

Members noted that representations had been received in respect of the

application, which necessitated that the application had to be considered by the Sub-Committee.

The applicant, First International Trading Ltd, was represented by Mr Arbi Oudira. Mr Nigel Rixon (Licensing Manager, Leicestershire Police), Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police), Mr Andrew Sansom and Mr Gareth Bowman (Noise Team), the Chief Licensing Officer and the Legal Adviser to the Sub-Committee were also present.

Introductions were made and the procedure for the meeting was outlined to those present.

The Chief Licensing Officer presented the report and outlined details of the application. It was noted that a representation had been received from Leicestershire Police on 14th December 2018 which related to all four licensing objectives. The Police were concerned regarding the impact on the local area including the proximity of the premises to the Cumulative Impact Zone on Braunstone Gate, proposed 24-hour opening and the fact that the application did not address Challenge 21 or door staff.

It was further noted that a representation was received on 8th November 2018 from the Noise and Pollution Team at Leicester City Council which related to the licensing objective of the prevention of public nuisance. An agreement had been reached between the applicant and the noise team to remove live and recorded music, reduce opening hours and add various conditions, however, due to complaints concerning noise levels the agreement was officially withdrawn on 3rd December 2018.

Representatives from Leicestershire Police were given the opportunity to outline the reasons for their representation and responded to questions from the Sub-Committee.

The Noise Team Officers were given the opportunity to outline the reasons for their representation and responded to questions from the Sub-Committee.

Mr Oudira outlined the reasons for the application and answered questions from Members and those who had made representations.

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

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee was also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, the Sub-Committee 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 the parties represented

present.

Mr Oudira, Mr Rixon, Mr Braithwaite, Mr Sansome, Mr Bowman, the Chief Licensing Officer and the Legal Adviser to the Sub-Committee then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of their decision.

Mr Oudira, Mr Rixon, Mr Braithwaite, Mr Sansome, Mr Bowman and the Chief Licensing Officer then returned to the meeting.

RESOLVED:

That the application for a new premises licence for Palmarina Lounge, 109 King Richards Road, Leicester, LE3 5QG be REFUSED.

REASON FOR THE DECISION

In reaching their decision, the Sub-Committee carefully considered the Committee report presented by the Chief Licensing Officer, all representations submitted on behalf of the representatives and the applicant, and the legal advice given during the hearing.

The Sub-Committee were asked to determine the application for a new premises licence at 109 King Richard Road Leicester. When considering the application, the licensing objectives were of paramount concern. The application was considered on its own merits and in accordance with the licensing authority's statement of licensing policy and guidance issued under the Licensing Act 2003.

The application was made by First International Trading Limited.

The licensable activities which were the subject of the application were set out in paragraph 5.2 of the Sub-Committee report.

Representations were received from the Council's Noise Team and from Leicestershire Police. It was noted that the Noise Team had initially reached an agreement with the applicant, however, following an incident of noise nuisance on 1 December 2018, the agreement was withdrawn and the Noise Team objected to the application on the grounds that public nuisance would be caused to local residents if recorded music or live music were not removed from the application and if conditions were not attached limiting the amount of noise to adjoining properties. The Police said that all four licensing objectives would not be promoted if the application was granted. They had met with the applicant on 16th December 2018 and concluded that the applicant had little understanding of what was required to promote the licensing objectives. Of particular concern to the police was the applicant's intention to operate the licensable activities 24 hours a day, 7 days a week without having the requisite

understanding of the impact that the activities would have on local residents. It was the view of the police that the applicant had little understanding of the licensing objectives and they were concerned about the applicant's ability to deal with late night/early morning drinking and the steps the applicant would take to stop or prevent disorder, violence and public nuisance.

Further, the Police said that the applicant did not address how they would deal with underage drinking, whether a refusal logbook would be in place and whether the Challenge 21 policy would be adopted. Most worryingly for the Police, in their meeting with the director Mr Oudira, he indicated that unaccompanied children would be allowed into the premises until midnight.

As a result of what was heard, the committee were satisfied that the representations by the Noise Team and the Police engaged each of the four licensing objectives and concluded that the application should not be granted for the following reasons:

1. The representations made by the Police and Noise Team with regard to the licensing objectives of crime and disorder, public nuisance, and protecting children from harm were accepted in full.
2. The applicant had failed to demonstrate to the Sub-Committee that there was sufficient understanding of the responsibilities required under each of the Licensing Objectives and the Sub-Committee were therefore satisfied that the applicant would not promote the licensing objectives.

48. ANY OTHER URGENT BUSINESS

None.