



Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: MONDAY, 25 FEBRUARY 2019

TIME: 9:30 am

**PLACE: Meeting Room G.01 - City Hall, 115 Charles Street,
Leicester, LE1 1FZ**

Members of the Sub-Committee

Councillors Fonseca, Hunter and Unsworth

Members of the Sub-Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

Officer contact: Angie Smith / Aqil Sarang / Edmund Brown
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Information for members of the public

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

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The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, Democratic Support on **(0116) 454 6354** or email angie.smith@leicester.gov.uk / agil.sarang@leicester.gov.uk / Edmund.brown@leicester.gov.uk or call in at City Hall, 115 Charles Street.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

PUBLIC SESSION

AGENDA

FIRE/EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to area outside the Ramada Encore Hotel on Charles Street as Directed by Democratic Services staff. Further instructions will then be given.

- 1. APPOINTMENT OF CHAIR**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

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

- 4. MINUTES OF PREVIOUS MEETING** **Appendix A**

The minutes of the previous Licensing (Hearings) Sub-Committee meeting held on the 01 February 2019 are attached and members will be asked to confirm them as a correct record.

- 5. PRIVATE SESSION**

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Sub-Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information. Members of the public will be asked to leave the meeting when such items are discussed.

The Sub-Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended, and consequently that the Sub-Committee makes the following resolution:-

“that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local

Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.”

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority).

B1) Application for a New Personal Licence

6. APPLICATION FOR A NEW PERSONAL LICENCE **Appendix B1**

The Director of Neighbourhood and Environmental Services submits a report on an application for a new personal licence.

Report attached. A copy of the associated documentation is attached for members only. Further copies are available on the Council's website at www.cabinet.leicester.gov.uk or by phone Democratic Support on 0116 4546358

(Wards affected: Rushey Mead)

7. ANY OTHER URGENT BUSINESS



Leicester
City Council

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

Held: FRIDAY, 1 FEBRUARY 2019 at 9:30 am

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Hunter

Councillor Unsworth

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49. APPOINTMENT OF CHAIR

Councillor Singh Johal was elected as chair for the meeting.

50. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cank and Councillor Fonseca who were replaced on the panel by Councillor Hunter and Councillor Unsworth.

51. DECLARATIONS OF INTEREST

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

There were no declarations of interest made.

52. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 19th December 2018 could not be confirmed as accurate since none of the current panel members were present at that meeting.

RESOLVED:

That the minutes of the meeting held on 10 January 2019 be confirmed as a correct record.

53. APPLICATION FOR A NEW PREMISES LICENCE, LP1153, 40 GREEN LANE ROAD, LEICESTER, LE5 3TH

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 LP1153, 40 Green Lane Road, Leicester, LE5 3TH.

The sub-committee noted that a representation had been received which necessitated that the application had to be considered by the sub-committee.

The applicant Mr Parbat Sisodiya, Mr Ryan O'Mahony on behalf of the applicant, Mr David Braithwaite of Leicestershire Police, PC Claire Jackson of Leicestershire Police, were also present.

The Chief Licensing Officer and Legal Advisor to the sub-committee were also present.

In attendance as observers were a paralegal from the Legal Team and an Environmental Health Officer.

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

The Chief Licensing Officer presented the report. It was noted that a representation had been received from Leicestershire Police on 21st December 2018 relating to all four licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm, and concerns were raised that the premises was already trading as an off-licence and granting a licence for on sales at this premises would undermine the four licensing objectives.

It was noted that the applicant had submitted additional information which had been circulated prior to the meeting and the sub-committee confirmed had been read.

Mr David Braithwaite for Leicestershire Police outlined the reasons for the representation. Mr David Braithwaite and PC Claire Jackson then responded to questions from the sub-committee. Concerns included the impact the premises could have on the area and the increased risk of anti-social behaviour, as well as the lack of separation between drinkers and customers in the store which would effectively become a bar.

Mr O'Mahony on behalf of the applicant outlined the reasons for the application. Questions from the sub-committee were responded to by the applicant Mr Sisodiya and Mr O'Mahony.

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

Prior to the sub-committee considering the application the Legal Adviser to the sub-committee advised the sub-committee of the options available to them in making a decision and 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 with the parties represented present, in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

The applicant Mr Sisodiya, Mr O'Mahony, Mr Braithwaite of Leicestershire Police, PC Jackson of Leicestershire Police, the Chief Licensing Officer, the Legal Advisor to the sub-committee and the two observers then withdrew from the meeting.

The sub-committee then gave the application full and detailed consideration.

The Legal Adviser to the sub-committee and the observing paralegal were recalled to the meeting to give advice on the wording of the decision.

The applicant Mr Sisodiya, Mr O'Mahony, Mr Braithwaite of Leicestershire Police, PC Jackson of Leicestershire Police, the Chief Licensing Officer and Environmental Officer then returned to the meeting.

The Chair informed all persons present that they had recalled the Legal Advisor to the sub-committee for advice on the wording of their decision.

RESOLVED:

That the application for a new premises license for LP1153 40 Green Lane Road, Leicester, LE5 3TH be REFUSED.

In reaching their decision the sub-committee commented that they had listened carefully to all the representations and had taken into account the Statutory Guidance and the Council's Licensing Policy.

The sub-committee decided that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm to refuse the application.

The reasons for the sub-committee's decision were:

1. Although they accepted that the applicant had no control over matters beyond the immediate area surrounding the premises, they noted the information provided by the police regarding the level of street drinking, anti-social behaviour and public nuisance in the Green Lane Road area.
2. Although the premises were currently operated as a convenience store and off-licence and now benefit from a change of use, the premises

were relatively small. The applicants proposed use of the premises would clearly fail to promote the licensing objectives as:

- (i) Drinking and non-drinking customers would be in close proximity separated at best by only a rope and post barrier;
- (ii) Drinking customers would have direct access to the fridges containing the alcohol;
- (iii) Unaccompanied children entering the premises would be witness to a drinking environment.

3. The sub-committee did not feel that conditions could appropriately be imposed to negate these concerns.

54. ANY OTHER URGENT BUSINESS

There being no further business the meeting closed at 11:22am.

APPENDIX B1

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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