



Leicester
City Council

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

Held: FRIDAY, 29 MARCH 2019 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Cank

Councillor Shelton

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76. APPOINTMENT OF CHAIR

Councillor Thomas was appointed as Chair for the meeting.

77. APOLOGIES FOR ABSENCE

There were no apologies for absence.

78. DECLARATIONS OF INTEREST

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

There were no declarations of interest made.

79. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the previous Licensing (Hearings) Sub-Committee meeting held on 1st March 2019 be confirmed as a correct record.

**80. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE:
AU, 35 ST NICHOLAS PLACE, LEICESTER, LE1 4LD**

The Director of Neighbourhood and Environmental Services submitted a report that required the Sub-Committee to determine an application for the review of an existing premises licence for AU, 35 St Nicholas Place, Leicester, LE1 4LD.

The Sub-Committee noted that an application for the review of the existing

premises licence had been received which necessitated that the application had to be considered by the Sub-Committee.

Mr Shane Whitfield the Premises Licence Holder (PLH) was present and accompanied by Mr Danny Jarram Wolodymyr Nyszczoła (Manager), a Legal Representative, and Independent Licensing Consultant. Mr Nigel Rixon (Licensing Manager, Leicestershire Police), PC Jeff Pritchard (Licensing Officer for Leicester City Centre), Licensing Team Manager, Licensing Enforcement Team Manager, and Legal Adviser to the Sub-Committee were also present.

Also in attendance was a reporter from the Leicester Mercury.

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

The Licensing Team Manager presented the report. It was noted that an application for the review of an existing premises licence had been received from Leicestershire Police on 1st February 2019 which was made on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. Leicestershire Police were concerned that there had been a number of incidents of crime and disorder at the premises, they had identified incidents of bad management practices, failures and delays in assisting the police with criminal investigations, and failures to report criminal activity and incidents of disorder being committed by both door staff employed at the premises.

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

Mr Shane Whitfield and his legal representative were then given the opportunity to respond to the application for the review of the premises licence and answered questions from the Sub-Committee and the Police.

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

Prior to the Sub-Committee considering the application, the Legal Adviser to the Sub-Committee advised them 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 the 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.

The Licensing Team Manager, Licensing Enforcement Team Manager, Legal Adviser to the Sub-Committee, Mr Whitfield and his legal representative, Mr Nyszczoła, Independent Licensing Consultant, Mr Rixon, PC Pritchard and

reporter from the Leicester Mercury then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration.

The Legal Adviser to the Sub-Committee was then recalled to the hearing to give advice on the wording of the decision.

The Licensing Team Manager, Licensing Enforcement Team Manager, Mr Whitfield and his legal representative, Mr Nyszczoła, Independent Licensing Consultant, Mr Rixon, PC Pritchard and reporter from the Leicester Mercury then returned to the meeting.

The Chair informed all persons present that they had recalled the Legal Adviser to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

That the premises licence for AU, 35 St Nicholas Place, Leicester, LE1 4LD be modified in accordance with the agreed revised operating schedule put forward to the committee by Premise Licence Holder Mr Shane Whitfield and Leicestershire Police SUBJECT to an amendment to Condition 1 and SUBJECT to retaining a condition i[set out below] contained in the current Annex 2 of the Premises Licence

REASON FOR THE DECISION

In reaching their decision the Sub-Committee Members had carefully considered the Committee report, all representations made by Leicestershire Police in support of the application for the review, representations made on behalf of the Premises Licence Holder, and legal advice given to them during the hearing.

The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee noted the agreed revision to the operating schedule for AU and the conditions agreed between the Premises Licence Holder and the Police with a slight amendment to condition one, and advised the Premises Licence Holder to uphold the licensing objectives.

REVISED OPERATING SCHEDULE FOR AU

The premises to reduce its terminal opening hour to 04:00am and will have a last entry condition to the premises of 03:00am (save for smokers using the smoking area). The terminal hour of all licensable activity will also be reduced to 04:00am, save for the sale of alcohol by retail which will be reduced to 03:30am.

PROPOSED AND AGREED CONDITIONS FOR AU

The Licensee, Mr Shane Whitfield and Leicestershire Constabulary invite the Committee to replace the conditions under the heading “Annex 2 - Conditions consistent with operating schedule” and to impose the following conditions:

1. A tamper proof High Definition coloured CCTV system shall be in use at the premises at all times when the venue is operating. This CCTV system shall be used and maintained in accordance with the manufacturer’s instructions *situated in accordance with instruction from the Police.*
2. CCTV images shall be retained for a period of at least 28 days and those images shall be made available upon reasonable request by an officer of a responsible authority or employee in accordance with data protection law, or within at least 48 hours of such a request. At least one member of staff must be present at the premises whilst it is open to the public who is trained to operate the CCTV system so it can be viewed.
3. Best endeavours will be used to prevent patrons taking glasses and bottles out of the premises. Door staff shall be instructed to remove any glasses and bottles from persons leaving the venue.
4. A proof of age scheme such as Challenge 25 will be operated at the premises where the only forms of acceptable identification are photographic identification cards such as a driving licence, passport or PASS card.
5. No child under the age of 18 will be allowed within the premises when licensable activity is taking place.
6. A risk-assessed number of SIA registered door staff, subject to a minimum of two from 22:00 and four from midnight on a Friday/Saturday and bank Holidays, shall be on duty until 15 minutes after the venue has closed. A minimum of 1 SIA will carry out these duties operating a body worn camera. All SIA registered door staff shall at all times wear their SIA badge externally on their person. The SIA registered door staff shall be clearly identifiable at all times.
7. A door staff log shall be kept and maintained at the premises, including the full name and SIA badge number of all door staff on duty, detailing their start and finish time. This shall be made available to an Officer of a Responsible Authority upon reasonable request.
8. A log shall be kept detailing all refused sales of alcohol and refusal of entry to the premises. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale/entry. A copy of the log or shall be made available to an Officer of a Responsible Authority upon request. It shall be maintained in a clear and legible format, and retained at the premises for at least 6 months.
9. There shall be licensing training provided to staff including challenge 25

training on an annual basis, records of which will be provided to a responsible office or employee of a responsible authority upon reasonable request.

10. The licence holder will ensure that double glazed windows on the front elevation will be kept closed after 23:00 hours daily or at any time live amplified music is being played.
11. At least one other member of staff, other than the DPS, shall hold a personal licence and deputise for the DPS when they are not at the premises.
12. The DPS shall attend any local meetings, such as 'Citywatch' on behalf of the premises.
13. The premises shall provide details of promotional events taking place at the premises at least 6 weeks in advance of the event to the Licensing Department at Leicestershire Police. A request shall be made to Leicestershire police to provide the PLH with use of their knife arch, and this will be responded to by Leicestershire Police on a risk based analysis. The PLH will consider the use of search wands on a risk assessed based for these events.
14. There are to be no external promoters used at the premises.
15. The premises will promote the 'Ask Angela' scheme within the premises and train the staff accordingly.
16. No new customers will be admitted to the premises after 03:00 am, save for ingress and egress to the designated smoking area.

CONDITION TO REMAIN ON THE EXISTING PREMISES LICENCE

1. The licence is subject to Leicester City Council's Standard Conditions for Place of Public Entertainment, published on the Licensing Authority's website www.leicester.gov.uk/licensing

81. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 11.00am.