



Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: FRIDAY, 29 MARCH 2019

TIME: 9:30 am

**PLACE: Meeting Room G.02 - City Hall, 115 Charles Street,
Leicester, LE1 1FZ**

Members of the Sub-Committee

Councillors Cank, Shelton and Thomas

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

Democratic Support, Leicester City Council

City Hall, 115 Charles Street, Leicester, LE1 1FZ

Tel: 0116 454 6354 / 5591 / 3833

email: angie.smith@leicester.gov.uk / aqil.sarang@leicester.gov.uk / Edmund.Brown@leicester.gov.uk

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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If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc.

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- ✓ 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.

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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 Licensing (Hearings) Sub-Committee meeting held on 1st March 2019 are attached and Members will be asked to confirm them as a correct record.

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

Appendix B

The Director of Neighbourhood and Environmental Services submits a report on the application for a review of an existing premises licence for AU, 35 St Nicholas Place, Leicester, LE1 4LD.

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 telephoning Democratic Support on 0116 454 6354.

(Wards affected: Castle)

6. ANY OTHER URGENT BUSINESS



Leicester
City Council

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

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

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Fonseca

Councillor Unsworth

* * * * *

62. APPOINTMENT OF CHAIR

Cllr Singh Johal was appointed as Chair for the meeting.

63. APOLOGIES FOR ABSENCE

There were no apologies for absence.

64. DECLARATIONS OF INTEREST

There were no declarations of interest made.

65. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 19th January 2019 be confirmed as a correct record.

**66. APPLICATION FOR THE REVIEW OF AN EXISTING PREMISES LICENCE:
BOMBAY NIGHT DANCE BAR, 32 BELGRAVE ROAD, LEICESTER, LE4
5AS**

The Director of Neighbourhood and Environmental Services submitted a report that required the Sub-Committee to determine an application for a review of an existing premises licence for Bombay Night Dance Bar, 32 Belgrave Road, Leicester, LE4 5AS.

The Sub-Committee noted that representations had been received which necessitated that the application for a review of an existing premises licence had to be considered by the Sub-Committee.

Mr Vijay Chabra was present with a legal representative. Mr David Braithwaite and PC Martin Rawlins were present for Leicestershire Police. The Chief Licensing Officer, Licensing Team Manager and Legal Representative to the Sub Committee were also present.

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

It was noted that the Police had produced additional information. The Sub-Committee therefore had to make a decision to accept or reject the additional information, or to adjourn the meeting to allow all parties to view the additional information.

Mr Braithwaite informed the meeting that the additional information available had been requested by the legal representative for the applicant. The request was directed via the Freedom of Information department, who had provided the information to Mr Braithwaite at 4.30pm on Thursday 28 February 2019. Mr Braithwaite added the case for the Police relied on all occurrences outlined in the information and they wanted to submit the document as additional information.

The legal representative on behalf of the licensee said the incident reports should have been submitted with the application for the review on 4 January 2019, along with relevant CCTV footage. She added that incident reports were fundamental and allowed the licence holder to present evidence on the back of the information presented by the Police, and that it would not be possible to go through the document thoroughly before the meeting. It was argued that the Committee should not allow the Police to rely on the additional information as this would put the premises licence holder at a significant disadvantage and thereby infringe Article 6 of the Human Rights Act 1998, the right to a fair trial.

The legal representative for the applicant also stated the CCTV footage should not be viewed at the meeting as there had been no opportunity for the applicant or legal representative to view the footage and be able to respond.

Members received legal advice from the Legal Adviser to the Sub-Committee who 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 their decision on whether to accept or reject the additional information or adjourn the meeting. It was further suggested the Police needed to clarify the nature of the application.

Mr Braithwaite reiterated the Police needed to serve the information as it provided background information to the original representation, including crime numbers and incidents, and the documentation further evidenced the case of what had been happening in the area and at the premises.

The legal representative on behalf of the licensee requested the meeting continue and not be adjourned.

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 applicant Mr Chabra and his legal representative, Mr Braithwaite, PC Rawlins, the Chief Licensing Officer, Licensing Team Manager and Legal Adviser to the Sub-Committee then withdrew from the meeting.

The Sub-Committee then considered the additional points before reaching a decision. The Legal Adviser to the Sub-Committee was recalled to the meeting to advise Members on the wording of their decision.

The applicant Mr Chabra and his legal representative, Mr Braithwaite, PC Rawlins, the Chief Licensing Officer, and Licensing Team Manager then returned to the meeting.

Those present were informed the Legal Adviser to the Sub-Committee was recalled to advise Members on the wording of the decision.

RESOLVED:

That the Licensing Hearing Sub-meeting be adjourned to the 20th March, 9.30am.

REASON FOR THE DECISION.

Members believed that it was appropriate for the additional information from the Police to be introduced to provide a fair hearing.

The Sub-Committee considered what had been said by both parties, and believed it was right the Police be allowed to rely on the information as it supported the representations already made, and they believed it was right and proper for Mr Chabra and his legal representative to have the opportunity to go through the information and be allowed to respond to the Police.

The Sub-Committee added it was important for Mr Chabra and his legal representative to have the opportunity to view the CCTV footage and respond to it, and that any technical difficulties be ironed out immediately following the meeting today.

The case was adjourned to 20th March at 9.30am.

67. APPLICATION FOR A NEW PREMISES LICENCE: KRITIKA PAN CENTRE, 103 UPPINGHAM ROAD, LEICESTER, LE5 3TB

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 Kritika Pan Centre, 103 Uppingham Road, Leicester, LE5 3TB.

Members noted that a representation had been received in respect of the application, which necessitated that the application had to be considered by the Sub-Committee.

The applicant, Mrs Hansha Samji was present with her accountant Mr Vijay Thanki, attending as interpreter for Mrs Samji. The Chief Licensing Officer, Licensing Team Manager and Legal Adviser to the Sub-Committee were also present. The person who had submitted a representation was not present.

Introductions were made and the procedure for the meeting was outlined to those present. It was established that the report had been translated to the applicant.

The Chief Licensing Officer presented the report and outlined details of the application. It was noted that a representation had been received from a local resident on 22nd January 2019 which related to the licensing objectives of the prevention of public nuisance and public safety. The local resident was concerned there was already an issue of street drinking and anti-social behaviour in the area and granting the licence might increase those issues. It was further noted during presentation of the report that Section M of the application for the premises licence on how the applicant would promote the licensing objectives had not been completed.

Members asked if Mrs Samji had a personal licence, which was confirmed, and the process for obtaining a personal licence was outlined.

There were no questions from the applicant on the report.

Mrs Samji through her interpreter outlined the reasons for the application and answered questions from Members and the Chief Licensing Officer.

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 make 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 with the parties represented present.

The applicant Mrs Samji and interpreter Mr Thanki, the Chief Licensing Officer, Licensing Team Manager and 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.

The applicant Mrs Samji and interpreter Mr Thanki, the Chief Licensing Officer and Licensing Team Manager then returned to the meeting.

Those present were informed the Legal Adviser to the Sub-Committee was recalled to advise Members on the wording of the decision.

RESOLVED:

That the application for a new premises licence for Kritika Pan Centre, 103 Uppingham Road, Leicester, LE5 3TB, be
REFUSED.

REASON FOR THE DECISION

The Sub-Committee said that as a result of what they had heard, they were satisfied that the representation from a local resident engaged two of the four licensing objectives. The applicant had failed to satisfy the Sub-Committee that she understood what was required to promote the licensing objectives.

The Sub-Committee added that the operating schedule relating to the four licensing objectives had been left blank and on questioning the applicant they had reached the view that she did not understand what was required of a licence holder. Having considered everything the Sub-Committee concluded that the applicant did not have the necessary skills or competency to promote the licensing objectives.

The applicant was advised she could appeal the decision to the Magistrates Court within 21 days.

68. ANY OTHER URGENT BUSINESS

There being no further items of urgent business, the meeting closed at 12.35pm.



Leicester
City Council

WARDS AFFECTED
Castle

Appendix B

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Hearing under the Licensing Act 2003

29 March 2019

**Application for a review of an existing premises licence
AU, 35 St Nicholas Place, Leicester, LE1 4LD**

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

2. Determination to be made

2.1. Having considered the application and representation, Members must consider whether to

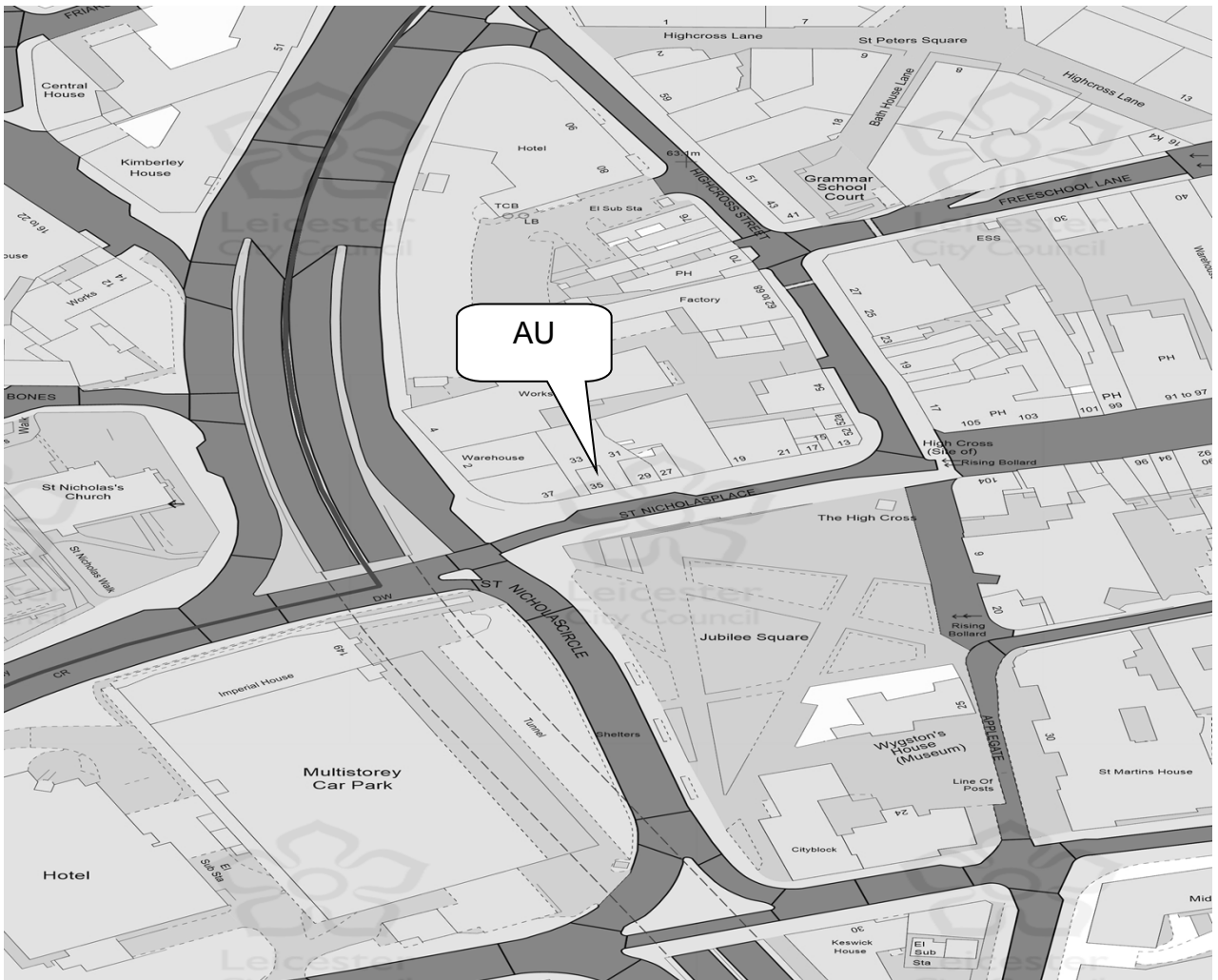
- Reject the review application
- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

3.1 This report outlines an application for a review of an existing premises licence for AU and summarises the representation received. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

4. Location Plan



5. Existing Licence

- 5.1. The existing licence is attached at Appendix A.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Play	Monday – Sunday 08.00 – 05.00
Films	Monday – Sunday 08.00 – 05.00
Indoor Sporting Events	Monday – Sunday 08.00 – 05.00
Boxing or Wrestling	Monday – Sunday 08.00 – 05.00
Live Music	Monday – Sunday 08.00 – 05.00
Recorded Music	Monday – Sunday 08.00 – 05.00
Performances of Dance	Monday – Sunday 08.00 – 05.00
Late night refreshment	Monday – Sunday 23.00 – 05.00
Supply of Alcohol	Monday – Sunday 08.00 – 05.00
Opening hours	Monday – Sunday 08.00 – 05.00

6. Review application

- 6.1 An application was received on 1st February 2019 from Leicestershire Police for a review of the existing premises licence for AU. The application was made on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the application is attached at Appendix B.
- 6.2 Leicestershire Police are concerned that there have been a number of incidents of crime and disorder at the premises. They have 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 both by door staff employed at the premises and suspected members of staff/management. These incidents are also combined with excessive force being used.

7. Representations

- 7.1 There have been no representations received in relation to this application.

8 Steps to Promote the Licensing Objectives

- 8.1 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

9. Statutory Guidance

- 9.1 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the government has issued guidance under section 182 of the Licensing Act 2003. The relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.5	The licensing objectives
1.15	General principles
1.16	Each application on its own merits
2.1 – 2.6	Crime and disorder
2.7 – 2.14	Public safety
2.15 – 2.21	Public nuisance
3.12 – 3.20	Late night refreshment
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.10	Proportionality
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.29	Reviews
14.51 – 14.52	Licensing hours

10. Statement of Licensing Policy

10.1 The relevant parts of the Licensing Authority’s Statement of Licensing Policy are as follows:

Section	Heading
2	Fundamental Principles
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
9	Prevention of Public Nuisance
12	Duplication
13	Standardised conditions
17	Live Music, Dancing, Theatre, Circuses and Street Arts

11. Points for Clarification

11.1 The licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?
2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application they have made?
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives?

12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Parag. 6 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

13. Background Papers – Local Government Act 1972

None.

14. Consultations

14.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

15. Report Author

Amy Day
Licensing Officer
0116 454 3054
Amy.day@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application for review

Licensing Act 2003
Premises Licence

LEIPRM1682



Leicester
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Local Services & Enforcement
 Leicester City Council
 York House
 91 Granby Street
 Leicester
 LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

AU

35 St Nicholas Place, Leicester, LE1 4LD.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

Expires **no expiry**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Mon-Sun	8:00am	5:00am
B. Exhibition of films (Indoors)	Mon-Sun	8:00am	5:00am
C. Indoor sporting event	Mon-Sun	8:00am	5:00am
D. Boxing or wrestling entertainment (Indoors)	Mon-Sun	8:00am	5:00am
E. Performance of live music (Indoors)	Mon-Sun	8:00am	5:00am
F. Playing of recorded music (Indoors)	Mon-Sun	8:00am	5:00am
G. Performance of dance (Indoors)	Mon-Sun	8:00am	5:00am
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	5:00am





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Local Services & Enforcement
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91 Granby Street
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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Mon-Sun	8:00am	5:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon-Sun	8:00am	5:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Shane Whitfield Ltd

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Craig HARRIS

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. BLP0419

Issued by Blaby





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Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

ANNEXES**Annex 1 - Mandatory conditions**

No supply of alcohol may be made under the premises licence -

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supplied alcohol), or
 - ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

dispensing alcohol directly by one person into the mouth of another

- a) (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a) a holographic mark, or
- b) an ultraviolet feature.

The responsible person shall ensure that-

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - i) beer or cider: ½ pint;
 - ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii) still wine in a glass: 125 ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Admission of children to the exhibition of any film must be in accordance with the recommendations of the British Board of Film Classification for that film. Where permission has been given by the Licensing Authority to show a film not classified by the British Board of Film Classification, the requirements made by the Licensing Authority for the admission of children to the exhibition of that film must be followed.

All individual(s) at the premises for the purpose of carrying out a security activity must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or





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York House
91 Granby Street
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ANNEXES continued ...

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

Annex 2 - Conditions consistent with the operating schedule

The licensee will ensure that CCTV is installed following advice from the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioners CCTV Code of Practice

The licence holder will ensure a "Challenge 21" policy requiring the production of "proof of age" for any sale that takes place where there is any suspicion that the customer is under 21. Such proof may include a pass conforming to the PASS accreditation system, photo driving licence, student cards and passports.

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.

The licence holder will ensure that a refusals register will be kept and maintained at the premises and made available on request by the relevant authority

The licence holder will ensure that no person under 18 years of age will be allowed on the premises when licensable activities takes place unless agreed by the licensing authority or the police.

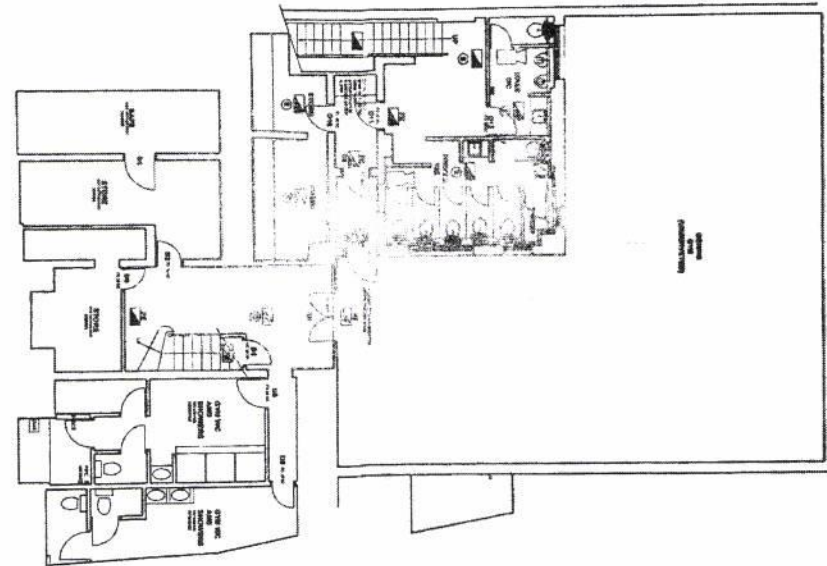
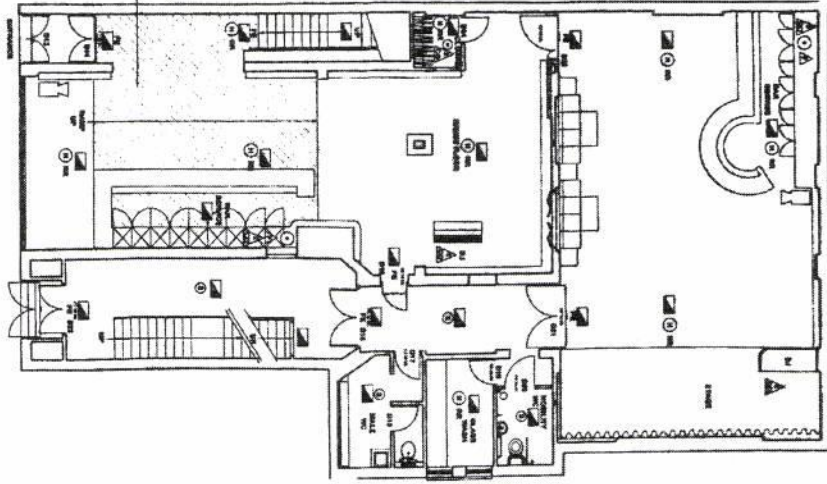
The Licence is subject to Leicester City Council's Standard Conditions for Places of Public Entertainment, published on the Licensing Authority's website www.leicester.gov.uk/licensing <<http://www.leicester.gov.uk/licensing>>

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None.



ANNEX 4 - PLAN



Symbol	Description
	LABORATORY
	9 WATT MAINTAINED LUMINAIRE
	9 WATT MAINTAINED WATERPROOF LUMINAIRE
	9 WATT MAINTAINED PIRE 100T LUMINAIRE
	SCORCHER
	CALL POINT
	FIRE EXTINGUISHER CAB
	FIRE EXTINGUISHER POINT
	HEAT SENSITIVE DETECTOR
	SMOKE DETECTOR

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fluid

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 0191 261 7405
 www.fluid.co.uk
 info@fluid.co.uk

17 St Nicholas Place
 Leicester LE1 1AD

**THE HOUSING
 28-29 ST NICHOLAS PLACE
 LEICESTER**

Prepared by: MR CHRIS WETTINGHAM

Checked by: [Signature]

Date: 14/08/08

Scale: 1:180

Drawn by: [Signature]

Project: PROPOSED LICENSING PLAN

Ref: CA/08/301/002



Leicester
City Council

Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

AU

35 St Nicholas Place, Leicester, LE1 4LD.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Mon-Sun	8:00am	5:00am
B. Exhibition of films (Indoors)	Mon-Sun	8:00am	5:00am
C. Indoor sporting event	Mon-Sun	8:00am	5:00am
D. Boxing or wrestling entertainment (Indoors)	Mon-Sun	8:00am	5:00am
E. Performance of live music (Indoors)	Mon-Sun	8:00am	5:00am
F. Playing of recorded music (Indoors)	Mon-Sun	8:00am	5:00am
G. Performance of dance (Indoors)	Mon-Sun	8:00am	5:00am
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	5:00am





Leicester
City Council

Local Services & Enforcement
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

(0116) 4543040
licensing@leicester.gov.uk

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Mon-Sun	8:00am	5:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Mon-Sun	8:00am	5:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Shane Whitfield Ltd

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Craig HARRIS

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Nigel Rixon

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description AU 35 St Nicholas Place Leicester LE1 4LD	
Post town LEICESTER	Post code (if known) LE1 4LD

Name of premises licence holder or club holding club premises certificate (if known) Shane WHITFIELD LTD
--

Number of premises licence or club premises certificate (if known) LEIPRM1682

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Nigel Rixon Leicestershire Police Mansfield House Police Station 74 Belgrave Gate Leicester LE1 3GG
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The premises is located at 35 St Nicholas Place in Leicester city centre, opposite a public open space area known as Jubilee Square.

St Nicholas Place / St Nicholas Circle is one of the main and busiest gateways into the city centre. The western gateway links the city centre to the other night time economy areas in the West End area of the city, including Braunstone Gate, Narborough Road and Hinckley Road.

The premises tends to attract customers predominantly at weekends and later in the evening, as they drift into the city centre for the remaining of the night time economy.

The premises is located next door to Mosh nightclub, which is a long established nightclub venue.

Other night time economy and licensed premises are located a short distance away on Highcross Street and High Street.

Due to the premises location, it has a high night time economy footfall. The premises experiences a greater number of incidents of crime and disorder. As a result of this the premises requires strong management in order to ensure that the fundamental principles of the licensing objectives are upheld.

Due to the volume of incidents of crime and disorder at the premises, Leicestershire Police have identified a number of incidents of bad management practices, failures to assist the police with criminal investigations, delays in assisting the police with criminal investigations, failure to report criminal activity and incidents of disorder

being committed both by door staff employed by the premises and suspected members of staff/management. These incidents of disorder are also combined with excessive use of force being used.

In relation to CCTV, PC2093 Pritchard has personally observed an external CCTV camera directly above the entrance to the premises. The position of the camera would capture facial images of those person(s), both entering, queuing and leaving the premises. The camera would also capture the actions of the door staff / staff. As result of a number of criminal investigations, PC2093 Pritchard has noticed that this camera footage has never been be supplied to the best of his knowledge.

PC2093 Pritchard would state that in his capacity as the City Centre Licensing Officer for Leicestershire Police, that the entrance to any licensed premises is always the "flash point". The fact that the footage from this CCTV camera if it is working is never supplied to Police suggests that the premises does not take its licensing responsibilities to prevent crime and disorder seriously.

The designated premises supervisor (DPS) is listed as Craig Harris on the premises licence. PC2093 Pritchard through his role as Licensing Officer is not aware of anyone who has actually spoken to or encountered Harris at the premises.

PC2093 Pritchard has seen a Leicester City Council Licensing Authority letter dated 02/10/2018, addressed to the owner of the premises Shane WHITFIELD. The letter gives WHITFIELD's address as [REDACTED] which is identical to that of Craig Harris's address on the premises licence.

Please provide as much information as possible to support the application
(please read guidance note 2)

(1) Friday 29th December 2017. Licensing Issues. (See Annex B)

PC 4550 Burton added an entry to INNWEB, the Police Licensing Database, following a serious crime at the premises which resulted in an arrest. PC 4550 Burton's entry raises significant concerns. See Annex B for full details.

(See Annex A and crime number [REDACTED] 29/12/2017 & Annex B).

(2) Sunday 2nd September 2018 (01:25 hours) - Violent Disorder.

At approximately 01:25 hours, a group of males are either ejected or asked to leave the premises due an altercation / fight in the basement area of the premises. On exiting the premises a large scale fight erupts with a doorman arming himself with a piece of rope with a metal clip end, the type used on crowd control barriers. The doorman swings the rope/metal end multiple times as he is chased down the street by the group of men. During the incident multiple members of the public are caught in the cross fire and are also assaulted.

Whilst fighting continues outside the premises in the street, a doorman can still be seen armed with the rope. This same doorman later arms himself with a metal pole / bar.

The fighting continues for approximately seven minutes, with metal safety barriers/ railings being thrown, metal barrier stands being thrown, rope being swung and both the group of males and door staff arming themselves with metal bars/poles. Again, throughout the incident, numerous other members of the public are caught in the cross fire and either assaulted or put in fear of violence.

As a result of this incident six persons were arrested. The criminal investigating process is now at the stage where a Crown Prosecution Service charging decision is being sought.

Please note that as a result of this incident, a victim who became involved in the fight, who attempted to protect other members of the public, was punched by an unknown suspect resulting in him losing the sight in his left eye. (See Annex A and crime Number [REDACTED])

CCTV is the primary evidence and is available for the committee to view. (Please disc 1)

(3) Saturday 15th December 2018 (23:47 hours) - Violent Disorder.

At approximately 23:47 hours, three males are refused entry to the premises and an altercation can be seen escalating. A fight subsequently breaks out between two males and at least two doormen. During the fight, there is a suggestion that one of the males was in possession of a knife and on viewing CCTV, one of the males can be seen with an item in his hand, which may or may not be a knife.

At 23:49:50 hours, the two doormen arm themselves with the metal barrier stands and start to swing them at the males, before throwing them at them. A doorman and one of the males, now armed with a metal barrier as well can then be seen swinging the barriers at each other in the street.

At 23:50:26 hours, police officers arrive at the scene, mid fight, at which point the

three males run off. The doorman admits hitting the males after he stated one of them was in possession of a knife. However, he describes the third male who actually acted as a peace maker and who attempted to drag the two other aggressive males away. Despite the above and despite officers stating that the doorman had used excessive force, no arrests were made.

Again CCTV is primary evidence and is available for the committee to view. (Please see disc 2)

Further to the above. The premises did not report the incident and manager Rhys Nyszczone emerges from the venue post fight.

PC2093 Pritchard on becoming aware of this incident requested the CCTV footage from Rhys Nyszczone. Despite a delay, the CCTV was eventually provided shortly before it was due to be overwritten. PC2093 Pritchard on viewing the CCTV noticed there were a number of issues. The footage speed on one of the camera's is sped up which makes viewing the footage and determining individuals actions extremely difficult. The camera's position and obstructions means the footage is of poor evidential value. As for the requested internal camera footage, looking towards the entrance, which would show the start of the incident clearly, the footage would not play. PC2093 Pritchard would state that it is unclear if this was intentional or not, but raises suspicion, especially as the conduct of the door staff and staff was being questioned.

PC2093 Pritchard's statement is attached.

(4) Saturday 22nd December 2018. Licensing Visit Concerns.

PC2204 Milnes attended the premises just before midnight and spoke with the manager Rhys Nyszczone, however the licensee was not present. PC Milnes would state that the premises licence was not on display and nor was Nyszczone able to produce a copy of it.

PC2204 Milnes returned at 01:45 hours on Sunday 23rd December 2018. The premises licence had not been located and the licensee was unable to bring the licence to the premises.

The display of a premises licence is a fundamental basic requirement of the Licensing Act. The fact that it was not on display is an offence under Section 57 of the Licensing Act 2003.

The fact that the licensee was not present on what would be the busiest night of the week is also of concern.

PC2204 Milnes statement is attached.

(5) Sunday 23rd December 2018 - Investigation Concerns.

PS2233 Brennan attended the premises following a report of an assault inside that resulted in a victim being taken to hospital with a facial injury. The injury was suspected to have been caused by a glass.

PS Brennan spoke to a staff member who stated that he did not know what had happened, apart from that an incident on the dancefloor resulted in a male exiting the venue with a bleeding head injury. PS Brennan states that the door staff stated that they were unaware of who the suspect was but believed the offender had already left the premises.

PS Brennan spoke with the manager Rhys Nyshota and as the premises was due to close shortly, waited outside. It was at this point Police were informed by two alleged witnesses, who refused to give details or provide statements, that the suspect for the assault was linked to either the premises management or door staff.

PS Brennan spoke to Rhys Nyshota and requested to view the CCTV. Nyshota stated that someone else, not present, had the key to access the CCTV. However the CCTV could be collected in the morning. Nyshota confirmed that providing CCTV is part of their licensing condition but was too busy trying to run the business and clearing the venue ready to close. PS Brennan asked Nyshota if he was refusing him entry, to which he replied he had already had two earlier licensing checks (PC2204 Milnes - as above) and that there was no time to check CCTV.

Rhys Nyshota's account seems to contradict his earlier statement about not having access to the CCTV.

PS Brennan summarizes in his statement that he was concerned about the staff's lack of control or knowledge about a serious injury which had occurred inside. PS Brennan also states that he was concerned by Rhys Nyshota's unwillingness or inability to assist the police with the CCTV enquiry which hindered a criminal investigation. PS Brennan also states that there is either poor management or at worse, staff have been involved in protecting the suspect for this offence.

PS Brennan's statement is attached.

(6) Tuesday 1st January 2019 (03:03 hours) - Violent Disorder.

At approximately 02:54 hours, a group of males are refused entry to the premises. After a short while one of the group is allowed entry, whilst the others remain speaking to door staff and an unknown male in a beige coloured, sheep skin type coat and black coloured beanie hat.

At 02:55:51 hours, a fight breaks out. One of the group throws the first punch which causes the incident to escalate into a large scale fight between 3/4 males and 3/4 doormen / staff members.

At 02:56:30 hours, the group of males walk away from the premises.

At 02:57:40 hours, five males return and one of the males throws a bottle towards the door staff. Several of the males run towards the door staff. Again, a large scale fight moves across the street and away from the entrance to the premises.

At 02:58:35 hours, the male in the beige coloured coat and black coloured beanie hat ushers the door staff back towards the entrance of the premises which is six to eight metres away.

At 02:58:50 hours, two of the group approach the door staff and engage in conversation.

At 02:59:09 hours, the three other males, the main aggressors, re-approach the front of the premises before they walk off again.

At 03:00:00 hours, two of the males return and speak with door staff.

At 03:01:35 hours, the main aggressor returns and starts to speak to door staff but

waves his arm out in the direction of one of the doormen.

At 03:01:44, a doorman lunges towards the males from the side and causes the situation to erupt again and the whole group surge away from the door in a mass brawl.

At 03:01:49, the mass brawl ends up on the floor with multiple persons involved. Several doormen and the male in the beige coloured coat can be seen punching and kicking the main aggressor whilst he is on the floor. However, due to the number of persons involved it is difficult to say if the strikes connected, but I suspect so.

At 03:02 hours, the main aggressor gets back to his feet but continues to act in an aggressive manner. A long stand-off occurs, whilst the aggressive male gestures, whilst rocking on the balls of his feet. The aggressive male subsequently pushes a doorman at which point a male suspected to be a staff member throws a bottle from the middle of the pack towards the male. The injured male subsequently retreats away holding his forehead. I have been informed through a source that the male received a laceration about his eye as a result of the bottle being thrown.

The male in the beige coloured coat ushers the door staff back towards the premises and stands at the entrance. The male that had thrown the bottle is ushered inside but later exits but is again ushered inside. As this occurs a female is carried out of the premises by a doorman and a male and is taken across the road and sat on the steps of Jubilee Square.

PC2093 Pritchard would state that from viewing CCTV, he is under no doubt that the male in the beige coloured coat and the male who threw the bottle are either members of management, staff or part of the promotion team at the premises.

PC2093 Pritchard would state that there appears to be a high degree of provocation which resulted in the door staff / staff using excessive force, causing the situation to escalate and also committing criminal offences themselves.

Despite the incident lasting approximately nine minutes and with sufficient time between incidents, no one from the premises phoned the police.

Again, CCTV is the primary evidence and is available for the committee to view. (Please see disc 3)

PC2093 Pritchard statement is attached.

(7) Tuesday 1st January 2019 - Licensing Issues. (See Annex C)

PC 4381 Ahmed added an entry to Innweb, the Police Licensing Database, raising concerns about the managers unwillingness to provide CCTV, despite a suspect being in police custody at that time for alleged domestic related assault whereby the victim received an injury as a result of being hit, allegedly by a glass. Following the suspects arrest he allegedly assaulted and racially abused the arresting police officer. This matter is currently under investigation. PC 4381 Ahmed's Innweb entry states that the arrested individual stated that he has shares in the premises and can obtain CCTV footage.

(See Annex A and crime numbers [REDACTED] on 01/01/2019 and Annex C).

(8) Sunday 13th January 2019 (02:39 hours) - Unprofessional Behaviour/Assault.

At 02:39 hours, an unknown male is seen to urinate in the doorway of Mosh nightclub, immediately next to Au 's entrance. As the male does so, he can be seen talking to AU staff. PC2093 Pritchard would state that the same male wearing the beige coloured sheep skin coat as on 01/01/2019 is present and stood at the entrance to the premises. Another doorman is present along with another male who PC Pritchard suspects to be the manager, Rhys Nyszczoła. Nyszczoła proceeds to pick up the metal barrier stand and jab the unknown male in the face whilst he continues to urinate. Nyszczoła then jabs the unknown male in the chest causing the male to react angrily, before walking away.

CCTV is the primary evidence and is available for the committee to view. (Please see disc 4)

PC2093 Pritchard's statement is attached.

In short, Leicestershire Police have no confidence in the premises management and believe that the premises has failed to uphold the licensing objectives and are putting members of the public at significant risk of harm.

Therefore, I respectfully request that the committee consider revoking the premises licence.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

30/1/19

Capacity Licensing Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

