



Leicester
City Council

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

Held: MONDAY, 15 APRIL 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Byrne

Councillor Unsworth

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89. APPOINTMENT OF CHAIR

Councillor Hunter was elected as Chair for the meeting.

90. APOLOGIES FOR ABSENCE

There were no apologies for absence.

91. DECLARATIONS OF INTEREST

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

Councillor Hunter declared that she lived near the shop in question, however she had never been into it and she had an open mind, and this would have no bearing on any decision she came to today.

In accordance with the Council's Code of Conduct, the interest declared was not considered so significant in relation to this application that it was likely to prejudice a Member's judgment of the public interest and Councillor Hunter was therefore not required to withdraw from the meeting.

92. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Licensing (Hearings) sub-committee meeting held on 20th March 2019 be confirmed as an accurate record.

93. PRIVATE SESSION

RESOLVED:

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 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

94. APPLICATION TO TRANSFER AN EXISTING PREMISES LICENCE AND TO VARY A PREMISES LICENCE

The Police submitted a representation that required the sub-committee to determine an application to transfer an existing premise and to vary the designated premises supervisor.

The sub-committee noted that an application to transfer an existing premises licence and to vary the designated premises supervisor had been received which necessitated that the application had to be considered by the sub-committee.

The applicant, his wife, his two daughters and an interpreter were present. Also present were the Licensing Team Manager, Mr David Braithwaite and PC Claire Jackson of Leicestershire Police and the Legal Advisor to the Sub-Committee.

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

The Licensing Manager (Policy and Applications) presented the report. It was noted that applications had been received on 19th March 2019.

It was noted that a representation had been received from Leicestershire Police

on 22nd March 2019 relating to the licensing objective of the prevention of crime and disorder.

Mr Braithwaite outlined the reasons for the representation, provided details of the applicant's convictions for relevant offences and advised the committee that the applicant was the subject of an ongoing criminal investigation and responded to questions raised by the sub-committee.

The applicant 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.

The applicant, his wife, his daughters, the interpreter, Mr Braithwaite, PC Jackson, the Licensing Team Manager 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.

The applicant, his wife, his daughters, the interpreter, Mr Braithwaite, PC Jackson and the Licensing Team Manager then returned to the meeting.

RESOLVED:

That the application to transfer an existing premises licence and to vary a premises licence to specify an individual as a designated premises supervisor be REFUSED.

REASON FOR THE DECISION

In reaching their decision, the Sub-Committee Members carefully considered the Committee report presented by the Licensing Team Manager, all representations made by Leicestershire Police in support of their objections, the representations made on behalf of the applicant, and legal advice given during the hearing.

When considering the application, the prevention of crime and disorder

licensing objective was the only objective relevant. The Members of the Sub-Committee considered the application on its own merits and in accordance with the licensing authority's statement of licensing policy and guidance issued under S. 182 of the Licensing Act 2003.

In exceptional circumstances the Police could oppose the applications with which the Sub-Committee were concerned if they believed that granting it would undermine the crime prevention objective. Members of the Sub-Committee believed that objections of such nature were rare and found that the exceptional circumstances existed.

Members of the Sub-Committee were of clear mind that the applicant had no comprehension or understanding of the crime prevention objective and had no confidence that the applicant would uphold the licensing objective of the prevention of crime and disorder. The Sub-Committee therefore refused to allow the transfer and variation sought by the applicant. The Sub-Committee accepted the evidence put forward by the police.

The applicant was advised he had 21 days to appeal against the decision to the Magistrates Court.

95. ANY OTHER URGENT BUSINESS

There being no other urgent business the meeting closed at 10:40AM