



Leicester
City Council

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

Held: MONDAY, 28 OCTOBER 2019 at 9:30 am

P R E S E N T:

Councillor Hunter (Chair)

Councillor Fonseca

Councillor Dr Moore

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18. APPOINTMENT OF CHAIR

Councillor Hunter was appointed as Chair for the meeting.

19. APOLOGIES FOR ABSENCE

There were no apologies for absence.

20. DECLARATIONS OF INTEREST

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

Councillor Hunter declared that she had heard the Licensing Hearing on 16th August when the licence had been revoked for The Yellow Door but would approach the application before her with an open mind.

In accordance with the Council's Code of Conduct, the interest was not considered so significant that it was likely to prejudice the Councillor's judgement of the public interest. The Councillor was not therefore required to withdraw from the meeting during consideration and discussion of the agenda items.

21. OBJECTION NOTICE GIVEN FOR A TEMPORARY EVENT NOTICE: THE YELLOW DOOR, 34 BELVOIR STREET, LEICESTER, LE1 6QH

The Director of Neighbourhood and Environmental Services submitted a report that required Members to determine an application for a temporary event notice (TEN) submitted by The Yellow Door, 34 Belvoir Street, Leicester, LE1 6QH.

Members noted that an objection notice had been received in respect of the application, which necessitated that the application for the TEN had to be considered by Members.

The applicant Mr Mitchell Humby was not present. PC Jeff Pritchard (Licensing Officer, Leicestershire Police), Licensing Team Manager, and Legal Adviser to the Sub-Committee were present. Also in attendance was a reporter from the Leicester Mercury.

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

The Licensing Team Manager presented the report and answered questions from Members. It was noted that an objection notice had been given by Leicestershire Police on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety.

PC Pritchard outlined the reasons for the objection notice and responded to questions from Members.

PC Pritchard was then given the opportunity to sum up and make any final comments.

Prior to the Sub-Committee considering the application, the Legal Adviser to the Sub-Committee advised of the options available to them in making a decision. The Sub-Committee were 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 of their deliberation taking place with the parties represented present, in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

The Licensing Team Manager, Legal Adviser to the Sub-Committee, PC Pritchard and reporter from the Leicester Mercury then withdrew from the meeting.

The Sub-Committee then gave the application their full and detailed consideration. The Legal Adviser to the Sub-Committee was recalled to the hearing to give advice on the wording of the decision.

The Licensing Team Manager, 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 the decision.

RESOLVED:

That a counter notice under Section 105 (2) of the Licensing Act

2003 be issued for the Temporary Event Notice as it was considered appropriate for the promotion of the licensing objectives to do so.

REASON FOR THE DECISION

The Sub-Committee members had been asked to determine an objection submitted by Leicestershire Police in relation to a Temporary Event Notice (TEN) given under the Licensing Act 2003 by Mr Mitchell Humby on behalf of Yellow Door.

In reaching their decision Members considered the written objections filed by Leicestershire Police together with the oral submission made by them at the hearing. Members had also considered the TEN itself, though the applicant did not attend the hearing.

The Sub-Committee stated that whilst they had considered the matter on its own merits, they were bound to take note of the Sub-Committee's decision on 16th August 2019 to revoke the Premises Holders licence following an application for a review. The Sub-Committee acknowledged that its decision of 16th August 2019 was the subject of an appeal the hearing of which was listed for 7th and 9th January 2020.

The Sub-Committee noted the TEN was for the period of 31st October to 3rd November 2019 and sought to operate licensable activities for the sale by retail of alcohol for consumption on the premises and provision of regulated entertainment for the hours 9.00pm until 5.00am on those dates. The reason given for the TEN was to celebrate Halloween.

The Police had objected to the TEN stating that they continued to have no confidence in the management of the premises to operate a safe environment for its customers and they further submitted that the management continued to place their customers at significant risk of harm. The Police had provided information on eight further incidents which they said had occurred since 6th August 2019, including an incident on 5th October 2019 when it was said that CCTV cameras captured two SIA registered door staff assault three members of the public several times.

Members noted that the Licensing Act 2003 Guidance in relation to the licensing objective of Crime and Disorder advised local authorities to look to the Police as the main source of advice on crime and disorder. The Sub-Committee Members stated they had scrutinised the information put before them by the Police and not taken anything at face value.

The Sub-Committee accepted the Police submission regarding the ability of the management to operate a safe environment for its customers and took heed of the Police assessment that management of the premises continued to place its customers at a significant risk of harm. The Sub-Committee said that additional hours sought from Thursday 31st October to Sunday 3rd November could only exacerbate the identified risks on what was said to be the second busiest

period of the year. The Sub-Committee stated nothing had been placed before them by the applicant as to what additional measures would be put in place during the period requested and what steps had been taken to address the issues previously identified.

The Sub-Committee concluded that they had carefully considered the options available to them. In light of matters they had set out, their decision was that it was appropriate for the promotion of the Licensing Objectives of the prevention of crime and disorder, public safety to give the applicant a counter notice under Section 105(2) of the Licensing Act 2003.

22. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 10.11am.