



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

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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 December 2018 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 Rawlings 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 Rawlings, 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 Rawlings, 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.

