



Leicester
City Council

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

Held: WEDNESDAY, 24 NOVEMBER 2021 at 10:00 am

P R E S E N T:

Councillor Cank (Chair)

Councillor Gee

Councillor Westley

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9. APPOINTMENT OF CHAIR

Councillor Cank was appointed as Chair for the meeting.

The Chair led on introductions and the procedure for the meeting.

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Fonseca. Councillor Westley was present, in place of Councillor Fonseca.

11. DECLARATIONS OF INTEREST

Members were asked to declare any interests they may have in the business to be discussed.

Councillor Gee declared he previously heard an application for the premises in April 2020, approached the application with an open mind.

In accordance with the Council's Code of Conduct, these interests were not considered so significant that they were likely to prejudice the Councillors' judgement of the public interest. They were not, therefore, required to withdraw from the meeting.

12. 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 it involves 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.

B1) – Application for a new Premises Licence within a Cumulative Impact Zone.

13. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE

Introductions were made and the procedure for the meeting was outlined.

The Chair confirmed with the Sub-Committee Members that reports for the meeting has been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a New Premises Licence within a Cumulative Impact Zone.

The Applicant was present, accompanied by Designated Premises Supervisor (DPS), Licensing expert, interpreter, and an observer. PC Jefferson Pritchard (Leicestershire Police), Mr Matthew Robinson (Licensing Enforcement Officer), Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee were also present.

The Applicant, his translator, Designated Premises Supervisor, and a Licensing Expert were given the opportunity to address the Sub-Committee, put forward their case, address concerns raised by objectors, and answer any questions from Members and Officers.

The Chair outlined to the Applicant, that they had been made aware of the hearing and should have made prior arrangements before the hearing for the additional documents and evidence to have been provided to support the Applicants case, and subsequently allow the Sub-Committee in making their decision.

The Chair confirmed with the Sub-Committee Members, Licensing Enforcement Officer, PC Pritchard, and the Licensing Team Manager (Policy and Applications) and Legal Advisor to the Sub-Committee that the applicant hadn't submitted beneficial information to help their case.

The DPS asked for the Sub-Committee to give consideration to the applicant to be able to supply the required documents at the earliest available opportunity. The Licensing Team Manager (Policy and Applications) advised that all evidence had to be provided prior to the hearing, to give everyone the opportunity to review the evidence.

The Chair adjourned the meeting for five minutes at 11:15am, to deliberate with the Sub-Committee Members.

The meeting reconvened at 11:20am.

The Chair advised the request to adjourn the meeting to a future date has been granted. The reconvened hearing would take place on 8th December 2021, at 10:00am, Meeting Room G02, City Hall.

The Chair advised the applicant that they have seven days to submit the required documentation to the Licensing Team to allow circulation of the documents to all participants in the meeting.

14. PUBLIC SESSION

The meeting moved back into public session.

15. APPLICATION FOR A NEW PREMISES LICENCE; JOHNNY CUSTARD, 183 EVINGTON ROAD, LEICESTER, LE2 1QN

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence for Johnny Custard, 183 Evington Road, Leicester, LE2 1QN.

The Chair led on introductions and outlined the procedure for the meeting to be followed.

The applicants, Mr Mohammed Mimoniati (Owner) and Mr Adam Khalifa (Marketing and Administration) were present. Also present was Chris White (Noise and Pollution Control Officer), the Licensing Team manager (Policy and Applications) and the Legal Advisor to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report. It was noted a representation was received on 19th October 2021 by the Noise Team on the grounds of the prevention of public nuisance. The Noise and Pollution Control Officer outlined details of the application and any concerns raised.

It was further noted a representation was received on 19th October 2021 from Leicestershire Police, on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. An agreement had been reached between the applicant and Leicestershire Police and a number of conditions agreed to be added should the license be granted.

Mr Mimoniati and Mr Khalifa were then given the opportunity to address the Sub-Committee, put forward their case, address concerns raised by The Noise and Pollution Team and answer any questions from Members and Officers.

All parties present were 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.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of the deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced the decision and reasons would be publicly announced in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then informed the meeting that all but the Democratic Support Officers should withdraw from the room. The Sub-Committee then deliberated in private to consider their decision.

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

RESOLVED:

That the application for a new premises licence be for Johnny Custard, 183 Evington Road, Leicester, LE2 1QN be GRANTED, subject to the agreed conditions with amendment and an additional condition.

Members of the Sub-Committee had been asked to determine an application made under the Licensing Act 2003, for a new premises licence.

In reaching their decision the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Team Manager

(Policy and Applications), all representations and the legal advice provided.

The Sub-Committee had considered carefully the representations made by the Applicant and those received from the Noise Team at Leicester City Council and Leicestershire Police.

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, the Regulator's Code and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

Members had not taken anything presented to them at face value and confirmed they had scrutinised the information put before them by all parties.

The Sub-Committee had considered each of the decisions available to them. As a result of what they had heard, Members were satisfied that that it was appropriate and proportionate when considering the licensing objectives to GRANT the application subject to the conditions contained within Appendix C to the report, with the following amendment and additional condition:

Amendment to Condition at Appendix C

1. The licence holder will ensure the outside seating area will close at 22:00 hours Monday - Sunday

Additional Condition

2. The licence holder will ensure that the provision of takeaway food will cease at 00:00 hours Monday – Sunday

REASONS FOR THE DECISION

Members were confident that by adding the additional conditions, the Applicant would manage the premises in a manner that would promote and uphold the licensing objectives and in compliance with the requirements of the Licensing Act 2003.

16. ANY OTHER URGENT BUSINESS

There being no further items of urgent business the meeting closed 12.05pm.

