



Leicester
City Council

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

Held: TUESDAY, 7 DECEMBER 2021 at 9:30 am

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Shelton

Councillor Westley

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17. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as Chair for the meeting.

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

18. APOLOGIES FOR ABSENCE

There were no apologies for absence.

19. DECLARATIONS OF INTEREST

There were no declarations of interest made.

20. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 9 November 2021 be confirmed as the correct record.

21. APPLICATION FOR A NEW PREMISES LICENCE - SINGH BROTHERS EM LTD 258-260 VICTORIA ROAD EAST LE5 0LF

The Director of Neighbourhood and Environmental Services submitted a report on an application for the review of an existing premises licence, for Singh Brothers EM Ltd., 258 – 260 Victoria Road East, Leicester, LE5 0LF

The Premises Licence Holder (PLH) / Designated Premises Supervisor (DPS) Mr Baljinder Singh was present, accompanied by his agent Mr Anil Bhavsar,

Licensing Agent. Councillor Cank was present as an objector accompanied by a local resident. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted a petition was received on 1st November 2021 from local residents and shop owners. The representation related to the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety.

The Sub-Committee Members noted a representation had been received on 2nd November 2021 from Councillor Cank. The representation was made on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety. Councillor Cank expressed her opposition to a licence being granted advising that there were already two premises in the small parade of shops selling alcohol. She added that an application was made for the same premises just over 12 months ago which was strongly opposed by in excess of 300 residents in the immediate area.

Members were informed a further representation was received on 10th November 2021 from residents living around Brackley Close Post Office. The representation related to the prevention of crime and disorder, the prevention of public nuisance and public safety. The residents strongly opposed the application as there were already a few premises selling alcohol in the area, and given that there were already significant problems with street drinking and anti-social behaviour, residents believed another off licence would only escalate what was already a growing problem.

Councillor Cank addressed the Sub-Committee as an objector and on behalf of the local residents who signed the petition, and answered questions from the Members, the Applicant, and his licensing agent. Councillor Cank expressed concern that another off licence would further add to litter, noise, and antisocial behaviour in the area. Councillor Cank provided new evidence at the hearing, and it was agreed by all present that it could be circulated and used in the hearing.

Mr Singh and his licensing agent were given the opportunity to put forward their case and address the concerns raised by the objector and answer questions from Members and officers.

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.

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 their deliberation taking place with the parties represented present.

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

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to leave the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Sub-Committee 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 at Singh Brothers EM Ltd, 258-260 Victoria Road East, LE5 0LF be REFUSED.

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 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 made and received in writing from local residents and businesses, and a local Ward Councillor.

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 considering the licensing objectives to REJECT THE APPLICATION.

REASONS FOR THE DECISION

Members accepted the evidence presented to them by the objectors to the Hearing that there was a problem relating to public nuisance in the area, namely litter, and were of the opinion that granting the licence would add to the existing problems.

Members did not believe that any conditions which could be added to the licence that were justifiable and appropriate or were within the control of the

licence holder, would alleviate all the concerns they had.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

The application would be advised that they had a right to appeal the decision within 21 days to the Magistrates Court.

22. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE - 2FUNKY BAR & KITCHEN, 23 NEW PARK STREET, LEICESTER, LE3 5NH

The Licensing Team Manager (Policy and Applications) read a statement received from the applicant advising they were currently having to self-isolate and if it would be possible to adjourn the hearing.

The chair consulted with members.

The Chair advised that Members agreed for the Hearing to be adjourned to 21st January 2022, at 10am to be held at City Hall.

23. APPLICATION FOR A NEW PREMISES LICENCE WITHIN A CUMULATIVE IMPACT ZONE - CT SUPERMARKET 85 HINCKLEY ROAD, LEICESTER

The Chair led on introductions and confirmed with the Sub-Committee Members that reports for the meeting had 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 for CT Supermarket 85 Hinckley Road, Leicester.

The applicant Mr Manish Sonraj was present with Mr Anil Bhawser, Licensing Agent. Also present was the Licensing Team Manager (Policy and Applicants) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that a representation was received on 20th October 2021 from a member of the public, in relation to the licensing objectives of prevention of crime and disorder, the prevention of public nuisance, public safety, and protection of children from harm. The representation highlighted the area was part of the Cumulative Impact Zone and that local residents already had to deal with noise disturbances and antisocial behaviour.

The Sub-Committee Members noted a representation had been received on 7th of November 2021 from a member of the public. The representation related to the licensing objectives of prevention of crime and disorder, the prevention of public nuisance, public safety, and protection of children from harm. The representation highlighted the area was part of the Cumulative Impact Zone and it would go against the licensing objectives if granted.

Members were informed further representations were received on 10th November 2021 from PC Jefferson Pritchard of Leicestershire Police. The representation was made on the grounds of the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm. Subsequently an agreement had been reached between the Applicant and the Police to attach several conditions to the licence should it be granted by Members.

A further representation was received on the 11th November 2021 from a member of public. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety, and protection of children from harm. The representation highlighted concern for children attending the nursery at the rear of the store due to an increase in delivery vehicles at the back of the store, street drinking and a greater footfall of strangers.

The Chair asked the Licensing Team Manager (Policy and Applications) to summarise the objections made.

Mr Sonraj and his Licensing Agent were given the opportunity to put forward their case, address the concerns raised by the objectors and answer questions from Members and Officers.

All parties 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 their deliberation taking place with the parties represented present.

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

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to leave the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Sub-Committee 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 within a cumulative impact zone, for C T Supermarket, 85 Hinckley Road, Leicester be **GRANTED**, subject to the conditions agreed between the Applicant and the Police.

Members of the Sub-Committee had been asked to determine an application made under the Licensing Act 2003, for a new premises licence situated within the Braunstone Gate, Cumulative Impact Zone at CT Supermarket, 85 Hinckley Road, Leicester.

In reaching their decision the Sub-Committee Members carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all representations and the legal advice provided.

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 Council's Licensing Policy on Cumulative Impact in relation to the Braunstone Gate area of the city and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

The Sub-Committee had considered carefully all the representations from the members of the public, Leicestershire Police and those made by the applicant.

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 all the decisions available to them. As a result of what they had heard, Members were satisfied that it was appropriate and proportionate considering the licensing objectives to GRANT the application subject to the conditions consistent within the operating schedule and the representation from the Police contained in Appendix C to the report.

REASONS FOR THE DECISION

Members were of the opinion that the conditions were justifiable and appropriate and 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. Members were also of the opinion that granting the licence with the additional conditions would not add to the existing problems of cumulative impact in the area.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives.

24. ANY OTHER URGENT BUSINESS

There being no other items of urgent business, the meeting closed at 12.30pm.