



Leicester
City Council

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

Held: TUESDAY, 8 FEBRUARY 2022 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Cank

Councillor Gee

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41. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as chair for the meeting.

The Chair lead on introductions and relayed the procedures for the meeting.

42. APOLOGIES FOR ABSENCE

No apologies were received.

43. DECLARATIONS OF INTEREST

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

There were no declarations.

44. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Hearing held on 7th December 2021 be confirmed as a correct record.

**45. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE
IN A CUMULATIVE IMPACT ZONE - METAL MONOCLE, 59-61
BRAUNSTONE GATE, LEICESTER, LE3 5LH.**

The Director of Neighbourhood and Environmental Services submitted a report on an application for the variation of an existing premises licence in a

Cumulative Impact Zone (CIZ) for Metal Monocle, 59-61 Braunstone Gate, Leicester, LE3 5LH.

The Premises Licence Holder (PLH) / Designated Premises Supervisor (DPS) Mr Tommy Coombes was present. PC Jeff Pritchard of the Leicestershire Police and Mr Kennedy Nwokolo of the Noise Control and Pollution Team were present as objectors. 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 that four objections to the application had been received.

An objection to the application was received on 4th January from Leicestershire Police, on the grounds that the extended hours would undermine the licensing objectives of prevention of crime and disorder and prevention of public nuisance.

An objection to the application was received on 17th January from the Noise Control and Pollution Team, on the grounds that the music on the premises would undermine the licensing objective of prevention of public nuisance.

An objection to the application was received on 18th January from a nearby resident, on the grounds of that the extended licence would undermine the licensing objective of prevention of public nuisance. A further objection to the application was received from a second nearby resident on the same grounds.

The receipt of these objections required the application to be determined by the Sub-Committee.

The Premises Licence Holder and Applicant, Mr Coombes was given the opportunity to present his case, address concerns raised by the objectors and answer questions from Members and Officers.

PC Jeff Pritchard was given the opportunity to outline the details of the Police representation and answer questions from Members.

Pollution Control Officer, Mr Nwokolo was given the opportunity to outline the details of the Noise Control and Pollution Team representation and answer questions from Members and the Applicant.

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 and were advised of the options available to them in 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, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decisions and reasons would be publicly announced and confirmed 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 asked all but Members of the Sub-Committee and Democratic Support Officers to withdraw from the meeting. Members 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 the variation for an existing premises licence for Metal Monocle, 59-61 Braunstone Gate, Leicester LE3 5LH be GRANTED subject to the conditions contained within the representation from the Police, and two additional conditions as proposed by the Sub-Committee.

Members of the Sub Committee had been asked to determine an application made under Section 34 of the Licensing Act 2003, to vary the premises licence, as follows:

Amend the premises opening hours to the following:

Sunday to Thursday 8am to 2:30am
Friday and Saturday 8am to 4:30am
New Year's Eve into New Year's Day 9am to 4am

And to amend a number of licensable activities in particular the supply of alcohol to the following:

Sunday to Thursday 11am to 2am
Friday and Saturday 11am to 4am
New Year's Eve from 11am to 4am

The other licensable activities which they wished to amend included the provision of films, live music, recorded music, performance of dance and entertainment similar to dance and late-night refreshment, all to commence at 9am or 11am but all reflected the same cease time for the supply of alcohol.

In reaching their decision, the Sub-Committee Members had considered the representations received from Leicestershire Police, the Noise and Pollution Control Team at Leicester City Council and two residents who lived nearby whose representations had been submitted in writing. All had raised concerns

regarding the potential noise nuisance to local residents and the Police and one nearby resident were concerned about the potential for an increase in crime and disorder. They had also taken account of statutory guidance issued under S.182 of the Licensing Act 2003 and the Licensing Authority's Statement of Licensing Policy.

Members had also considered representations made by the Applicant to address the concerns raised.

Members also considered the fact that the Premises was within a Cumulative Impact Zone.

The Sub Committee members overriding consideration was the protection of the public and as such they had spent a great deal of time assessing the evidence and information before them.

As a result of what they had heard, the Sub-Committee Members were satisfied that it was appropriate and proportionate considering the licensing objectives to GRANT the application subject to the following conditions:

1. The conditions contained within the representation from the Police contained in Appendix C1 and the operating schedule;
2. The installation of a noise limiter within the premises set to a level agreed by the Noise and Pollution Control Team at Leicester City Council; and
3. Open containers shall not be taken from premises. The licensee will ensure that no customers shall take glasses or open bottles from the premises.

REASONS FOR THE DECISION

Members accepted the evidence presented by Leicestershire Police and the Noise and Pollution Control Team at Leicester City Council and were of the opinion that granting the licence without modification had the potential to add to the problems of noise pollution and crime and disorder and to the existing problems of cumulative impact in the area.

Members were of the opinion however that by adding the additional conditions, which were justifiable and proportionate, 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.

The applicant would be informed that any appeal against the decision must be made within 21 days of the decision to the Magistrates Court.

46. ANY OTHER URGENT BUSINESS

There being no further business, the meeting closed at 7:04pm.

