



Leicester
City Council

WARDS AFFECTED
Castle

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee

22 September 2016

Outcome of appeal against refusal of premises licence - Licensing Act 2003
Candle Rooms, 25 Gravel Street, Leicester

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. To inform the Licensing and Public Safety Committee of the outcome of a recent appeal.

2. Recommendations

- 2.1. Members are asked to note the report.

3. Background

- 3.1 An application was received from Mr A Madlani on 17 March 2016 for a new premises licence under the Licensing Act 2003, for Candle Rooms, 25 Gravel Street, Leicester, LE1 3AG. Gravel Street is within a cumulative impact area.
- 3.2 Leicestershire Police made a representation on the grounds that that granting the application would add to the existing late night problems in the city centre by increasing the capacity of licensed premises within the cumulative impact zone and failing to promote the licensing objectives.
- 3.3 As a result of the representation, a hearing took place on 11 May 2016. The panel decided to refuse the application and the formal wording was as follows:

The reason for the decision after considering the application carefully and also the representation made on behalf of Leicestershire Police was that the application had not demonstrated that the grant of the licence with or without conditions would not add to the existing problems in the Cumulative Impact Zone. The grant of the licence would they feel undermine the promotion of the licensing objectives of preventing crime and disorder, preventing public nuisance and public safety. The application is accordingly refused.

- 3.4 Mr Madlani appealed to the Magistrates' Court.

4 Appeal

- 4.1 The appeal was heard at Loughborough Magistrates' Court on Wednesday 31 August 2016. Evidence was given by the appellant and by PC Webb of Leicestershire Police.
- 4.2 The Magistrates dismissed the appeal and awarded costs of £2,000 to Leicester City Council. The decision is attached in full at Appendix A.

5 Financial, Legal and Other Implications

Financial Implications

- 5.1 There are no significant financial implications arising from this report, although it is pleasing that the majority of the Council's costs related to the appeal were awarded by the court.

Colin Sharpe, Head of Finance, ext. 37 4081

Legal Implications

- 5.2 There are no legal implications arising from the court decision.

Nicki Agalamanyi, Solicitor Advocate - Legal Services

6 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	Yes	The decisions at the hearing and at the appeal are partly based on the council's licensing policy.
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

- 7 **Background Papers – Local Government Act 1972**
None

- 8 **Consultations**
None

9 **Report Author**
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