



Leicester
City Council

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

Held: FRIDAY, 8 JUNE 2018 at 9:30 am

P R E S E N T:

Councillor Thomas (Chair)

Councillor Byrne

Councillor Unsworth

* * * * *

17. APPOINTMENT OF CHAIR

Councillor Thomas was appointed as Chair for the meeting.

18. APOLOGIES FOR ABSENCE

Councillor Cank has been substituted by Councillor Byrne due to a conflict of interest.

There were no other apologies for absence.

19. DECLARATIONS OF INTEREST

Members were asked to declare any disclosable or other interest they may have related to business on the agenda.

No declarations of interest were made.

20. MINUTES OF PREVIOUS MEETING

Resolved:

That the minutes of the Licensing (Hearings) Sub-Committee held on 27 February, 3 May and 22 May 2018 be confirmed as an accurate record.

**21. APPLICATION FOR A NEW PREMISES LICENCE: EXIT LOUNGE,
HASTINGS ROAD, LEICESTER LE5 0HL**

The Director, Neighbourhoods and Environmental Services, submitted a report that required Members to determine an application for a new premises licence:

Exit Lounge, Hastings Road, Leicester LE5 0HL.

Members noted that two representations had been received in respect of the application, which necessitated that the application had to be considered by Members.

The Sub-Committee noted that Councillor Cank had had to step down from the hearing on account of a prejudicial interest, and had been substituted by Councillor Byrne.

The Sub-Committee were reminded that Councillor Fonseca was appearing as a representee. His role as a member of the Licensing Committee would not affect this, and he confirmed that he had not discussed the application with any of the panel members.

The applicant Mr Mufeez Faiz was present at the meeting. Councillor Fonseca and Mr Terence Olaf from the Noise Team were present as persons who had made representations. Also present was the Chief Licensing Officer and the Legal Adviser to the Sub-Committee.

Introductions were made and the procedure for the meeting was outlined to those present.

The Chief Licensing Officer presented the report. It was noted that Councillor Fonseca had made a representation on behalf of local constituents which related to the prevention of crime and disorder, public safety and the prevention of public nuisance, regarding early hours trading resulting in noise disturbance around the premises, high levels of litter, and that Police had been called to the premises to address issues and fighting.

The Noise Team had made a representation which related to the prevention of public nuisance, due to the proximity of residential property to the venue, and the high levels of noise due to the requirement of the smoke free regulation, that 50% of the sides of the premises be permanently open. The Chief Licensing Officer informed the room that the Noise Team had agreed conditions with the applicant to address concerns, and would therefore not object to the granting of a premises licence if these conditions were met. Colour photographs of the premises were circulated to the members.

Councillor Unsworth asked if there were rules and regulations regarding the requirement of the number of windows which needed to be opened, and if that related to the intended direction of sound. The Chief Licensing Officer replied that the regulations were in connection with smoke free legislation and simply require at least 50% of the area to have open sides. The Noise Team officer confirmed this.

A discussion took place regarding the external wall on the edge of the site and the boundary of the premises.

The Noise Team officer outlined the reasons for the representation and

answered questions from Members.

The Chair was given clarification that the Noise Team's representation would be satisfied if their proposed conditions were added to a licence, if granted.

Councillor Fonseca, on behalf of residents, outlined the reasons for the representation and answered questions from Members and the applicant.

Mr Faiz was then given the opportunity to respond to the points made and answered questions from Members. The applicant shared his belief that he had collaborated with the Noise Team, and that many of the issues outlined by Councillor Fonseca occurred outside of the venue's opening hours and therefore were not related to the granting of a premises licence. The Chief Licensing Officer informed members that the applicant had operated without a licence for a significant period of time despite having been approached by a Licensing Enforcement Officer in February 2017.

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 making a decision. The Sub-Committee were 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 Chief Licensing Officer, the Legal Adviser to the Sub-Committee, Mr Faiz, Councillor Fonseca and the Noise Team Officer then withdrew from the meeting.

The Sub-Committee then gave the application full and detailed consideration.

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

The Chief Licensing Officer, Councillor Fonseca, Mr Faiz and the Noise Team Officer then returned to the meeting.

The Chair informed all persons present that they had recalled the Legal Adviser to the Sub-Committee for advice on the wording of their decision.

RESOLVED:

that the application for a new premises licence for Exit Lounge, Hastings Road, Leicester LE5 0HL be refused.

REASONS FOR THE DECISION

In reaching their decision Sub-Committee members said that they had refused the application in the interests of public nuisance. They said that after hearing objections they believed the site was a magnet for disorder. The Sub-Committee took into account that the establishment had been operating during hours which required a licence, despite the warning by a Licensing Enforcement Officer in February 2017. The Sub-Committee were not convinced that the applicant would uphold the licensing objectives as it stood.

The premises owner was informed that there was a right of appeal to the Magistrates Court within 21 days. Alternatively the premises owner could review the application and re-submit bearing in mind the concerns that the hearing gave.

22. ANY OTHER URGENT BUSINESS

CLOSE OF MEETING

The meeting closed at 11.30am