

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 20 DECEMBER 2016

Present: Councillors R Ashman, J Clarke and M Specht

Officers: Mr A Cooper, Mr D Gill and Mrs R Wallace

Interested Parties: Sgt C Gardner (Leicestershire Police), PC P Porter (Leicestershire Police) and Insp. N Rixon (Leicestershire Police)

## **1 ELECTION OF CHAIRMAN**

It was moved by Councillor J Clarke, seconded by Councillor R Ashman and

RESOLVED THAT:

Councillor M Specht take the chair for the remainder of the meeting.

## **2 APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

## **3 DECLARATION OF INTERESTS**

No interests were declared.

## **4 CONSIDERATION OF OBJECTION NOTICE IN RELATION TO A TEMPORARY EVENT NOTICE**

The Chairman introduced the parties and outlined the procedure to be followed.

The Hearing Regulations 2005 stated that the Authority must allow parties an equal period of time in which to present their evidence. It was agreed that the maximum time limit for each presentation be 10 minutes.

The Licensing Enforcement Officer presented the report to members, highlighting the background information and the representations received.

There were no questions for the Licensing Enforcement Officer.

Sergeant C Gardner addressed the Sub Committee and presented the objections on behalf of Leicestershire Police. He referred to the number of breaches of licence conditions by the premises licence holder as detailed within the report. He explained that the breaches had occurred since the current premises licence holder had taken over the business in November and a meeting had been held with him to address the problems. A further meeting was scheduled in three months time to consider a proposed application to increase the premises opening hours. He also referred to the area being a hotspot for anti social behaviour once the licensed premises selling alcohol closed in the early hours of the morning.

Councillor J Clarke asked if there had been any incidents of disorder to date that was associated with the premises. Sergeant C Gardner responded that there had been incidents in the area but it was difficult to attribute it to particular premises. Mr N Nixon added that there was a particular incident in August that occurred outside the premises but the premises licence holder at the time was very helpful and it would be difficult to say that the premises was the cause.

Chairman's initials

Councillor R Ashman asked if the anti social behaviour mentioned was due to the consumption of alcohol more than the gathering of people outside food premises. Sergeant C Gardner responded that it was due to both. What did not help was that food premises tended to not address behaviour problems when they begin which then leads to further problems when they get out onto the streets.

Councillor M Specht asked if any other incidents had occurred earlier in the year and also if any of the Licensing Enforcement Officers were in the area during their inspections when any of the breaches occurred. Mr N Rixon stated that there were incidents earlier in the year but he felt it was unfair to link them to the current premises licence holder because he was not running the premises at the time. He also commented that he was not aware of the presence of Licensing Enforcement Officers during the time of the breaches. Sergeant C Gardner informed the Sub Committee that since the representation was made by Leicestershire Police there had been a further breach of licence conditions as the premises licence holder was still serving customers after 2.15am and there was no door staff until midnight.

In response to a question from Councillor R Ashman, Sergeant C Gardner confirmed that there was CCTV operating in the premises and this was part of the licence conditions.

Councillor J Clarke queried that if a queue was present at the premises after 2.15am, it would be more appropriate to serve the customers rather than turn them away and causing aggravation which could in turn cause behaviour issues. Mr N Rixon explained that if that was the case it would become difficult to know when to draw the line. He added that the licence stated that the closing time was 2.15am and this should be adhered to.

The premises licence holder stated that on one of the occasions a breach of license conditions was reported by the police, he had CCTV footage which showed that there were only two customers in the premises who had already been served and were waiting for their food to be cooked. He asked for proof that there were 10 people queuing as indicated by the police. Unfortunately the police were unable to comment as the sergeant who reported it was not present at the meeting.

Mr F Hussain, the premises licence holder, addressed the Sub Committee. He explained that he was not aware of the closing time when he had taken over the business in November and since the police had brought it to his attention he had been closing on time. He claimed that the police were mistaken about customers in the premises as it was the staff cleaning after the closing time not serving; this was explained to the police during their meeting on 9 December. He complained that other food premises in the area did not close until much later and the police were not reporting them, therefore he believed that he was being targeted and stated 'I feel like it is because of the colour of my skin'. The Legal advisor cautioned Mr F Hussain about making unwarranted accusations of racism and favouritism by officers and advised him to confine his comments to the application that members were considering. He explained that the other food premises in the area were allowed to open later because that was the condition of the licence; advice on altering the premise licence holder's current conditions could be obtained from the Licensing Enforcement Officer.

Mr F Hussain commented that he had applied for the TEN because it would be good for business and beneficial for the people who wanted food after a night out.

The Licensing Enforcement Officer stated that he had had conversations with Mr F Hussain regarding the variation of his licence conditions, particularly the need for door staff but this was something that had not yet been taken forward. Regarding the earlier discussion with Members relating to when customers should be turned away, the

Licensing Enforcement Officer referred to conditions 9 to 11 of the premises licence as detailed at page 11 of the report.

Mr F Hussain commented that there was never any problems with fighting and his customers were usually calm. He added that he needed the additional hours of opening to make the business successful.

Councillor J Clarke told Mr F Hussain that he needed to adhere to the licence and any failures to do so would affect any further applications he might make.

In response to a question from Councillor R Ashman, Mr F Hussain clarified that he was not initially aware of the conditions regarding the closing time or the door staff, and that he had not contacted the Licensing Team regarding the conditions once the police had informed him.

Councillor J Clarke asked why Mr F Hussain once again had not adhered to the licence conditions, after he had attended a meeting with police about the previous breaches. Mr F Hussain claimed that there were no customers in the shop as reported, they were crowded outside waiting for taxis.

After a discussion with Councillor M Specht regarding the time door staff was required, Mr F Hussain admitted to not realising the condition stated that door staff was required from 11.00pm at the time of the breach.

In response to a question from the Licensing Enforcement Officer, Mr F Hussain confirmed that he did have a copy of the licence and he had read it but he did not take the conditions seriously as he had not had any issues such as these with his other food premises in London. The Legal Advisor stressed the importance of the conditions of the licence and that they should be taken very seriously.

In response to a question from Councillor M Specht, Mr F Hussain agreed that his understanding of the licence conditions would be vastly improved by the time he was due to meet with the police again in three months time.

As part of his closing statement, Sergeant C Gardner stated that he would continue to work with Mr F Hussain to make improvements. Mr F Hussain agreed that he would comply.

At 2.55pm the Sub Committee adjourned to consider its decision. The Sub Committee reconvened at 3.10pm.

RESOLVED:

To issue a counter notice and therefore activities were not go ahead as applied for.

The Legal Advisor informed Mr F Hussain of his right to appeal.

The meeting commenced at 2.00 pm

The Chairman closed the meeting at 3.13 pm

Chairman's signature