

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Offices, Coalville on MONDAY, 8 MAY 2017

Present: Councillors J Cotterill, P Purver and V Richichi

Officers: Mr P Dennis, Mr D Gill, Mrs B Norman, Mrs B Short and Mrs R Wallace

Interested Parties: Sgt R Barlow (Leicestershire Police), Mr F Hussain (Applicant), Mrs Z Tariq (Applicant's Representative), Sgt D Wadsworth (Leicestershire Police) and PC J Webb (Leicestershire Police)

1 ELECTION OF CHAIRMAN

It was moved by Councillor V Richichi, seconded by Councillor P Purver and

RESOLVED THAT:

Councillor J Cotterill 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 EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor V Richichi, seconded by Councillor P Purver and

Resolved:

In pursuance of the Licensing Act 2003 (Hearings) Regulations 2005/44, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in regulation 14 to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

5 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

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

The Hearings 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.

Police Constable J Webb addressed the Sub Committee and presented the application on behalf of Leicestershire Police. He explained that when Mr F Hussain, the premises licence holder, took control of the premises on 8 November 2016, the premises was already being monitored due to a number of previous incidents. Soon after this date police officers witnessed customers entering the premises and being served after the time

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stipulated on the licence. He referred to conditions eight, nine and ten of the licence. As Mr F Hussain was not adhering to these conditions he was clearly in breach of the licence. He also referred to an additional condition requiring registered door staff on the premises on a Friday and Saturday night which was the result of a previous Licensing Sub Committee, this was also not being complied with.

Police Constable J Webb went on to list a number of occasions where the licence conditions had been breached and detailed a meeting held in December 2016 between Police Officers and Mr F Hussain where advice was given and promises made to improve. Even after a Temporary Event Notice had been refused by a Licensing Sub Committee in December 2016 due to Mr F Hussain not adhering to his licence conditions, he had continuously breached these conditions and the CCTV footage available to view at the meeting clearly showed that. Police Constable J Webb explained that anti-social behaviour did occur around fast food takeaways when people had consumed alcohol and there had been a number of incidents of assault that were connected to customers who had visited the premises.

He believed that Mr F Hussain's ability to manage customers and staff was questionable as he had told Sergeant Barlow 'I told the door staff to stop them but he didn't, please let me off, I keep telling them to go but they won't'. He believed that this also indicated Mr F Hussain was well aware that he was in breach of the licence conditions and was making a conscious decision to continue. Due to the blatant continuous disregard of the licence conditions, Police Constable J Webb did not feel it would be beneficial to add any further conditions or to suspend the licence for training. He also felt that any reduction in hours would be ignored and therefore, in his opinion, the only option available was to revoke the licence.

At this point the Sub Committee viewed CCTV footage showing the premises operating after the hours stipulated on the licence. It showed customers in the premises waiting to be served and remaining in the premises to eat their food. Discussion was had regarding the time stated and when customers were actually being served. Mr F Hussain claimed that the customers in the premises had placed their orders before 2.15am and were simply waiting for their food. The Legal Advisor referred to condition eight of the licence which related to ensuring the tables and chairs within the premises were cleared by 2.00am, and condition nine regarding turning signage off by 2.15am, these were not being adhered to on the CCTV footage. In response to a question from Councillor P Purver, Mr F Hussain stated that the registered door staff was in the shop just not at the door. Councillor P Purver raised concerns that Mr F Hussain did not seem to be learning from his past mistakes. Councillor V Richichi questioned whether Mr F Hussain understood the conditions of the licence as he was continuously breaching them. Mr F Hussain confirmed that he did understand and that he had apologised to the police officers for his mistakes.

On behalf of Mr F Hussain, the premises licence holder, Mrs Z Tariq asked why the CCTV footage was being used as she was under the impression that it was taken in connection with a nearby assault and not because of the licence. She also asked if they should have been notified that the CCTV footage was going to be used in that way. The Legal Advisor clarified that when evidence came into possession of the police they were permitted to use it for any purpose. He also pointed out that it clearly stated within the premises licence that the police were entitled to gain access to the CCTV footage at any time. Also, the police were not required to notify of anything to be used as part of an investigation.

On behalf of Mr F Hussain, the Premises Licence Holder, Mrs Z Tariq addressed the Sub Committee. She admitted that the CCTV footage and the statements made by the police had clearly shown the breach of the licence conditions but believed that the option to revoke the licence was too harsh as this was his livelihood. She stated that in recent months, Mr F Hussain had been working hard to adhere to the licence conditions and was now taking the matter very seriously. She added that the advice from the police was

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appreciated and they wanted to work with them and not against them. Mr F Hussain was happy to undertake anything requested by Members.

Councillor J Cotterill stated that a similar statement had been heard at a Sub Committee hearing in December 2016 and it was apparent that nothing had changed, he asked why Mr F Hussain deserved another opportunity. Mrs Z Tariq apologised. She understood the frustration for Members but she believed Mr F Hussain deserved another chance to prove that he could adhere to his licence conditions and she would be working with him to make sure improvements were made.

Police Constable J Webb gave a brief closing statement and reiterated that Mr F Hussain had constantly been given advice which was being ignored and therefore did not feel there was anything further to be done to make improvements.

The Premises Licence Holder did not give a closing statement.

Before Members adjourned to consider their decision, the Legal Advisor referred to the licensing objectives, the Licensing Act 2003 and the options available to assist Members with their decision making.

At 7.22 pm the Sub Committee adjourned to consider its decision and reconvened at 7.48pm.

The Premises Licence Holder was not in attendance when the meeting reconvened.

The Legal Advisor set out the decision of the Sub Committee in outline form.

RESOLVED THAT:

a) The condition relating to the SIA registered door staff be amended to read as follows:

‘To employ 2 SIA authorised door staff between the hours of 23:00 and the terminal hour the following morning on Friday and Saturday.’

b) The licence be suspended for a period of three months.

Members felt that the Premises Licence Holder was ignoring the advice of the police officers and would like him to use the suspension period to read, learn and understand the conditions of his licence.

In the absence of the Premises Licence Holder, Mrs Z Tariq was informed that any further breaches to the licence conditions would result in a further hearing. The Legal Advisor informed Mrs Z Tariq of the right of appeal.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.54 pm

Chairman's signature