

MINUTES of a meeting of the LICENSING COMMITTEE held in the Board Room, Council Offices, Coalville on WEDNESDAY, 15TH SEPTEMBER 2004

Present: Councillor R A Evans (Chairman) (In the Chair)

Councillors J G Coxon, P Holland, D Howe, J T Male, G Tacey, J B Webster and D H Wintle.

Officers: Miss J Brookbanks, Mrs J Cotton, Miss M Lister and Mr J E Peters.

Mr Pheasey, Solicitor with Hawley and Rogers, representing both applicants for the renewal of Public Entertainment Licences in respect of Ciro's, 79 Market Street, Ashby de la Zouch and Arty's, 60a Market Street, Ashby de la Zouch.

Mrs Lisette Bell-Simmonds, applicant for renewal of Public Entertainment Licence for Ciro's.

Arthur Martin Michael Holland, applicant for renewal of Public Entertainment Licensee for Arty's.

Ashby de la Zouch Town Councillor Chris Smith.

Apologies: Apologies for absence were received from Councillors R Woodward and M B Wyatt.

Councillors G Tacey and J G Coxon advised that as members of the Town Council who were objecting to items 3 and 4 they had received legal advice that they should not take any part in the proceedings and would withdraw from the meeting when the renewal applications were presented.

Councillor J G Coxon asked for it to be noted that he had withdrawn from the Town Council's meeting and had taken no part in making their decision to object to the renewal applications.

286. MINUTES

... Consideration was given to the minutes of the meeting held on 4 August 2004 (copy previously circulated and retained with the official copy of the minutes).

RESOLVED:

That the minutes of the meeting held on 4 August 2004 be approved and signed as a correct record.

287. HACKNEY CARRIAGE AND PRIVATE HIRE GROUP

... Consideration was given to the minutes of the meetings held on 20 November 2003, 4 December 2003, 10 December 2003, 24 February 2004 and 1 April 2004.

RESOLVED:

That the minutes be received and noted.

Chairman's initials

288. APPLICATION FOR THE RENEWAL OF PUBLIC ENTERTAINMENT LICENCE

Mrs Cotton reminded members that the Licensing Committee was a quasi-judicial body and the effect of this meant that the rules of natural justice had to be observed and that the applicant must be treated fairly and be seen to be treated fairly. She reminded members to restrict themselves to questions and reserve their opinions until the process of deliberation.

In response to a question from the applicant's solicitor to the committee, Town Councillor Smith confirmed that the Town Council's objections to both renewals were substantially the same. However, Mrs Cotton advised the committee that despite this the applications must be considered individually and on their own merits and so must be determined separately. They could not be considered together.

Miss Lister introduced the application for the renewal of the Public Entertainment Licence in respect of Ciro's, 79 Market Street, Ashby de la Zouch. She explained that determination of the renewal application had been referred to the Licensing Committee following the receipt of objections from Ashby de la Zouch Town Council to the renewal of the licence which had a terminal hour of midnight on Monday, Thursday and Sunday and 2.00am on Friday and Saturday which were set out in the report for members' consideration.

Mr Pheasey was then invited to present the case in support of the application. He asked members to consider the Town Council's representations in the context of the committee report. He pointed out that the Town Council was in fact the only objector to the renewal of the licence. He paraphrased the Town Council's letter dated 18 June 2004 to the District Council drawing particular attention to the Town Council's "wish to protect and improve" the environment of Market Street residents with regard to noise and disruption in the early hours of the morning. Mr Pheasey also pointed out the Town Council's comment that it believed that entertainment licences to 0100 hours were late enough and that licenses beyond that time should not have been granted and should not be renewed.

In respect of the Town Council's objections, Mr Pheasey asked the committee to consider the status quo. No evidence had been presented to suggest that current noise levels were set to increase. In fact he argued there was every indication that they would remain the same. He asked members to note that no other objections or representations had been received from local residents or the Council's Environmental Protection Department.

Mr Pheasey responded to the Town Council's concern over public order issues. He referred the committee's attention to Appendix 6 of the report which was a letter from Inspector Yallop, Ashby Local Policing Unit Manager. He read the section of the letter stating that it was easier to police premises with various closing times than having all premises close at the same time. Mr Pheasey outlined the effect of only renewing the licenses until 1.00 am the following morning. It would mean an additional 500 persons being discharged onto the streets of Ashby de la Zouch which he argued would pose a serious noise and public order nuisance. Mr Pheasey argued that any change to the current licensing hours could make policing become more difficult. With regard to this matter he read from the District Council's Draft Licensing Policy which recognised the importance of varied licensing hours which did lead to a reduction in potential disorder at the end of entertainment hours.

Chairman's initials

Finally Mr Pheasey gave members a brief description of the premises' history and he asked members to have regard to the fact that it was a business established in 1983, had been operating until 2.00 am since 1998; no complaints had been made with regard to its operation at any time and the fact that there was a distinction between nightclubs and other entertainment venues in the town centre.

To summarise his applicant's case Mr Pheasey asked members to consider the effect on the business following any amendment to his trading hours; no objections to the renewal had been made by the Environmental Protection Department or local residents; and varied terminal hours were important for the ease of policing and the avoidance of public disorder. He submitted that the best way to protect the residents' was to renew the licence with the current terminal hours, as applied for.

The Chairman invited Town Councillor Smith to outline the Town Council's objection to the application.

Town Councillor Smith started by stating that the Town Council's objections were not based on how the premises were operated or on the licensee's fitness to hold a licence. The objections were based on noise and disruption in the early hours in the town centre, which is normally a residential area, on the closure of entertainment premises, an extended period of high crime levels and the cost of policing beyond 0100 hours.

In support of the Town Council's objections, Town Councillor Smith commented that Ashby de la Zouch was a well populated town centre and it was the Town Council's contention that 1.00 am was a late enough hour for licensed premises to operate. It was the Town Council's opinion that the town centre had already reached a saturation limit on the number of entertainment premises whose opening had a cumulative effect on noise and disturbance to local residents. With regard to crime levels he referred to a recent press article (he did not produce this) referring to crime figures associated with Coalville and Ashby de la Zouch town centres. A comparison of the figures showed different patterns between the two centres with a particular peak on Saturdays in Ashby which lasted for a longer period of time. He accepted that there was not actual evidence to suggest that either of the premises considered by the Committee was in any way associated with the crime figures but he wished to make the committee aware that there was a problem in Ashby which had a different pattern of crime showing a significant higher peak, a longer lasting peak and more serious offences than Coalville.

Finally Town Councillor Smith stated that the Town Council had a genuine concern over additional policing costs for the extended hours of entertainment. He expressed the Town Council's wish for the additional policing costs to be spent in a more constructive manner. The Chairman invited questions on the application from members of the committee.

In response to questions from members, Mrs Bell-Simmonds provided information on the club's closing down procedure; its procedure for dealing with trouble and disorder inside and outside the premises and her reasons for the club needing to operate until 2.00 am. She confirmed the club did not have a "happy hour", and it was virtually empty at 0145 hours with the majority of takings being received between 1130 and 0115 hours.

Chairman's initials

Mr Pheasey was invited to make a closing address to the Licensing Committee. Firstly and in response to the points made by Town Councillor Smith in his presentation of the objections to the renewal application, he stated that Market Street in Ashby de la Zouch was a mixed business and residential area. Secondly on the point of additional police costings he read again from Inspector Yallop's letter confirming that there had always been officers working at appropriate times to cover the various closing times of premises. Furthermore Mr Pheasey reminded the committee that the applicant was a business owner who made significant contributions to policing costs. Finally he repeated that it was to the benefit of local residents to maintain the staggered licensing hours for the nightclubs in Ashby de la Zouch to maintain the current environment and avoid increases in public disorder noise and crime.

At 7.10 pm the applicant, Mr Pheasey, Miss Brookbanks and Miss Lister were asked to leave the room while the committee deliberated. The parties were invited to return to the room at 7.21 pm.

RESOLVED:

That the Public Entertainment Licence in respect of Ciro's, 79 Market Street, Ashby de la Zouch be renewed on its existing terms and conditions.

In reaching their decision the committee had regard to the legislative framework and the conditions in position including the current terminal hours, the matters in the committee report, the Council's duties under the Crime and Disorder Act and the Human Rights Act and the submissions by the applicant and Town Council.

289. APPLICATION FOR RENEWAL OF PUBLIC ENTERTAINMENT LICENCE

Miss Lister introduced the application for the renewal of a Public Entertainment Licence in respect of Arty's, 60a Market Street, Ashby de la Zouch.

Mr Pheasey was invited to present the case in support of the application. Mr Pheasey stated that he wished the Committee to accept his earlier submissions regarding item 3 were repeated here and only intended to make distinguishing points in respect of the renewal application relating to Arty's since the Town Council's objection letter referred to both Ciro's and Arty's. Therefore he asked members to consider his previous submissions but provided further information on the applicant who was Chairman of Pubwatch and practiced a zero tolerance approach to public disorder and nuisance at his premises. The licensee fully realised the commercial value of holding a Public Entertainment Licence and Mr Pheasey explained the potential financial effect if the premises were not permitted to continue trading until 2.00 am.

Chairman's initials

Town Councillor Smith was invited to present any further points in support of the Town Council's objection to the application. He stated that the same points applied in respect of Arty's renewal application. The Town Council had no objections to the operation of the premises and recognised the desire for entertainment and the consequences of that entertainment. However the Town Council contended that a 0100 hours finish was a satisfactory time for entertainment to cease and argued these premises were not a suitable location for a 2.00am terminal hour. Staggered hours between entertainment premises also lead to a degree of movement between those premises during an evening and the Town Council did not believe that the consequences of opening until 2.00 am could be significantly justified.

The Chairman invited questions from members of the committee.

In response to a question Town Councillor Smith confirmed that the Town Council was looking at trying to pursue the marked differences in crime figures provided by Leicestershire Police, in particular the evidence of increased assaults. Although there was no evidence directly linking the crime statistics to the opening hours of the two Ashby nightclubs, the Town Council wished the Licensing Committee to note the crime statistics for Ashby and their pattern and have regard to them during the course of the renewal application determination. In response Councillor Holland noted no evidence of these figures had been produced by the Town Council.

Mr Pheasey summed up again by stressing the important argument for staggered hours as a means of reducing the potential for disorder in the town and thereby increasing protection of the local public.

At 7.35 pm the applicant, Mr Pheasey, Miss Brookbanks and Miss Lister were asked to leave the room while the committee deliberated. The parties returned to the room at 7.40 pm to clarify the terminal hours on the current Public Entertainment Licence they were being asked to renew. The parties left the room again at 7.42 pm and were invited to return to the room at 7.46 pm.

RESOLVED:

That the Public Entertainment Licence in respect in respect of Arty's, 60a Market Street, Ashby de la Zouch be renewed on its existing terms and conditions.

In reaching their decision the committee had regard to the legislative framework, the conditions in position in including the terminal hours, the Council's duties under the Crime and Disorder Act, the Human Rights Act, the submissions by the applicant's solicitor and Ashby de la Zouch Town Council.

At 6.37pm Councillors Coxon and Tacey left the meeting after the consideration of the hackney carriage and private hire group minutes.

The meeting terminated at 7.45pm.

Min787cp

Chairman's initials