

MEETING OF THE LICENSING SUB COMMITTEE

MONDAY, 15 JANUARY 2024

ADDITIONAL PAPERS

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Summary from Brett Parker (Bardon Truck Park Director)

This summary is written to help the Committee

Introduction

My family have had decades of experience within the haulage & transport trade, it's in our blood. I have experience of being a professional driver of large vehicles. My Brother Damian and I (DPS) and have an understanding of drivers needs and want to give them excellent facilities.

Many drivers love the camaraderie with other drivers sharing stories and discussing challenges that they face. They spend long hours alone on the road and many like to park up and have a break from driving. We have one driver from Malta parked up for a week and drivers parking up for a few days enjoying our facilities is not unusual. This application for a Licence is to provide enhanced facilities for a professional body of drivers who understand that should they drink drive they put their livelihoods and more at serious risk.

Bardon Truck Park is a safe & secure site serving the professional transport & haulage sector.

This is not a public area – this is a private staffed site which is enclosed by 2.4m security fencing and 1 single entrance/exit only. Standard procedure when entering our site is that Each vehicle/driver is checked in face to face by our security guard/s - we record & log each company name, driver's name, vehicle registration, and the anticipated parking duration to every truck parking at this site – we then direct & assist parking each vehicle to a designated parking space – this information is then inputted onto our large site map plan that is on our security office wall (we know exactly where each truck is parked & for how long).

We have a staffed CCTV control room onsite 24/7 - including low level entrance/exit cameras.

We have SIA approved security guards as an addition to our usual truck park staff that patrol our site. Our security guards are experienced with working at premises selling alcohol - and of course now, the haulage sector.

Our security guards have body cams.

Toilet facilities on site available 24/7.

Professional drivers that need to keep licenses - showing that they are responsible.

We have applied for modest hours.

HGV drivers are 18+ and this site is for HGV drivers only.

This site location previously held a Premises License – when the former Stardust Club was still standing here.

Should the Application be granted alcohol would be served from our cafe where we also sell food.

Rather concerned and upset by the Representation and what has been said. Appreciate that not everyone will have experience of Truck Parks. We were hoping for support being a local business trying to do our best for our customers.

Feel that there are many advantages with our drivers not needing to drive if everything they need is on site.

They do have plenty of options to go to local pubs, convenience stores, petrol stations and all the other places that sell alcohol anyway.

I have supplied below some of the other places that supply alcohol nearby including other truck stops. Do have concerns that should this Licence not be granted that many drivers would be likely to go to other truck stops that do supply alcohol on site.

I feel that would be very harmful to my local business and unfair if we were unable to compete with our competitors and it would make sustaining the business more challenging.

We are a responsible business trying to do our best for our clients and have control measures in place to reduce any potential risk that Licensing Authorities including the Police are happy with. Would respectfully ask that our Application be granted given all the facts.

I have compiled a list of some of the Nearest premises selling alcohol and the Nearest truck stops selling alcohol as below:

Nearest Premises

0 Miles Charnwood Arms Pub, Restaurant & Hotel **PUB**
Beveridge Lane, Bardon Hill, Leicestershire LE671TB

1.0 Mile BP Fuel Service Station **SERVICE Station**
5 Shaw Lane, Markfield, Leicestershire LE67 9PU

1.0 mile The Birch Tree Pub & Restaurant **PUB**
Bardon Road, Coalville, Leicestershire LE67 1TD

1.0 mile Flying Horse Bar, Restaurant & Takeaway **PUB**
Little Shaw Lane, Markfield, Leicestershire LE67 9PP

1.1 mile Aldi Supermarket **SUPERMARKET** (Beveridge Lane,
Bardon Hill, Leicestershire LE67)

This supermarket is currently being developed for opening during 2024.
Opening times to be announced soon.

1.3 mile Shell Fuel Service Station **SERVICE STATION**
250 Bardon Road, Coalville, Leicestershire LE67 4BL

1.8 Mile Asda Fuel Service Station & Shop **SERVICE STATION**
Midlands Road, Ellistown, Leicestershire, LE67 1EH

1.8 Mile
STORE

Londis Convenience Store **LOCAL CONVENIENCE**

Whitehill Road, Ellistown, Leicestershire LE67 1GR

Nearest Truck stops with Parking (and Selling Alcohol)

4.0 Mile Junction 23 Truck Stop Lorry Park (J23 M1)

8.0 Mile Ashby Gateway Service Station (J13 A42)

8.0 Mile Donington Park Service Station (J24A M1)

8.0 Mile Welcome Break Leicester Forest East Services
Southbound (J22-J21 M1)

8.0 Mile Welcome Break Leicester Forest East Services
Northbound M1 (J21-J22 M1)

11.0 Mile Shell (Appleby Magna) Service Station (J11 M42/A42)

Note please be mindful that 11 miles isn't that far for professional HGV drivers.

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Response to Representation from Bardon Truck Park

To prevent crime and disorder

Representation: Why does an HGV park want to sell alcohol? This is a site specifically for drivers to park their lorries, selling alcohol on this site is reckless and encouraging drink driving.

Bardon Truck Park Response:

Many HGV/ truck parks in the country sell alcohol on site. Drivers appreciate the far better facilities than in the past. Following long hours on the road many drivers welcome the opportunity to enjoy the facilities on site with fellow professionals and not having to drive to petrol stations or supermarkets to buy alcohol or leave the site to visit Pubs etc. Drivers include those that have extended stays.

Should Bardon Truck Park be unable to provide these facilities they would be at a commercial disadvantage as customers would be likely to go to other truck parks instead. That would be unfair, and contrary to policy and law,

There is no evidence adduced to support the serious, unfounded allegations that Bardon Truck Park, by looking to supply alcohol on site, is reckless and encouraging drink driving. We refute those allegations. We note that given the control measures proposed: none of the responsible Authorities including the Police recognised in law and policy as being the experts in Crime & Disorder have made any representations whatsoever.

Why would a truck park selling alcohol in a controlled environment be more of a risk than drivers visiting local pubs, off licences, convenience stores and other licensed premises?

Public safety

Representation: As above – the council has grave concerns over the retailing of alcohol on a site that is purely for HGV

vehicles to park at.

Bardon Truck Park Response:

Please see response to last question. There will be security on site who will also be speaking to drivers before they leave the site. This clearly would be better & safer than most licensed premises (should the committee be minded to grant the application)

Wouldn't it be advantageous that drivers will be more likely to remain on site rather than driving on the roads to other Licensed Premises?

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.

Representation: This is a site that has submitted a planning application to extend the term for another 36 months, as an HGV park, but has then withdrawn the application. Surely this should be dealt with before any type of license is approved, if at all. We have never seen alcohol being sold at any form of car park, why is this any different?

Bardon Truck Park Response:

Planning is a separate regime to Licensing (although there is some cross over). We note that your Planning Officer, in their capacity as your expert Responsible Authority for Planning under the Licensing regime has made no representation against this Licensing Application.

Re Car Park as well as previous answer those using a public car park tend not to sleep there and some will visit licensed premises. During overnight stays, as stated truck parks are significantly different. Many Public Car parks have automated or unattended exits and won't have the advantage of a staff member speaking to the driver.

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Bardon Truck Park

Legal & Policy Points.

There are no Representations from any of the Statutory Licensing Authorities (or indeed non-Statutory Authorities). This means that each and every Statutory Authority each recognised in law as an expert in their own field do not believe that the Licensing Objectives will be in any way undermined by the granting of this Application. This includes the Police lawfully recognised as the lead Authority for Crime and Disorder

Bardon Truck Park have proposed a set of appropriate control measures to help promote the four Licensing Objectives.

Para 42 Toulson LJ Hope & Glory Court of Appeal.

42. Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, **the economic benefit to the proprietor** and to the locality by drawing in visitors and stimulating the demand, the effect on law and order,

the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to public nuisance. Although such questions are in a sense questions of fact, they are not questions of the “heads or tails “variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgement rather than a matter of pure fact.

Decision of the High Court in Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)

The licensee successfully judicially reviewed that decision. Mrs. Justice Black was also critical of the way the Justices used their local knowledge, saying "There can be little doubt that local magistrates are also entitled to take into account their own knowledge, but ... they must measure their own views against the evidence presented to them." She particularly made that point because the evidence was that the responsible authorities were untroubled and that the history of the premises when operating to the longer hours did not substantiate the Justices' fears.

In her conclusions, **Black J stated that the Justices should have looked for "real evidence"** that greater regulation was required in the circumstances of the case. Their conclusion that it was required was, in her judgment, not a conclusion to which a properly directed bench could have come. Here, it was said, **they proceeded without proper evidence, gave their own views excessive weight and the police views none at all.**

Sec 182 Guidance to the Licensing Act 2003

Purpose

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises.

7. 1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

North West Leicestershire Statement of Licensing Policy

1.1. Profile of the District

The Council vision statement is "North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home".

4.1 To prevent crime and disorder. The Licensing Authority will look to the police as the main source of advice on crime and disorder.

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