

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on THURSDAY, 21 APRIL 2016

Present: Councillors J Cotterill, P Purver and A C Saffell

Officers: Mr A Cooper, Mrs A Lowe and Mrs M Meredith

Interested Parties: Mr M Ball (Ashby Town Council), Sgt A King (Leicestershire Police), Mr M Maughan (Applicant), PC P Porter (Leicestershire Police), Mr A Rayner (Applicant) and PC J Webb (Leicestershire Police)

1 ELECTION OF CHAIRMAN

It was moved by Councillor P Purver, seconded by Councillor A C Saffell 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 APPLICATION FOR VARIATION OF A PREMISES LICENCE

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.

All parties agreed that the two applications be considered simultaneously and that each party make a single representation on both applications.

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

There were no questions for the Licensing Enforcement Officer.

Mr A Rayner, applicant, addressed the Sub Committee. He outlined his experience in managing similar businesses of a significant size. He stated that since purchasing the two businesses, he had operated them in a responsible and professional manner and had built reputation and relationships with the local authorities and fellow businesses in Ashby de la Zouch through hands on management. He explained that he had met with the Town Council and Leicestershire Police to discuss their objections to the proposed changes to the operating licence, and had agreed amendments to the variation application that were acceptable to all parties. As a result the application for extra operating hours had been reduced by over 80% to assist with weekday police staffing. He stated that he had been in regular communication with the Council's Environmental Protection Team to discuss how best to manage the public nuisance licensing objectives and added that he had created a management of noise and dispersal policy which was included in the application. He added that since he had taken over the operation of the business, no concerns had been raised and no formal complaints had been made by any member of

the public to the Council's Environmental Protection Team. He highlighted that the premises had operated events with later terminal hours on seven separate occasions since he had taken over the operation; all of these had similar terminal hours to the amendment which had been agreed with Leicestershire Police. He highlighted the lack of firm data of any incidents relating to the premises during normal operating hours and the seven occasions on which the premises had operated until 4.00am, and the low number of calls for police assistance. He added that when compared to the other nightclubs in the town, this highlighted how well the business was managed. In addition, he and Mr Maughan had undertaken SIA door supervisor training so that they were able to better understand the role of the door supervisor and to make better decisions about how to manage public nuisance and any incidents. He highlighted his presence and that of the senior managers at the business during peak operating hours. He advised the Sub Committee that, despite the lack of obligation to do so, all temporary event notices had been operated under the full conditions of the normal licence. In respect of the application to extend late night refreshment, he highlighted that PC Webb was in full support of this proposal. He added that the reason for this extension was to enable dispersal of the public to be better managed, reducing the impact. He made reference to the additional information which had been circulated, setting out examples of how the individual licensing objective were met and managed.

There were no questions for the applicant.

PC J Webb addressed the Sub Committee and presented the case on behalf of Leicestershire Police. He made reference to the Council's Statement of Licensing Policy, and as the premises sat within the identified area, the rebuttable presumption that applications for variation would normally be refused following relevant representations unless the applicant could demonstrate that there would be no negative cumulative impact upon the licensing objectives. He pointed out that the applicant had failed to indicate on their application whether they had consulted the local licensing policy in respect of the cumulative impact area and it could therefore be assumed that the policy had not been consulted. He stated that the application in its submitted form sought to substantially increase the licensed hours throughout the week, and Leicestershire Police considered that this would have had a negative impact upon the licensing objective of crime and disorder and public nuisance. He also highlighted the potential of increased footfall in the town centre. He stated that Leicestershire Police felt that the application should be refused, however they had consulted with the applicant to come to a point of agreement should the Sub Committee be minded to permit the application. He added however that it should be recognised that this agreement should not be seen as an endorsement of the application. He made reference to the change in management at the premises and acknowledged that they had not come to the attention of the Police whilst operating under temporary event notices, and therefore there were no incidents or crime statistics to present to the Sub Committee. He added that the application may impact upon the town centre, as the CCTV operation ceased at 7pm on Monday to Thursday, and at 3am on Friday to Saturday, and therefore there would be no CCTV coverage after this time to assist with maintaining the safety of the public or identifying perpetrators. He stated that it should be noted that operation anthem, Leicestershire Police's coverage of the nighttime economy, was only operational on Fridays, Saturdays and bank holidays and would normally cease around 4am, and therefore there would be no dedicated nighttime economy resources after 4am. He added that the street pastors finished at 3am. He highlighted the strong working relationship that existed between Leicestershire Police and the applicant and referred to the document which had been drawn up setting out the changes to the hours and the conditions to be imposed which had been agreed by both parties.

Councillor A C Saffell commented that the main concern seemed to be around dispersal, particularly after the CCTV had ceased to operate and the street pastors were no longer present. He outlined his own experiences at Donington Park, and advised that a lot of the

problems had been resolved by extending the hours until 5am, as people were naturally dispersing more gradually. He acknowledged however that the situation was different in Ashby de la Zouch town centre and he asked if it had been noticed that people were likely to commit crimes after 3am.

PC P Porter advised that there were no major issues in the town centre and no increase in disorder after 3.30am.

Mr A Rayner sought to expand upon this point. The Chairman advised Mr Rayner to confine his contribution to questions to the Police at this point.

Mr A Rayner asked if crime had increased or decreased from previous years.

Sgt A King advised that there had been a substantial reduction in overall crime, which was partly due to changes in the method of policing. She added that since January, there had been one report of an assault at Ciro's nightclub and the amount of recorded crime had reduced.

Mr M Ball addressed the Sub Committee and presented the case on behalf of Ashby Town Council. He stated that the primary concern of the Town Council was public nuisance, and added that it was a fact that residents in and around Market Street were already adversely affected by noise emanating from the venue, and by noise and disturbance created by customers leaving the premises. He commented that alcohol also caused people to be noisier. He stated that whatever dispersal plan would be put in place, Market Street would be busy until well after 4am, and the Town Council considered this to be totally unacceptable for residents. He made reference to the emerging neighbourhood plan and the increasing number of people living in Ashby de la Zouch town centre. He stated that Ashby Town Council recognised the importance of the nighttime economy to the town and the professional approach taken by the management, however the Town Council firmly believed that the current licensing hours struck a reasonable balance between the rights of people to enjoy themselves and the rights of residents to some peace and quiet. He added that such all night entertainment was readily available in the district's main town of Coalville, and it was not unreasonable to expect people to travel there. He strongly urged the Sub Committee to consider the needs of the growing town centre population when reaching their decision and to maintain parity of weekend licensing arrangements between the two nightclubs.

Councillor A C Saffell sought clarification on the noise nuisance referred to by Mr Ball and whether this was caused by music emanating from the premises.

Mr A Cooper stated that any issues in respect of noise nuisance would have been addressed in the representation of the Environmental Protection Officer. He added that there were no recent complaints in relation to any noise nuisance.

Mr A Rayner asked if Ashby Town Council had received any complaints from residents relating to noise on Market Street or from the venue.

Mr M Ball stated that residents had approached him with concerns in respect of noise levels, particularly relating to people leaving the premises later on. He added that a lot of the people who live on Market Street had put up with years of disturbance and people got fed up of complaining. He commented that residents also would not be aware that the club was under new management.

Mr A Rayner asked if the parties who had made representations to Mr M Ball had passed those on to the premises so that the concerns could be addressed. He also asked if any representations had been made to the Environmental Protection Team.

Mr M Ball responded that he had not made the premises aware of the complaints. He added however that there was a general unease amongst residents about the prospect of extended hours.

The Legal Advisor reminded all parties to confine their submissions to questions at this point, and that any statements should be made during their closing speeches.

Mr A Rayner asked if Mr M Ball agreed that gradual dispersal would reduce the likely noise impact.

Mr M Ball stated that he felt that this would have no impact upon the noise level.

Mr A Rayner sought clarification on the survey undertaken by Ashby Town Council.

Mr M Ball advised that out of 49 people, 3 people wanted the nightclubs to close later, and 11 wanted them to close earlier.

Mr A Rayner, PC J Webb and Mr M Ball made brief closing statements reiterating points made earlier in the hearing.

At 7.04pm the Sub Committee adjourned to consider its decision. The Sub Committee reconvened at 8.03pm.

RESOLVED THAT:

The application be permitted in part with amended conditions as below:

All conditions that were requested to be removed based upon the fact that they are out of date or unenforceable are to be removed.

The premises operating hours shall be amended so that the terminal hours are as follows:-

Hours open to the public:

Sunday to Thursday	2.30am
Friday to Saturday	4.00am
Christmas Eve, Boxing Day, Sunday before Bank Holiday	4.00am
New Year's Eve from the end of permitted hours to the start of permitted house on New Year's Day.	

Supply of Alcohol

Sunday to Thursday	2am
Friday to Saturday	3.30am
Christmas Eve, Boxing Day, Sunday before Bank Holiday	3.30am
New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.	

Live Music, recorded music, performance of dance and anything of a similar description

Sunday to Thursday	2.30am
Friday to Saturday	4.00am
Christmas Eve, Boxing Day, Sunday before Bank Holiday	4.00am
New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.	

Conditions

As well as the conditions already attached to the licence, the Sub Committee felt it appropriate to add the following conditions:-

1. No persons except those employed on the premises are allowed to enter or re-enter the venue after 0100hrs Sunday to Thursday and 0200hrs Friday to Saturday, Christmas Eve, Boxing Day and Sunday before a Bank Holiday.
2. Patrons will be allowed re-entry where they have left the premises to make use of the premises' outdoor smoking area.
3. All persons working at the premises in a security capacity will have access to radio communication device which will allow effective communication between all members of security and the Duty Manager.
4. The licence holder shall join the Retail Radio Scheme or any similar scheme operating in the area and ensure that:-
 - a. The communication equipment is kept in working order at all times. If the communication equipment breaks then the Police shall be notified and the equipment shall be repaired within a reasonable period of time.
 - b. The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public.
 - c. Any police instructions/directions are complied with whenever given.
 - d. All instances of crime and disorder are reported via the communication equipment by the designated premises supervisor or a responsible member of staff to an agreed police contact point.
5. The licence holder shall ensure that, where available, a body-worn camera is worn by a suitable member of staff on Friday and Saturday nights from 2100hrs until the venue closes on each of those nights.
6. CCTV shall be installed to specifications and in locations agreed with Leicestershire Police and maintained in accordance with the Information Commissioner's CCTV Code of Practice. The CCTV shall record during all times that the premises are open for any licensable activity. All images are to be held for a minimum of 31 days. All recordings are to be held in a secure holding facility. If a tape system is used, tapes are to be replaced by new tapes every 6 months. The 6 monthly replacement of tapes is to be recorded in an incident book held on the premises. All images held are to be made available immediately on request by any of the Responsible Authorities.
7. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when they premises are open to the public. This staff member must be able to show the Police or Licensing Authority recent data or footage with the absolute minimum of delay when requested to do so.
8. An incident log shall be kept on the premises and made available on request to the Police or Licensing Authority which will record the following:-
 - all crimes reported to the premises
 - all ejections of customers
 - any complaints received
 - any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any faults in the CCTV system

- any refusal of the sale of alcohol
 - any visit by a responsible authority or emergency service.
9. Training will be provided for all staff, whether paid or unpaid, before they are allowed to sell alcohol and will include Challenge 25, proof of age, management conflict, serving intoxicated customers and refusals records. The training will be documented. The Designated Premises Supervisor will check that the training has been understood. The training will be repeated at least annually. Records of training will be provided to Responsible Authorities and the Licensing Authority on request.
 10. The licence holder will keep records of all door supervisors showing the names of the door supervisor, their address, their Security Industry Authority badge number and expiry date and the date/time they were employed. These details will be provided to Responsible Authorities and the Licensing Authority on request.
 11. The licence holder shall employ a minimum of 3 SIA licensed door supervisors to be on duty at the entrance of the premises from 2200hrs on a Friday, Saturday, Sunday before a Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve until the last admission times for the public and will employ a further SIA licensed member of staff for every 100 customers or part thereof on the premises.
 12. Prominent clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
 13. The licence holder shall ensure that no customers shall take glasses or open bottles from the premises.
 14. A Challenge 25 policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than 25 years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved proof of age card, UK passport or a UK photographic driving licence or an Armed Forces identity card bearing the card holder's date of birth.
 15. Challenge 25 materials shall be displayed at the premises including at the point of sale of alcohol to inform customers of the operation of the scheme.

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The meeting commenced at 6.38 pm

The Chairman closed the meeting at 8.07 pm