

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on THURSDAY, 30 APRIL 2015

Present: Councillors D Everitt, L Massey and M Specht

Officers: Mr A Cooper, Lowe and Mrs M Meredith

Interested Parties: Mr C Tandy (Ashby Civic Society) and Mrs M Tuckey (Ashby Town Council)

Observer: Mr P Dennis

1 ELECTION OF CHAIRMAN

It was moved by Councillor D Everitt, seconded by Councillor L Massey 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 APPLICATION FOR A 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.

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 S Tumber, applicant, addressed the Sub Committee and put his case. He stated that the purpose of the application was to extend the licensed hours from 2.30am to 3.30am on Fridays and Saturdays in order to serve hot food and drinks. He advised that at present, he served hot food until 2.30am, and had been serving cold food until 3.15am since Christmas on a trial basis. He added that he had informed Leicestershire Police before starting this and no concerns had been raised. In respect of the objections received regarding crime and disorder and the prevention of dispersal, he queried where the evidence was of serious incidents in the town centre at this time of night. He added that, with due respect, the responsible authorities would have objected to the application if serious incidents were taking place. He added that the residents had had every opportunity to comment and no objections had been received from residents in respect of public nuisance. He stated that the survey undertaken by Ashby Town Council was out of date as the statistics were from 2013. He advised that condition 5 could be retained as his intention was only to sell cans of drink, and these could be decanted into plastic cups. He added that the Civic Society had objected to the extra hour on the grounds that it would cause disturbance, however there were no objections from Environmental Health

Chairman's initials

about noise. He stated that his aim was to keep his customers happy, and when he stopped serving food at 2.30am there was no more available.

Councillor D Everitt sought clarification on the cold food that was being served. Mr S Tumber advised that he served a variety including tandoori chicken that had been cooled, or packaged sandwiches. He advised that he turned off his hot griddles at 2.15am, and people continued to request hot food after 2.30am but he was unable to serve it.

Councillor D Everitt asked how many people were in the town centre at this time of night. Mr S Tumber advised that people generally started to disperse at around 3.00am and the doormen were always present.

Mr C Tandy addressed the Sub Committee and presented the case on behalf of Ashby Civic Society. He stated that the Civic Society objected to the extension of the trading hours and to the removal of condition 5. He referred to the cumulative impact policy and reminded members that the effect of adopting a special policy of this kind was to create a rebuttable presumption that such applications would be refused unless the applicant can show that there would be no negative cumulative impact. He stated that the applicant had not presented any evidence that there would be no cumulative impact, nor had he suggested any mitigating actions. He stated that Ashby de la Zouch had a vibrant night time economy, which came with significant pressure. He referred to the number of door men, police officers and pastors it took to prevent crime and disorder. He added that the Police had reported an increase in crime and criminal damage. He stated that permitting the application would prevent the early dispersion of revellers, and the surveys showed that many residents were convinced that the late dispersal of drinkers leads to crime. He added that permitting the application would undermine the late night licensing objectives, and the removal of condition 5 would provide readily available weapons and missiles. He referred to the number of glasses and bottles found in the area at weekends. He urged members to refuse the application.

Councillor D Everitt commented that the survey results suggested that the residents of Ashby de la Zouch did not approve of the application, but presumably some residents would be customers who would find it beneficial. Mr C Tandy advised that the survey had been sent to the people in the town centre, and some respondents had supported the application. He commented that that these respondents were obviously the pub and club owners, however this was a small minority.

Councillor D Everitt highlighted that there was also no police objection to the application. Mr C Tandy acknowledged this but felt that the evidence spoke for itself.

In response to a question from Councillor L Massey, Mr S Tumber stated that he wanted to sell drinks cans rather than bottles. He added that if needed he could open these or decant them.

Councillor M Specht stated that it seemed quite obvious that the glasses and bottles along Market Street were not being generated from the applicant's premises. He asked Mr C Tandy to clarify what he believed to be the source of this problem if the licensed premises were not allowed to serve drinks in glass.

Mr C Tandy clarified that the night clubs were restricted on this point but the pubs were not. He added that he was not suggesting that the applicant was the source, but permitting the application would add to the problem.

Mrs M Tuckey addressed the Sub Committee and presented the case on behalf of Ashby Town Council. She stated that the Town Council's Licensing Committee were in objection to the proposal as there was evidence that there were still incidents of violent disorder in the town centre. She stated that permitting the application would extend the time people

were spending in the town centre, which would prevent dispersal, and which would therefore increase the likelihood of fights and other disorder. She referred to concerns raised by residents in Market Street. She stated that the application was contrary to the statement of licensing policy in Ashby de la Zouch. She made reference to the survey conducted in 2013. She advised that many respondents had suggested that food establishments should close at the same time as or earlier than nightclubs. She urged members to give serious consideration to the application as the Town Council had a duty to take the view of residents into account, and many complaints were received in respect of the night time economy.

Councillor L Massey sought clarification whether opening until 3.15am was a breach of the current licence.

The Legal Advisor clarified that this was not a breach, as the previous street trading consent had no hours specified although, upon issuing the current street trading consent, trading hours had been specified to permit trading until 3.30am on Saturday and Sunday. She added that the Licensing Act did not apply to selling cold food and drinks.

The Licensing Enforcement Officer added that the renewal of the street trading licence had just been processed and no objections had been received.

Mr C Tandy stated that the Town Council had not received notification of the new street trading consent and therefore had had no opportunity to raise objections.

Councillor M Specht asked what time of night the alleged serious violence was taking place. He commented that he found it difficult to understand why the Police were not present if this was the case, as they had been consulted.

Mrs M Tuckey stated that she could not specify a time, however on Saturday mornings you will see broken windows and litter.

Closing speeches.

Mr C Tandy made a brief closing speech reiterating points made earlier in the hearing. He added that if this application was permitted, members would see a cumulative impact of other takeaway shops wishing to replicate the extended opening hours.

Councillor M Specht reminded all present that the Sub Committee were determining the application which was before them, and any subsequent applications from food outlets would have to be dealt with on their own merits.

Mrs M Tuckey made a brief closing speech reiterating points made earlier in the hearing.

Mr S Tumber made a brief closing speech reiterating points made earlier in the hearing. He made reference to the number of temporary event notices which he had operated recently until 3.30am, and which had received no objections from the Police.

The Legal Advisor reminded members that they should consider the cumulative impact of the application, and in particular whether they were of the opinion that the applicant had provided sufficient evidence to rebut the presumption that the application should be refused. She added that whilst a precedent may be set, as indicated, any future applications would need to be considered on their own merits.

At 7.23pm the Sub Committee adjourned to consider its decision. The Sub Committee reconvened at 7.41pm.

RESOLVED THAT :

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

- a) The terminal hour be extended to 03:00 on Fridays and Saturdays.
- b) Condition 5 of Annex 2 be not removed.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.45 pm