

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 26 FEBRUARY 2014

Present: Councillor N Smith (Chairman)

Councillors R Adams, A Bridges, J Cotterill, J Geary, P Hyde, G Jones, C Large, L Massey, T Neilson, V Richichi, M Specht and M B Wyatt

In Attendance: Councillor R Johnson

Officers: Mr D Gill, Mrs C Hammond and Mr L Mansfield

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G A Allman, J G Coxon, J Ruff and A V Smith.

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 27 November 2013.

It was moved by Councillor T Neilson and seconded by Councillor J Geary.

RESOLVED THAT:

The minutes of the meeting held on 27 November 2013 be approved and signed by the Chairman.

14. SPECIAL POLICY - CUMULATIVE IMPACT ZONE - ASHBY DE LA ZOUCH

The Environmental Health Team Manager presented the report to Members. He advised them that they only had one question to answer and that was should the premises trading as The Shoulder of Mutton be included in the cumulative impact zone. He asked Members to consider the information received from the Police and Statutory Guidance, and attach the level of weight that they thought was appropriate to the representation.

Councillor J Geary expressed his concerns that following the request from the last meeting for evidence as to why The Shoulder of Mutton should be included, none had been provided. He advised Members that under the old ownership, the premises had not been included in the zone even though there were far more incidents then, than under the new owners. He felt that as there was no meaningful evidence and, unless he heard to the contrary during the debate, he could not support the inclusion.

Councillor C Large agreed with Councillor Geary, stating she was disappointed that there was no evidence, but felt that the pre-loading issue was a valid concern, but could not be backed up.

Councillor T Neilson accepted that pre-loading was an issue, but questioned whether the position would change if the premises was included in the zone and felt that if it was to be included there would be an added burden to one of the responsible authorities.

Following a question from Councillor V Richichi, the Legal Advisor informed Members that if the premises were to be included in the zone, should they apply for a variation to the

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license there would be a rebuttal presumption that the application would be refused if the police submitted a representation. The normal presumption was that a variation would be granted unless there was evidence to show that it should not, and the effect of the policy was to shift the burden of proof from the police to the operator of the premises.

Councillor P Hyde expressed his concerns over the lack of evidence in the report to support the inclusion and he felt that drinkers could pre-load in a village pub, go on to Ashby and become involved in an incident. He asked if the Council had received any reports of incidents relating to The Shoulder of Mutton only. The Environmental Health Team Manager informed Members that no reports had been received.

Following a question from Councillor M B Wyatt, the Legal Advisor informed Members that should the Committee be minded to not include the premises within the zone, if issues arose regarding the Shoulder of Mutton public house then a Responsible Authority could request a review of the Premises Licence and then it would be upto a sub-committee to decide on the action to be taken. The Environmental Health Team Manager advised Members that although the policy could be valid for 5 years there is the ability to review the policy before the 5 year period if it is felt necessary to do so. For example the current policy has been in place for only two years.

Councillor G Jones felt that the premises was a dual use pub, which mainly served food, that there was no evidence that residents had issues with the pub and felt that inclusion in the zone was unfair unless evidence was provided.

The Environmental Health Team Manager advised Members that the point the Police were trying to make in their representation was that it was felt that the pre-loading that was taking place at the premises contributed to incidents that may happen later on in the evening at or outside other premises.

Following a question from Councillor J Geary, the Legal Advisor informed Members that should the premises be included in the zone, the operators would have a right to request a review through a judicial review, just as the Police would have the same right should the Committee be minded not to include the premises within the zone.

It was moved by Councillor T Neilson, seconded by Councillor P Hyde and

RESOLVED THAT:

The Licensing Committee recommend to Council that the premises trading as The Shoulder of Mutton not be included within the cumulative impact zone, as detailed in appendix 5, prior to consideration and adoption at its meeting on 25 March 2014.

The meeting commenced at 6.35 pm

The Chairman closed the meeting at 7.15 pm

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