

Meeting	LICENSING COMMITTEE
Time/Day/Date	6.30 pm on Wednesday, 26 February 2014
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Member Services (01530 454512)

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATIONS OF INTEREST	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is 'Pecuniary' or 'Non-Pecuniary'.	
3. MINUTES OF PREVIOUS MEETING	
To confirm and sign the minutes of the meeting held on 27 November 2013	3 - 6
4. SPECIAL POLICY - CUMULATIVE IMPACT ZONE - ASHBY DE LA ZOUCH	
Report of the Environmental Health Team Manager	7 - 38



Circulation:

Councillor Ron Adams
Councillor Graham Allman
Councillor Annette Bridges
Councillor John Cotterill
Councillor John Coxon (Deputy Chairman)
Councillor David Everitt
Councillor John Geary
Councillor Paul Hyde
Councillor Geraint Jones
Councillor Caroline Large
Councillor Lesley Massey
Councillor Tom Neilson
Councillor Virge Richichi
Councillor Janet Ruff
Councillor Nigel Smith (Chairman)
Councillor Michael Specht
Councillor Michael Wyatt

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 27 NOVEMBER 2013

Present: Councillor N Smith (Chairman).

Councillors R Adams, G A Allman, J Cotterill, J G Coxon, D Everitt, J Geary, P Hyde, C Large, T Neilson, V Richichi, J Ruff, M Specht and M B Wyatt.

In attendance: Councillor A V Smith MBE.

Officers: Mr S Eyre, Mr D Gill, Mr L Mansfield and Mrs R Wallace.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Bridges, G Jones and L Massey.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

At this point the Chairman thanked the Officers and Members that attended the Licensing Sub Committee meeting the previous evening as it took five and a half hours to consider.

The Chairman also invited all Members to attend the Drivers Forum on 28 November at the Council Offices.

3. MINUTES

Consideration was given to the minutes of the meeting held on 11 September 2013.

It was moved by Councillor J G Coxon and seconded by Councillor R Adams.

RESOLVED THAT:

The minutes of the meeting held on 11 September 2013 be approved and signed by the Chairman.

4. REVIEW OF STREET TRADING POLICY

The Licensing Team Leader presented the report to Members.

Councillor M B Wyatt raised concerns regarding no mention of the use of street furniture within the policy and also allowing trading in close proximity to schools which would encourage children out of school premises. The Environmental Health Team Manager assured Councillor M B Wyatt that he would amend the pool of conditions to specifically refer to street furniture. The Legal Advisor explained that there had been a lot of discussion regarding trading in close proximity of schools and it was felt that the current use of specific zones outside of schools was not an effective way of managing the licences as anyone can relocate to a nearby road out of the zone to trade. He assured Members that the proposed policy would give officers more control over where and what traders sell.

Councillor J Geary pointed out a missed word under point 1 of objective 1, under the street trading consent conditions at appendix 1 of the report. The point should read 'No smoking is permitted inside or immediately outside (within a doorway) of the premises.'

In response to questions from Councillor M Specht, the Environmental Health Team Manager explained the following:

- A fixed site was a trailer that was not mobile and remained in the same site for trading.
- Under the proposed policy, the traders operating from a fixed site would need to provide toilet facilities for the customers.

In response to a question from Councillor C Large, the Legal Advisor explained that the policy was robust especially with regards to trading by schools as there was no right of appeal.

Councillor T Neilson commented that he believed that the proposed policy was a sensible approach but asked questions regarding market events. In response, the Licensing Team Leader explained that the types of markets included had been put into a list but asked Members to let him know if any others should be included.

Councillor M B Wyatt asked who would set the standards regarding the type of food that could be sold in close proximity to schools. The Legal Advisor explained that it would be up to the Officers to exercise their discretion when considering applications. The Authority should not be dictating what people should be eating or taking choices away, it was important to achieve the correct balance. A discussion was had regarding the differences between the current policy and the proposed new one. The Environmental Health Team Manager commented that the Officers would need to be consistent when making decisions and would put together rules to make it clear and transparent. He went on to state that if an application was submitted that did not provide a healthy option then further discussions would be had with the applicant before a decision was taken. He concluded that the current policy was not consistent.

Councillor M Specht asked if there were particular circumstances that meant a fixed street trader could not operate for a four month period but could prove that it was the intention to trade again, would there be some flexibility to keep the licence. The Legal Advisor stated that there would always be flexibility if given all the details. The condition was included in the policy to stop cabins becoming empty and unsightly.

Regarding the condition that consent holders would need to maintain the area within the vicinity of the vehicle, Councillor P Hyde asked if this would apply to the cabin on Stephenson Way as a lot of the litter came from the adjacent McDonalds restaurant. The Legal Advisor explained that the condition was included to encourage cleaner areas. Councillor M Specht informed Members that McDonalds were very happy to assist in community projects such as litter picking, as they had done so in the past at his invitation. Councillor A V Smith confirmed this and added that they regularly litter picked along with the Council. The Environmental Health Team Manager explained that this particular condition had caused much discussion and he confirmed it would be looked at further.

It was moved by Councillor M Specht, seconded by Councillor R Adams and

RESOLVED THAT:

The report be noted and comments made by the Committee considered.

5. REVIEW OF STATEMENT OF LICENSING POLICY

Before the item was considered Councillor A V Smith reminded Members that another visit to Ashby to observe the evening economy had been arranged for Friday, 6 December as the previous sessions had been very successful. Councillor A V Smith encouraged Members to attend, especially those who did not attend previously.

The Environmental Health Team Manager presented the report and referred Members to the additional map of Ashby circulated at the meeting. He explained that the coloured points on the map indicated to three licensed premises, the Plough Inn, the Royal Hotel and the Wetherspoons, which were currently outside the boundary of the policy and need to be considered for inclusion. It was of his opinion that the Royal Hotel should not be included as it was too far out of the boundary. Councillors J Geary and M Specht agreed with the Environmental Health Team Manager and also suggested that the Royal Hotel be excluded.

The Legal Advisor commented that when considering the Plough Inn, it was important to remember that it was not currently within the boundary and never had been. As it was not a hotspot for problems the Committee would need evidence to support why it would need to be included.

In response to a question from Councillor J Geary, the Environmental Health Team Manager explained that although the Wetherspoons had no issues, the reason it needed to be considered was due to the Police's request that it be included because of its size, level of footfall and type of clientele. Councillor P Hyde felt strongly that it was premature to include the Wetherspoons at this point based on assumptions and the Committee should wait for statistics to be released before making a decision. The Legal Advisor suggested that as the policy would not be considered by Council until January, Officers request that the statistics on the Wetherspoons over the Christmas period be available to help make the decision.

Members agreed that the Wetherspoons premises be excluded from the boundary subject to further input from the Police to be considered by Council in January as part of the formal adoption of the Policy.

The Environmental Health Manager asked Members for their opinion on the proposed reduction to the cumulative impact operating hours from 24 hours a day to between 8.00pm and 6.00am. In response to a question from Councillor J Geary, the Legal Advisor explained that the Police would like the hours to remain 24 hours a day. He explained that the reason for the proposed change was so that small cafe's, for example, could apply to sell alcohol during lunch time as they currently would be refused. As premises such as this would be closed during the evening when problems usually occur, this approach was unfair. The Environmental Health Team Manager referred Members to page 84 of the report which detailed the comments submitted by the Police.

Members agreed to continue to consult and notify in accordance with the legislation and statutory guidance. In addition, to continue to notify Parish Councils of application, as recommended within the report.

In response to a question from Councillor T Neilson, the Environmental Health Team Manager explained that the policy did refer to a cultural strategy as it did previously because the strategy no longer existed.

RESOLVED THAT:

The report be noted and comments made by the Committee considered.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.50 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 26 FEBRUARY 2014

Title of report	SPECIAL POLICY – CUMULATIVE IMPACT ZONE – ASHBY DE LA ZOUCH
Contacts	<p>Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Licensing Team Leader 01530 454844 stephen.eyre@nwleicestershire.gov.uk</p>
Purpose of report	To consult with the Licensing Committee on the special policy within the draft statement of licensing policy
Council Priorities	Business & Jobs Homes & Communities
Implications:	
Financial/Staff	No additional financial or staffing implications
Link to relevant CAT	Business CAT
Risk Management	There is a risk that the Council's Statement of Licensing Policy is challenged. Legal advice has been sought in its preparation to mitigate the risk of challenge
Equalities Impact Assessment	Equality Impact Assessment already undertaken, issues identified have been actioned
Human Rights	Article 1 of Protocol 1 provides that everyone is entitled to the peaceful enjoyment of his possessions except in the public interest and subject to the conditions provided by the law
Transformational Government	This relates to the new ways in which council's are being asked to deliver their services
Comments of Head of Paid Service	Report is satisfactory

Comments of Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	As required under section 5(3) of the Licensing Act 2003 – Listed at paragraph 2
Background papers	<p>DCMS – Guidance issued under Section 182 of the Licensing Act 2003 – June 2013 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf</p> <p>Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/contents</p> <p>Licensing Act 2003 – Statement of Licensing Policy – Issue 5 Statement of Licensing Policy - Licensing Act 2003 (Issue 5)</p> <p>Licensing Committee 27 November 2013 – Licensing Committee Report</p> <p>Licensing Committee 27 November 2013 – Draft minutes</p>
Recommendations	<p>THAT LICENSING COMMITTEE MAKE A RECOMMENDATION TO COUNCIL REGARDING THE INCLUSION OF THE PREMISES TRADING AS THE SHOULDER OF MUTTON WITHIN THE CUMULATIVE IMPACT ZONE PRIOR TO CONSIDERATION AND ADOPTION BY COUNCIL ON 25 MARCH 2014</p>

1.0 BACKGROUND

- 1.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to determine and publish a statement of its licensing policy at least once every five years. A statement of Licensing Policy explains how the Licensing Authority will carry out its role under the Licensing Act 2003
- 1.2 The current policy (issue 5) was determined by Council on 26 October 2010 and came into force on 7 January 2011 and shall remain valid until 7 January 2016 unless amendments are necessary before this date.
- 1.3 A report was presented to Licensing Committee on 11 September 2013 providing notification of the review of the policy and explained the reasoning behind the decision to review the current policy only 2 years after it came into force.
- 1.4 A report was presented to Licensing Committee on 27 November 2013 recommending that Licensing Committee consider and comment on the draft statement of licensing policy. The following recommendations were made in the report:

1. That an EMRO or late night levy are not considered appropriate for the promotion of the licensing objectives;
2. That the special policy relating to cumulative impact in Ashby town centre be retained;
3. That the special policy applies to applications for new premises licences or club premises certificates or variations from all types of premises operating between 20:00 and 06:00;
4. That the area (cumulative impact zone) be amended to include the premises trading as the Shoulder of Mutton;
5. That the area (cumulative impact zone) not be amended to include the Plough Inn and the Royal Hotel;
6. That the Council continues to consult and notify in accordance with the legislation and statutory guidance in addition to notifying Parish Councils of applications.

2.0 OUTCOMES OF LICENSING COMMITTEE 27 NOVEMBER

- 2.1 The minutes of Licensing Committee are attached at Appendix 1
- 2.2 Recommendations 1, 2, 3, 5 and 6 were supported by Licensing Committee.
- 2.3 Recommendation 4 was not supported. Members felt that it was premature to include the Shoulder of Mutton at that time based on assumptions. Members requested statistics be released by the police before making a decision. Members agreed that the premises be excluded from the cumulative impact zone subject to further information from the police.

3.0 CONSULTATION RESPONSE FROM LEICESTERSHIRE POLICE

- 3.1 During the consultation period the police queried if the premises trading as the Shoulder of Mutton was within the area covered by the saturation zone within the current statement of licensing policy. Officers confirmed to the police that the Shoulder of Mutton premises falls outside of the current policy.
- 3.2 An initial consultation response was received from Leicestershire police on 4 October 2013. This was considered by Licensing Committee on 27 November. This is attached at Appendix 2. The police made the following comments specifically in relation to the Shoulder of Mutton: "We have considered the area covered by the saturation zone as still relevant. It encompasses all of the relevant premises and areas of disorder. We would ask that the area be increased to include the Shoulder of Mutton public house, on Kilwardby street, junction Derby road and Bath street. The premises is likely to have a major impact on the drinking habits of local people and abuts the zone. To prevent any ambiguity we would ask the boundary be re drawn to include it."

4.0 UPDATE REPORT FROM LEICESTERSHIRE POLICE

- 4.1 Additional information was received from Leicestershire police on 10 January 2014. Officers have worked with the police to agree the wording on the update report detailed below.
- 4.2 The report makes the following comments in relation to supporting the continuation of a special policy in Ashby town centre. This matter was dealt with by Licensing Committee in

November with Committee recommending to Council that the special policy in Ashby town centre be retained.

4.2.1 “Non domestic related violet crime in North West Leicestershire has increased 20%, this compares to a force-wide increase of 5.4%. It is not suggested that this rise is solely associated with licensed premises as research has demonstrated part of the increase is lincked with the summer good weather and social gathering at homes, however it has contributed to this significant increase. This has resulted in increased joint license activity to ensure licensees are fully sighted on their duties and responsibilities in relation to the licensing objectives.”

4.2.2 “Alcohol fuelled violent crime in Ashby since 20th November 2013 to New years day 2014 has gone up, where it has dropped significantly in Coalville 60% down and Whitwick 50% down. Year on year data as follows:”

	20/11/12 to 1/1/13	21/11/13 to 1/1/14
Public Order	0	1
Assault/Harrassment	5	10

“The figures for Ashby are open to interpretation. We could conclude that the presence of the RBV,(Rural Beat Vehicle)acted as a point for reporting and did its job, resulting in more reporting. I saw a willingness of DPS/door staff and members of the public to attend and report incidents readily. So this should be seen as a positive.” (Ps531 Mark Watson)

4.3 The additional information received from the police on 10 January also makes the following comments in relation to the Shoulder of Mutton:

4.3.1 “There are no direct crime reports specifically related to the Shoulder of Mutton premises. This is in part due to the fact that it was closed from September 2010 and did not re-open until mid October 2013.”

4.3.2 “Since it has been reopened it is a pub that is used to pre-load. Other licensees and observations of police officers are that the opening of the premises has brought a change in drinking habits as customers commencing drinking early at the Shoulder of Mutton and then move onto other premises in Bath Street/Market Street. Further drinking ensues. Thus the Shoulder of Mutton is contributing to the overall increase in violent crime.”

4.3.3 “It is the Police view that the spirit of the CIZ or any policy is not about a specific premise, it is with regard to a concentration of premises that may have a potential to impact on the promotion of these objectives.”

4.3.4 “Practically if you look at its location it is a contingent part of Ashby’s night time economy. You can see the Shoulder of Mutton from almost the top of Market street. Thus the police maintain that the Shoulder of Mutton is part of the concentration of public houses that make up the town centre of Ashby De La Zouch that collectively are impacting on the promotion of the objectives.”

4.3.5 “We would also suggest in the interest of fairness and being equitable to other licensees that the Shoulder of Mutton is included.”

5.0 REPRESENTATION FROM J.D. WETHERSPOONS

- 5.1 The Shoulder of Mutton public house was not trading during the consultation period. To ensure Committee members have all of the information available to make a decision Officers considered it was appropriate to seek the views of the operators JD Wetherspoons. A letter seeking the views of JD Wetherspoons was emailed to a named contact within the licensing team of JD Wetherspoons on 15 January. This can be found at Appendix 6.
- 5.2 A telephone call was made to the licensing team for the purpose of obtaining assurance that the letter had been received. The licensing team confirmed receipt of the letter. Telephone calls were made to the licensing team of JD Wetherspoons on 5 February and 10 February for the purpose of reminding the company of the opportunity to make a representation and of the deadline. JD Wetherspoons informed Officers that the matter was being considered by the legal team.
- 5.3 The Council did not receive a representation from JD Wetherspoons.

6.0 STATUTORY GUIDANCE – SPECIAL POLICY RELATING TO CUMULATIVE IMPACT

- 6.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. The relevant section of the statutory guidance relating to adopting a special policy can be found on pages 86 to 89. This can be found at Appendix 3.
- 6.2 The most relevant paragraphs of the statutory guidance in relation to identifying the boundary of the area are detailed below:
 - 6.2.1 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. (paragraph 13.19)
 - 6.2.2 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. Relevant evidence may include: local crime and disorder statistics; statistics on local anti-social behaviour offences; health-related statistics; environmental health complaints; local residents complaints recorded by the local authority; residents’ questionnaires; evidence from local councillors; and evidence obtained through local consultation. (paragraph 13.23)
 - 6.2.3 In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key area and times at which there are specific issues. (paragraph 13.26)
 - 6.2.4 Having considered it to be appropriate to introduce a special policy a local authority must identify the boundaries of the area where problems are occurring (this can involve mapping where problems occur and identifying specific streets or localities where such problems arise). (paragraph 13.28)
 - 6.2.5 2 maps are provided at Appendix 4 and 5. The map at Appendix 4 shows the boundaries of the area including the Shoulder of Mutton premises and the junction of Market Street and Bath Street, Kilwardby Street and Derby Road. The map at Appendix 5 shows the boundary of the area to exclude the Shoulder of Mutton premises. By recommending the inclusion of the Shoulder of Mutton public house within the area Licensing Committee will be

recommending that Council consider and adopt the area detailed at Appendix 4. By recommending the Shoulder of Mutton falls outside of the area Licensing Committee will be recommending that Council consider and adopt the area detailed at Appendix 5.

7.0 LEGAL ADVICE

- 7.1 Legal Advice has been sought and members are advised that it is clear when considering whether to adopt a special policy the Licensing Authority must be satisfied that there is an evidential basis which shows that the licensing objectives are being undermined. The legal advice is that it would therefore follow that in order to extend the area of a special policy (or reduce or revoke it) there should also be an evidential base justifying the extension, reduction or revocation. It is accepted that the evidential base used to justify a special policy consists of a broad range of factors from, for example, empirical evidence in the form of crime statistics, to evidence obtained from local consultations and observations. However before the Licensing Authority were to extend the special policy area then it must be satisfied that there is a negative cumulative impact arising from the operation of the premises either in or around the premises or within the defined area of the special policy as a whole such that the licensing objectives are being undermined. If Members are satisfied that there is a negative cumulative impact they must then consider whether it is appropriate to extend the special policy area.
- 7.2 It is a matter for Members to consider the representations made by both the Police and the operators of the premises and attach what weight they think is appropriate to those representations in determining whether or not the area of the special policy should be extended.

8.0 APPROVAL PROCESS

- 8.1 A procedural irregularity by a Licensing Authority in relation to the determination of its Statement of Licensing Policy may be the subject of a challenge by way of judicial review to the Administrative Court.
- 8.2 A draft Statement of Licensing Policy will be taken to Council on 25 March 2014 for final approval and publication.

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 27 NOVEMBER 2013

Present: Councillor N Smith (Chairman).

Councillors R Adams, G A Allman, J Cotterill, J G Coxon, D Everitt, J Geary, P Hyde, C Large, T Neilson, V Richichi, J Ruff, M Specht and M B Wyatt.

In attendance: Councillor A V Smith MBE.

Officers: Mr S Eyre, Mr D Gill, Mr L Mansfield and Mrs R Wallace.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Bridges, G Jones and L Massey.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

At this point the Chairman thanked the Officers and Members that attended the Licensing Sub Committee meeting the previous evening as it took five and a half hours to consider.

The Chairman also invited all Members to attend the Drivers Forum on 28 November at the Council Offices.

3. MINUTES

Consideration was given to the minutes of the meeting held on 11 September 2013.

It was moved by Councillor J G Coxon and seconded by Councillor R Adams.

RESOLVED THAT:

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The Licensing Team Leader presented the report to Members.

Councillor M B Wyatt raised concerns regarding no mention of the use of street furniture within the policy and also allowing trading in close proximity to schools which would encourage children out of school premises. The Environmental Health Team Manager assured Councillor M B Wyatt that he would amend the pool of conditions to specifically refer to street furniture. The Legal Advisor explained that there had been a lot of discussion regarding trading in close proximity of schools and it was felt that the current use of specific zones outside of schools was not an effective way of managing the licences as anyone can relocate to a nearby road out of the zone to trade. He assured Members that the proposed policy would give officers more control over where and what traders sell.

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- Under the proposed policy, the traders operating from a fixed site would need to provide toilet facilities for the customers.

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Councillor T Neilson commented that he believed that the proposed policy was a sensible approach but asked questions regarding market events. In response, the Licensing Team Leader explained that the types of markets included had been put into a list but asked Members to let him know if any others should be included.

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It was moved by Councillor M Specht, seconded by Councillor R Adams and

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Members agreed to continue to consult and notify in accordance with the legislation and statutory guidance. In addition, to continue to notify Parish Councils of application, as recommended within the report.

In response to a question from Councillor T Neilson, the Environmental Health Team Manager explained that the policy did refer to a cultural strategy as it did previously because the strategy no longer existed.

RESOLVED THAT:

The report be noted and comments made by the Committee considered.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.50 pm

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Review of licensing policy and Police findings

Ma'am, Sir

Please find attached Statistical information prepared by our analysts, Appendix A and B. The request was to collate figures before and after the introduction of the first revised and adopted, statement of licensing policy, made by NWLDC in November 2005. There is a comparison of figures for recorded crime in areas of violent crime such as assaults and public order and criminal damage. Appendix A is the statistical data which supports the Final results in Appendix B. These are recognised crimes associated with alcohol fuelled, night time economy offences. We have been unable to collate accurate data for Anti social behaviour, due to changes in recording systems over the years. We have also attempted to separate cases of drunk and disorderly, but it has not been possible to separate this data.

In addition to police data, we have worked closely with Ashby Town Council. They have in turn carried out a valuable local engagement exercise. The results are attached and supported by the Town council. At a licensing committee meeting on September 2nd the committee formally agreed to support the continuation of the cumulative impact policy.

I would draw your attention to what I consider to be the key findings of both reports and would ask that you submit and endorse this report to the NWLDC, by the end of the Consultation period.

The NWLDC have adopted a number of special policies over the years. The first statement of policy was created in January 2005 and as stated, revised to reflect the adoption of a special policy in Ashby in November 2005. This has been used as the bench mark period to record data 3 yrs before and thereafter to show changes in relevant crime.

A third statement was made in January 2008 and was further amended in the same month, giving a fourth statement. This continued until a 5th policy document was completed in January 2011. This is due to run for 3 years or until review. This is now subject of consultation ahead of review.

The groupings of offences by the analyst, shows low level public order offences under the heading of assaults. The remaining public order category, contains the more serious public order offences such as affray and violent disorder.

The first thing to note is the dramatic rise in assaults in Market street Ashby, prior to November 2005 when the first policy was implemented. Total assaults steadily rose from 2002 at 56 assaults peaking by November 2005 at 87. This peak represented 33.1% of all assaults in Ashby. This period was known as the **Wild West years**. During this period, Ashby Town centre had a very poor reputation for its night time economy.

Thereafter you will note a steady decrease in assaults year on year, with one blip November 2010 to 2011. But again this continued to then decline to November 2011-2012 with a low of 44 assaults. This latest figure represents a cut of nearly 50% on the assaults just prior to implementation of the first policy.

Assaults in Market street have steadily reduced as a percentage of all assaults in Ashby. Up to November 2010 they had reduced to 25.1 % compared to 33.1 % in November 2005. Again the blip yr end 2011 has increased the average figure. But without this, there is a clear benefit shown in the implementation of the policy.

The criminal damage figures do not give any clear conclusions.

The more serious incidents of public order have also decreased. The numbers are thankfully low. But when we compare the 9 incidents up to November 2005 to 3 up to November 2012, we can again see the benefits of joined up working. I would emphasise these are the more serious incidents of public order, such as Affray and Violent disorder; generally involving large groups of people fighting in the street.

The policy has allowed for a tight focus on all licensing issues in Ashby. Licensing Sergeants working with NWLDC, have been able to review licensed premises over the years, supported by the policy and tailor policing accordingly.

There have been many examples of good practice. In recent times we have worked with night clubs to improve safety and cut violent crime. Simple examples include measures to introduce plastic glasses, to reduce incidents of grievous bodily harm by glassing.

The policy has also been instrumental in challenging night club opening hours and keeping the resultant public nuisance to residents to a minimum. This has come about from pegging back closing times.

All members of the pub watch scheme are familiar with the policy and an improving relationship with all premises, allows for early dialogue; ahead of applications for changes in premises licenses and the like.

A joined approach with NWLDC has helped to develop the existing pub watch scheme and strengthen it.

On the same theme, police and council officers work together when dealing with breaches of policy. We adopt a tiered approach, to ensure a proportionate response to poor licensing control. This approach has led to a number of action plans to help and support licensees, rather than prosecute. But where blatant breaches have occurred, prosecutions have resulted.

The NWLDC policy has helped guide police and NWLDC staff to work together with licensees, to ensure a vibrant Night time economy and at the same time include residents living in the area, when decisions have been made.

Residents have contributed to giving evidence at challenges to hours, where extensions have been sought by clubs.

Resident groups have been involved when TENS have been challenged.

The policy has helped police, when considering new applications and variations to licenses. This has resulted in agreements being made with businesses, to ensure they are able to run their businesses effectively, but not to the detriment of those living and

working in the area. Often this has occurred without the need to go to hearing. The existence of the policy has aided these mediations.

I would also bring your attention to the Ashby Town council survey. This again came about as a result of the existence of the policy. Over 400 survey forms were submitted to local residents and businesses in Market street and surrounding area. 49 forms were returned.

Of note is that nearly 40% of respondents saw the closing times of night clubs from 3am to 2.30am as beneficial. This came about as a direct result of police challenging extensions at the two main clubs. The policy was sighted in this process and local residents have acknowledged the benefit of this closing time.

The associated noise and disruption attributed to the night clubs closing, was also a key point identified by local people.

The economic value of the night time economy was acknowledged. The policy does not seek to negatively impact on businesses and it is widely understood that far from having a negative impact, a good quality mix of businesses should ensure a thriving night time economy. If crime is falling, more will feel safe and wish to come to Ashby.

Comments were also made in relation to closing times of public houses and the effects of fast food outlets.

In relation to fast food outlets, we have been able to oversee SIA door staff where required and ensure they are present. We have also worked with licensing staff at NWLDC to enforce regulations. In addition we have opposed successfully, later openings of some fast food outlets. This has been key, in preventing congregations of crowds after closing of clubs. This in turn has reduced incidents of violence. Again the policy has been sighted in hearings to assist these successes. In addition the policy has focussed owners, to tidy up at closing and dispose of rubbish. Clubs also proactively encourage their customers away and towards taxi ranks promptly at closing. This is all done to demonstrate their willingness to work with police and under the principles of the policy.

My position is that the figures demonstrate that although crime has fallen steadily, it was very high in Market street. It is still a relatively high proportion of all similar crime in Ashby and needs control. The crime is clearly seen to be mainly in the evenings as the report shows.

The frequency and seriousness of crimes has reduced also, as good working relationships have improved environments for customers. The policy has aided this process.

The Ashby special policy does allow proportionate scrutiny in Market Street and has assisted in the reductions identified. However it may quickly escalate if there were a free for all, of new premises and total relaxation of hours etc for existing premises. Police resource do have to be considered and those already stretched, would be put under further pressure. This would inevitably lead to response pressures across the LPU.

The use of the no alcohol zone has been proportionately policed. This was introduced December 2007, under the criminal justice and Police act 2001. Areas are designated as attached order.

Where special events have been held in Market street, discretion has been used and where enforcement has been required, it has been implemented. This has helped to keep Market street free of alcohol and the associated bottles etc. This does not come under the cumulative impact policy, but shows we use various tactics and not just the policy in isolation.

Likewise the use of powers such as s27 dispersal notices are used proportionately.

We do not seek to prevent further diverse development of the night time economy. A case in point was demonstrated when we agreed a change to license of a deli, that wished to sell limited wines with table meals during the day.

We do generally feel there is no need for further vertical drinking bars.

But we and the council would not be constrained in reviewing every application on its own merit, by the continuation of the cumulative impact Zone.

We have been asked by the council to consider a change to the policy, where cafes/restaurants/cinemas and theatres aswell as hotels may be exempted. The police position is that we would need clarity on the description of businesses, in order to exempt them. We would have concerns that it would be impossible to distinguish between descriptions of businesses for example, how we would distinguish between a fast food outlet and its potential activities as a café.

How would we distinguish between a hotel and its potential activities as a night club or public house? This blurring of the policy would in our view have a negative impact and lead to potentially spurious applications; by businesses that the policy had no intention of encouraging. Our view is that exempting businesses from the policy is not required, as we do review every application on its own merit, considering the policy objectives.

If council decide to add exemptions, we would ask that the closing times for such businesses be 8pm. As seen from appendix B and the diagrams provided, the incidents of assaults start to rise from this time of night.

We would also require very clear guidance on the premises exempted and how they would be described.

We have considered the area covered by the Saturation Zone as still relevant. It encompasses all of the relevant premises and areas of disorder. We would ask that the area be increased to include the Shoulder of Mutton Public house, on Kilwardby street, junction Derby road and Bath street. This premises is likely to have a major impact on the drinking habits of local people and abuts the zone. To prevent any ambiguity we would ask the boundary be re drawn to include it.

When you put all the tactics together with the existing policy, there is a good working process. This is delivering year on year reductions in violent crime. I do not seek to expand the current policy except as described above.

Submitted for your attention.

Mark Watson

PS531

NW

Crime HO	Year										Grand Total
	8Nov02 to 7Nov03	8Nov03 to 7Nov04	8Nov04 to 7Nov05	8Nov05 to 7Nov06	8Nov06 to 7Nov07	8Nov07 to 7Nov08	8Nov08 to 7Nov09	8Nov09 to 7Nov10	8Nov10 to 7Nov11	8Nov11 to 7Nov12	
ASSAULT											
301 – Threats to kill		1		1		1					3
501 – GBH with intent Sec18		1	2			1	1			1	6
801 – GBH Inflict Sec20	1	2	3	2	1	1	2		1	3	16
806 – ABH Sec47	36	33	35	33	33	30	24	21	31	19	295
811 – possess offensive					1			1			2
831 – breach of restraining order							1				1
859 – racially aggravated GBH or wounding	1										1
856 – racially aggravated harassment		1					1				2
855 – racially aggravated sec 4a POA	1								1		2
857 – racially agg common assault										1	1
10400 – assault on police officer		1	3	1	1		2	2	1		11
10501 – common assault	5	20	12	12	11	11	5	7	10	8	101
12509 – sec 4A POA			1							2	3
12511 – sec 4 POA	3	5	5	4	6		1	2	4	1	31
12512 – sec 5 POA	6	15	23	22	21	16	17	12	20	8	160
12582 – racially agg sec 5 POA	1		3	2	2	1	1				10
19594 – 2+ harassment	2	2		1	1					1	7

ASSAULT Total	56	81	87	78	77	61	55	45	68	44	652
% change on previous year		44.6%	8.6%	-10.3%	-1.3%	-20.8%	-9.8%	-18.2%	51.1%	-35.3%	
DAMAGE											
5601 – arson endangering life			1							1	2
5602 – arson not endangering life		1		1		1					3
5865 – criminal damage to dwelling	3	1		1	1	6	1				13
5866 – criminal damage to other building	17	9	6	11	13	8	5	9	9	5	92
5870 – other criminal damage	2	1	3	5	4	2	2	3	1	3	26
5911 – threat to commit criminal damage									1		1
DAMAGE Total	22	12	10	18	18	17	8	12	11	9	137
% change on previous year		-45.5%	-16.7%	80%	/	-5.6%	-52.9%	50%	-8.3%	-18.2%	
PUBLIC ORDER											
6500 – violent disorder		1	1	1							3
6601 - affray	4	5	8	3	6	7	4		5	2	44
6623 – use of words/behaviour/written material										1	1
6645 racial hatred act 2006: use of words/behaviour/display written material						1					1
PUBLIC ORDER Total	4	6	9	4	6	8	4	5	5	3	49
% change on previous year		50%	50%	-55.6%	50%	33.3%	-50%	-100%	/	-40%	
Grand Total	82	99	106	100	101	86	67	57	84	56	838
% change on previous year		20.7%	7.1%	-5.7%	1%	-14.9%	-22.1%	-14.9%	47.3%	-33.3%	

Year	ASSAULT			DAMAGE			PUBLIC ORDER			Grand Total For Ashby
	Total LN14 Ashby	Total Market Street	% Market St	Total LN14 Ashby	Total Market Street	% Market St	Total LN14 Ashby	Total Market Street	% Market St	
8Nov02 to 7Nov03	174	56	32.2	136	22	16.2	6	4	66.7	316
8Nov03 to 7Nov04	288	81	28.1	157	12	7.6	8	6	75.0	453
8Nov04 to 7Nov05	263	87	33.1	112	10	8.9	15	9	60.0	390
8Nov05 to 7Nov06	261	78	29.9	152	18	11.8	6	4	66.7	419
8Nov06 to 7Nov07	246	77	31.3	133	18	13.5	12	6	50.0	391
8Nov07 to 7Nov08	222	61	27.5	99	17	17.2	14	8	57.1	335
8Nov08 to 7Nov09	215	55	25.6	103	8	7.8	6	4	66.7	324
8Nov09 to 7Nov10	179	45	25.1	102	12	11.8	3		0.0	284
8Nov10 to 7Nov11	170	68	40.0	97	11	11.3	11	5	45.5	278
8Nov11 to 7Nov12	135	44	32.6	79	9	11.4	4	3	75.0	218
Grand Total	2153	652	30.3	1170	137	11.7	85	49	57.6	3408

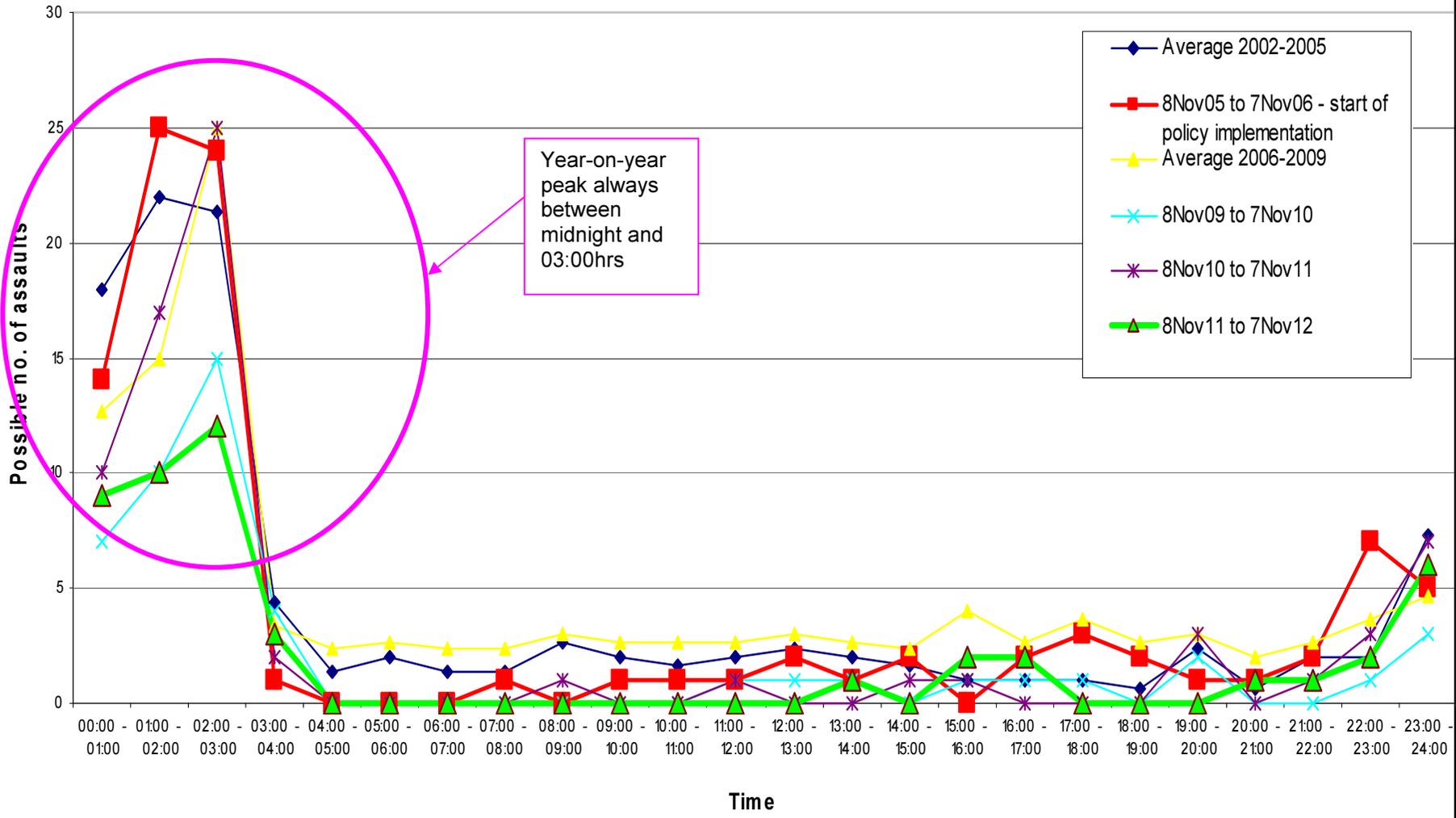
Main threat to Market St, Ashby has been violent crime – ABH sec47s are the main crimes to note, many influenced by alcohol from the night-time economy. Since policy measures were introduced on 08/11/05, violent crimes has seen reductions, year-on-year (albeit one blip 2019/10).

Public Order and Damage numbers were relatively low, so no conclusions can be drawn from these figures of the impact of the policies.

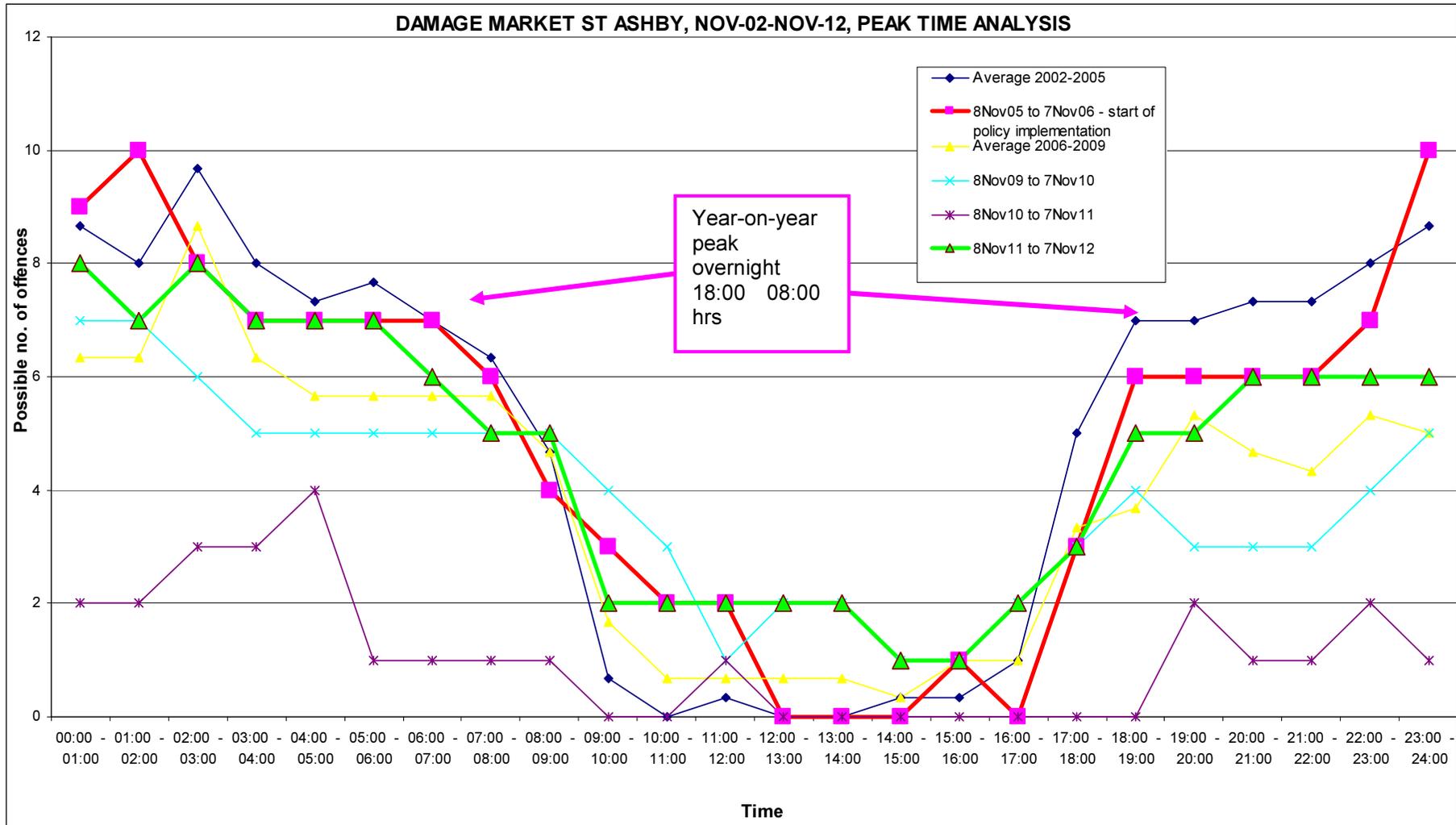
Although violent crime has reduced on the neighbourhood of Ashby as a whole over the years, violent crime on Market St still forms a significant proportion of all the violent crime.

Chart below highlights the peak times for assault offences occurring on Market St. For the last ten years, the peak has significantly been between the hours of midnight and 03:00hrs, even with the noted reductions in crime:

ASSAULTS MARKET ST ASHBY, NOV 02-NOV-12 - PEAK TIME ANALYSIS



Damage offences were not as easy to pinpoint time wise, as often there would be no witness to the offence. However, data over the years would indicate that most offences would occur in the overnight period on Market St:



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CRIMINAL JUSTICE AND POLICE ACT 2001

Alcohol Consumption in Designated Public Places Order 2007

North West Leicestershire District Council (in this Order called 'the Council') hereby make the following Order under Section 13 (2) of the said Act:

The land described in the Schedule below and on the map attached to this Order, being land in the area of the Council which land to which the Criminal Justice and Police Act 2001 applies, is hereby designated for the purposes of that Act.

This Order may be cited as the Alcohol Consumption in Designated Public Places for the area of Ashby de-la-Zouch Order 2007 and shall come into force on 17 December 2007.

Schedule

- Hood Park
- The Green
- North Street
- Derby Road
- Market Street
- South Street
- Bath Street
- Bath Grounds
- Castle Grounds

The Common Seal of)
North West Leicestershire)
District Council was)
hereunto affixed in the)
presence of:)



Neil Bayle

INTERIM

Head of Legal & Democratic Services



Zone includes all of Hood Park (off map)

Ashby Alcohol Free Zone – November 2007

Zone includes all of Bath Grounds (off map)

The cumulative impact of a concentration of licensed premises

What is cumulative impact?

- 13.19 “Cumulative impact” is not mentioned specifically in the 2003 Act. In this Guidance, it means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.
- 13.20 In some areas, where the number, type or density of premises selling alcohol is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 13.21 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 13.22 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

Evidence of cumulative impact

- 13.23 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - environmental health complaints, particularly in relation to litter and noise;
 - complaints recorded by the local authority, which may include complaints raised by local residents or residents’ associations;
 - residents’ questionnaires;

- evidence from local councillors; and
- evidence obtained through local consultation.

13.24 The licensing authority may consider this evidence, alongside its own evidence as to the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

13.25 Where existing information is insufficient or not readily available, but the licensing authority believes there are problems in its area resulting from the cumulative impact of licensed premises, it can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.

13.26 In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key areas and times at which there are specific issues.

13.27 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to include an approach to cumulative impact in its licensing policy statement. The special policy should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 13.39. When the licensing authority decides to introduce an approach to cumulative impact, it may decide it is appropriate to indicate in its statement that it is adopting a special policy whereby, when it receives relevant representations, there is a rebuttable presumption that, for example, applications or variation applications which seek to extend the sale or apply of alcohol are refused or subject to certain limitations.

Steps to a special policy

13.28 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below.

- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).

- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Effect of special policies

- 13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.
- 13.30 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 13.31 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.
- 13.32 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 13.33 Special policies may apply to the impact of a concentration of any licensed premises. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.
- 13.34 It is recommended that licensing authorities should publish contact points in their statements of licensing policy where members of public can obtain advice about whether or not activities should be licensed.

Limitations on special policies relating to cumulative impact

- 13.35 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

- 13.36 Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 16). The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.
- 13.37 Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly appropriate for the promotion of the licensing objectives.
- 13.38 Every application should still be considered individually. Therefore, special policies must not restrict such consideration by imposing quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned.



Ashby de la Zouch
Special Policy
Map of the Area

Appendix 4

Map reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office (C) Crown Copyright 2010

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at the heart of the National Forest

Community Services

Please ask for: Lee Mansfield

Telephone: 01530 454610

Fax:

Our Ref: SOLP

Your Ref:

Date: 13 February 2014

Licensing Team
JD Wetherspoon Plc

Sir/Madam

Licensing Act 2003 – Review of Statement of Licensing Policy Premises: Shoulder of Mutton Public House, Ashby De La Zouch

Section 5 of the Licensing Act 2003 requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. Contained within the current policy is a special policy relating to cumulative impact in Ashby De La Zouch town centre. The JD Wetherspoon premises trading as the Shoulder of Mutton is situated outside the area covered by the current special policy.

You may already be aware this licensing authority is in the process of reviewing its statement of licensing policy and has consulted on the proposed new policy. The consultation period took place from 11 July 2013 to 7 October 2013. We are aware that the Shoulder of Mutton public house did not begin trading until after the consultation period had closed.

At a meeting of Licensing Committee on 27 November Members considered and commented on the Officers report, evidence and consultation responses. One of those was from Leicestershire police. The evidence submitted included amongst other points crime statistics relating to Ashby town centre. The police recommended that the area covered by the special policy (cumulative impact zone) is extended to include the Shoulder of Mutton public house. A copy of the report and supporting information can be found at: [Licensing Committee Report](#) The draft minutes can be found at [Draft minutes](#)

Licensing Committee considered the evidence to be sufficient to recommend to Council the continuation of a policy on cumulative impact in Ashby town centre. However Licensing Committee members considered that the consultation response did not contain sufficient information to support the recommendation to extend the area to include the Shoulder of Mutton public house. However, the Committee asked for the police to be given an opportunity to provide further information on the issue of extending the cumulative impact zone.

Leicestershire police have been invited to provide additional information to a meeting of Licensing Committee on 26 February. The Committee will be considering whether to increase the area of the cumulative impact zone to include the Shoulder of Mutton public house. The outcomes and recommendations of this meeting together with those from the Licensing Committee on 27 November will be considered at Council on 25 March. Council will make the final decision on the statement of licensing policy at this meeting.



at the heart of the National Forest

The Council considers that, as the premises is now open and trading, it would be reasonable to seek your views on extending the special policy area to include the Shoulder of Mutton public house. Should you have any objections or views that you wish to make in respect of extending the special policy area to include the Shoulder of Mutton you should make those representations in writing and send them to the Licensing Team Leader, North West Leicestershire District Council, Council Offices, Coalville, Leicestershire, LE67 3FJ or by email to lee.mansfield@nwleicestershire.gov.uk Any representation must be received by 10 February.

Should you choose to make a representation I will ensure that this information is considered by Licensing Committee on 26 February. You will also be provided with a copy of the report once it has been published on 18 February. The Licensing Committee is a public meeting and you can attend as an observer if you wish.

Yours sincerely



Lee Mansfield
Environmental Health Team Manager