

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Offices, Coalville on MONDAY, 5 MARCH 2018

Present: Councillors P Purver, S Sheahan and M Specht

Officers: Mrs L Arnold, Mr P Dennis and Mrs R Wallace

Interested Parties: PC M Arjoo (Leicestershire Police), Mr M McGlochlin (Applicant), Insp. N Rixon (Leicestershire Police), Mr P Terry (Applicant) and Mr A Woods (Applicant)

1 ELECTION OF CHAIRMAN

It was moved by Councillor P Purver, seconded by Councillor S Sheahan 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

There were no declarations of interest.

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 ten minutes.

The Licensing Enforcement Officer presented the report to Members, highlighting background information and representations received. He drew Members attention to an error within report as it stated that the VIP Rooms had surrendered its licence when in fact it had been suspended due to none payment of fees. Therefore the licence was still current and could be utilised immediately if fees were paid.

Inspector N Rixon questioned the accuracy of the map as he believed that the premises highlighted was not Manhattan's Night Club. The applicant confirmed that the map was incorrect and the premises was actually further down the street.

Mr A Woods, Solicitor representing the applicant, addressed the Sub Committee. He informed Members that there were three late licences currently in Ashby, one of these premises had previously applied for a 5.00am closing time and permission had been granted for a 4.00am closing time. The minutes from the hearing had been included within the additional papers circulated to Members. He reported that meetings had been held with the police to discuss the proposals and also the Town Council who raised no objections. He explained that it was clear from customer numbers that Manhattan's Night Club was the more popular venue and at closing time customers were leaving to go to Ciro's Night Club due to their later licence. He proposed that the later closing time would stop this happening as customers would stay in Manhattan's Night Club rather than going out into Ashby in the early hours to go elsewhere. He also argued that as last admission time would still be 1.00am, there would be no more people in the club than usual, and they would just stay in the club rather than moving on. He highlighted to Members that

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there had been a number of temporary event notices granted in recent months, all of which had been successful and although there had been a number of incidents as raised by the Police, it was not unusual for a nightclub of that size. He also pointed out that they had taken into account the police preference for staggered closing times and that was another reason why the application was for 3.00am rather than 4.00am as some other establishments had.

Councillor S Sheahan referred to the application form submitted, in particular the additional steps taken to promote the licensing objectives as parts have been left blank. He asked if there was a reason that this part of the form had been left blank. Mr A Woods, responded that the conditions attached to the Licence addressed the steps that were taken, for example the CCTV provision and the use of door staff. The key step for the application was keeping the last admission time to 1.00am and this was not included in the application as it was to be presented at the hearing as part of the case to grant the variation of the licence.

Councillor M Specht commented that it would have been helpful to have a complete application form as there were a number of empty sections. He stated that the council officers and Town Council had worked very hard to obtain the purple flag status for Ashby and for the applicant to purposefully not fill in parts of the application which related to the promotion of the licensing objectives was disappointing as these areas effected the criteria for the accreditation.

Inspector N Rixon addressed the Sub Committee and presented the case on behalf of Leicestershire Police. He referred to the Council's adopted special policy in relation to licence applications made in the Cumulative Impact Area. He highlighted that the application failed to identify how the licence variation would not have a negative cumulative impact within the area and therefore did not adhere to Council Policy. He informed Members that CCTV in the area terminated at 3.00am and therefore if the application was granted, leaving time would not be covered. Inspector N Rixon drew Members attention to the list of incidents related to Manhattan's Night Club as detailed within the report and in reference to the two current ongoing investigations, he requested that members consider moving into a private session to view photographs and receive further information. He concluded that the area was already saturated with licensed premises and as other premises in close proximity had similar closing times, this would lead to flash points for anti-social behaviour at takeaway food premises and taxi ranks.

There were no questions for Inspector N Rixon.

Regarding the request to submit additional documents from Inspector N Rixon, the Legal Adviser explained that Members would need to consider whether they were happy to except the additional information, if so, all parties had to be in agreement for it to be submitted.

Mr A Woods objected to the late submission as he was not aware of it until just before the meeting and he had not seen the documents.

The Legal Adviser explained that in accordance with the guidance Members would not be able to consider the additional information due to the objection from the applicant, however Inspector N Rixon could apply to share the documents if he felt it was in the public interest. Inspector N Rixon questioned the advice given, as a verbal conversation had been had with officers regarding the information as it did not form part of the original submission due to the risk of it being harmful to the ongoing investigations. Due to this fact, he did not want to make an application on the grounds that it was in the public interest. The Legal Adviser acknowledged the conversation regarding the confidential nature of the information but as the documents were not originally submitted as part of the agenda pack, it had to be dealt with in accordance to the guidance relating to late

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submissions. She advised that although the documents could not be submitted, the information could be shared verbally in private session. Mr A Woods confirmed that he would be happy for the information to be shared verbally. Inspector N Rixon declined.

Mr A Woods and Inspector N Rixon made brief closing statement reiterating points made earlier in the meeting. Mr A Woods offered his apologies to the Sub Committee regarding the lack of information within the application form. He stated that it was usual practice for his legal team as the main arguments were saved to put forward at the meeting itself and therefore no disrespect was meant.

At 7.23pm the Sub Committee Adjourned to consider its decision. The Sub Committee reconvened at 8.07pm.

RESOLVED THAT:

The application be refused.

Having had regard to the representations and evidence from Leicestershire Constabulary (as the responsible authority), the Sub Committee considered that the grant of the licence would undermine the promotion of the licensing objectives for the following reasons:

1) Crime and Disorder

The Sub Committee accepted the evidence submitted by the police in relation to 9 of the 29 night time incidents (for the period 1.8.17 – 31.1.18) being directly linked to Manhattan's. The Sub Committee noted that that was equivalent to approximately 30% of the incidents in that period which the Panel deemed to be a significant number. The Sub Committee believes that an extension to the hours for i) the sale of alcohol, ii) the provision of regulated entertainment and iii) opening hours, is likely to lead to further incidents of crime and disorder within the vicinity or the premises therefore undermining the licensing objective.

2) Crime and Disorder

The Sub Committee did not believe that adding further conditions to the licence would be sufficient to prevent an adverse impact on the cumulative effect on crime and disorder likely to arise from i) the sale of alcohol, ii) the provision of regulated entertainment and iii) opening hours, therefore undermining the licensing objective.

For the benefit of the interested party based on evidence submitted prior to the Hearing, the Sub-committee noted that any complaints about noise should be shared with the relevant authorities (police and or the environmental protection team) so that such matters can be logged and shared.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.10 pm

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