

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on MONDAY, 25 FEBRUARY 2019

Present: Councillors R Ashman, A C Saffell and M Specht

Officers: Mr P Dennis, Mr D Gill and Mrs C Hammond

Interested Parties: PC M Arjoo (Leicestershire Police), Mr D Braithwaite (Leicestershire Police), Mr M McGlochlin (Applicant), Mr A Rayner (Interested Party), Mr P Terry (Applicant) and Mr A Woods (Applicant)

## **1 ELECTION OF CHAIRMAN**

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

RESOLVED THAT:

Councillor A C Saffell 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 thirty minutes.

The Licensing Enforcement Officer presented the report to Members, highlighting the additional conditions detailed in the report that the applicant had proposed to meet all four licensing objectives.

There were no questions for the Licensing Enforcement Officer.

Mr A Woods, Solicitor for the applicant addressed the Committee. He acknowledged that the applicant had submitted an application a year ago but it was refused due to lack of information contained within the application and, as such, the applicant had gone away and put together a new application that included all the information that was required. He explained that he had submitted the photographs late following the receipt of the CCTV to show the location of the premises in relation to the incidents that were shown on the footage to give members a better idea of the site. He highlighted the variations that were sought through the application and the proposed conditions that the applicant had submitted to support the application, which would hopefully, give confidence to the Members that they could grant the application knowing the policy would be met. He advised that in reviewing the information submitted, the applicant wished to change the first proposed condition in relation to re-entry, to no re-entry after 1.00am on Friday and Saturdays. He drew Members attention to the proposed conditions that related to adequate disposal of customers, door staff and training that would promote the licensing objectives. He felt the objection that had been received from Ciros was a trade dispute and he had submitted in the additional papers comments on the Police incident log and

Chairman's initials

how the applicant dealt with them at the time, which they felt was in line with the conditions.

Mr A Woods informed Members that the applicant had tried to work with the Police in submitting the application and he was asked to submit a FOI request to the Police, in relation to the incidents, in the end three were submitted with no response. He questioned the evidence submitted by the Police as in one the police stated 17 incidents and another 13 incidents, and felt that the applicant had addressed all the concerns over the Cumulative Impact Zone with the proposed conditions. He referred to the CCTV evidence and some of the incidents were after the premises had closed and felt that it was unfair to relate the incident to the premises and felt that the burger van and the location of the taxis drew people to the area. He stated that if the application was granted the applicant would be willing to fund two taxi marshals to assist with dispersal as it had worked well over the Christmas period. He advised that the applicant was seeking to keep the staggered closing times and that the extension to the times would be beneficial to Ashby, which the applicant was committed to doing.

In response to a question from Councillor Specht, Mr A Woods advised that a change to condition 5 should be made to read that 'The licence holder will ensure, a body worn camera is worn by a suitable member of staff.'

In response to a question from Councillor Specht, Mr P Terry, applicant, advised that the re-entry policy had been in place for 5 years and that the only entrance was covered by CCTV both inside and out. He added that the smoking area was also covered by CCTV and there were several measures in place to ensure that there was no re-entry.

In response to questions from Mr D Braithwaite, Mr P Terry advised that the taxi marshals would run from 1.30pm – 3.30pm, that they would operate across the road at the taxi ranks, with the marshals ensuring that everyone in the queue got a taxi, and that the marshals would be employed by the Council, through the company that provided the SIA registered door staff for the premises.

Mr P Terry advised that the marshals had worked well over the Christmas period and would be beneficial to the whole of Ashby.

In response to a question from Councillor R Ashman, the Licensing Enforcement Officer advised that the Marshalls had been arranged by Ashby Town Council.

In response to a question from Mr A Raynor, Mr P Terry advised that there were more taxis available earlier in the morning, but with the best will in the world, they were unable to make more taxis come to Ashby.

Mr D Braithwaite, Leicestershire Police, addressed the Committee. He advised that they had brought the representation forward to ensure consistency in considering new or variations to licences within the Cumulative Impact Zone. The concerns that the police had in relation to the application was, if the application was granted, the premises closing time would be nearer to that of another premises in close proximity and that their stance on the matter had not changed since the previous application. He highlighted that the premises was in the special policy area and was a substantial nightclub, which sat in the middle of an already saturated area. As such, the application should be refused in accordance with the policy, unless the applicant can prove that it would not have a detrimental effect on the area. He drew Members attention to the number and types of premises that were in the compact area, that the latest serving premises was open until 4am and the area was monitored by CCTV but only until 3am. He advised that footfall increased in the night time with many arriving after 10pm having already consumed alcohol increasing further crime and ASB, the extension of the licence would have the

possibility to add to the issue. He stated that the incidents were a comparative to show that there was crime in the area of the club.

Mr D Braithwaite advised that the local commander for the area had submitted a representation to the application and that there was a discrepancy in the incident numbers as the information did not include thefts at the premises that were still being investigated. He urged Members to refuse the application as it would impact on all resources, increase the already saturated area and lead to more flashpoint for crime and ASB.

The Legal Advisor advised that in relation to the CCTV evidence, if it was not evident that the incidents were connected to Manhattans then it should not be accepted by the Committee.

The Legal Advisor reminded all parties that only evidence that had been submitted prior to the committee and agreed by all parties could be considered by the Members as other parties were unable to respond to the information provided, and that only evidence that was connected directly to the premises itself could be accepted and considered.

In response to question from Councillor M Specht, PC Arjoo advised the committee that after 2pm the only licenced premises open in Ashby was Ciro's.

In response to questions from Mr A Woods, Mr D Braithwaite advised there were no further conditions that could be added to meet the licensing objectives, that PC Arjoo was aware that a request had been submitted but it was a matter of the Data Protection department and with regard to some of the incidents with in the statement they felt the club had done the job that they needed to do.

The Legal Advisor again reminded all parties that only evidence that had been submitted prior to the committee and agreed by all parties could be considered by the Members, as other parties were unable to respond to the information provided.

Mr A Raynor, interested party, addressed the Committee. He advised the Members that his premises operated at the other end of the town and that his premises also had a no re-entry policy therefore the customers from Manhattans could not leave there and go into Ciro's. He stated that on the CCTV the time of the incidents and the direction that the people were travelling in may not have been from his premises. He highlighted that in the police evidence that they had listed 64 incidents, 13 of which were related to Manhattans, which was a large number for the 13 licenced premises in the town. He informed Members that in relation to SIA door staff he advised that he operated differently to Manhattans, as he ensured a presence on the street when customers left. He felt that both premises dispersing at the same time would be an impact on the streets of Ashby and that all many premises were involved in the Purple Flag.

There were no questions for Mr A Raynor.

Mr D Braithwaite, Mr A Raynor and Mr A Woods gave closing statements reiterating the points that they had made.

At 4.17pm, the Sub Committee adjourned to consider its decision. The Sub Committee reconvened at 4.51pm.

RESOLVED THAT:

The variation to the application be granted subject to the additional conditions that were detailed in the report, amended as follows:

Chairman's initials

1. No persons except those employed on the premises are allowed to enter or re-enter the venue after 01:00 hours.
  
5. The Licence holder shall ensure a body worn camera will be worn by a suitable member of staff on Friday and Saturday nights from 21:00 hours until the venue closes on each of those nights.

The Legal Advisor advised the applicant that taxi marshals were not the remit of the committee but the Members would like to encourage them to engage in marshals to assist at closing time.

The Legal Advisor informed the applicant that the opportunity would also be taken to tidy up the current licence but advised that the applicant to understand the conditions as they did not want to be back in front of the panel with a review.

The meeting commenced at 2.30 pm

The Chairman closed the meeting at 4.53 pm

Chairman's signature