

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Abbey Room, Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 1 NOVEMBER 2023

Councillors J G Simmons, N Smith and A Wilson

In Attendance: Councillors R Johnson and A C Saffell

Officers: Ms T Cooper, Mr P Dennis, Ms A Badani and Mr T Devonshire and Mr D Gill

1 ELECTION OF CHAIRMAN

It was moved by Councillor N Smith seconded by Councillor A Wilson and

RESOLVED THAT:

Councillor J Simmons take the chair for the remainder of the meeting.

2 APOLOGIES FOR ABSENCE

There were no apologies received.

3 DECLARATION OF INTERESTS

There were no interests were declared.

4 APPLICATION FOR REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003

The Chairman introduced the parties in attendance and outlined the procedure to be followed. It was agreed that the maximum presentation time would be fifteen minutes.

The Licencing Authority presented her report. She set out the conditions of licence, the history of alleged breaches, and the regulatory responses these breaches had elicited. She then set out the multi-authority framework which had reviewed the licence and the representations received. She was happy that the premise licence review process had been followed. She concluded by advising the sub-committee on the authorities statement of licencing objectives, the sanctions available to the panel if necessary, and the recourse available to the Licence Holder if he was unhappy with the decision.

The Licensing Enforcement Officer, speaking as the Applicant, presented his report. He noted that the issue of CCTV was central to the review brought before the Sub-Committee, and advised Members on the conditions of licencing pertaining to the CCTV and the violations of these conditions. He noted that four of the complaints discussed in the report had been from the same complainant and the fifth had been anonymous. He detailed the precise nature of the complaints, as set out in the report, and the communications he had had with the Licence Holder over them. He then discussed the PACE interview he had had with the Licence Holder, and the peculiarly large amount of 'no sales' on the till receipt that day. He did accept that the till receipt on the day in question matched the sales. He suggested the Licence Holder was the only Licence Holder in the District who was so intransigent on the question of CCTV: even other venues with good reason not to provide CCTV nevertheless did so. He stressed, in closing, that this was a uniquely grave case.

In response to a question from a Member about why there would be so many no sale receipts, the Applicant's theory was that these would be evidence of sales being done discreetly in violation of licence conditions.

Chairman's initials

One of the representatives from Leicestershire County Council Highways Department asked if there were any cases of street furniture outside the premises since October 2022 and the Applicant said that yes, there was.

The Licence Holder spoke next. He told the panel that he had opened the venue in 2015. The seats issue had escalated since. The waste issue was something he was compliant with. He felt the complaints about the violation of licence times were exaggerated, considerably, and that he had done everything he could to keep to his licence conditions. The key complainant, he added, had a highly personal and largely vexatious agenda. With regards to the issue of seating, the lack of outside seating had caused severe financial pressures and during the Covid-19 pandemic outside seating had been encouraged by national Government guidelines; the ruling of Leicestershire County Council on this matter was unjust. Furthermore, seating outside the venue also served to police people's behaviour. He also felt Members should know that his was a CAMRA Best Pub nine years out of ten, and the pub had done lots of charitable work during Covid-19 too. He accepted there had been issues with CCTV but they came from his lack of technical comprehension of the systems required. He contested that the Officers had not shown ID on the day of Download in question, and explained the reasons behind alcohol being consumed outside of hours. He then explained what the no sale till function was used for.

A Member asked why the till was being opened on so many occasions when no sales were occurring and the Licence Holder advised that there were many perfectly honest reasons to do so.

A Member suggested that the evidence of frequent loud music being played controverts the claim of being a conversation pub. The Licence Holder severely refuted the basis of the claim; he policed the pub as much as he could. Furthermore, the sound system had since been removed.

Members and the Legal Advisor queried the need for the Applicant to show his identification as the Licence Holder plainly knew who he was, and the Licence Holder suggested that it was more that he felt the Applicant ought to have acted with greater discretion.

A discussion was had over whether the Licence Holder had, in his speech, admitted to a violation of his licence condition; the Licence Holder withdrew that remark.

A Member noted that issues regarding lack of functioning CCTV was a glaring and frustrating problem and very important to the licence. The Member asked why the Licence Holder did not look for an easily manageable system back in 2019, or bring in a third party, and the Licence Holder accepted his errors in that regard.

A representative from Leicestershire County Council asked whether after 5 October 2022 it was the case that the court judgement was periodically violated, and the Licence Holder said yes on occasion, but not often.

A representative from Leicestershire County Council then asked if the Licence Holder attended relevant training courses and the Licence Holder said not of late, but historically he had done so.

Representing the Environmental Protection team at North West Leicestershire District Council, the Environmental Health Practitioner presented their representation. The Environmental Health Team supported the review as they had received repeated complaints, pertaining to various areas of Environmental Health, over a number of years,

Chairman's initials

and the Licence Holder had thus demonstrated sustained disregard for residents and Officers.

The Licence Holder said that they had met all the sound proofing requests from Planning at North West Leicestershire District Council. In response, the Legal Advisor said that planning regulations and Statutory Nuisance violations were separate questions.

Leicestershire County Council presented one of their representations. The Assistant Engineer, Highway Liaison, Highway Control, discussed the legal framework, with regards to Highways, in which the venue operated and the specific licence conditions which had to be granted and the logic behind them. He then set out the history of the venue's attempts to attain this licence, and why the venue had failed to do so. He then set out the history of violations and the concerns he had with them.

The Applicant requested to introduce some photos to contest what the Highways representative had said, but the panel declined his request as they did not consider the photos to be pertinent.

Also representing Leicestershire County Council, the Solicitor Team Leader presented his representation. He discussed the nature of the legal action which had been taken by the County Council against the Licence Holder. He noted that it was quite rare that they brought proceedings to Court for such a matter, and it was only as a result of repeated breaches of the highways rules.

The Licence Holder suggested that he had been mostly compliant with highways since the court order of October 2022.

The Applicant declined a closing speech, but contested the allegation that he had misrepresented the conversation during the weekend of Download Festival.

The Licence Holder, in his closing speech, stressed the financial ramifications of having no outdoor furniture and of potentially having his licence revoked, and noted recent extenuating personal circumstances as to why the CCTV issue had not been resolved.

The Environmental Health Practitioner reaffirmed her wholehearted support for the review of the licence.

Leicestershire County Council declined the opportunity to present a closing speech.

The Panel adjourned at 19:12 to deliberate.

The panel reconvened at 19:40 and the Legal Advisor read out the decision.

RESOLVED THAT:

The licence be suspended for 1 month, allowing the Licence Holder to make the CCTV meet the conditions of his Licence; for him to attend a suitable Licence Holder management course approved by the Licensing Authority; and the opening hours to be brought into line with the sale of alcohol hours. The outdoor furniture licence would be considered as appropriate subject to an application. Members were concerned about the brazen and frequent breaches of licence conditions and strongly considered the total revocation of the licence. Consequently, the power to revoke the Licence was henceforth delegated to Officers if a further breach or breaches occurred.

The meeting commenced at 6.00 pm

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The Chairman closed the meeting at 7.47 pm