

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Abbey Room, Stenson House, London Road, Coalville, LE67 3FN on MONDAY, 15 JANUARY 2024

Present: Councillors R Johnson, J G Simmons and N Smith

Officers: Ms K Woollett, Ms T Cooper and Mr T Devonshire

Interested Parties: K Merrie MBE

## **1 ELECTION OF CHAIRMAN**

It was moved by Councillor N Smith, seconded by Councillor R Johnson and

RESOLVED THAT:

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

## **2 APOLOGIES FOR ABSENCE**

There were no apologies received.

## **3 DECLARATION OF INTERESTS**

All Members declared that they had been lobbied but came to the hearing with an open mind.

## **4 BARDON TRUCK PARK - NEW LICENCE APPLICATION**

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

The Licencing Enforcement Officer presented her report. She set out the proposed premise licence terms, the steps planned to follow licencing objectives and the nearby premises and their respective licenced hours. She confirmed that the correct notice of hearing procedure had been advertised. She noted that no representations had been received from any Responsible Authorities, although the Parish Council had presented a representation on the grounds of Public Safety and The Prevention of Crime and Disorder. She set out the licencing objectives, the powers available to the committee, and the right of appeal available to parties if they were unhappy with the decision.

The Agent, speaking on behalf of the Applicant, presented his response. He suggested that the proposed licence was consistent with modern standards in the haulage industry. The Truck Park wished to be able to compete with other truck parks, where the regulated sale of alcohol was a common occurrence. He highlighted for the Committee all the nearby places where alcohol was currently sold. He emphasised that no statutory authorities, recognised experts in law in their respective fields, had raised any objections. He illuminated the conditions of licence and the statutory frameworks which Members should consider. He also regretted that the Parish Council had rejected offers to work closely with the Applicant. He emphasised the checks and oversights in place and emphasised that there must be a strong public interest in restricting the sale of alcohol on the premises. It would also damage the business as it would struggle to compete with other similar businesses.

In response to a question from a Member, the Agent clarified where the relevant case law he had referred to had been sourced from.

Chairman's initials

A Member asked about plans to sell food, and in response the Applicant advised that food would be served all day, and not just during the licenced hours.

The Legal Advisor asked for clarity on the controls in place. The Agent advised that there was a process for when truck drivers came onto the premises, they were met by a member of staff and their details were processed, such as what company they were working for and how long they were staying for. There was CCTV on site and experienced staff with bodycams, who carried out daily security patrols. The Driver and Vehicles Standards Agency (DVSA) also have a depot on site so there were often DVSA members on site, and they had the power to close the park if they felt it to be required. There was, in sum, significantly more controls in place than at pubs, off-licences and even many other truck parks.

Councillor K Merrie presented the representation on behalf of Ellistown and Battleflat Parish Council. He felt that any discussion with the agent before the hearing would have been inappropriate. He then noted that the Truck Park did not currently have planning permission, and the Legal Advisor interjected at that point to strongly emphasise that this was irrelevant to the proceedings of the sub-Committee and any decision which they might make. Councillor K Merrie then suggested that there were already ongoing traffic infractions which could potentially be dangerously accentuated by people being under the influence of alcohol.

The agent suggested that discussions between the parties before the sub-Committee stage of the process were appropriate and in fact encouraged. The agent also suggested that Councillor Merrie's oral evidence with regards to traffic infractions had not been presented to the sub-Committee in written form. The Legal Advisor noted that there was nothing within the agenda or additional papers pertaining to CCTV and her advice would be to only take into consideration materials presented to the sub-Committee. Members should give what weight they saw fit to oral statements which had not been substantiated.

The Licencing Enforcement Officer clarified that disputes being resolved by communication between parties before the hearing stage was not uncommon and was perfectly acceptable. The Legal Advisor also confirmed that this was the case.

The Licencing Enforcement Officer declined a closing speech.

The Agent, on behalf of the Applicant, reiterated that there had been no evidence presented to the Committee that the licencing objectives would be undermined, as indicated by the lack of representation from responsible authorities. The Committee should therefore grant the licence.

Councillor K Merrie, on behalf of Ellistown and Battleflat Parish Council, declined a closing speech.

The meeting adjourned at 11:15.

The meeting reconvened 12:25.

The Legal Advisor read out the decision notice. The sub-Committee was mindful that there must be merit to any concerns, rather than mere speculation. The sub-Committee put much weight on the fact that no representation had been received from any responsible authorities, in particular the police. The sub-Committee were also broadly of the opinion that the current controls in place should serve to promote the Licencing Objectives.

RESOLVED THAT:

Chairman's initials

The licence be granted, with the following clarifications to the proposed conditions:

1. Staff training records will be maintained and provided to Responsible Authorities and the Licensing Authority on request.
2. All CCTV recordings will be of evidential quality, indicate the correct date and time, be retained for a minimum period of 28 days, be made available for inspection and copying upon request by an Authorised Officer of a Responsible Authority or the Licencing Authority in accordance with the principles of the Data Protection Act 2018, as soon as reasonably practicable and in any case within 24 hours.

The meeting commenced at 10.35 am

The Chairman closed the meeting at 12.33 pm

Chairman's initials