



*Rural Capital of Food*

# Agenda

<b>Meeting name</b>	<b>Licensing Panel</b>
<b>Date</b>	<b>Wednesday, 28 March 2018</b>
<b>Start time</b>	<b>10.00 am</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray. LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Licensing Panel are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

**Councillors** P. Cumbers P. Faulkner  
 A. Freer-Jones J. Wyatt

**Quorum:** 3 Councillors

<b>Meeting enquiries</b>	The Licensing Team
<b>Email</b>	licensing@melton.gov.uk
<b>Agenda despatched</b>	Friday , 16 March 2018

No.	Item	Page No.
1.	<b>ELECTION OF A CHAIR</b>	
2.	<b>APOLOGIES FOR ABSENCE</b>	
3.	<b>DECLARATION OF INTEREST</b>	1 - 2
4.	<b>MINUTES</b>  To approve or note the minutes of the Licensing Panel held on 22 <sup>nd</sup> September 2017	3 - 8
	<b>EXCLUSION OF PUBLIC</b> <b>RECOMMENDED that the Public be excluded during the consideration of the following item of business in accordance with Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information : Exempt Information) under paragraph(s) 1, 2 &amp; 7.</b>	
5.	<b>LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE - THE WHITE LION, 20 NOTTINGHAM STREET, MELTON MOWBRAY</b> The Head of Strategic Planning and Regulatory Services to submit a report to the Licensing Panel an application by Leicestershire Constabulary for a review of the Premises Licence at The White Lion 20 Nottingham St Melton Mowbray under Section 51 of the Licensing Act 2003.	9 - 46

## Advice on Members' Interests

### **COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS**

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

### **PERSONAL AND NON-PECUNIARY INTERESTS**

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### **PERSONAL AND PECUNIARY INTERESTS**

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

### **DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

**If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### **BIAS**

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

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# Minutes

<b>Meeting name</b>	<b>Licensing Panel</b>
<b>Date</b>	<b>Friday, 22 September 2017</b>
<b>Start time</b>	<b>10.00 am</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray. LE13 1GH</b>

**Present:**

**Chair** Councillor J. Wyatt (Chair)

**Councillors** T. Greenow J. Simpson

**Observers**

**Officers** Solicitor To The Council (SK)  
Licensing & Compliance Officer (Business Advisor: Licensing) (AY)  
Administrative Assistant (LT)

Minute No.	Minute
LP6	<p><b>Election of a Chairman</b>  Cllr J Simpson proposed election of J Wyatt.  Cllr T Greenow seconded. Vote was Unanimous.  Cllr J Wyatt was elected.</p>
LP7	<p><b>Apologies for absence</b>  Cllr Cumbers withdrew by email prior to the Panel.  Cllr Holmes sent apologies, Cllr Wyatt stepped in.</p>
LP8	<p><b>Declaration of Interest</b>  There were no declarations of interest declared at the Panel.</p>
LP9	<p><b>Minutes</b>  The Minutes of the Licensing Panel of 11<sup>th</sup> July 2017 were noted by the Panel.</p>
LP10	<p><b>Licensing Act 2003 - New Premises Application - Cerdo Lounge, 14 Sherrard Street, Melton Mowbray</b></p> <p><b>Chair's Introduction</b></p> <p>The Chair introduced themselves and the other Members on the Panel. The Chair asked those present if there was any reason for the Members not to take part in the Panel, to which there were none.</p> <p>The Chair read out the procedure of the Licensing Panel and asked if any presentations would last more than 10 minutes, to which the Applicants Representatives replied no. The Chair then asked the Licensing &amp; Compliance Officer (LCO) to introduce all who were in attendance and to present the Application and their Report.</p> <p><b>The Licensing &amp; Compliance Officer's Report</b></p> <p>The LCO summarised the content of their report which was to determine an application by the Applicant for a premises licence to allow for the provision of Licensable Activities at a proposed food-led continental style café/bar. The report highlighted that the Panel was required as two relevant representations were submitted during the statutory consultation period and that it was recommended that the Panel determine the Application for a premises licence having regard to all the information provided by the Applicant and the Representation whilst taking into account this council's Statement of Licensing Policy. They highlighted the fact that the current Statement of Licensing Policy which contained the special policy on Cumulative Impact, which was agreed at Full Council on the 16th December 2015, and that as per the current guidance, policies were not absolute and each case was to be determined on its own merits. They mentioned, as advised by the Chair</p>

previously, the four Licensing Objectives that underpin the functions that the authority would perform and that this must be overriding in any decisions that are made in relation to this or any licensing application.

The LCO stated that there were no withdrawn representations and that the applicant had advised they would like to refer to a brochure in their statement and the LCO requested to the applicant to introduce this through the Chair at the start of their presentation.

The LCO asked if the Applicant's Representatives had received a copy of both sides of the Police Representation as it had come to light that there had been a printing error on some of the copies. The Applicant's Representative said that they had received this.

The LCO mentioned that on the 30th August 2017, the Licensing Department received correspondence from the Agent of the Applicant regarding a change of name stating two different names. The LCO requested that the Chair seek clarification and confirmation at this point from the Applicant of what name the premises licence should be if it were granted, to which the Applicant's Representatives confirmed that the name they wish to use is Montero Lounge.

The LCO named those present and asked the Solicitor to address some procedural irregularities. The Solicitor mentioned that there had been a pre-meeting discussion with all parties regarding whether the Police Representative intended to speak at the Panel and that the Police Representative was happy with the content of what was submitted in the written Police Representation. The Solicitor confirmed with the Applicant's Representatives that the Applicant's Representatives would not object if the Police Representative wished to speak. The Solicitor confirmed that the Police Representative was content and had declined the opportunity to speak and was present, not part of the hearing but as an observer at the back of the room.

The Chair asked if the Applicant's Representatives could present their statement.

### **The Applicant's Representatives Statement**

The Applicant's Representative 1 (AR1) mentioned that they were very grateful to the Police and liaised with the Police regarding the proposed premises licence. AR1 introduced the company and that the company had around 85 lounges. The AR1 presented a brochure that they wanted to use in their presentation. The Solicitor asked the Chair if the Chair consented to the brochure being introduced, to which the Chair replied yes. The Solicitor asked the Chair, if the Panel required time to consider the brochure and the missing page of the Police Representation, to which the panel asked to adjourn at this stage to consider all documents. The Panel adjourned at 10.20am and reconvened at 10.32am.

The Chair asked AR 1 to continue presenting their statement. AR1 mentioned the comps were the leading restaurant in the country and had a good track record with no licensing reviews or prosecutions. The company has had many restaurant

oriented awards and accolades. They were a familiar brand with good local coverage. The company had considered Melton Mowbray as a location after receiving feedback for customers who would like to see something like this in their town. The company market their premises as a home from home with a distinctive décor. They would have a children's entertainment area and be family friendly and non traditional.

AR1 mentioned the Cumulative Impact Zone alongside the guidance where there is a rebuttable presumption, the premises would not infringe on this policy. In reference to the Police Representation, AR1 mentioned in relation crime and disorder this appears to be in relation to later hours in the evening and early morning. AR1 mentioned the current consultation of Melton Borough Council's Statement of Licensing Policy regarding the Cumulative Impact and what circumstances it would come into effect. The Application was outside of this window and outside of the perceived problem area. Because of the market etc. they are bringing a different generation of people to town, people would be going out for a meal and the premises would have a calming positive influence to those in the town centre. AR1 gave an example of one of the company's premises where it regenerated the location. AR1 mentioned that the proposed premises licence location is an empty unit and that it would provide employment and that this premises was to be a destination venue. AR1 asked Applicant Representative 2 (AR2) to talk briefly on how the company helps the community. AR2 had been with the company over two years, they helped charities, gave examples of other premises where they did a range of activities such as stay and play, cakes and knitting. AR2 mentioned premises which used to be a converted from a nightclub and that within the last sixteen months there have been no issues and customers had mentioned it gave a reason to go out and enjoy. They have a lot of local involvement. AR1 asked AR2 a question about the customers in the evening, to which AR2 replied it was mostly families and very little past 9pm.

AR1 asked for the licence to be granted as applied for, the premises would be food driven, it would have a flexible atmosphere, and people would come in and check out the premises and then come back for a meal at a later date. AR1 gave an example of a premises where the application was strongly resisted, the AR1 went to the Licensing Panel and the panel was persuaded, licence was granted and then two years later, extension of hours were applied for.

The Chair thanked the Applicant's Representatives and asked if there were any questions.

### **Questions to the Applicant's Representatives**

The Panel queried the menu and the LCO asked if the company planned on doing any drink promotions or private hire of the premises, to which Applicant's Representatives said no to both.

The Chair then thanked the Applicant's representatives.



The Licensing Panel adjourned at 10.55am

The Licensing Panel recommenced at 11.55am, to which the Chair thanked everyone and handed over to the Solicitor to the Council for the Decision.

The Solicitor to the Council summarised the findings of facts and **RESOLVED** that the Premises Licence for Montero Lounge, 14 Sherrard Street be granted. The decision was unanimous. The Legal Officer advised of the 21 days to Appeal.

The Chair thanked everyone and closed the meeting.

The meeting closed at: 12.02 pm

Chair

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