



*Rural Capital of Food*

# Agenda

<b>Meeting name</b>	<b>Licensing Panel</b>
<b>Date</b>	<b>Tuesday, 21 August 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. Hurrell

**Quorum:** 3 Councillors

<b>Meeting enquiries</b>	The Licensing Team
<b>Email</b>	licensing@melton.gov.uk
<b>Agenda despatched</b>	Monday, 6 August 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 28 <sup>th</sup> March 2018 and 5 <sup>th</sup> June 2018.	3 - 20
	<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, 3 &amp; 7</b>	
5.	<b>LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE - EUROPEAN SUPERMARKET, 36-42 THORPE END, MELTON MOWBRAY, LE13 1RB</b>  The Assistant Director for Strategic Planning and Regulatory Services to submit a report to the Licensing Panel an application made by Trading Standards to review the premises Licence held by the European Supermarket	21 - 52

## 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>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>

**Present:**

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

**Councillors** P. Cumbers P. Faulkner

**Observers** Councillor A. Freer-Jones  
Councillor T. Greenow

**Officers** Solicitor To The Council (SP)  
Licensing & Compliance Officer (Business Advisor: Licensing) (SG)  
Licensing & Compliance Officer (Business Advisor: Licensing) (SF)  
Administrative Assistant (LT)

Police Representative 1  
Police Representative 2  
Immigration Representative 1  
Premises Licence Holder Representative 1  
Premises Licence Holder Representative 2  
DPS  
DPS Representative

Minute No.	Minute
LP11	<p><b>Election of a Chair</b>  Cllr P Cumbers proposed election of J Wyatt.  Cllr P Faulkner seconded. Vote was Unanimous.  Cllr J Wyatt was elected.</p>
LP12	<p><b>Apologies for absence</b>  There were no apologies given.</p>
LP13	<p><b>Minutes</b>  The Minutes from the previous meeting of 22<sup>nd</sup> September 2017 were noted by the panel.</p>
LP14	<p><b>Declaration of Interest</b>  There were no declarations of interest declared at the Panel.</p> <p>The following item was <b>RESOLVED</b> 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</p>
LP15	<p><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 submitted a report (copies of which had been previously to members) which requested Licensing Panel to consider an application by Leicestershire Constabulary for a review of the Premises Licence under Section 51 of the Licensing Act 2003</p> <p>It was <b>RESOLVED</b> to remove the Designated Premises Supervisor and add the additional condition that this person not be permitted on the premises to undertake licensable activities. The decision was unanimous. The Solicitor to the Council advised of the 21 days to Appeal.</p> <p>The Chair thanked everyone and closed the meeting.</p>

The meeting closed at: 1.35 pm

Chair



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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Minutes

<b>Meeting name</b>	<b>Licensing Panel</b>
<b>Date</b>	<b>Tuesday, 5 June 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>

## Present:

**Chair** Councillor P. Faulkner (Chair)

**Councillors** P. Cumbers J. Hurrell

## **Observers**

**Officers** Solicitor To The Council (SP)  
Licensing & Compliance Officer (Business Advisor: Licensing) (SG)  
Licensing & Compliance Officer (Business Advisor: Licensing) (SF)  
Administrative Assistant (LT)

Applicant's Representative  
Environmental Health Representative  
Representative A  
Representative B  
Representative C

Minute No.	Minute
LP1	<p><b>Election of a Chair</b>  Councillor P. Cumbers proposed Councillor P. Faulkner.  Councillor J. Hurrell seconded.  Vote was unanimous.  Councillor P. Faulkner was elected as Chair.</p>
LP2	<p><b>Apologies for absence</b>  There were no apologies for absence.</p>
LP3	<p><b>Declaration of Interest</b>  Councillor P. Cumbers recognised the Representatives having known each other as governors on the same body previously. The Representative were asked if they were happy with Councillor P. Cumbers being on the Panel, to which the Representatives agreed.</p> <p>Councillor E. Holmes asked that as the Ward Councillor the parties were happy for the Councillor not to sit on the panel. Parties agreed.</p> <p>Councillor E. Holmes left the room.</p>
LP4	<p><b>Licensing Act 2003 - New Premises Licence - Scalford Hotel Limited, Scalford Hall Hotel, Melton Road, Scalford, Melton Mowbray, LE14 4UB</b>  <b>Chair's Introduction</b></p> <p>The Chair introduced themselves, the other Members on the Panel and asked those present if anyone was aware of any reason for any of the Members to not take part in the Panel, to which there were none.</p> <p>The Chair introduced all who were in attendance, and asked those whom were making representations to introduce themselves also. There were the Representatives, the Applicant's Representatives and the Environmental Health Representative.</p> <p>The Chair then continued to read out the procedure of the Licensing Panel and asked if any representation was likely to be over 10 minutes to which there were none.</p> <p>The Chair noted an amendment on the report section 3.4 reads 11<sup>th</sup> March 2018 this should be 11<sup>th</sup> April 2018.</p> <p>The Chair then asked the Licensing and Compliance Officer (LCO) to present the Application and their report.</p> <p><b>The Licensing &amp; Compliance Officer's Report</b></p> <p>The LCO read out their report in full and stated the purpose of this report was to</p>

submit an application for consideration by the Licensing Panel for a Premises Licence under the Licensing Act 2003 due to the submission of relevant representations during the statutory consultation period.

The Chair asked if there were any question to the LCO, to which there were none, The Chair then thanked the LCO, and asked the Applicant's Representative to make their representation.

### **The Applicant's Representative's Statement**

The Applicant's Representative (AR) explained their business background and a brief overview of the events leading up to today's panel. AR would not want to change anything and keep same terms as previous licence, which had recently lapsed due to insolvency.

The Chair asked if any of the Licensing Panel had any questions.

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

Members asked questions of the structure of the business now and AR replied that the owner has employed the management team to oversee the running of the Hotel, the Designated Premises Supervisor (DPS) would see to the day to day running and in future would look at putting a local manager in place. A Member mentioned the history of complaints and asked how AR would deal with complaints received, AR replied they could not comment on previous operators and was not a representation of what they are currently, AR had inherited the business in January 2018 and would keep a book and ensure complaints were reported to AR and residents could be assured that these complaints would be passed on to AR through the Hotel.

Member queried whether noise limiter could be used with live entertainment, to which AR replied that live entertainment can be regulated but does not come without its challenges and that they would take reasonable steps.

Members queried the timings applied for and asked for clarification on what was being applied for. AR explained that there had been some confusion and apologised for any distress caused. The application had been made on erroneous information provided and happy to have it exactly as applied for before.

The Solicitor to the Council asked for clarification as to why they were here today and why a transfer of the Premises Licence was not done at the time, to which AR replied that this was the first time the management had taken over a business which had previously gone into insolvency and been informed in error that the Transfer of the Premises Licence had been done.

The Chair asked if the Environmental Health representative could present their statement.

## **The Environmental Health Representatives Statement**

The Environmental Health Representative (EHR) read through the recommended conditions as attached in the Appendix D of the report. In 2015, there had been a number of complaints to Environmental Health regarding noise in the Marquee, Environmental Health colleagues went out to Marquee and established a framework and set conditions based on this.

The Chair thanked the Environmental Health Representative and asked if there were any questions.

## **Questions to the Environmental Health Representatives**

Members asked questions about complaints, EHR confirmed there had been one complaint since 2015 which was in 2017 so this seemed better and EHR would like it to be the same. EHR explained the use of sound limiter with live bands. With recorded music where the level exceeds threshold it turns off the power, with live bands it would give you a warning but would not turn them off. EHR explained that it was a good tool but not infallible when it came to live entertainment.

The Chair asked if Representative A would like to present their representation.

## **Representative A Statement**

Representative A lived across the fields and had done for 24 years, for 20 of these years they had had a good relationship with the owners of the premises but since the current owner took over the noise has been remarkable with processions in the daytime and would like clarification on his input into the Premises. Representative A recounted an event that happened in January 2018 where the Duty Manager was not on the premises but did ring us and within 20 minutes the noise did drop. He sent on his neighbours apologies as they could not make it to the Panel but had said that there was noise emitting from the Marquee, pavilion doors wide open, told limiter no longer in use by staff at premises. Noise levels should be limited and feels that local residents complaints have been ignored. Raise traffic issues on the road used as access point by local scouts. There is no speed limits, no lighting and regular used.

## **Questions to the Representative A**

Members asked if Representative A if they had any forwarded any complaints to Environmental Health, to which Representative A could not recall exact dates.

Members asked AR if they had received this complaint, to which AR replied no but he was empathetic to residents and queried the comment of the sound limiter not being in use as, he stated it was in use and it is correct and that they had invested in portable decibel monitors in the Marquee. AR mentioned the difficulty in guarantee with different DJs, different equipment.

Member relayed that in their written representation, Representative A, were not against approval, but the hours applied for and the control and regulation. Representative A would like to live in harmony and would like to enjoy being in their garden at home rural area and not be disturbed.

A Member asked if the application was still legal if they were asking for reduced hours. Solicitor to the Council confirmed the application was still valid.

Representative A asked if the marquee was considered indoor or outdoor. EHR answered outdoor.

### **Representative B Statement and Questions**

Representative B lived in the grounds and mentioned the noise through the daytime with drumming and a discussion took place about a gentlemen's agreement with the owner about when and where this activity would take place. Representative B mentioned that the previous owner would notify of fireworks to prepare the residents and people with livestock and asked if this would be possible with the current owners. Members asked AR if this would be possible, to which AR said yes but there was no regulations for this.

A discussion was had about the Marquee/Pavilion and whether it was considered outdoor or indoor. It was resolved to be regarded as outdoor but with an extension of time and it was confirmed there were three areas defined; Indoor, Outdoor and Marquee/Pavilion.

Representative C asked if they could play a recording of the level of noise on 3 separate occasions and involved another person not present at the Licensing Panel. Representative C described the recording and the Chair asked all who were present if they agreed for the recording to be played. The Members and AR did not agree to this and it was resolved that the recording would not be played and the Members would take Representative C's description of the events.

EHR was asked by members to clarify the conditions which EHR was recommending adding to the licence, to which EHR reiterated the recommended conditions in Appendix D and clarified that night time hours were classed to be.

### **Representative C Statement and Questions**

Representative C mentioned that the owners had not kept to this.

Representative A mentioned that when they do have an event, the representatives do speak to the Hall, Environmental Health not available at the times of events. For the last three years they had phoned the police and phoned the Council but there was no recourse.

EHR clarified that in the past they had attended events by appointments only to check the Marquee/Pavilion after a complaint and that they would attend if they received a succession of complaints.

Members reiterated the need for people to put their complaints about premises' in writing and submit them to the council.

### **Summaries**

All parties were given opportunity to summarise.

LCO clarified hours requested be that of the previous licence MMA0258 with the Environmental Health conditions.

AR explained that they would be happy to compromise with the hours permitted and to communicate directly with residents if they had any concerns and explained how to get in contact.

The Licensing Panel adjourned at 12:50.

The Licensing Panel recommenced at 13:25, 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 read out the decision.

It was **RESOLVED** to grant the licence on the same terms as the former license MMA0258 which was in existence prior to lapsing. However the new licence is subject to the new conditions proposed by Environmental Health. Additionally all licensable activities associated with the Marquee and Pavilion area are to cease at 12:00am in accordance with the conditions inferred by Environmental Health.

The decision was unanimous. The Solicitor to the Council advised of the 21 days to Appeal.

The Chair thanked everyone and closed the meeting.

The meeting closed at: 1.30 pm

Chair





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