



LICENSING PANEL

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

11<sup>th</sup> JULY 2017

PRESENT

Councillors J Wyatt (Chairman)  
J Hurrell, P Cumbers

Observer:  
Cllr D. R. Wright

Officers:  
Legal Officer (SP)  
Licensing & Compliance Officer (Business Advisor: Licensing)(SG)  
Licensing & Compliance Officer (Business Advisor: Licensing)(AY)  
Administration Assistant (LT)

Applicant's Representative

Police Representative 1 (RP1)  
Police Representative 2 (RP2)  
Police Representative 3 (RP3)

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LP1. ELECTION OF A CHAIRMAN

Cllr P Cumbers proposed election of J Wyatt  
Cllr J Hurrell seconded. Vote was Unanimous  
Cllr J Wyatt was elected.

LP2. APOLOGIES FOR ABSENCE

None

LP3. DECLARATIONS OF INTEREST

Cllr P Cumbers declared a Pecuniary Interest in the Minutes of 9<sup>th</sup>  
August 2016.

LP4. MINUTES

**Minutes from 9<sup>th</sup> August 2016**

Cllr J Hurrell proposed. Cllr J Wyatt seconded. The minutes for 9<sup>th</sup> August 2016 were approved.

**Minutes from 16<sup>th</sup> March 2017**

Cllr P Cumbers proposed. Cllr J Wyatt seconded. The minutes for 16<sup>th</sup> March 2017 were approved.

LP5. TO CONSIDER AN APPLICATION FOR PREMISES LICENCE (LICENSING ACT 2003) FOR 13 WINDSOR STREET, MELTON MOWBRAY, LE13 1BU

**Chairman's Introduction**

The Chairman introduced himself and the other Members on the Panel. He asked if there were anyone in the room who was aware of any reason for any of the Members on the panel to not take part in the Panel, to which there were none.

Cllr D. R. Wright left the room.

The Chairman read out the procedure of the Licensing Panel and asked the LCO (SG) to introduce all who were in attendance and to present the Application and Report.

**The Licensing & Compliance Officer's Report**

The LCO (SG) introduced all parties and confirmed the Applicant Representative was representing the Applicant on the Applicant's behalf as the Applicant could not attend the hearing and summarised the content of his report. He stated the purpose of the Licensing Panel was to determine an application by the Applicant for a Premises Licence to allow for the provision of Licensable Activities at 13 Windsor Street, Melton Mowbray, LE13 1BU.

The LCO (SG) stated that the Licensing Panel was required as it falls within the Cumulative Impact Zone (CIZ) and one relevant representation was submitted during the statutory consultation period. 1 representation was received by an interested party however, this was determined to be frivolous and rejected as permitted in the act.

He highlighted the current Statement of Licensing Policy and advised on the four Licensing Objectives which underpin the functions that the Authority would perform and mentioned that this must be overriding in any decisions that were made in relation to this or any other Licensing Application.

The LCO (SG) highlighted the submission of a witness statement and CCTV footage and requested this be introduced as part of the Police

Representation. With agreement from the Chairman, the LCO (SG) asked if all parties were happy for the additional information to be included, to which all parties agreed.

The LCO (SG) then asked if there were any points to clarify.

A member asked if the surname of the Applicant could be confirmed. The Surname was confirmed by both the Applicant Representative and the LCO (SG).

A brief discussion of the procedure of the Licensing Panel ensued and confirmed to all parties.

The Chairman asked if the Applicant's Representative could present their statement.

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

The Applicant's Representative explained that he been asked to attend by the Applicant and wanted to help. The Applicant was a young businessman and had carried on with the previous licence as they did not know it had been surrendered. Once they had received notice to close at 23:00 they did so.

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

The LCO (SG) briefly gave a timeline of the events of the last few months. When the Premises Licence Holder on a previous licence queried the need to pay an invoice, they had informed Licensing that they know longer owned the business. They were advised by Licensing that they could transfer the licence to the current owners or surrender it. They chose to surrender this and the business was sold to another person, the business then was bought by the Applicant.

The Chairman asked if the previous owner who sold the business to the Applicant had a Premises Licence, the LCO (SG) replied no. The LCO (SG) explained that the previous owner was met with and they informed Licensing that it had been bought by the Applicant. The Applicant then applied for the Licence.

A discussion took place about the hours stated in the application. It was discussed that to ensure the success of the business that the Applicant be allowed to open after 23:00 particularly on Fridays and Saturdays.

The Chairman then thanked the Applicant representative and asked the Police Representatives for their statement.

## **Police Representatives' Statement and questions**

The Police Representative 1 (PR1) firstly asked for the LCO (SG) to clarify the date at which the Applicant had taken over the business, to which the LCO (SG) replied prior to 8<sup>th</sup> May 2017, a letter outlining the business transfer date of the transaction as being 10<sup>th</sup> December 2016.

PR1 summarised the hours the Applicant had applied for and the CIZ in the current Licensing Policy and that although it was not central to their request for the application to be refused that he would want this to be considered alongside the policy. PR1 reiterated that the policy should not be absolute and that it should always allow for the circumstances of each application to be considered. The Applicant had not demonstrated how their premises would not impact on the area. In addition to this, the Applicant had ignored police advice and committed offences under the Licensing Act as the premises had remained open 4 hours later. He summarised the Licensing Act 2003 and the promotion of licensing activities and asked if RP2 could show CCTV and answer questions on statement.

A Member asked if there was disorder in this area how much is caused by alcohol consumption then food. RP1 answered there were no statistics but most disorder is fuelled by alcohol consumption. The concern would be if the premises were open until 4am it could create a place where people could get rowdy. The Chairman asked for clarification of the name of the premises.

RP2 asked the Chairman if they could show the CCTV, the Chair asked all parties if they were happy for this to happen to which all parties agreed.

RP2 had been asked to monitor the establishment, after it was queried with Licensing after being notified of surrender, to be opening after 23:00. Observations were made over time and visits to the premises where they had spoken to employees on the 9<sup>th</sup> April 2017.

RP2 showed a short CCTV footage of outside the Premises 1<sup>st</sup> July 2017.

Legal Officer asked to clarify what they were insinuating with the footage, to which RP2 said the act of trading after 23:00.

The Legal Officer asked that if someone ordered something before 23:00 and the act of delivery was after 23:00 how that would be established. It was resolved that this was a grey area in the act.

The Legal Officer asked if there was any further CCTV footage, to which RP2 said that the CCTV runs on 28 days and that this was not freely available.

RP1 concluded that this was only an example and had been going on until this weekend and the act of delivery had to be defined as they had had delivery at 04:30.

A Member asked if there was any observation of antisocial behaviour, to which RP1 mentioned that if this was allowed it would support antisocial behaviour. It was supporting finance and making money and not supporting the Licensing Act. RP1 introduced RP3.

RP3 spoke about visiting the premises on the 14<sup>th</sup> June and spoke to staff to make them aware they were operating after 23:00. RP3 said that there was a disregard for licensing conditions. They would like to see them abiding by the Licensing Act and then make an application for this. They were operating outside the Law and asking for a licence to make what was unlawful lawful.

A Member asked how good the Applicant's English was, could he understand what was being told to him, to which the Applicant's Representative said yes. The Applicant's Representative stated he did not need an interpreter.

The Applicant's Representative said that they had applied for a licence.

The Chairman asked if as Applicant's Representative if they were admitting to being open after 23:00, to which the Applicant's Representative said that they were deep cleaning at this time.

A discussion took place about the timelines of the business ownership and resolved that the premises was owned by the Applicant from 12<sup>th</sup> December 2016 but Licensing were not aware of this until 2<sup>nd</sup> May 2017 and on 9<sup>th</sup> May 2017, when the previous owner was interviewed.

RP3 mentioned that they were made aware that the Applicant had another premises in Leicester.

The Chairman asked the Applicant's Representative to confirm this, the Applicant's representative confirmed that the Applicant had another premises in Leicester.

A Member asked the Applicant's Representative if he thought whether the Applicant understood that he was breaking the law, to which the Applicant's Representative said that he did not want to break the law any more.

The Legal Officer asked as per the policy if there was anything more the Applicant's Representative he would like to add to show the need for such Premises in the CIZ, to which the Applicant's Representative answered no.

### **Summaries from both parties**

The Police Representatives reiterated their request to refuse the licence.

The Applicant's Representative stated that the Applicant was a young business man, needed to pay bills and that he had come to help them.

The Chairman clarified that they would be looking at the Licensing Objectives.

The Applicant's Representative mentioned he would not be able to stay for the decision therefore the Chairman mentioned that they would be withdrawing with Legal and that the decision would be posted within 5 working days and advised of the appeal process to all parties.

The Chairman adjourned the Licensing Panel at 10:35am.

The Applicant's Representative left the room.

The Licensing Panel recommenced at 11:00am to which the Chairman thanked everyone and handed over to the Legal Officer for the Decision.

The Legal Officer summarised the findings of facts and **RESOLVED** that the Premises Licence for 13 Windsor Street, Melton Mowbray LE13 1BU be refused. The decision was unanimous. The Legal Officer advised of the 21 days to Appeal.

The Chairman thanked everyone and closed the meeting.

The meeting that commenced at 09:30am, closed at 11:02am.

Chairman