

Meeting	<b>LICENSING SUB COMMITTEE</b>
Time/Day/Date	6.30 pm on Wednesday, 14 August 2019
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512) Licensing Enforcement Officer (01530 454596)

### **NOTIFICATION OF HEARING**

<b>Item</b>		<b>Pages</b>
<b>1</b>	<b>ELECTION OF CHAIRMAN</b>	
<b>2</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>3</b>	<b>DECLARATION OF INTERESTS</b>	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>4</b>	<b>APPLICATION FOR THE REVIEW OF A PREMISES LICENCE</b>	
	<b>PREMISES:</b> The Chequered Flag, 32 Borough Street, Castle Donington, Derby, DE74 2LA	<b>3 - 44</b>
	<b>APPLICANT:</b> Leicestershire Fire and Rescue Service	
	To determine an application for a review of a premises licence in respect of the above.	
	Representations have been received from two responsible authorities. A notice of hearing inviting them to attend has been sent to each of them. If they fail to attend, the hearing can be held in their absence or adjourned.	
	The following documents are attached:-	
	a) Report of the Licensing Enforcement Officer	
	At the beginning of the Hearing, the authority shall explain to the parties the procedure it is proposed to follow. The Hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless it is required to consider the representations.	

Circulation:

Councillor E G C Allman

Councillor J Clarke

Councillor K Merrie MBE

Councillor D Everitt (Reserve Member)

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL****LICENSING SUB COMMITTEE – WEDNESDAY 14 AUGUST 2019**

Title of report	<b>APPLICATION FOR THE REVIEW OF A PREMISES LICENCE</b>
Contacts	<p>Councillor Andrew Woodman 07932 758555 <a href="mailto:andrew.woodman@nwleicestershire.gov.uk">andrew.woodman@nwleicestershire.gov.uk</a></p> <p>Environmental Health Team Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p> <p>Licensing Enforcement Officer 01530 454596 <a href="mailto:paul.dennis@nwleicestershire.gov.uk">paul.dennis@nwleicestershire.gov.uk</a></p>
Purpose of report	To determine an application for a review of a premises licence in respect of premises trading as The Chequered Flag, located at 32 Borough Street, Castle Donington, Derby, DE74 2LA. This report outlines the application and also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's licensing policy.
Council Priorities	Homes and Communities
Implications:	Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.
Financial/Staff	
Link to relevant CAT	N/A
Risk Management	The risk of cost arising from an appeal against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.
Equalities Impact Assessment	Equality Impact Assessment already undertaken, issues identified actioned.
Human Rights	Article 1 of Protocol 1 of the European Convention of Human Rights provides that everyone is entitled to the peaceful enjoyment of his possessions, except in the public interest and subject to the conditions provided for by law.

Transformational Government	Not applicable.
Consultees	Leicestershire Fire and Rescue Service, The Home Office, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, Health Authority, the Police and members of the public/local businesses by way of notice at the premises, on the Council's website and at the Council Offices, Coalville.
Background papers	<a href="#">Guidance issued under Section 182 of the Licensing Act 2003</a> <a href="#">Statement of Licensing Policy – Issue 7</a>
Recommendations	<b>THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.</b>

## 1. BACKGROUND

- 1.1 The premises is currently a micro pub/bar selling alcohol for consumption on and off the premises and it is located at 32 Borough Street, Castle Donington and currently holds a premises licence issued under the Licensing Act 2003 on 17 February 2014. A copy of the premises licence is attached as **Appendix 1**.
- 1.2 A map showing the location of the premises is attached as **Appendix 2**.
- 1.3 An application for the review of premises licence was received from Leicestershire Fire and Rescue Service on 25 June 2019. A copy of the application is attached as **Appendix 3**. In support of this application, a timeline history was enclosed which is attached as **Appendix 4**.
- 1.4 The review of the premises licence is detailed as follows:

There is evidence to show that the premises in question is not supporting the following licensing objectives: Public Safety.

This is because:

The Fire Authority was not able to ascertain if the Responsible Person, Mr Robert Anthony Sandham, is complying with his duties under the current fire safety legislation and namely, The Regulatory Reform (Fire Safety) Order 2005 - aka The FSO 2005-, to take 'general fire precautions' and hence, if the premises are safe from fire for all relevant persons.

The meaning of 'general fire precautions' as defined under The FSO 2005 are as follow:

- (a) Measures to reduce the risk of fire and the risk of the spread of fire on the premises.
- (b) Measures in relation to the means of escape from the premises.
- (c) Measures for securing that, at all material times, the means of escape can be safely and effectively used.

(d) Measures in relation to the means for firefighting on the premises

(e) Measures in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and

(f) Measures in relation to the arrangements for action to be taken in the event of a fire on the premises, including:

(1) Measures relating to the instructions and training of employees; and

(2) Measures to mitigate the effects of fire

More specifically, the Responsible Person, Mr Robert Anthony Sandham, has:

1) failed to keep the communal rear alley way (which is a designated means of escape route) cleared of any combustible items and by obstructing it with large quantities of beer kegs barrels and refuse sacks. This in itself represents a Health & Safety hazards for all relevant people who may have to use the said route. This is also an offence under Article 14 of the current fire safety legislation, The FSO 2005, as people (guests and staff members) would not be able to quickly and safely evacuate in the event of a fire in the premises.

2) failed TWICE to attend in person for Fire Safety Audits inspection visits arranged by the Fire Authority on 20/05/19 and 05/06/19 despite having been notified by emails and letters.

3) failed to reply to any emails, letters, and voicemails from the Fire Authority.

4) ignored to follow fire safety advice given to him by The Fire Authority (verbally on 05/06/18 and in writing on 06/06/18) and in order to remedy fire safety issues raised from fire safety concerns received from members of the public (e.g. blocked rear means of escape route by beer barrels kegs and refuse sacks).

5) failed to comply as a legal requirement under The FSO 2005, with an Article 27 Information Request Letter sent to him by The Fire Authority on 06/06/19 and thereby by his failure, considered as committing a criminal offence by Obstructing an inspector under Article 32(2)(d) of The FSO 2005 in the exercise or performance of his powers or duties.

6) Failed to provide when requested, all documentation consisting of:

(i) Fire Risk Assessment

(ii) Certification from competent persons showing the fire safety provisions that may be present within the building (e.g. emergency lighting system, fire alarm system, fire extinguishers,...) are maintained in accordance with relevant guidance.

(iii) Maintenance records showing, where applicable, regular testing of the aforementioned fire safety provisions (e.g. Fire Log Book).

(iv) Evidence of any staff training having been delivered (e.g. emergency procedures, fire extinguisher training,...)

## **2.0 REPRESENTATIONS**

- 2.1 The application was received online by the licensing department. The applicant is then required to serve each of the responsible authorities, The Home Office, Trading Standards, Health and Safety, Environmental Protection, the Licensing Authority, Planning, the Health Authority and the Police. Officers are satisfied that all parties were served as required.
- 2.2 The licensing authority must advertise the review application and invite representations from other responsible authorities and any other person. The review application was displayed at the Council offices and on the Council's website. The notices were displayed in the Chequered Flag window and on a lamppost outside the premises on 26 June 2019. On 2 July 2019, it was observed that the notice had been removed from the Chequered Flag's window. However the notice remained on the lamp post and was checked on 2 July, 5 July, 10 July and on 17 July, therefore officers are satisfied that the premises licence review was advertised as required.
- 2.3 There were two representations from the responsible authorities.
- 2.4 One representation was received from the Environmental Protection Planning team on the grounds of public safety, the prevention of public nuisance and the prevention of crime and disorder. The representation stated concerns regarding seating and tables being placed on the public highway for which there is no planning permission, which has created a change of use of the highway and also that Mr Sandham fails to communicate and ignores officer advice. A copy of the representation is attached as **Appendix 5**. Documents in support of this representation including planning permission, premises plans and an ordinance survey map are attached as **Appendix 6**.
- 2.5 A second representation was received from Community Services/Environmental Protection on the grounds of public safety, the prevention of public nuisance and the prevention of crime and disorder. The representation stated concerns regarding the rear fire exit being partially blocked with barrels making escape from the premises difficult in case of fire, failing to produce waste transfer notes, public nuisance through noise emanating from the area outside the front of the premises and that Mr Sandham fails to communicate with officers. A copy of the representation is attached as **Appendix 7**. Photographs in support of this representation, with regard to the safety of the rear fire exit are attached as **Appendix 8**.
- 2.6 Other persons/organisations are able to make representations within 28 days of the display of the notice of the application to the licensing authority. There were no representations from other parties.

## **3.0 STATUTORY GUIDANCE**

- 3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 1.1 to 1.5, 1.13, 2.7 to 2.10, 8.1 to 8.7, 8.23 to 8.25, 8.80, 9.13 to 9.19, 9.42 to 9.44, 10.1 to 10.5, 10.8 to 10.9, 11.1 to 11.3, 11.5 to 11.23, 13.1 to 13.12, may have a bearing upon the application.

#### **4.0 STATEMENT OF LICENSING POLICY**

- 4.1 In making its decision, the Sub-Committee is obliged to have regard to the Council's Statement of Licensing Policy (issue 7). Officers consider that paragraphs 2.1 to 2.5, 2.7, 3.0, 5.1 to 5.4, 16.0, 22.0, 23.0, 25.0 and 26.0 may have a bearing upon the application.

#### **5.0 OBSERVATIONS**

- 5.1 The steps that the Licensing Authority must can take are:
- the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence not exceeding 3 months
  - the revocation of the licence
- 5.2 The Committee is obliged to determine this review with a view to promoting the licensing objectives, which are:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance;
  - the protection of children from harm.
- 5.3 An appeal may be made to the Magistrates court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officers of police and/or any other person who have made relevant representations
- 5.4 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

### PREMISES LICENCE

Premises Licence Number

NWL20457

#### Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

The Chequered Flag  
32 Borough Street  
Castle Donington  
Derby  
DE74 2LA

**Telephone number:**

**Where the licence is time limited the dates:** Not applicable

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

Supply by retail of alcohol:

Friday and Saturday	11:00 - 23:00 hrs
Sunday to Thursday	11:00 - 22:30 hrs

New Years Eve	11:00 – 00:30 hrs
---------------	-------------------

**The opening hours of the premises**

Sunday to Thursday	11:00 - 22:30 hrs
Friday and Saturday	11:00 - 23:00 hrs

New Years Eve	11:00 – 00:30 hrs
---------------	-------------------

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

The sale by retail of alcohol for consumption both on and off the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Robert Anthony Sandham

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Robert Anthony Sandham

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Personal licence number and issuing Authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**PERSONAL LICENCE NUMBER OF DPS:** NWL11029

**ISSUING AUTHORITY:** North West Leicestershire District Council

**Dated:**

**11<sup>th</sup> March 2015**

**Andrew Cooper  
Licensing Enforcement Officer**

## **Annex 1 – Mandatory conditions**

1. No supply of alcohol may be made under the premises licence;
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol must be made or authorised by a person who holds a personal licence.

### **Mandatory condition coming into force from 28<sup>th</sup> May 2014:**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Mandatory condition coming into force from 1<sup>st</sup> October 2014:**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

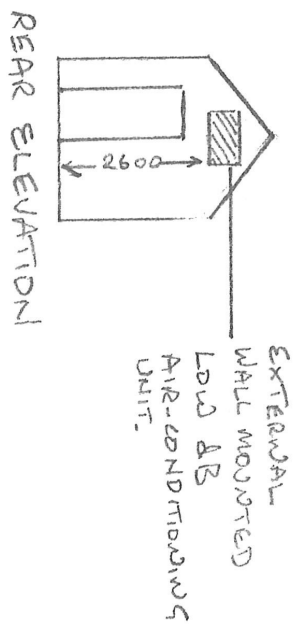
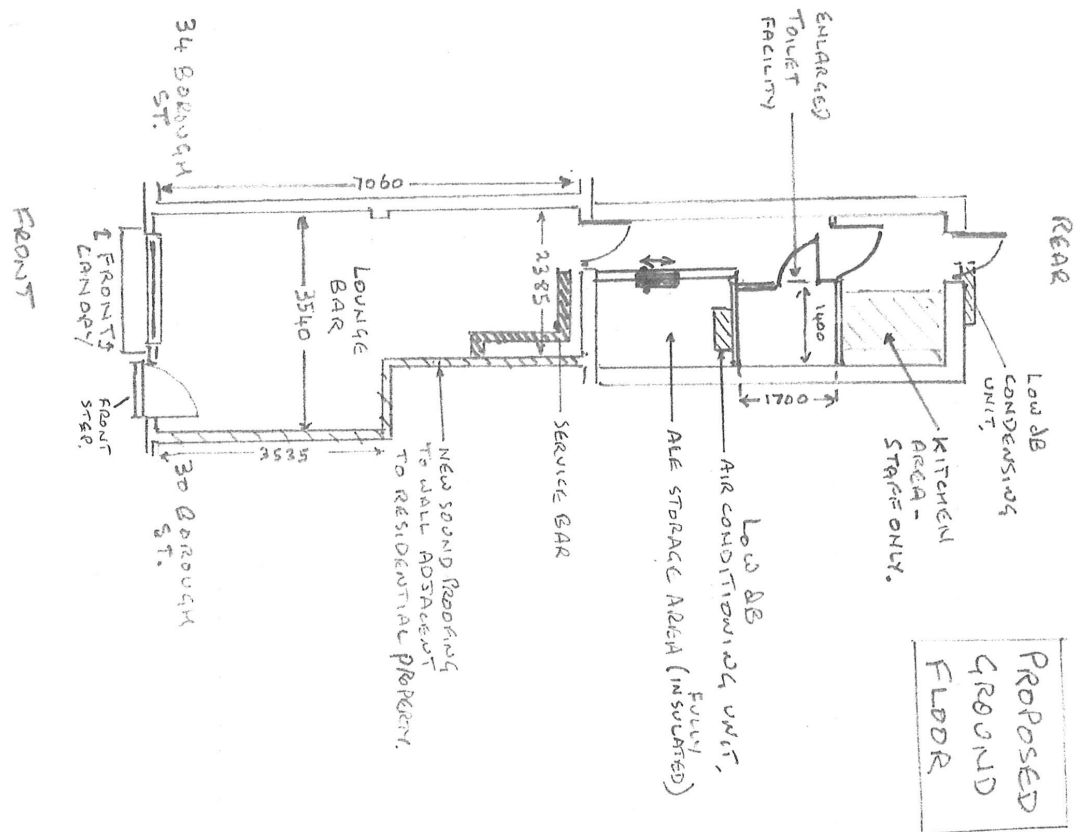
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—  
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that—  
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—  
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## **Annex 2 – Conditions consistent with the Operating Schedule**

- 1) Signage shall be prominently displayed with the premises operating hours.
- 2) The premises licence holder shall engage and communicate with similar operators and Police to keep abreast of any potential issues.
- 3) Signage shall be displayed at the premises requesting that patrons leave the premises quietly.
- 4) An incident log shall be kept and maintained at the premises and shall records any crimes, incidents, ejection of patrons, complaints, refusals of sales and Authority visits.
- 5) Details of a reputable local taxi company shall be displayed at the premises.
- 6) Regular checks carried out to the front outside area of the premises to ensure that is kept free from smoking related litter.
- 7) Disposal of bottles shall not be permitted at the premises between the hours of 23.00 and 08.00 the following morning.
- 8) Children shall be permitted provided that they are accompanied by an appropriate adult.





PROPOSAL:  
MICRO PUB.  
32, BOROUGH STREET  
CASTLE DONINGTON

SCALE 1:100  
DATE 20/11/13

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**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I** Cyril Abadie

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

The Chequered Flag Micropub  
32 Borough Street

**Post town**

Castle Donington

**Post code (if known)**

DE74 2LA

**Name of premises licence holder or club holding club premises certificate (if known)**

Mr Robert Anthony Sandham

**Number of premises licence or club premises certificate (if known)**

## Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

### (A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title  
(for example, Rev)

**Surname**

**First names**

Please tick ✓ yes

**I am 18 years old or over**

☐

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Fire Safety Inspecting Officer Cyril Abadie Leicestershire Fire and Rescue Service Fire Protection Team 12 Geoff Monk Way Birstall LE4 3BU
Telephone number (if any) 0116 210 5696 / 0116 287 2241
E-mail address (optional) cyril.abadie@lfrs.org

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |
- Please tick one or more boxes ✓

**Please state the ground(s) for review** (please read guidance note 2)

There is evidence to show that the premises in question is not supporting the following licensing objectives

2) Public Safety

This is because:

The Fire Authority was not able to ascertain if the Responsible Person, Mr Robert Anthony Sandham, is complying with his duties under the current fire safety legislation and namely, The Regulatory Reform (Fire Safety) Order 2005 - aka The FSO 2005-, to take 'general fire precautions' and hence, if the premises are safe from fire for all relevant persons.

The meaning of 'general fire precautions' as defined under The FSO 2005 are as follow:

- (a) Measures to reduce the risk of fire on the premises and the risk of the spread of fire on the .
- (b) Measures in relation to the means of escape from the premises.
- (c) Measures for securing that, at all material times, the means of escape can be safely and effectively used.
- (d) Measures in relation to the means for firefighting on the premises
- (e) Measures in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and
- (f) Measures in relation to the arrangements for action to be taken in the event of a fire on the premises, including:
  - (1) Measures relating to the instructions and training of employees; and
  - (2) Measures to mitigate the effects of fire

**Please provide as much information as possible to support the application** (please read guidance note 3)

More specifically, The Responsible Person, Mr Robert Anthony Sandham, has:

1) failed to keep the communal rear alley way (which is a designated means of escape route) cleared of any combustible items and by obstructing it with large quantities of beer kegs barrels and refuse sacks.

This in itself represents a Health & Safety hazards for all relevant people who may have to use the said route. This is also an offence under Article 14 of the current fire safety legislation, The FSO 2005, as people (guests and staff members) would not be able to quickly and safely evacuate in the event of a fire in the premises.

2) failed TWICE to attend in person for Fire Safety Audits inspection visits arranged by the Fire Authority on 20/05/19 and 05/06/19 despite having been notified by emails and letters.

3) failed to reply to any emails, letters, voicemails from the Fire Authority.

4) ignored to follow fire safety advice given to him by The Fire Authority (verbally on 05/06/18 and in writing on 06/06/18) and in order to remedy fire safety issues raised from fire safety concerns received from members of the public (e.g. blocked rear means of escape route by beer barrels kegs and refuse sacks).

5) failed to comply as a legal requirement under The FSO 2005, with an Article 27 Information Request Letter sent to him by The Fire Authority on 06/06/19 and thereby by his failure, considered as committing a criminal offence by Obstructing an inspector under Article 32(2)(d) of The FSO 2005 in the exercise or performance of his powers or duties.

6) Failed to provided when requested, all documentation consisting of:

- (i) Fire Risk Assessment
- (ii) Certification from competent persons showing the fire safety provisions that may be present within the building (e.g. emergency lighting system, fire alarm system, fire extinguishers,...) are maintained in accordance with relevant guidance.
- (iii) Maintenance records showing, where applicable, regular testing of the aforementioned fire safety provisions (e.g. Fire Log Book).
- (iv) Evidence of any staff training having been delivered (e.g. emergency procedures, fire extinguisher training,...)

**Please tick ✓ yes**

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Cyril Abadie

.....

Date 24/06/19

.....

Capacity Fire Safety Inspecting Officer

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



**Timeline History for The Chequered Flag Micropub (FP001147)**

<b>Dates</b>	<b>Actions taken</b>	<b>Comments</b>
05/06/2018		External Fire Safety Concern received from member of public with photographs attached in relation to beer kegs barrels blocking a communal rear alley way forming part of a designated Means Of Escape route.
05/06/18	Visit made by Officers from Fire Service Fire Protection Team and meeting with The Responsible Person Mr Anthony Robert Sandham following receipt of external concern.	Verbal advice given to Mr Sandham to rectify issue of the obstructed rear means of escape route as well as on how to comply generally with his duties under The FSO 2005.
06/06/18	Email and Specific Letter sent to Mr Sandham to back-up advice given to him during visit the previous day.	
24/04/2019	Email sent to Mr Sandham informing him of Fire Safety Audit inspection to take place on 20/05/19	Asked Mr Sandham to contact the Fire Authority if proposed date is not convenient and if no reply by the end of the week then a formal Letter of Appointment will be sent by post.
29/04/19	Formal Letter Of Appointment sent by post to Mr Sandham confirming audit inspection visit on 20/05/19	No replied received from Mr Sandham to email sent to him on 24/04/19
20/05/19	No show from Mr Sandham for today's Fire Safety Audit inspection visit.  Specific Letter sent to Mr Sandham by post offering him a second alternative date for a fire safety audit inspection to take place on 05/06/19	Mr Sandham warned in specific letter that failure to no attend the visit a second time will be considered as Obstruction under Article 32(2)(d) of The FSO 2005 and may lead to prosecution.
05/06/19	Second No show from Mr Sandham for Fire Safety Audit inspection visit.	Meeting between LFRS Officer Cyril Abadie and his line manager Station Officer Keith Trowell to discuss situation and further action to take with Mr Sandham.

06/06/19	<p>Article 27 Letter sent by LFRS by post and by email to Mr Sandham.</p> <p>Note For File report also made by LFRS Officer Cyril Abadie following a second No Show from Mr Sandham to Fire Safety Audit inspection visit on 05/06/19.</p>	<p>Article 27 Letter requires Mr Sandham to provide the following documented evidence within TWO weeks:</p> <ul style="list-style-type: none"> <li>- A documented copy of the Fire Risk Assessment as required for a Licensed premises</li> <li>- Documented evidence from competent persons (e.g. certification from contractors) for all the fire safety provisions that may be present in the premises (e.g. fire alarm system; emergency lighting system; portable fire extinguishers appliances; PAT testing; ..)</li> <li>- Documented evidence (e.g. Fire Log book) that the fire safety provisions afore mentioned above are regularly in-house tested in accordance with relevant guidance</li> <li>- Documented evidence of fire safety training being delivered to staff</li> </ul> <p>Mr Sandham warned in letter that failure to comply fully with the letter' request in whole or part may result in non-compliance of Article 27 of the Regulatory Reform (Fire safety) Order 2005 and may result in legal proceedings against him.</p>
18/06/19		<p>Email received from North West Leicestershire Street Protection Officer with photographs attached showing rear alley way being obstructed again by beer kegs barrels.</p>
25/06/19	<p>Application for a License Review made by LFRS to NW Council Licensing Team</p>	

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL  
LICENSING ACT 2003**

**REPRESENTATION FORM**

<b>Your name/organisation name/name of body you represent</b>	Dean Flower North West Leicestershire District Council Planning Enforcement
<b>Organisation name/name of body you represent (if appropriate)</b>	
<b>Your Postal address</b>	Council Officer, Coalville, Leicestershire, LE67 3FJ
<b>Name of the premises you are making a representation about</b>	Chequered Flag
<b>Address of the premises you are making a representation about</b>	32 Borough Street, Castle Donington, Derbyshire, DE74 2LA

**What are you making a representation about?**

Please indicate which part of the licence/certificate application you are making a representation about (i.e. Terminal hours, and music and dancing on Friday and Saturday night)

The Chequered Flag operate the business outside of the area for which planning permission was been granted 14/00739/VCI. The granted permission was for the (Change of use to Micro Pub (A4 use)) and then a later variation for extended hours (Variation of planning condition 5 of permission 13/00963/FUL to extend opening times so that they reflect the premises licence). The permission is granted for the use of the ground floor of the premises which has now been extended to providing outdoor seating on the public highway.

Your representation must relate to one of the four Licensing Objectives

<b>Licensing Objective</b>	<b><i>Please provide full details of your concerns regarding the application and include any evidence you may have in support of it. Please use separate sheets if necessary</i></b>
<b>To prevent crime and disorder</b>	Permission was not granted to allow seating and tables to be placed on the public highway. There is a residential property that shares the party wall and also has rooms located directly above the premises. The provision of the outdoor seating and tables has caused an increased number of persons sitting outside of the Micro pub directly below and adjacent to the neighbouring residential property which creates noise issues late into the evening, this is only exacerbated during the summer months. The increased number of persons drinking outside has the potential to cause Anti-social behaviour.
<b>Public safety</b>	The provision of seating and tables for patrons of the Chequered Flag on the public highway outside of the area for which planning permission was originally granted has created a change of use of the highway. To enable this type of use the owner/occupier of the establishment would be required to submit a planning application to include the area of public highway being utilised for outdoor seating and tables. Mr Sandham (landlord) has been written to emailed, called and visited on a number of occasions requesting that he submit an application which he has failed to do. Further to this a café licence would also be required via Leicestershire County Council Highways Department, this is to enable an assessment of safety and the effect on nearby premises and to ensure that members of the public are still able to pass by and to ensure that the highway is not obstructed which in turn could endanger users of the highway. This also ensures that the business has the correct public liability insurance should an accident occur, to date no application has been received. Leicestershire County Council (LCC) Highways have written to Mr Sandham on a number of occasion requesting the submission of

	a café licence application but to date Mr Sandham has failed to engage with the requests. LCC gave Mr Sandham a deadline in which to remove the tables and chairs which he has again failed to comply with, LCC next step is to remove the tables and chairs.
<b>To prevent public nuisance</b>	<p>The provision of tables and chairs at this location has not been properly assess regarding its likelihood to be acceptable in both planning terms and highway safety terms. North West Leicestershire District Council have an ongoing investigation in relation to noise nuisance caused from people gathering outside of the premises but is unfortunately unable to take action against this.</p> <p>There are ongoing investigation in relation to a breach of planning legislation and offences under the Environmental Protection Act 1990.</p> <p>The provision of the tables and chairs is likely to cause a public nuisance due to obstructions of the highway by persons using them and/or gathering around them as well as the elevated noise levels due to people gathering outside.</p>
<b>To protect children from harm</b>	

<b>Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.</b>	The tables and chairs should be removed from the highway and the consumption of alcohol is to be restrained to the planning unit i.e. inside the premises which would reduce the outside noise and prevent obstructions of the highway.
---	---

Signed: Dean Flower

Date: 23<sup>rd</sup> July 2019

Capacity: Senior Planning Enforcement Officer

\*please see attachments which relate to the area granted planning permission\*

- 1) Decision notice
- 2) Location plan
- 3) Existing ground floor layout
- 4) Proposed ground floor layout and rear elevation

## NOT FOR PUBLICATION

<b>Your e-mail address</b>	dean.flower@nwleicestershire.gov.uk
<b>Your contact telephone number</b>	01530 454766

### SUPPORTING NOTES

If you do make a representation you will be invited to attend a meeting of the Licensing sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.

This form must be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section on 01530 454556 if you are in doubt about the date.

They can only relate to the four licensing objectives.

Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Sub-Committee, which will be publicly available. Names and addresses will only be withheld from the Sub-Committee report at your request. Email addresses and contact telephone numbers will not be publicly available.

Please return this form when completed along with any additional sheets to:

Community Services  
Licensing  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

email to [licensing@nwleicestershire.gov.uk](mailto:licensing@nwleicestershire.gov.uk)

Tel: 01530 454545

Fax: 01530 454574

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Mr Michael Willies  
3, Hall Farm Close  
Castle Donington  
DE74 2NG

**Application reference 13/00963/FUL**

**Registered 22 November 2013**

## **PLANNING PERMISSION**

### **Town and Country Planning Act 1990**

#### **Change of use to Micro Pub (A4 use) at 32 Borough Street, Castle Donington, Derby, DE74 2LA.**

In pursuance of its powers under the Town and Country Planning Act 1990 North West Leicestershire District Council hereby grants planning permission for the above development in accordance with the application and plans submitted subject to and as may be modified by the following conditions:

- 1 The development shall be begun before the expiration of three years from the date of this permission.

*Reason- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended.)*

- 2 The proposed development shall be carried out strictly in accordance with the following schedule of plans, unless otherwise required by a condition of this permission:

Site location plan 1:1250;  
Existing ground floor layout 20/11/13; and,  
Proposed ground floor layout and rear elevation 20/11/13

*Reason- To determine the scope of this permission.*

- 3 The use hereby permitted relates to the use at the ground floor level of the premises only.

*Reason- To determine the scope of this permission and for the avoidance of doubt.*

- 4 The use hereby permitted shall not commence until the condenser/ventilation system and internal noise insulation measures required in connection with the use hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Those facilities and system shall be provided in accordance with the agreed details and maintained as such.

*Reason- To ensure against noise disturbance to the surrounding area or properties.*

- 5 Operations or uses authorised under this permission shall be carried out within the application site only between the following times:

Between 1200hrs and 2130hrs Mondays to Thursdays;  
Between 1200hrs and 2230hrs Fridays and Saturdays; and,  
Between 1200hrs and 2130hrs on Sundays and Bank Holidays.

*Reason- To ensure against noise disturbance to the surrounding area or properties.*

**INFORMATIVES :-**

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of April 6th April 2008 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The developers should note that this permission does not authorise any new shop front advertisement which may require advertisement consent. You may wish to contact the Local Planning Authority in relation to any new adverts which may be required.

Your attention is drawn to the enclosed notes.

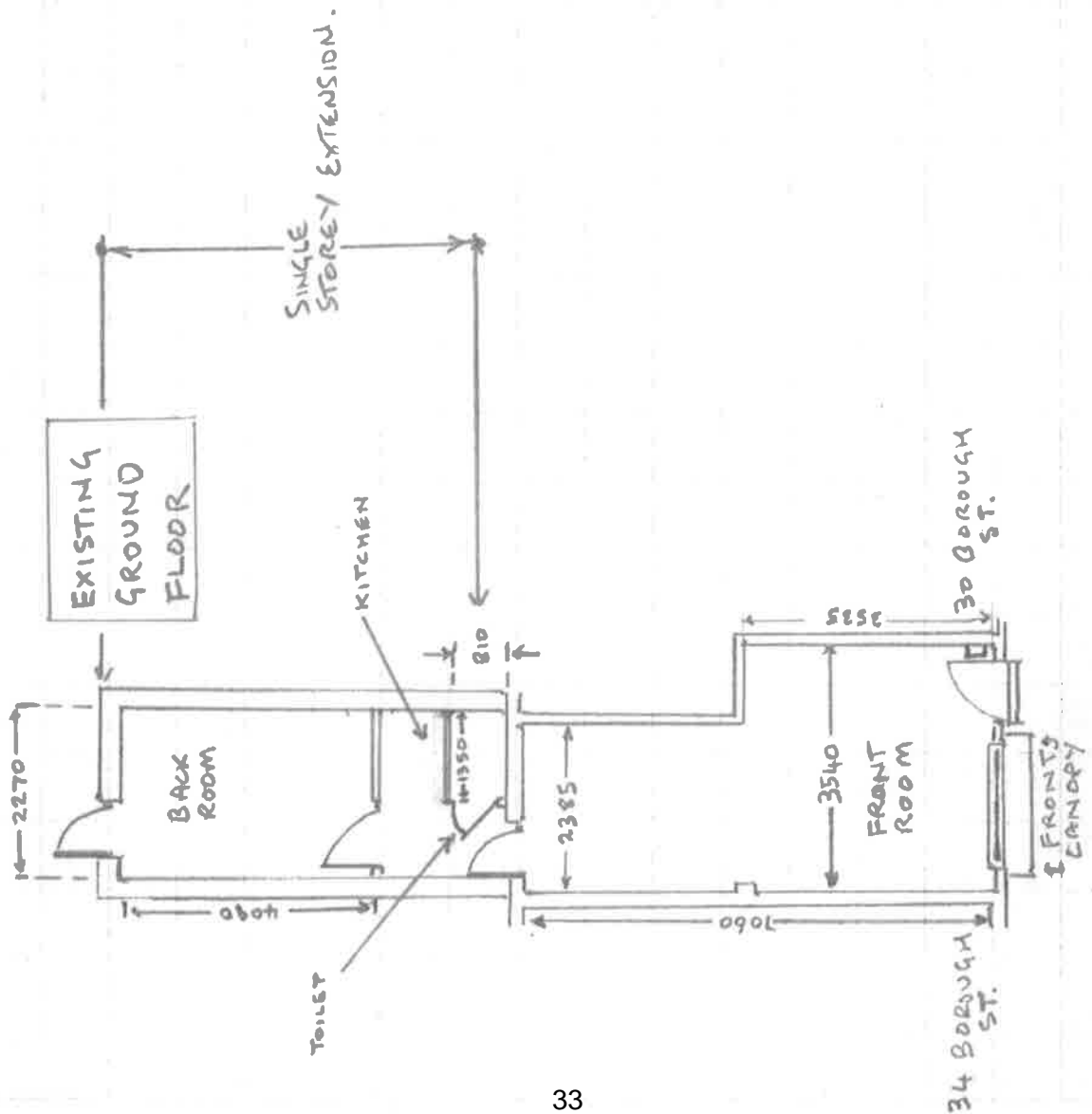
Signed:



Chris Elston  
Planning & Development Team Manager  
Proper Officer of the Council

Dated: 13.2.14



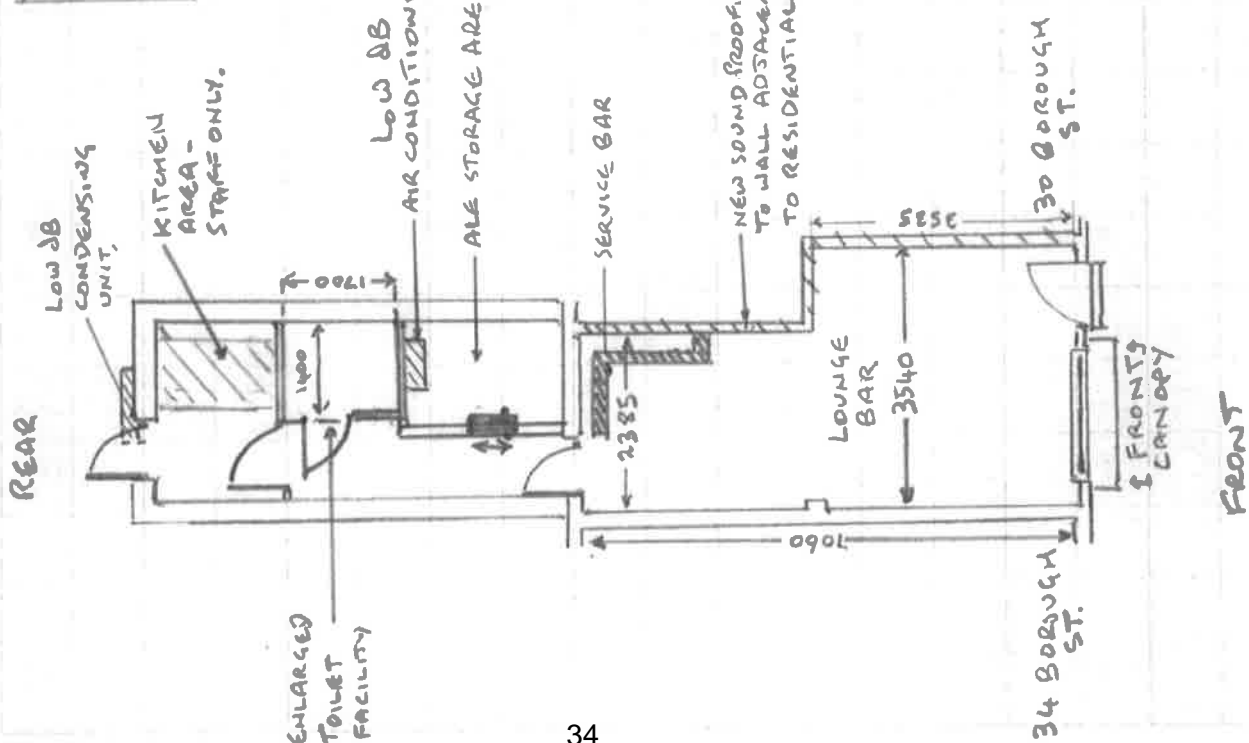


PROPOSAL:  
MICRO PUB.

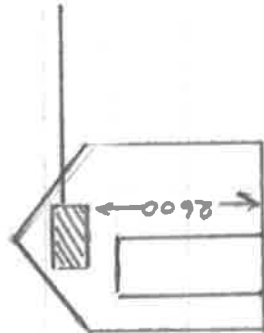
32, BOROUGH STREET  
CASTLE DONINGTON

SCALE 1:100  
DATE 20/11/13

# PROPOSED GROUND FLOOR



EXTERNAL  
WALL MOUNTED  
LOW DB  
AIR-CONDITIONING  
UNIT.



REAR ELEVATION

PROPOSAL:  
MICRO PUB.

32, BOROUGH STREET  
CASTLE DONINGTON

SCALE 1:100  
DATE 20/11/13



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**REPRESENTATION FORM**

<b>Your name/organisation name/name of body you represent</b>	Marc Orton
<b>Organisation name/name of body you represent (if appropriate)</b>	North West Leicestershire District Council
<b>Your Postal address</b>	Whitwick Road Coalville Leicestershire LE67 3FJ
<b>Name of the premises you are making a representation about</b>	The Chequered Flag
<b>Address of the premises you are making a representation about</b>	32 Borough Street Castle Donington Derby DE74 2LA

**What are you making a representation about?**

Please indicate which part of the licence/certificate application you are making a representation about (i.e. Terminal hours, and music and dancing on Friday and Saturday night)

Public Safety in regards to access to the rear of the premises as well as the access to neighbouring properties.

To prevent crime and disorder by means of ensuring that the premises holder takes steps to ensure that commercial waste from the premises is disposed of in the correct and responsible manner

Your representation must relate to one of the four Licensing Objectives

<b>Licensing Objective</b>	<b><i>Please provide full details of your concerns regarding the application and include any evidence you may have in support of it. Please use separate sheets if necessary</i></b>
<b>To prevent crime and disorder</b>	Mr Sandham is currently the subject of an ongoing investigation for failing to produce waste transfer notes in relation to commercial waste from The Chequered Flag. Failure to produce WTN's is a criminal offence under s34 of the Environmental Protection Act 1990.  Waste Transfer Notes are used to evidence the correct and responsible disposal of waste from a commercial premises. Mr Sandham has not engaged with me during the entire investigation and is yet to evidence that he has an active waste contract in place
<b>Public safety</b>	The rear of The Chequered Flag joins a dog legged walkway that is used by The Chequered Flag as well as neighbouring properties for access to the properties. During the above investigation I gathered evidence of the walkway being partially blocked with barrels from The Chequered Flag. This would make escape from the premises difficult in case of fire. There was also evidence of waste being stored on other people's land without their permission (photos attached)
<b>To prevent public nuisance</b>	We currently have an open noise investigation. Noise monitoring equipment has been installed on two occasions over the last 4 months. Following noise assessments of these recordings, the noise assessment indicated that there is an issue with noise being emitted from outside on the footpath outside the Chequered Flag and it is believed that this noise is being caused by people gathering outside the Chequered Flag. Although we are aware this is an issue, action cannot be taken for noise originating from the footpath
<b>To protect children from harm</b>	

**Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.**

Signed: Marc Orton

Date: 23/07/2019

Capacity: Enforcement Officer, Environmental Protection

## NOT FOR PUBLICATION

<b>Your e-mail address</b>	marc.orton@nwleicestershire.gov.uk
<b>Your contact telephone number</b>	01530 454821

### SUPPORTING NOTES

If you do make a representation you will be invited to attend a meeting of the Licensing sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.

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Please return this form when completed along with any additional sheets to:

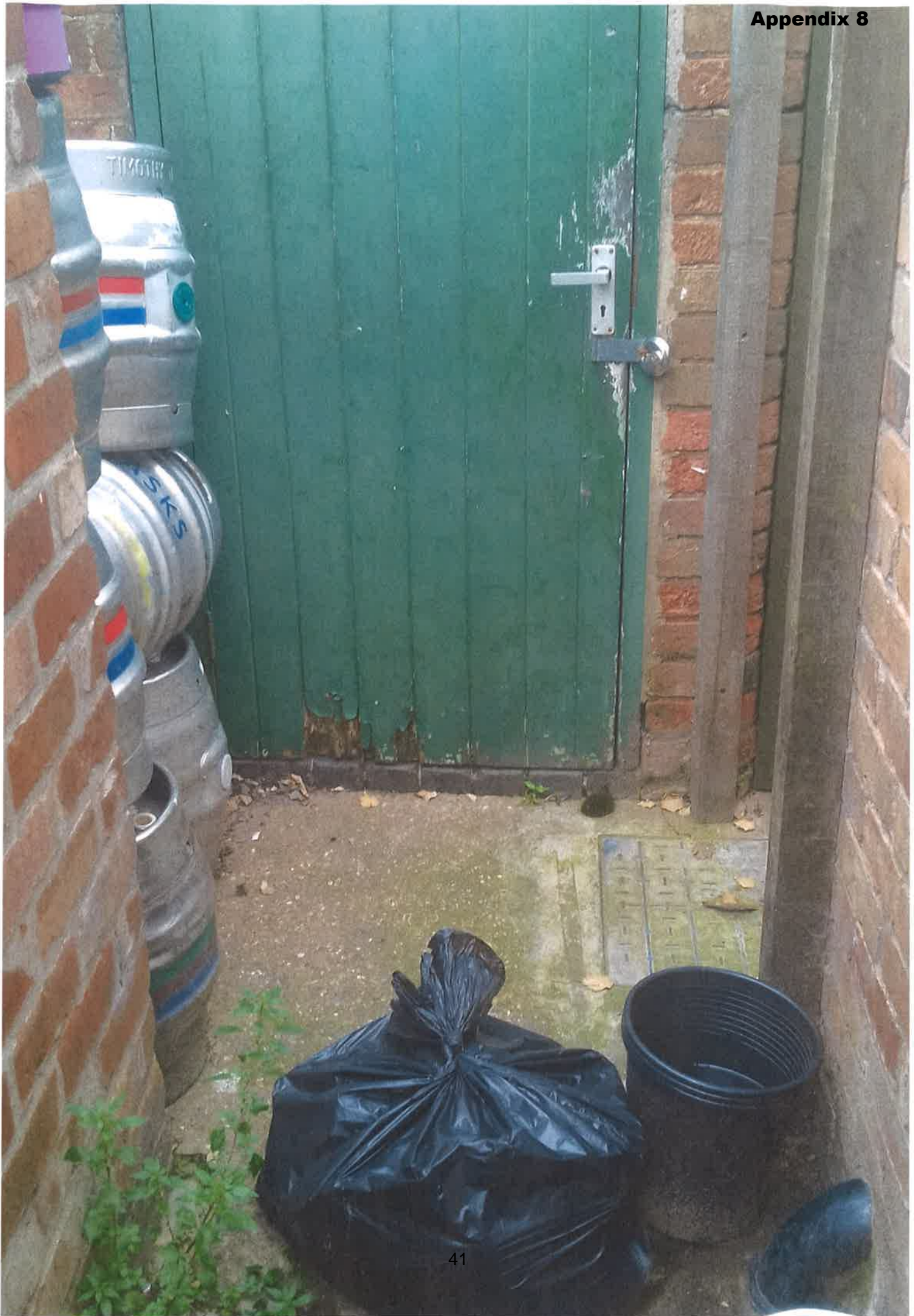
Community Services  
Licensing  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

email to [licensing@nwleicestershire.gov.uk](mailto:licensing@nwleicestershire.gov.uk)

Tel: 01530 454545  
Fax: 01530 454574

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