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agenda.

Meeting	LICENSING SUB COMMITTEE
Time/Day/Date	6.00 pm on Wednesday, 1 November 2023
Location	Abbey Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512) Licensing Enforcement Officer (01530 454596)

NOTIFICATION OF HEARING

Item	Pages
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1	ELECTION OF CHAIRMAN	
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2	APOLOGIES FOR ABSENCE	
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3	DECLARATION OF INTERESTS	
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Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.

4	APPLICATION FOR REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003	
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PREMISES: The Chequered Flag, 32 Borough Street, Castle Donington, Derby, DE74 2LA

3 - 104

APPLICANT: Licensing Authority, North West Leicestershire District Council

To determine an application for a review of a premises licence in respect of the above. Representations have been received from various parties. 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 J G Simmons

Councillor N Smith

Councillor A Wilson

Councillor R Johnson (Substitute)

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – WEDNESDAY 1
NOVEMBER, 2023



Title of Report	APPLICATION FOR REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003	
Presented by	Tonya Cooper, Licensing Enforcement Officer	
Background Papers	<p>Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</p> <p>Licensing Act 2003 (legislation.gov.uk)</p> <p>Statement of Licensing Policy – Issue 7</p>	Public Report: Yes
Purpose of Report	<p>To determine an application for the review of a premises licence in respect of the premises The Chequered Flag, 32 Borough Street, Castle Donington, Derby, DE74 2LA.</p> <p>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.</p>	
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.	

1.0 Background

- 1.1 Mr Robert Sandham is the holder of a current Chequered Flag premises licence (also known as "The Flag") under the Licensing Act 2003. The premises licence was originally issued on 17 February 2014. The premises licence was transferred to Mr Sandham on 11 March 2015. The current premises licence is attached as **Appendix 1**.

- 1.2 Under the current premises licence, the Chequered Flag has the following timings, in which licensable activities can occur.

Licensable activity	Timings	
Supply by retail of alcohol	Sunday	12:00hrs - 21:00hrs
	Monday to Friday	16:00hrs - 22:30hrs
	Saturday	12:00hrs - 22:30hrs
	New Year's Eve	11:00hrs - 00:30hrs

- 1.3 An aerial view of the site is attached as **Appendix 2**. A map of the site is attached as **Appendix 3**.
- 1.4 On 14 September, Licensing applied to review the Chequered Flag premises licence. The application is attached as **Appendix 4**.
- 1.5 The licence was called for review due to five complaints, where Mr Sandham failed to provide cctv footage and therefore failed to comply with the premises conditions. The most recent complaint was on 8 June 2023, when licensing enforcement officers attended the premises following allegations of “out of hours” unlicensed activity. The licensing officer’s statement of fact is attached as **Appendix 5**. The photographic evidence from 8 June 2023 is attached as **Appendix 6**. Mr Sandham’s e-mail concerning his explanation for his failure to supply the required cctv footage is attached as **Appendix 7**. Mr Sandham attended a PACE interview (Police and Criminal Evidence Act 1984), a recorded interview under caution on 25 July 2023. The transcript of the interview are attached as **Appendix 8**. Officers requested the till receipt for the 8 June in the PACE interview. The till receipt is attached as **Appendix 9**.
- 1.6 The four previous complaints where Mr Sandham failed to provide cctv footage are attached as **Appendices 10 - 14**.

2.0 Historical

- 2.1 The premises was formally reviewed in 2019 by the Fire Authority. The premises review application is attached as **Appendix 15**. The minutes of the hearing are attached as **Appendix 16**. The decision notice is attached as **Appendix 17**.
- 2.2 Prior to Covid, the pavement licencing regime was under Leicestershire County Council’s (LCC) remit. During covid, it was then was placed under the Business and planning act, as a fast track process with applications determined at District level but the enforcement remains as LCC’s responsibility. In October 2022, Leicestershire County Council (LCC) were successful in obtaining the necessary order from the court that would prevent the Chequered Flag using pavement furniture and give LCC the requirements to seize and destroy, should they persist in placing any furniture on the highway. The flag did not challenge the request or order at the time, however despite this, Mr Sandham did continue to use Pavement furniture up until the

licensing visit on 8 June 2023. Licensing are not aware that pavement furniture has been used since this date.

- 2.3 In 2019, Robert Sandham did not respond to a series of demands from environmental health asking him to demonstrate he had taken steps to get rid of rubbish from the Chequered Flag premises. He then failed to pay a resulting £300 fine issued by North West Leicestershire District Council. Mr Sandham appeared at Leicester Magistrates Court on 4 September 2019 to plead guilty to a charge of failing to provide documents demonstrating he had made proper arrangements to get rid of controlled waste. Mr Sandham was fined £460 and ordered to pay a £46 victim surcharge and costs of £456.74. Mr Sandham said "I am not the best administrator. I'm a barman and I need to make my administration tighter."
- 2.4 Mr Sandham has provided the premises cctv footage on two previous occasions. Once, when requested for a noise complaint, for which the cctv footage was inconclusive. Secondly, Mr Sandham provided cctv footage (which was not requested by licensing in this instance), when his neighbour from the residence above, was seen to pour a liquid substance over the pavement in front of the Chequered Flag premises.
- 2.5 A further five complaints are enclosed. Whilst these complaints are considered relevant, the cctv was not requested by Licensing in these instances. The six complaints are attached as **Appendices 18 – 22**.

3.0 Representations

- 3.1 Each of the responsible authorities have been served a copy of the application, namely, the Police, Fire Authorities, Home Office, Health Authority, Licensing Authority and the District Council's Health and Safety and Planning Sections. Three representations were received as follows. Environment Protection raised a representation on the grounds of the prevention of public nuisance. The representation is attached as **Appendix 23**. Leicester County Council - Highways have also raised a representation on the grounds of Public Safety. This representation is attached as **Appendix 24**. Mr Robert Sandham raised a representation which is attached as **Appendix 25**. A comment was received from Planning and Development which is attached as **Appendix 26**.
- 3.2 The Licensing Authority must advertise the review application and invite representations from other responsible authorities and any other person. The review application was displayed on the Council's website. The notices were displayed outside the Chequered Flag premises on two lamp posts and on the outside of the premises. Licensing visited the premises on 28 September and 5 October and observed that the notices remained in place. Therefore, officers are satisfied that the premises licence review was advertised as required.

4.0 Statutory Guidance

4.1 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, 1.16, 2.1 to 2.9, 3.1 to 3.2, 3.35, 8.80, 9.1, 9.31 to 9.44, 10.1 to 10.10, 11.1 to 11.23, 14.1 to 14.3 may have a bearing upon the application.

5.0 Statement of Licensing Policy

5.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 1.5, 2.1 to 2.3, 2.5, 4.1 to 4.4, 5.1 to 5.3, 16.0, 22.0, and 26.0 may have a bearing upon the application.

6.0 Observations

6.1 The Committee is obliged to determine this application 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.

6.2 The Committee may take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

6.3 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 applicant (Leicestershire County Council Trading Standards) and/or any other persons who have made relevant representations.

6.4 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.

Policies and other considerations, as appropriate	
Council Priorities:	Communities and housing – looking after our tenants and keeping our communities safe
Policy Considerations:	Statement of Licensing Policy – Issue 7
Safeguarding:	To determine the application in accordance

	with the Licensing Act 2003 objectives
Equalities/Diversity:	No Equality/Diversity issues raised, though this will be kept under review.
Customer Impact:	Not applicable
Economic and Social Impact:	Customers may be impacted by any decision made.
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Leicestershire Police, Leicestershire Fire and Rescue Service, The Home Office, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, Health Authority 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.
Risks:	The risk of incurring costs 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.
Officer Contact	Tonya Cooper Licensing Enforcement Officer tonya.cooper@nwleicestershire.gov.uk

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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:

Sunday	12:00 - 21:00 hrs
Monday to Friday	16:00 - 22:30 hrs
Saturday	12:00 - 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]

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]

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: 25 September 2019

**Paul Dennis
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 28th 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 1st 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.

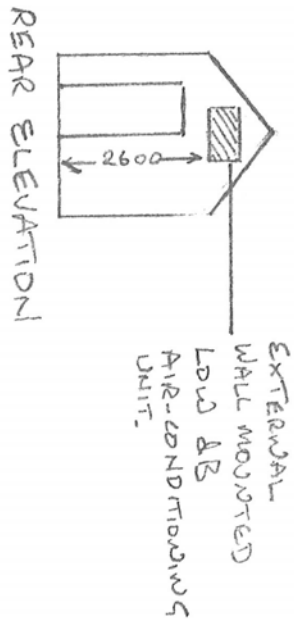
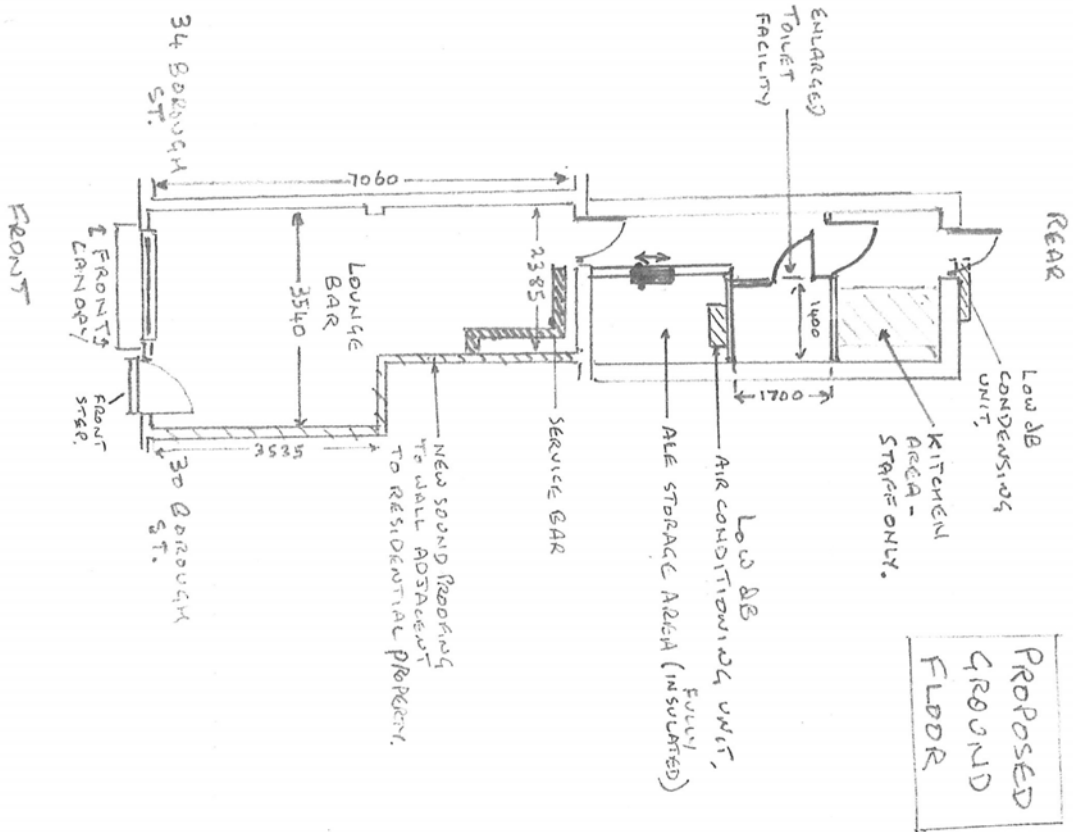
Annex 2 – Conditions consistent with the Operating Schedule

- 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.

Annex 3 – Conditions attached after a hearing by the licensing authority

- 1) Upon receipt of the fire safety audit reports all recommendations/actions therein shall be complied with within 60 days of receipt.
- 2) All staff shall receive 6 monthly training on fire safety legislation and on their responsibilities with regard to licensing legislation. This training is to be documented and presented to a member of a responsible authority upon request.
- 3) CCTV shall be installed (by no later than 1 November 2019) and maintained at the premises:-
 - a. The CCTV shall cover the entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas where the public have access and the immediate vicinity outside the premises.
 - b. The images/recordings are to be downloadable in a suitable format and provided to any member of a responsible authority upon request and without undue delay.
 - c. Images and recordings must be of evidential quality and must indicate the correct time and date, and be kept for at least 31 days.
 - d. All staff are to be trained in the use of the CCTV system and at least one member of staff must be on duty who is trained to download the systems images should any member of a responsible authority make a request for the footage.

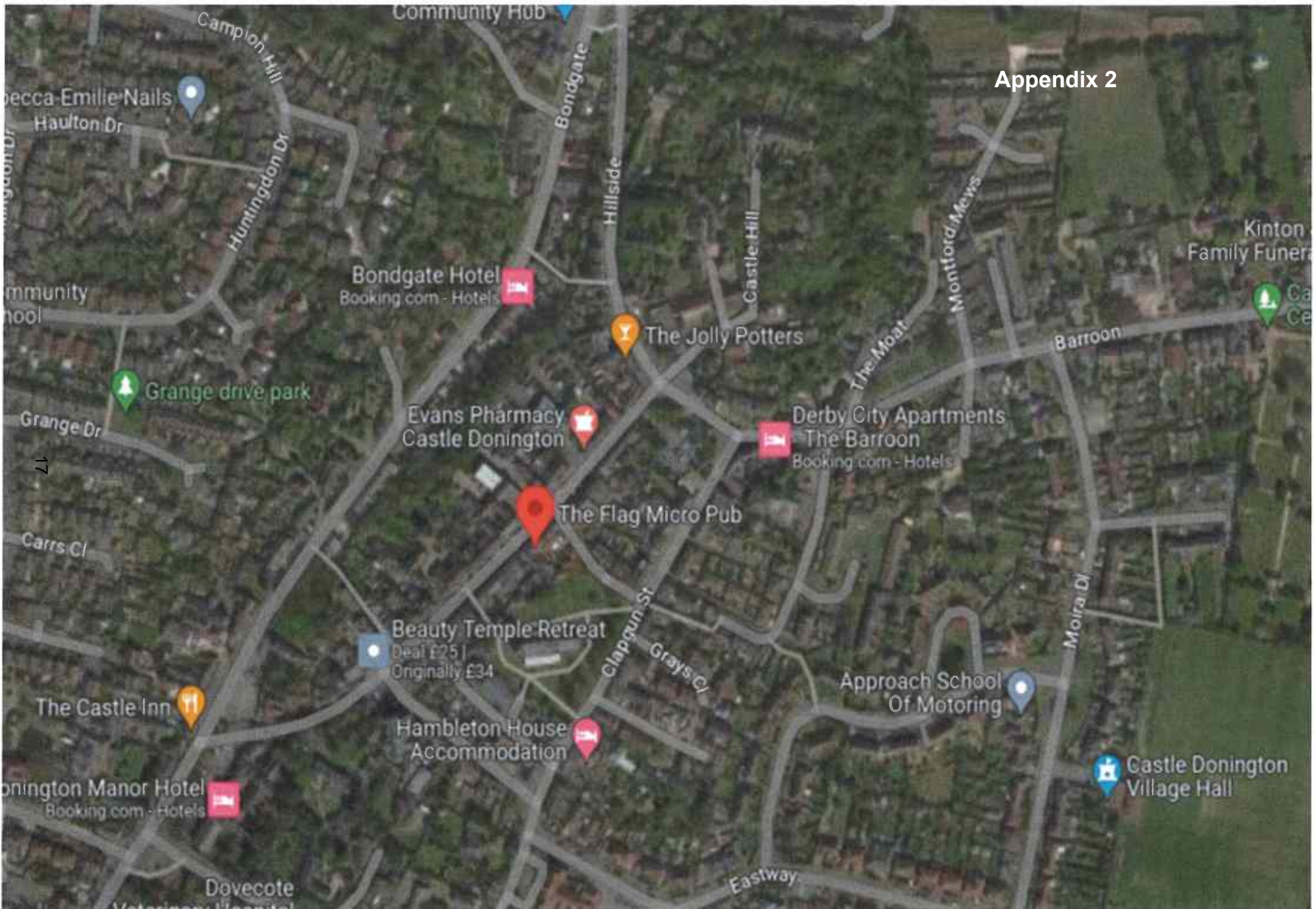
Annex 4 – Plans



PROPOSAL:
MICRO PUB.
32, BOROUGH STREET
CASTLE DONINGTON

SCALE 1:100
DATE 20/11/13

Appendix 2



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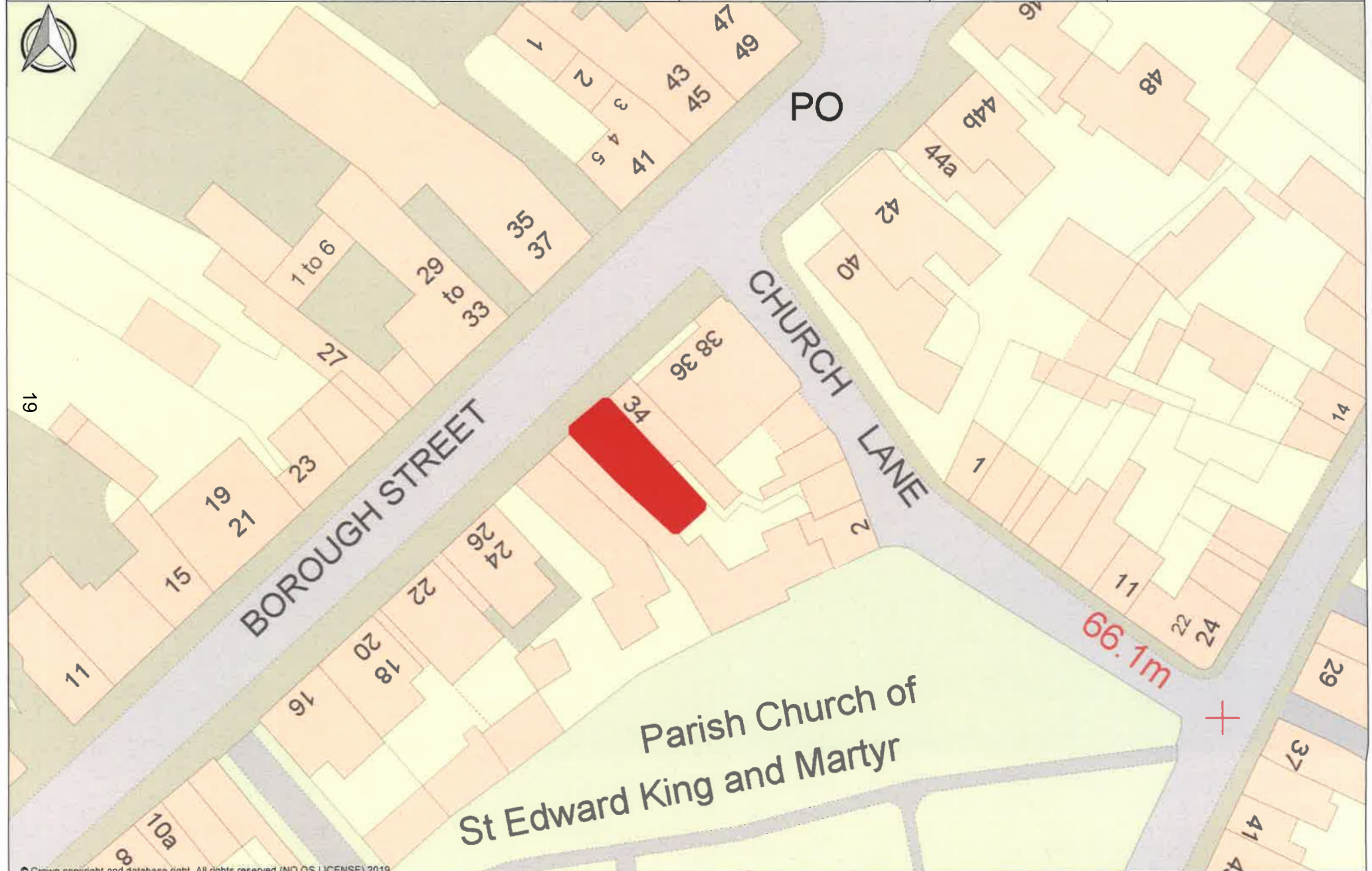
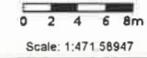
Chequererd Flag

North West Leicestershire

Map

Author: L. Oliver

Date: 01/07/2019 11:03:



Parish Church of
St Edward King and Martyr

66.1m

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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 Licensing, North West Leicestershire District Council

(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 32 Borough Street Castle Donington Derby DE74 2LA	
Post town Castle Donington	Post code (if known) DE74 2LA

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

Number of premises licence or club premises certificate (if known) NWL20457

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) **yes**
- 3) a member of the club to which this application relates

Appendix 4

(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

I am 18 years old or over

Please tick ✓ yes

**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 Licensing North West Leicestershire District Council Whitwick Business Centre Stenson Road Coalville LE67 4NA.
Telephone number (if any) 01530 454866
E-mail address (optional) licensing@nwleicestershire.gov.uk

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

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | yes |
| 2) public safety | yes |
| 3) the prevention of public nuisance | yes |
| 4) the protection of children from harm | yes |

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

Licensing have received numerous complaints concerning alleged licensed activities outside of licensed hours and numerous public nuisance/noise complaints. As a result, Licensing have requested cctv footage for their investigations on 5 different occasions and the premises licence holder/designated premises supervisor (PLH/DPS) has failed to provide the footage. The PLH/DPS continually ignores advice from the Responsible Authorities (RA's) and also continually fails to comply with the premise licence conditions.

Licensing have concerns that if there was a major incident at the premises concerning any one of the 4 licensing act objectives, the premises would once again fail to comply with their strict cctv conditions, thus vastly diminishing any attempts by the RA's to investigate any such incidents.

The premises have strict cctv conditions following a review in 2019 which state:-

CCTV shall be installed (by no later than 1 November 2019) and maintained at the premises:-

- a. The CCTV shall cover the entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas where the public have access and the immediate vicinity outside the premises.***
- b. The images/recordings are to be downloadable in a suitable format and provided to any member of a responsible authority upon request and without undue delay.***
- c. Images and recordings must be of evidential quality and must indicate the correct time and date, and be kept for at least 31 days.***
- d. All staff are to be trained in the use of the CCTV system and at least one member of staff must be on duty who is trained to download the systems images should any member of a responsible authority make a request for the footage.***

In an attempt to investigate the 5 complaints, the above cctv conditions have been breached numerous times as follows:-

8 June 2023 – Officers entered the premises following allegations of out of hours licensing activities. Customers were clearly drinking alcoholic beverages outside the premises licensing activity hours. In order to investigate the matter, the cctv footage was requested. The PLH/DPS failed to comply with conditions b - provide the footage without undue delay. c - keep the recordings for 31 days and d - the staff were not trained to download the images. **There were 3 breaches of conditions on this occasion.**

31 August 2021 - A complaint was received concerning alleged out of hours licensing activities on Saturday 28 August 2021. On receiving the complaint, the premises licence holder was asked to provide cctv footage on numerous occasions via letter, e-mail and telephone. The premises licence holder said it was a private party for football supporters on Saturday morning before the 12:30pm football match between Derby County and Nottingham Forest. There were alleged breaches of out

of hours licensing activities and breaches of conditions b, c and d. The premises licence holder also admitted his cctv system only retains footage for 24 days. **There were 3 breaches of conditions on this occasion.**

5 July 2021 – A complaint was received concerning alleged public nuisance and out of hour licensed activities. Licensing requested the cctv footage for this incident on numerous occasions. The PLH/DPS again failed to provide the cctv footage. **A further breach on condition b.**

26 October 2020 – A complaint concerning public nuisance/noise and alleged licensing activities after the permitted hours over 23/24/25 October. Licensing requested cctv footage for Friday 23 October 2020. The PLH/DPS again failed to provide the cctv footage. **A further breach on condition b.**

2 February 2020 – A complaint was received concerning numerous instances of licensing activities taking place after hours. Licensing visited the premises on 4 February to request the cctv. The premises licence holder advised that he did not have a current working cctv system, despite having the condition on his premises licence to have cctv installed by 1 November 2019. The cctv footage was not provided. **Conditions b and c were breached on this occasion.**

As a result of the premises licence holder continually breaching his licensing conditions and having no regard for advice provided by responsible authorities, Licensing have no option but to review this premises licence. Licensing no longer have confidence in the PLH/DPS ability to act in a professional manner and public safety concerns are paramount.

It is also noted that, over a number of years, the PLH/DPS has continued to use outside furniture without the required pavement licence (up until the most recent incident above) against the instructions of the RA's. He has been continually told to acquire a pavement licence, but has continued to ignore advice from the licensing authority and Highways, even after a court hearing concerning this matter.

In a review hearing in 2019, both the Leicestershire Fire and Rescue Service and Environmental Protection stated that the PLH/DPS failed to communicate and ignored their advice. Mr R Sandham stated at the hearing that he had failed in regard to communication with all parties concerned and he now understood the importance of carrying out all parts of the administration required for the business. The licence holder's representative at the hearing, admitted that Mr R Sandham 'had his head stuck in the sand', was not very computer literate and was letting everything get on top of him. Nothing appears to have changed.

Appendix 4

Please tick ✓ yes

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

N/A

If yes please state the date of that application

Day	Month	Year
<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

Not Applicable

Please tick ✓ yes

Appendix 4

- 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 **yes**
- I understand that if I do not comply with the above requirements my application will be rejected **yes**

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

..... 

Date 14 September 2023

.....

Capacity **Licensing Enforcement 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.

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Statement of Fact – Paul Dennis

In the early afternoon on Thursday 8 June 2023, a member of the licensing team received a telephone call from an anonymous member of the public. The person said the Chequered Flag was open and performing unlicensed activities (the sale by retail of alcohol) outside their licensed hours, which are Monday to Friday, 4pm to 10:30pm.

Two licensing enforcement officers, who were on duty at Donington Park for the Download Festival, were alerted. The two officers then made their way around to the premises and arrived 2:40pm. On entering the premises, there was a lady on a table to the left drinking a glass of wine and a gentleman to the right drinking a pint of beer. I said "Hello" to Robert Sandham who was standing further back in the premises. I asked him if he had his premises licence. After a short pause, I pointed out the licensing premises summary which was on the wall. Mr Sandham gestured towards the back of the premises, as he said "not in front of the customers". I asked him if he knew what his hours were for the sale by retail of alcohol. He said "not now". I said "so you are aware you are committing an offence then?". He replied "Yes". I asked if the cctv was in working order. He replied "yes". I then advised that was all for now. The pavement furniture was outside the premises, although I was aware the premises did not have consent for street furniture. I took a couple of photographs for evidence before entering the premises and a further one on leaving the premises.

Following this, I requested the cctv footage. Mr Sandham eventually stated that the footage had been deleted by mistake.

On Tuesday 25 July, Mr Sandham and his partner Christine Westwood attended a PACE (Police and Criminal Evidence Act 1984) interview (an interview recorded under caution). Mr Sandham admitted the premises was open but said no sale of alcohol took place and that the alcohol was given away to customers. A receipt was requested in the PACE interview and later provided by Mr Sandham. The receipt showed no sales up until 15:59 hours, however there were numerous entries which stated "NS", which I presume to mean "No Sale" when the till is opened, but no sale is recorded. Unfortunately, the till receipt is of very poor quality at the required time, during the afternoon, but is of good quality there onwards. I can confirm the sales taken from 15:59 hours to the end of the evening do add up to the till receipt total at the end of the evening.

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Appendix 7

From Robert Sandham to Paul Dennis – 28/06/2023

Hi Paul

Thankyou for your patience over this matter .

As I explained the usb would not load due to data bank bring full .

I followed technical service advice which shows two areas to re format .

The usb was empty . The only other file was reformatted but cleared all history I m afraid . This wasn't a deliberate act e by me .

I am prepared to accept I did serve beer prior to my licensing hours when 5 download friends came in who I hadn t seen since covid . Two other downloaders joined them and when you called ftthe two people sat in the bar were friends coming in to ask after Chrissie's health because she had a procedure that day . I also accept that the chairs were in situ . As it was the download festival and I have had chairs insu for the last 9 years plus .I would also ask you to note that the serving on that day was a one off as I strictly adhere to licensing hours as a norm .


I strongly feel that I am being discriminated against while other businesses flout the access restrictions and the licencing hours and go unpunished . but as requested earlier I would like an appointed meeting discuss a way forward and all the issues that exist Regards Robert Regards Robert Sent from my iPhone

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RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed: Robert Sandham	
Place & Date of Interview: Daffodil Room, NWLDC, Customer Services, Coalville. 25 July 2023	
Time Commenced: 10:36	Concluded: 11:13
Tape Reference Number(s):	Exhibit Ref:
Interviewing Officer(s): Paul Dennis Tonya Cooper	Other Person(s) Present: Christine Westwood

DECLARATION: This record consisted of 7 pages is the exhibit referred to in the Statement made and signed by me.

Signature: 

Officer's Name: PAUL DENNIS

Signature of Officer preparing record : 

(if different to above)

Officer's Name: PAUL DENNIS

NAME	RECORD
TC	This interview is being recorded at North West Leicestershire District Council in the Daffodil room, the day is 25 July 2023, the time is 10:36am. My name is Tonya Cooper, I'm the Licensing Enforcement officer here in North West Leicestershire and Paul Dennis.
PD	I am Paul Dennis, Licensing Officer at North West Leicestershire District Council.
TC	So also present is, if you could just say your full name and can I take your name and full address.
RS	Robert Anthony Sandham.
TC	OK and now your full address.
RS	Home address is 8 Clapgun Street, Castle Donington, DE74 2LE
TC	OK and now your date of birth and age.
RS	27 January 1949, 74.
TC	OK and you've brought your wife Christine
RS	Yes.
CW	I'm his partner.
TC	Partner, sorry apologies. Could you just say your full name
CW	It's Christine Westwood.
TC	And your full address
CW	8 Clapgun Street, Castle Donington.
TC	And your date of birth and age.
CW	12.03.48, I'm 75
TC	OK, thank you. So can you just confirm that there is no other person present in the interview.
RS	Yes, nobody present.
TC	OK perfect, so a copy of the code of practice is available here if you wish to refer to it at any time. You are entitled to have a solicitor present if you wish. Today you have brought no legal representation with you today, so are you happy to proceed on that basis.
RS	Yes

TC	OK, so at the end of the interview, I'm going to give you a notice and that's going to explain what will happen with the disks/CDs. So if you could just confirm that Paul and myself have un-wrapped those cd's in front of you this morning.
RS	That's observed 3 cd's being un-wrapped and inserted into the machine.
TC	OK thank you, I'm just going to give you a caution. You do not have to say anything, but it may harm your defence if you do not mention when questioned something that you later rely on in court. Anything you do say may be given in evidence. So, you are not under any form of delegation and not obliged to stay with the officers, so you are free to leave at any time. If you need a break or anything like that, we can stop the disks from recording and you're welcome to again, so do you understand the caution?
RS	Say again.
TC	Do you understand the caution, what I have just read.
RS	I understand that yes.
TC	Brilliant, OK I'm just going to let Paul get started with his interview.
PD	OK it is alleged that unlicensed activities, namely the sale by retail of alcohol took place at the premises on Thursday 8 June 2023 without the correct authorisations being in place. It's also alleged that you failed to comply with your premises licence conditions concerning CCTV. So, Robert, can you confirm your position at the premises.
RS	I'm the licence premises owner of the business
PD	Yes, and DPS.
RS	And DPS yes.
PD	Can you confirm that you are authorised to speak on behalf of the premises.
RS	Yes
PD	Can you tell us what your day-to-day role is at the premises.
RS	It's basically doing the stock, doing the cellar and running the retail side of the business.
PD	Thank you, are you aware of the permitted hours, the licensed activities and the conditions on the premises licence.
RS	Yes
PD	You are. Do you understand the premises licence conditions and are you aware of how you have to comply with them.
RS	Yes
PD	Do you have any other staff working at the premises?
RS	I have two occasional staff.
PD	Yes ok, do your staff understand the permitted activities, conditions and the times on the licence?
RS	Yes, it's fully displayed in the pub premises and they are showing the hours.
PD	OK, so it is alleged that unlicensed activities, namely the sale by retail of alcohol took place at the premises on Thursday 8 June without the correct authorisations in place. Were you working that day?
RS	I was working that day. The licence says that I can open at 12, but my licensing is from 4 o'clock. So not to ramble, Chrissy was having a procedure at the hospital that morning, so I was late starting for the day. So that's the commencement of my day that particular day.
PD	So just to clear up then you say licence says that you can open at 12, but you can serve alcohol from 4, is that opening hours from 12 o'clock then?
RS	No, I open within the licensing law. I open at 4 anyway, 4 in the week, 2 on a Saturday and 12 o'clock on a Sunday.
PD	Can I just clear then what says 12 o'clock on your licence.
RS	It just says basically opening hours on the licence.
PD	OK, so you can open from 12, but you can't serve alcohol until 4. OK. So were you working on the premises that day
RS	Yes
PD	And were any other staff working that day?
RS	No
PD	What time did the premises open and close that day?
RS	Well, I was in, I started at about 1 o'clock, I had a wine delivery coming in. So that was about from 1 o'clock I was on the premises.
PD	Right, so you opened up at 1 o'clock, you put furniture outside.
RS	Yes, I set the pub up
PD	OK and there were customers that day, who were they?
RS	The wine merchants had just delivered the wine and I was putting the wine away in the racks. It was the Download weekend and although there was a closed notice on the door, the door was open. Four Download people came in who I had not historically seen for four years due to covid, so that's where the situation started. I didn't take any revenue. The first revenue was about 30 seconds before 4 o'clock.
PD	Right OK, and you said you had some other customers.
RS	I had a friend who was sat in when you came through the entrance, who was concerned about Chrissy and I gave her a wine while we discussed what procedure she was going through and what her health situation was. But then you two entered.

PD	And there was somebody else present as well.
RS	There was one other, it was a guy who was waiting for the 4 people who had come in earlier with a view to taking them up to the Download Festival.
PD	Right, but they weren't there at that time were they
RS	No, they had left, but he had agreed to come back in and he knew that was their destination point for the collection.
PD	Right, so why did you put the furniture outside?
RS	It's a long going saga, I put it out basically because I wanted to take advantage of the Download trade.
PD	So, you wanted to sell alcohol during the day?
RS	From 4 o'clock yes.
PD	So why did you put them out at 2 then?
RS	Because I set the, I had a commitment to Chrissy, I'd got to set the pub up to go, I had to go and receive a delivery. I went back to receive a delivery and I put the chairs out, because I had potentially got to go and meet Chrissy again later on.
PD	So, you didn't take any money at all that afternoon, so it was all free? All on the house?
RS	Yes.
PD	Were there quite a few drinks then that you gave them on the house.
RS	No, there was 4 people and a glass of wine and a half of beer that the guy sat in when you came into the building.
PD	As I remember it was a pint of beer.
RS	I can't remember. So, 5 pints of beer and a glass of wine.
PD	So, there were no transactions that day at all, no receipts, nothing was sold. Are you aware of temporary event notices?
RS	Yes, I could have applied for it.
PD	Yes, £21 you could have have opened every day, all throughout Download, for £21 for seven days running
RS	As you know historically, I have had horrendous problems with the seating and that's where my frustration lies. By not having my seating, I'm not able to trade profitably. I have been fined relentlessly by Leicester County Council. The argument against the seating is the Apiary has sufficient pedestrian space. I have been through the licensing applications and the distancing has been changed three times from 1.4 metres to 1.7 metres to 2.1 metres, so every time I've tried to get it, I've not been given permission to put the chairs out. Can you just show them that. No, no, not that, the booklet. That is the pressure I've been under from Leicestershire County Council. They took me to Court and charged me £5,860 for the compilation of this information. They then declined my application. I got a solicitor involved at £700 and paid a fine for a thousand pounds and they've got the right to lift the furniture at any time. So potentially you could have reported to Leicestershire County Council and could have come and lifted the chairs.
TC	Sorry are you able to just confirm for the interview what it is that you've just taken out of your bag and
RS	It's the Leicester County Council Highways Act, taking pictures over a historic period of time and reporting the limitations of the seating. That was compiled over about 12 months, and I got put into Court and I've had a fine of a thousand pounds which has been satisfied. So that's the frustration I've got and the pressure I've been under. I've been trading for 9 years, 7 months. Covid encouraged seating through the Government and then ever since covid's gone, I've had nothing but hassle with the seating.
CW	I had an accolade from the Council for all the work that we did during covid.
PD	You did, did you
CW	We cooked 20 meals a day right the way through covid. Bert delivered them, Robert. And we helped. We got the vicar, he comes into the pub sometimes, the community and the pub, we just help people. He asked if we would host the Bishop of Leicestershire for all the work we had done. The bishop came and had an afternoon with us. I used to foster for Leicestershire County Council.
PD	So, your accolades were from Leicestershire County Council, not the District Council.
CW	I'm not sure. We don't do things for accolades. But with the frustration of the seating, it's made me ill. I just want to show you this. I'm going to show you a photograph. That is the difference between the Apiary and that's us. We put the tables across there normally.
RS	The difference is probably an inch and a half.
CW	So, we can't have tables and they can and everybody, all our customers that have been coming for nine years, everybody asks why aren't the pavement.
PD	So that's what Leicestershire County Council say, you can't have tables and chairs because of that inch and a half.
RS	Show him the Apiary
CW	Debbie does police the Apiary very well. I'm not decrying the Apiary at all.
PD	Just to clear up, for the record, you've just shown us some photographs on your mobile phone of the distance for their pavement licence and your pavement licence from a metal barred fence and from a brick wall. Just for the record as well, we do not police pavement licenses, it is Leicestershire

	County Council/Highways. We do issue new applications, that's our role since covid, we never use to. We just got that role in covid. I don't enforce pavement licenses, so if you've got issues with pavement licenses, it really is an issue between you and Highways, rather than myself
CW	It's just very frustrating and it's halving our income.
RS	I've applied through you historically.
PD	Yes, you do have to apply through us since covid that changed, but they still enforce it.
RS	They still declined it. Highways don't even abide by their own thing. They've got signposts in the middle of the road outside here.
PD	I think it was declined because you didn't have everything there.
RS	No, that's not true. My application was sent to Leicestershire County Council.
PD	Oh right, well that's different then, that's before covid then.
RS	I've sent full applications
PD	They have to come to us since covid. I think you've sent one to us. That's the only one I'm aware of.
RS	2021
PD	I believe that one was refused because everything wasn't there.
CW	Another thing as well with us, it's a micro-pub. The pub along the road, Egos, has changed into a barber, they've got outside at the back. Everybody's got outside, we haven't. We have a tiny entry which is the fire exit and so we have trading for 8 or 9 years with tables. I just can't see what the problem is. It's wearing that every single person, we get Download, we get people that come every year to go on holidays that come in to see us for a friendly chat and this sort of thing and where's the tables and it's the same old story all the time and it's really getting to us now.
PD	Right if we just go back to my questions now if we carry on then, so we were on the TEN's, so you didn't apply for a TEN. You didn't apply for temporary event notice.
RS	No, we didn't.
PD	And for the record, we didn't receive one from yourselves.
CW	But we didn't intend to.
PD	Well, it would have a good idea to, I think you will agree now.
RS	Well, is that not taking things forward? Us doing that rather than enforcement issues
CW	I'm 75, Bert's 74, I don't particularly work there, I always tell people I'm front of house. I do keep my eye on things, you know with it being small and sometimes he has to fetch stuff. What was I going to say now?
RS	There is a resolution if we re-apply
PD	If you apply for a pavement licence, it will be considered by us, yes.
CW	I know what I was going to say, we don't want to work late. We do a good early doors business. We have people who come and play chess every few weeks. We were closed about 9 o'clock last night. We just close. It's the same at weekends. We don't work to the end of the licensing hours anyway. We don't want to work out of hours.
RS	If you go back to that particular afternoon, that is really, really, a one-off. It's so frustrating for me.
PD	What's a one-off sorry.
RS	A one-off afternoon that I've actually served outside my licence. Although I didn't take any revenue until 4. I'm meticulously petrified, I've had arguments with customers, and I throw people out. Not throw, that's the wrong thing, I actually tell them 10:30, we are finished, 11 o'clock we are finished, 9:30 on a Sunday we are finished, and I don't go beyond those hours.
PD	Have you got a list of your sales that day? Can you prove that you didn't take any payments until 4? Although you said just before 4.
CW	We should have a record of the till receipts.
PD	Could you provide that?
RS	I'll do that for you, yes
PD	We'll make a note of that then, yes. So that's TEN's done. You used the street furniture that day. You knew you needed a consent, you still put it out, so why did you do that?
RS	Because of this frustration. I feel victimised and I feel isolated when everybody else on the street is breaking the regs. I can, there is one pub, I won't name the pub, one pub had lock-ins till 6 o'clock in the morning, during Download. 6 o'clock in the morning. Other people haven't got street licenses, they still have furniture out. The access points that they make in this thing.
PD	Bar Egos have a street consent.
RS	Yes, but they've not got the right access. They haven't got the pedestrian access things, they spill over onto the street. The Co-ops wrong. Um Johnsons.
PD	What do you mean by pedestrian access, do you mean the barriers?
RS	No, they say you want 2.1 metres from the kerb, pedestrian access, so that's why they declined my seating. And I know it's a frustration. I'm not trying to be angry, I'm just trying to get people, I can't understand why the Apiary can have it.
PD	No, I can't, I'll be honest with you as you have the same length pavement really. We would determine the application, if you sent it to us and I think, well I thought you had room.
CW	That's the card shop, post office.
PD	As far as I'm aware you've put in one application to us. It was then refused because you didn't have everything there. I never went out to check the distance.

RS	It went to Leicester, so that's why I got frustrated.
PD	They are an authority that we have to send the application to.
RS	Even the Highways have signed in the middle of the street.
PD	It wouldn't have been sent to Leicester though as it was never complete, we never issued it.
MP	Well, I don't understand why it wasn't complete, I'll re-submit an application, if that's alright, if you'll accept that.
EA	Have you used any street furniture since that date?
RS	No, absolutely not. We've got a ten metre by 4-meter patio area and it's now got 4 tables and 4 chairs on each table.
CW	And we've got some in our garden as well.
PD	Right moving on now to cctv. So, these are your conditions. So, I requested the cctv on 14 June. Not for the first time you failed to supply the footage.
RS	Yes, I agree with that.
PD	Despite being told the cctv was in working order on the day, so why did you fail to supply the footage?
RS	Because when I put the ub stick in to download it, it said data was full. I bought 2 new ub sticks and I couldn't transfer it onto that ub stick, so I went to the maker of the cctv system and asked their technical people what to do and they told me a route to follow. When I followed the route, it came up with 2 lines of storage. One was a usb stick. So, I deleted that because that was empty and the other one had got data on it, so I went to download it onto the usb stick and the whole lot just deleted. It wasn't a deliberate act I can assure you. I'd been trying for a day and a half, so it's the frustration. I'm not trying to be obstructive; it was just a blind error.
PD	So, if I can just go into your conditions on cctv then or some of them. So, one is the images/recordings are to be downloadable in a suitable format and provided to any member of a responsible authority upon request and without undue delay. So, I requested it on the 14 th June and then 10 days later on the 24 th , you sent me an e-mail saying you were running late. So, do you consider that to be without undue delay?
RS	I was still within the time period you gave me and I was having difficulty getting the information to you, that's the problem I had.
PD	I didn't actually give you a time frame.
RS	Well, it's open ended then.
PD	Right so moving on then, Images and recordings must be of evidential quality and must indicate the correct time and date and be kept for at least 31 days. So, on the 28 June, 20 days after the alleged unlicensed activity, you advised me it had been wiped, so therefore it wasn't kept for 31 days.
RS	Yes, well I was trying to get that information and download it to you and that's when it was wiped. I didn't do it as a deliberate act. I swear by that.
PD	In the past you have requested help with this cctv.
RS	Yes, I have, the guy who I usually use is working in Manchester now. He kept saying he would come, he would come, he would come, and I couldn't get him to come and help me so, that's when I tried to do it myself and I made a big error and that's what I did.
PD	So, the last condition I will mention then on cctv, all staff are to be trained in the use of the CCTV system and at least one member of staff must be on duty who is trained to download the systems images should any member of a responsible authority make a request for the footage. That to me suggests that you should download it there and then. You should have somebody onsite who is able to do that. Do you consider yourself trained and able to use the cctv system? And are you able to download the systems images there and then?
RS	Well, obviously I've got a limited knowledge of the cctv
PD	So, you will admit you are not complying with that condition then?
RS	mmm, well what I'm saying is yes, I need to get compliant with it, so that's it, yes.
PD	You say you have got two other staff, are they trained and able?
RS	No.
PD	Just to go back to the unlicensed activity, which is having customers in, in the afternoon, do you recall receiving letters from the us before with regards to unlicensed activity?
RS	I've been forward to full council briefing at some stage historically and I adjusted my hours, because they were too long. I reduced, I could have been 12 o clock until 10:30, but I agreed with advice to alter the hours to my opening times, 4 o clock.
PD	I'll go through a few with you then, so on the 2 nd of February 2020, there were two breaches of Conditions - A complaint was received concerning numerous instances of licensing activities taking place after hours. Licensing visited the premises on 4 February to request the cctv. The premises licence holder advised that he did not have a current working cctv system, despite having the condition on his premises licence to have cctv installed by 1 November 2019. The cctv was not provided on that occasion. On the 26 th of October 2020, a complaint concerning public nuisance/noise and alleged licensing activities after the permitted hours over 23/24/25 October. Licensing requested cctv footage for Friday 23 October 2020. There was a breach of conditions, again the footage was never received.

	<p>On the 5th of July 2021, a complaint was received concerning alleged public nuisance and out of hour licensed activities. Licensing requested the cctv footage for this incident on numerous occasions. There was again a breach of conditions, the premises licence holder was in breach of his licensing conditions as the footage was not provided.</p> <p>And lastly, on the 31st of August 2021, a complaint was received concerning alleged out of hours licensing activities on Saturday 28 August 2021. On receiving the complaint, the premises licence holder was asked to provide cctv footage on numerous occasions via letter, e-mail and telephone. The premises licence holder said it was a private party for football supporters on Saturday morning before the 12:30pm football match between Derby County and Nottingham Forest. There were breaches of conditions, there were possible breaches of out of hours licensing activities and again the failure to provide cctv footage to an authorised officer. The premises licence holder also admitted that he is in breach of a further licensing condition. According to the licensing conditions, he is required to keep cctv footage recorded for 31 days and he admitted his cctv system at the time, only retained footage for 24 days. So, there are numerous other...</p>
RS	Historical issues yes...
PD	... very similar, where you were accused of unlicensed activities and perhaps, conveniently you can't provide the cctv.
RS	mhhh
CW	It's not convenient though,
PD	That concludes all my questions for the interview, would you like to make any further comments, it's your chance to support your case, if you want to say any thing, this is your opportunity.
CW	Yes, a lot of complaints came from the neighbour because there are people that live above and they.
PD	The complainants are anonymous. We would never say where the complaints came from.
CW	But I know they have complained and at one time, they poured some liquid out the window, like smelling salts things or I don't know what it was, but the customers came the next day, and you could smell it on the pavement and everything. We had to scrub all the pavement and everything like that, so they just really don't like us being there basically, so I know we've had complaints from them. I know other people complain as well about the Apiary and everywhere, we get a lot of people thinking it's us like we've got sick outside and it might come from the Apiary and it gets to us, so there's all sorts of things that go off that we get complaints for.
RS	On a Thursday, there's Harley Davidsons invited by the Apiary, and they fill the whole street. They never come in our bar, possibly occasionally somebody will do, but we've been linked with that and it's not us. It's just, I don't know what to say to you really. I don't know what the result is, if you could explain your course of action from this moment, I would appreciate some comment.
PD	My course of action Robert from now, I go back and talk to my team leader and I write a report of my findings. It gets passed to him and it's his decision how he takes it forward. It's not my decision. It will be up to him and my manager and there's numerous possible outcomes that could happen.
RS	Such as
PD	It could be no action, the best outcome for you. It could be just a warning letter that goes on your file. It could be a review of your licence. And there are numerous outcomes that can come from a review of your licence. For example, conditions can be added, the DPS could be removed or the licence could be revoked. Another option could be if we thought you had served alcohol outside of your conditions and licensing activity times, we could potentially prosecute you in Court. I mean that's going from best to worst. I don't know what course of action they will take. It will be up to my team leader and manager.
RS	And what's the length of the decision process?
PD	There isn't a length, there's no set time. There would be a time limit if it went to Court. I think it's 6 months. There is a time limit. It may well be 6 months from 8 th June, but I would have to ask our solicitor.
CW	I just hope that it's sooner because as I say it's making me really ill and I am ill, I've got problems and it's making things worse. And I've got a brother on end of life and all this sort of thing, so I need to get it done as soon as possible. If you can, I'd be very grateful.
PD	I can promise you I'll draft the report, I'll do my part as soon as possible.
CW	This is our bread and butter the pub. We came together late on in life.
PD	At the end of the day though, you won't be affected whilst this is going on, you will stay with your licence intact and you can continue. It's not going to affect you immediately.
CW	Can we still apply for a table licence?
PD	Yes, of course you can. We can't stop you from applying. If you provide everything, we will take that forward.
RS	Okey doke.
EA	Is there anything else you want to add?
RS	No, I don't think so.
PD	If Tonya Could just finish off

TC	Sorry, just one more thing before we close the interview. You said you would be able to provide evidence that was no transactions or sales made on that day in question. So would 7 days be enough time to get that to us.
RS	Yes, that's fine, I need to find the particular day till role and then find our area, the area.
TC	OK, so if we agree say a week, that will give you sufficient time to get that to us then.
RS	So, if we agree that, I'll get that to you.
PD	Does that have the date and time on it?
RS	Yes, it's usually dated and timed and it comes through on a flow on the date and time.
TC	So, we'll look forward to receiving that. After that being said, is there anything else that you want to clarify or anything else that you want to add.
RS	No, I think we are fine.
TC	OK, so what we are going to do is complete this notice. I'll just go through it with you. It just explains the use which will be made of the recordings and the provision for access. So, the interview has been recorded onto 3 disks. And these disks have been sealed in your presence and will be kept securely and treated as an exhibit for the purpose of any criminal proceedings. The other cd, well two of them are going to be sealed, the other cd will be a working copy to which officers of the council and the defence may have access. So, both cd's contain devices against tampering. If you do not have a solicitor now, you may wish to consider whether you should seek legal representation. If, however, you wish to remain unrepresented, you will be given access to a copy of the recording, should you request it. Again, your interview was recorded on 3 disks. The investigating officer is Paul Dennis and Tonya Cooper has been here as an administrator type role. So again, it will give you instructions on here, how you may wish to obtain one of these cd's. Here's your copy. I'll give that to you.
RS	One question before you close, just thinking about it, if this is going forward to council, is that what you said, but slightly different rather than the management team on the licensing side.
TC	I think it will be up to the licensing team leader and the manager whether or not, it gets sent to a licensing sub-committee or not if they want to review the licence. But if they do want to review the licence then you will be notified, There will be a time period to which
RS	Right OK cool
PD	If it is reviewed, you will have a copy and there will be a notice outside your premises for 28 days.
TC	Yes, there's a 28-day consultation period. So can you just confirm that you have received a copy of that notice?
RS	Which notice?
TC	The notice for how to obtain the cd's.
RS	Oh yes, I have received notice in person whose being interviewed and I'm aware everything is being recorded on 3 disks.
TC	So, the time is 11:13am and I'm going to switch off the recorder.
RS	Okey doke.
TC	Thank you

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ATTACHED IS THE
TILL ROLL FOR
THE 8TH.

COULD YOU PLEASE
RETURN IT BY POST

REGARDS

ROBERT

REG 21:12
NS 0058

08-06-2023 08:57

0059

00JU DAILY 2 2201

REG 08:57
NS 0059
GT .0,001,390,402.96

NET TOTAL NO 0
GROSS TOTAL QT 0

NS 58
GT .0,001,390,402.96

REG 13:54
NS 0013
REG 14:02
NS 0014
REG 14:16
NS 0015
REG 15:22
NS 0016
REG 15:45
NS 0017
REG 15:59
DEPT01 0018
CASH 06.00
REG 16:10
DEPT01 0019
CASH 04.50
REG 16:14
DEPT01 0020
CASH 02.30
REG 16:22
DEPT01 0021
CASH 04.20
REG 16:27
DEPT01 0022
CASH 04.20
REG 16:27
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CASH 04.20
REG 16:29
DEPT01 0024
CASH 06.20
REG 16:30
DEPT01 0025
CASH 04.50
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REG 16:38
DEPT01 0027
CASH 04.20
REG 16:52
DEPT01 0028
CASH 04.20
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REG 13:54
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DEPT01 0018
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CASH 04.20
REG 16:54
DEPT01 0029
CASH 04.20

EXTERNAL: The Flag Micropub, 32 Borough Street, Castle Donington - Operating Outside of Licensed Activity Hours

E-mailed to Licensing 28/08/2021

To whom it may concern,

Although the hours of the license are 12:00 - 22:30 hours for Saturdays, Mr Sandham began selling alcohol for consumption on the premises from 10:00 am on Saturday 28th August, seemingly to cater for football fans in readiness for the 12:30 kick off of the Derby County v Nottingham Forest match. It wasn't a private function, people were witnessed walking by, stopping once alerted by the loud noise of drinkers emanating from within the premises (As the front door was wide open, as usual) and then entering the premises to purchase alcohol. We also had loud noise from people stood on the pavement outside our property drinking alcohol purchased from the premises, due to the pavement outside the pub, and the closed business premises next door to them at 34, being blocked with tables and chairs, customers wishing to stand in the street to smoke/drink naturally gravitate to stand outside of our property/window.

We had family visiting, with young children, on Saturday. We were all eating a late breakfast when this began, but had to move the children away from the dining table near the window due to the loud voices and swearing/foul language of the smokers/drinkers gathered outside the window.

This started the domino effect of more passers by jumping on board, so by 11:25 we had Mr Sandham serving lager to tables outside and more loud mouths yawping and shouting inside? Is this the latest addition to the list of misery we are to expect from these premises, all the local alcoholic scum bags queuing up outside at 10:00 am to get their lager breakfast?

Mr Sandham then locked up and left the premises at 12:00, leaving customers sat outside, unsupervised, drinking from open glass containers, which were subsequently left out to be cleared away when ever he returned to reopen later in the afternoon. Again, a risk to public safety and children in the street, etc. Plus having no license holder, designated premises supervisor or even a suitably trained member of staff on site whilst the business is in operation hardly displays an understanding of the social issues and potential problems associated with the sale of alcohol. The business is responsible for supervising the behaviour and actions of it's patrons within the immediate vicinity of the premises. What if there was an accident, spilt drinks, broken glass, a fight, etc?

Mr Sandham, as we all know, obviously has no fear of doing exactly what he wants, regardless of his license conditions and in plain site of the public. Yet another example of his absolute lack of any consideration for upholding the licensing objectives.

As you instructed him to do so in the license review 2019, the CCTV should have recorded all of this and is there to be used as evidence.

If not, then surely questions need to be asked as to why he isn't recording CCTV exactly as instructed by yourselves.

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FW: EXTERNAL: Fw: Re Chequered Flag

e-mailed to ANDY COOPER <ANDY.COOPER@NWLeicestershire.gov.uk>; LICENSING <LICENSING@NWLeicestershire.gov.uk> 5 July 2021

Good morning Andy,

I just wanted to contact you regarding some further issues with The Flag Micropub.

I've included one of the first emails received from Licensing below, sadly, regarding the exact same issues we are still trying to get resolved today, nearly five years on!?! Why are we still having this conversation? Why has this moron still got a license? Why is nothing effective ever done to stop him carrying on like this?

Last night saw the return of the sound system to the pub, something that last appeared in October 2020 and lasted up until Christmas 2020. Mr Sandham was running the pub alone yesterday and seemingly lost control of the the mob of raucous drinkers in the early evening, with the extremely loud music beginning at approx 18:00 hrs. He was arguing with his intoxicated partner, who could be clearly heard demanding the music be turned on and turned up loud to satisfy the mob she was drinking with. He lost the argument and basically gave up. Then ensued several hours of loud music and essentially, crown karaoke, with the whole pub singing along, or shouting and screaming along, with the front door wide open. Then at 21:35 the music stopped and another loud argument ensued, with Mr Sandham trying to use his licensed hours as an excuse to gain control and kick out the crowd, stating his license ends at 21:30 on Sundays.

He and his partner stayed back in the pub to continue drinking, bringing in someone new off the street to join them.

As per the routine developed from Oct to Dec 2020 we knew exactly how the evening would go, and Mr Sandham did not disappoint in being as predictable as always. Whilst our evening was totally ruined, and our mental health antagonised further, by the ticking time bomb of "When is the music suddenly going to start up again" This involves Mr Sandham and his partner, sitting in the pub drinking after hours, arguing and getting angrier, until in their own twisted logic, they feel justified in suddenly banging the music on as loud as possible. The other part to his twisted logic seems to be that if he is planning to leave the premises within the next hour, it's permissible to crank out the music as loud as possible. The massive detriment to our ability to enjoy our home and our mental health is the almost torture technique like way in which this whole thing is carried out. You cannot relax. The music comes on loud, goes off after 5 seconds, stays quiet for 30 seconds, comes back on quietly, gradually builds up, suddenly goes loud, suddenly goes off, stays on full volume for one whole song, then the same song is repeated, again and again, then off for 2 minutes, suddenly back on full volume for 10 seconds of a song, back to the start of the same song, 10 seconds, back to the start. Then it's dead silent for 30 minutes, then suddenly you have Pavarotti at full volume!!!

This went on until 23:45 last night. It's exacerbated my anxiety and mental health so much that I am off work sick today, mainly as I have no control over this and I have no assurance it will end. How is this supporting the licensing objective of preventing public nuisance? He is actively going out of his way to create a nuisance. My solicitors spoke to his landlord about this and we were given assurances that both the TV and sound system were removed from the premises. So in the full knowledge of all our historic complaints, all the contact from the council and the instruction of his landlord (Under threat of his lease being terminated) he still decided to keep the TV and start broadcasting live football and keep the sound system and consciously make the decision that it

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would be the responsible thing to do as a license holder, to play loud music until nearly midnight on a Sunday?

In addition to this we still have all the noise from patrons using the tables and chairs outside and the repeated daily intimidation of Mr Sandham hanging around the pub all day every day, having the same repeated loud conversation, beneath our bedroom window and outside our front door, with every passer by, dozens of times, slagging us off for complaining to the council about the tables and chairs and that he doesn't care what anybody says, he is going to whatever he wants. Again, why has this guy still got a license?

Not a nice way live.

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EXTERNAL: Public Nuisance - The Flag Micropub, 32 Borough Street, Castle Donington

e-mailed to Licensing and Bev Smith – 6 July 2021

To whom it may concern,

A second night of unacceptable behaviour at the above premises, with the license holder (Mr Sandham) at the helm.

The situation in the pub and on the pavement outside our property last night was more like an out of control, raucous, teenagers house party, than a small drinking establishment serving craft ales and encouraging conversation, being managed by a responsible party.

The loud music started at 20:45 and ran until 22:30. A small group of Mr Sandham's friends/regulars appeared to be the only patrons, with Mr Sandham being an active member of the mob, shouting and singing alongside them all evening.

The music was extremely loud, there was no part of our home where you could escape to without hearing it. It was worst in our lounge as that is directly next door to the bar and the bedroom directly above. It made it difficult for us to hear our TV at normal volume and we had to speak louder than normal in order to hear each other.

The crowd was shouting at the top of their voices to be heard over the music and Mr Sandham appeared to be actively encouraging loud singing, basically karaoke, with himself joining in and laughing along with the drunken crowd.

These loud individuals were regularly exiting the building to smoke outside our property, leaving the front door open for the loud music to be heard in the street. The smokers were stood directly in front of our property/front door/lounge window, shouting and swearing loudly in public.

This behaviour on behalf of Mr Sandham, as a license holder, is now being considered to be intimidation and harassment, and that this noise is being created deliberately as a statement or message from him. From what we cannot help but overhear in loud conversations, we are the bad guys for continually complaining about his bad behaviour and this him sending us a message, punishing us. It's basically an indirect threat "You interfere in the way I run my pub? Look what I can do to get back at you"

Even though our solicitor has reached out to his landlord about the issue of playing loud music and he spoke to Mr Sandham, and we were assured the sound system would be removed, Mr Sandham, in full knowledge that it is causing a nuisance, and that he is not supporting the licensing objective of preventing public nuisance, has made the conscious decision to take to actively play this loud music and encourage his patrons to sing and shout loudly.

We need your help urgently, please, as this is just going to get worse and worse. We cannot live like this, it's not fair and this license holder is really starting to get out of control.

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EXTERNAL: The Flag Micropub, 32 Borough Street, Castle Donington - Covid Non-compliance and Unacceptable Noise Nuisance

e-mailed to Licensing and Bev Smith on 26 October 2020

To whom it may concern,

I write in regard to the recent installation of a sound system in the above micro-pub (Which is located in the same building as ourselves, formerly renovated into a mix of residential and retail. With our home adjoining on the ground floor and on the first floor our property projects over next door, with our bedroom located directly above the pub)

I also wanted to report customer's remaining on the premises beyond 10pm, which I believe is the now the time public houses should close due to Covid laws. I may be wrong when it comes to lock ins? Maybe they are permitted?

My main concern is the installation of the sound system on Wednesday, this was something specifically referred to in the original application to convert this old office/shop into a micro-pub. The constant late night noise from the pub has been horrific enough but we always dreaded the day the inevitable sound system would arrive;

"The use of the premises as a standard public house would be likely to lead to an adverse impact on the residential amenities of the adjoining residential unit. However, the use of the premises as a micro-pub would be unlikely to adversely impact on residential amenities due to the nature of the operation since there would be no louder intermittent noises from televisions, gaming machines, pool tables or sound systems"

Taken from Application Reference 13/00963/FUL

The activities of Friday night into the early hours of Saturday morning were absolutely unacceptable and completely against the licensing objectives that should be upheld by a responsible license holder.

At 10pm on Friday 23 October the pub pulled down the blinds and turned off the lights at the front of the premises (The usual practice for their lock ins, going back over the last couple of years) The partner of Mr Sandham, the license holder could be heard gathering people in off the street; "If you're coming in, get in!" The door was locked, and the new music system was cranked up loud as a crowd of people sang at the top of their voices, screeching, screaming, cheering, whooping and hollering and guitar playing.

At 11pm, with no concern at all about hiding the lock in from passers-by, some people spilled out onto the street but some must have stayed behind as the music continued to blast out of the sound system until 2.20am. Yes! 2.20am? Over this three hour and twenty minute ordeal from 11pm the volume was continually loud but was intermittently cranked up to maximum volume for short bursts of several minutes, then lowered slightly, then back up, back down, back up, like some form of torture technique.

I called the Police non-emergency number to report the lock in at 11pm but at 2am I had to call 999 as the music was cranked up to the absolute maximum volume and did not go back down after a couple of minutes, even the Police operator struggled to hear me over the noise. After 20 minutes the music was eventually shut off at 2.20am. The next twenty minutes were

made up of Mr Sandham and his partner, who were completely intoxicated, trying to figure out how to lock the door to the pub by banging it repeatedly and shouting and swearing at each other.

Saturday 24th we had the music up and down again and people in there until they closed at some time around 11pm.

Sunday 25th the music was cranked up loud from 8pm to 10.45pm with the same situation of it being turned up to full volume for short bursts, back down a little, then up again through the entire evening.

The CCTV on the premises should cover the bar and entrance, if it was actually turned on, which it should be, as per the License Review last year.

As NWLDC Chief Executive Bev Smith stated in her letter to parish councils on 2 October; "There really is no excuse for failing to be non-compliant at this critical stage"

The breach of 10pm closing is the least of my concerns, my primary concern is the introduction of the sound system and what the license holder's thinking is behind this. Mr Sandham has obviously made a conscious decision, as someone who should be promoting the licensing objective of the prevention of public nuisance, to put a sound system in his pub which he knows is next door to and beneath our property, he knows there is no sound proofing, he knows we have complained about the noise, but he still feels it is responsible and acceptable to stay in the premises all night, regardless of whether or not he has customers in there, and whether or not he is selling alcohol, sat with his partner, getting drunk and blasting out his music. He only lives round the corner, why doesn't he just go home to do this? But to deliberately crank it up to maximum volume in continual short bursts? There is no plausible explanation other than deliberate provocation and intimidation, or he just finds it funny, our misery is a source of entertainment to him?

Prior to the sound system appearing, it was bad enough being kept awake most nights with lock ins or him and his partner having drunken rows until the early hours, shouting and slamming doors. They only seem to go home to sleep?

Please can you help rectify this issue as soon as possible, both me and my partner suffer from mental health conditions and this situation is having a detrimental effect on our well being. The installation of a sound system is completely contrary to the concept of a micro-pub that was submitted in the original application and as it was described to us.

The sound system has to go and the this man's license needs to be reviewed again, he's out of control, he's already shown his true character and lack of moral fibre with his refusal to comply with numerous other things. He's had his license reviewed at the request of the Fire Brigade due to refusal to comply with their requirements, he's been in the Magistrates Court for refusing to dispose of his waste correctly at the rear of the premises, he agreed to remove the tables and chairs from the front of our property as part of the License Review, as he had no pavement permit, only to put them back out again anyway after lockdown, as he applied for and was turned down a permit due to the detrimental effect it has on our amenity.

He's got away with so much he is now fearless and this leaves us terrified as to what will happen next.

I look forward to your response,

Revised Guidance issued under section 182 of the Licensing Act 2003 April 2018

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are: • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; and • The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include: • protecting the public and **local residents** from crime, anti-social behaviour and **noise nuisance caused by irresponsible licensed premises**;

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EXTERNAL: Fw: The Chequered Flag, 32 Borough Street, Castle Donington, Derby DE74 2LA

e-mailed to Licensing on 2 February 2020

To whom it may concern,

I last contacted you on 28 July 2019 (See included email) regarding the hours The Chequered Flag are open to the public (Operating schedule) rather than the licensable activities and the times when those activities take place (the supply of alcohol) Paul Dennis (Licensing Enforcement Officer) confirmed receipt of my email the following day and Louise Arnold then contacted me requesting further details and a record for the next two weeks.

I did start the record but was unfortunately involved in a serious car crash on 6 August 2019 and everything in my life was put on hold whilst I recovered. I apologise for not following up with yourselves at the time.

Nothing has changed in respect to the operating hours at the pub since we last communicated up to now. I did not pursue the matter any further as my mental health worsened during my recovery, mainly due to the lack of progress with the problems at the pub and the late night activities. Not being able to relax and rest in the evenings until after 23:00 all week, every week, lead to little sleep and added stress. I lost faith and gave up.

I was made aware of the License Review, called for by the Fire Brigade in August last year, after my partner spotted the notice in the pub window. Dean Flower sent me an email after the License Review meeting to advise that Planning attended and that the crowds of drinkers congregating in the street every night would no longer have some chairs to sit on. He also advised that some conditions had been added to the license but did not elaborate. That was the only update we received, which was disappointing. The tables and chairs went, the crowd of drinkers remained, using our doorstep for seating, our front door as a back rest and our window sill as a bar/glass collection point. Nothing else changed and the after hours activities continued exactly as before. We completely lost faith at this point, we would have imagined that a License Review would have been a perfect opportunity to add a condition to his license that no alcohol should be taken off the premises, based on all the trouble we have had and the fact that he has no planning permission or a café license to operate his business on the highway, but instead the focus was just on tables and chairs, so he still gets to operate his business on the highway using the off sales element of his license, with no need for planning permission or a café license, just as long the tables and chairs aren't used?

Things at the pub have gradually got worse since we last communicated, with late night opening almost every night of the week, Monday to Sunday, there have been a handful of Monday/Tuesday nights were it closed on time, the odd Sunday, and that's it. I decided to pick this back up with yourselves and started a log this weekend, but whilst checking some information online I stumbled across the minutes and outcome of the Premise License Review on 14 August 2019. I was stunned to find the licensable activity hours had been amended, with the end time being 22:30 Mon to Sat, and 21:00 on Sunday, and that CCTV should have been installed by 1 November 2019 to cover entry/exit points, areas where alcohol/money is served/taken, all areas where public have access and the immediate vicinity outside the premises.

The reason I am stunned is that absolutely nothing has changed from our perspective since 14 August 2019. Me and my partner are acutely aware of exactly when he closes every single night of the week, it intrudes into our life so much, we cannot relax and go to sleep until we hear the rowdy drinkers leave the pub, until we hear him click all his light switches off, turn on his alarm and slam his front door shut and lock up. Every night we comment on the time he closes, usually cursing him for not closing until well after the operating hours ended. I was going to contact you to complain about him staying open well after the old hours, now I find out it should have been 30 minutes earlier on Friday and Saturday and 21:00 on Sundays? There is no mention of Bank Holidays in the License Review outcome regarding hours, as per previous license documents I've seen, can you confirm that Bank Holiday hours mirror those stated for Sunday?

Why has he ignored the change to the hours if evidence of this would be captured on the CCTV he should have had installed? I don't know if he even installed the CCTV as there is no camera outside covering the immediate vicinity. Were the conditions laid out in the License Review actually followed up on by the Council or was it just left in the hope and trust that Mr Sandham would implement them of his own accord. His track record is terrible in this respect. You had to take him to a Magistrates Court before he finally cleared his refuse from the rear of the premises. So there would be little motivation for him to abide by the new conditions on his license, as

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proven by the fact that he closes whenever he feels like with no fear of reprisal. This weekend, I noted that people entered the premises at 23:50 and 00:20 on Friday and the early hours of Saturday, with the premises eventually closing Friday trade at 01:00 Saturday morning, on Saturday I observed a customer entering the premises at 22:50 and the premises ceased operation and closed at 23:40. Today being Sunday, we will see if he closes anywhere close to 21:00.

If he has this CCTV installed as specified, then there is no need for me to provide a log, as he should be able to provide you at least 31 days of footage, which would show this after hours activity. Prior to being made aware of the early closing times today, we had noted over the last few months, some odd activity regarding closing the pub down and locking up, sometimes on time, and us being left thinking it was shut, only to be awoken a short while later to hear that people were still inside or other times the pub re-opens later, after hours. There have been numerous occasions where we hear, what sounds like, him turning all the lights off, after he has cleared his barriers and posts of the street, locked the door and pulled down the black out blinds on the door and window, but no one leaves the premises until later. If he does have CCTV, is he faking shutting the pub for sake of the recording and then turning the CCTV off, only to carry on operating. I have no idea what is going on, as there have been plenty of other occasions where he stays open really late and makes no effort to hide the fact. Possible because he was drunk and forgot, who knows?

Are you able to investigate if he did get the CCTV installed and if so, is he recording activity in the pub after hours when he has a lock in or is he turning it off to hide the fact. If he is recording and storing the footage for at least 31 days, then, as details in the License Review, he should be able to give you a copy straight away for you to review. If he is recording all the time he is open, including the access point through the front door and immediate vicinity, then surely you will have proof. If he hasn't adhered to the conditions regarding the CCTV then would this be a breach of his license?



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)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 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 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

--	--	--	--	--	--	--	--

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.

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 14 AUGUST 2019

Councillors J Clarke, D Everitt and K Merrie MBE

Officers: Mrs M Scott, Mrs L Arnold, Mr P Dennis, Mr D Flower, Ms C Proudfoot, Mrs R Wallace and Ms A Badani

In attendance: Mr C Abadie (Fire Authority), Ms L Richardson-Lewty (Premises Licence Holder's Representative) and Mr R Sandham (Premises Licence Holder)

1 ELECTION OF CHAIRMAN

It was moved by Councillor K Merrie, seconded by Councillor D Everitt and

RESOLVED THAT:

Councillor Clarke take the chair for the remainder of the meeting.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

3 DECLARATION OF INTERESTS

There were no declarations of interest.

4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

The Chairman introduced the parties and outlined the procedure to be followed.

The Hearing Regulations 2005 stated that the Authority must allow parties an equal period of time in which to present their evidence. It was agreed that the maximum time limit for each presentation be ten minutes.

The Licensing Enforcement Officer presented the report to Members, highlighting background information and representations received.

There were no questions for the Licensing Enforcement Officer.

The applicant, Mr C Abadie had nothing further to add than what was included within the report or the Licensing Enforcement Officer's presentation.

In response to a question from Councillor K Merrie, Mr C Abadie could not comment on the other premises in Castle Donington as he had not undertaken any other fire safety inspections.

Ms L Richardson-Lewty addressed the Sub Committee on behalf of Mr R Sandham, the premises licence holder. She explained that the premises was very small with a very welcoming atmosphere, which generally attracted older clientele. It was reported that until the current review, there had been no incidents of crime and disorder in the five years that Mr R Sandham had owned the business and the police had only been called twice due to a troublesome customer. She confirmed that Mr R Sandham was well aware of the reasons why the review had been instigated, and had worked very hard in the past week to address each issue raised within the report. Ms L Richardson-Lewty expressed her

concerns that the notice of the hearing had not been served as a hard copy, only electronically and was disappointed that the report pack had only been received in paper format the previous week. Mr R Sandham had received the emails of both but was not very computer literate and therefore was expecting hard copies sooner.

Ms L Richardson-Lewty commented that Mr R Sandham regarded public safety with the upmost importance and listed the following things undertaken to address the fire safety concerns:

- The bushes at the rear of the premises had been cleared.
- Walls had been painted white to clearly show where the escape route was with more signs erected.
- All barrels and rubbish had been removed from the rear of the premises and a permanent lockable store for the barrels installed.
- Fire equipment on the premises had been tested and certified.
- The first of many fire safety training sessions for staff had been delivered and logged.

Ms L Richardson-Lewty apologised for the missed appointments on behalf of Mr R Sandham, she explained that he was on holiday at the time and had not seen the email notifications; she reiterated her earlier comment regarding Mr R Sandham's lack of computer skills. She added that Mr R Sandham recognised the need to spend more time on his administrative duties, especially in relation to letter and email correspondence.

Regarding issues with waste, Mr R Sandham previously had a commercial waste contract but unfortunately, it had to be terminated as they failed to collect it for six weeks. It was confirmed that a contract with North West Leicestershire Waste Services had now been set up. The rubbish in the communal area was not solely from the premises and Mr R Sandham had evidence on his mobile phone of his complaints to the landlord on this matter.

Ms L Richardson-Lewty assured members that the furniture outside the premises had been removed and the correct café licence would be applied for in the near future. She also offered a new condition to be added to the licence regarding the installation of CCTV on the premises.

To conclude, Ms Richardson-Lewty proposed that the licensable activity hours be reduced to the following to allow Mr R Sandham time to deal with his administrative duties:

Monday to Friday	16:00 – 22:30hrs
Saturday	12:00 – 22:30hrs
Sunday	12:00 – 21:00hrs

In response to a number of questions from Councillor K Merrie, Ms L Richardson-Lewty stated the following:

- Mr R Sandham agreed that he had failed in regards to the communication with all parties concerned and he now understood the importance of carrying out all parts of the administration required for the business. Ms L Richardson-Lewty admitted that Mr R Sandham 'had his head stuck in the sand' and was letting everything get on top of him. With the guidance and advice of Ms L Richardson-Lewty, Mr R Sandham would not get in the same situation again.
- Mr R Sandham was fully aware of the conditions of his licence and recognised his failures as highlighted in the report. He confirmed he understood the consequences and was truly sorry, he had learnt a lot during this process.

- Mr R Sandham confirmed that he enjoyed his job very much and understood the importance of adhering to the conditions of his licence.
- Regarding the waste collections, Mr R Sandham was planning on keeping his daily waste in the lockable store at the rear of the premises and then taking it back to his nearby property where the bins would be kept. North West Leicestershire Waste Services would be collecting the waste from his property. The Planning Enforcement Officer commented that this may not be possible and advised further discussions outside of the meeting.

Following a further question from Councillor K Merrie regarding the fire safety documents provided by the premises licence holder, the Fire Safety Inspection Officer stated that the fire certificate and risk assessment were not satisfactory due to missing information. Also, the logbooks were not suitable as there was not enough information in the current format. He was willing to work with the premises licence holder to make improvements on the documents to enable a positive audit test. He added that in relation to the notice of the hearing, he had evidence that it was hand delivered as it was sent recorded delivery via Royal Mail and had been signed for.

In response to a question from Councillor D Everitt, Mr R Sandham acknowledged that there could have been dire circumstances if a fire were to occur at the premises before the current action was taken and he would adhere to the conditions in future.

The Planning Enforcement Officer reminded the premises licence holder that he would not only need a café licence to allow seating outside the front of the premises but also planning permission. Ms L Richardson-Lewty confirmed that they were aware.

Mr D Flower, Planning Enforcement Officer, addressed the Sub Committee. He stated that the premises was operating outside its licence by having tables and chairs on the pavement in front of the building. He explained that Mr R Sandham attended a meeting in 2018 regarding advice for a café licence, which was followed up by an email. Following the meeting, a number of chasing emails and phone calls were made with no response. Mr D Flower pointed out that although Mr R Sandham claimed to not be computer literate; he successfully emailed photographic evidence regarding other breaches of conditions when required. Mr D Flower visited the premises in April 2019, spoke at length with Mr Sandham, and sent written correspondence on many occasions, all of which was ignored. Mr D Flower felt the issue in this case was very poor communication as many of the problems with the premises could have been addressed sooner if Mr R Sandham was to follow the advice given.

Ms A Badani, Environmental Health Officer, addressed the Sub Committee. She stated that Mr R Sandham had failed to produce a waste carrier licence for the disposal of his waste and investigations on this matter was ongoing. There was also an issue at the premises with storage of waste and barrels in the communal area, which was a fire risk, members were referred to the photographs within the report. Ms A Badani informed members of an ongoing noise complaint from a neighbour to the premises. A noise assessment has indicated that there was an issue with noise from the patrons using the footpath outside the premises. Investigations regarding the noise emitting from inside the premises were still being undertaken.

In response to a question from Councillor J Clarke, the Environmental Health Officer confirmed that there had also been noise complaints regarding the neighbouring licensed premises in the past but improvements had been made and they had always complied with conditions.

In response to a question from Ms L Richardson-Lewty, the Environmental Health Officer confirmed that she was aware that the neighbouring licensed premises had motorcycle groups visiting on Thursday evenings, which created noise, but investigations concluded the noise in relation to the complaint was emitted from the Chequered Flag.

All parties gave a brief closing statement, reiterating comments made previously in the meeting.

At 7.22pm the Sub Committee adjourned to consider its decision. It reconvened at 7.50pm.

RESOLVED THAT:

In order to promote the licensing objectives this Sub Committee **added the following conditions** to the premises licence:

1. Upon receipt of fire safety audit reports all recommendations/actions therein shall be complied with within 60 days of receipt
2. All staff shall receive 6monthly training on fire safety legislation and on their responsibilities with regard to licensing legislation. This training is to be documented and presented to a member of a responsible authority upon request
3. CCTV shall be installed (by no later than 1/11/2019) and maintained at the premises:-
 - i. The CCTV shall cover the entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas where the public have access and the immediate vicinity outside the premises
 - ii. The images/recordings are to be downloadable in a suitable format and provided to any member of a responsible authority upon request and without undue delay
 - iii. Images and recordings must be of evidential quality and must indicate the correct time and date, and be kept for at least 31 days
 - iv. All staff are to be trained in the use of the CCTV system and at least one member of staff must be on duty who is trained to download the systems images should any member of a responsible authority make a request for the footage

The sub-committee also **amended the licensable activity hours** under Part 1 of the licence to:

Monday to Friday	16:00 – 22:30hrs
Saturday	12:00 – 22:30hrs
Sunday	12:00 – 21:00hrs

(New Years Eve remains unchanged).

The sub-committee also recommended that the premises work with the Council to ensure all appropriate notices, licences and permissions were in place as soon as possible.

The meeting commenced at 6.30 pm

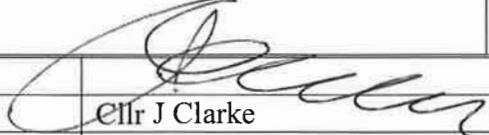
The Chairman closed the meeting at 7.52 pm

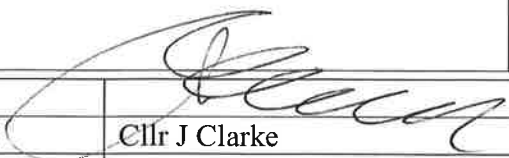
DECISION: conditions added

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING ACT 2003 SUB-COMMITTEE

RECORD OF PROCEEDINGS/MEMBERS NOTES

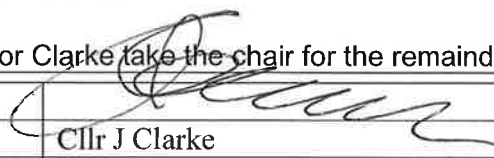
1.	Date of Hearing	14 August 2019
2.	<ul style="list-style-type: none"> • Panel/Committee members present • Members/officers observing 	Cllr Clarke (Chair) Cllr Everitt Cllr Merrie MBE Minna Scott Clare Proudfoot
3.	Legal Advisor	Louise Arnold
4.	Declarations of interests by members or officers	None
5.	Applicant	Leicestershire Fire and Rescue Service (Responsible Authority)
6.	Premises	The Chequered Flag 32 Borough Street Castle Donington
7.	Nature of Application(s)	Review of Premises Licence over concerns that the Premises is undermining the licensing objective of Public Safety
8.	Parties/Representatives and Witnesses present <u>For the Applicant</u> <u>Witnesses given permission to speak</u> <u>Witnessesses refused permission to speak and reason why</u>	Cyril Abadie (Fire Safety Inspecting Officer) Cyril Abadie n/a
Signature:		
Chairman:		Cllr J Clarke
Date of Hearing:		14 August 2019

	<p><u>For the Licence Holder</u></p> <p><u>Witnesses given permission to speak</u></p> <p><u>Witnesses refused permission to speak and reason why</u></p> <p><u>For the Responsible Authorities</u></p> <p><u>Witnesses given permission to speak</u></p> <p><u>Witnesses refused permission to speak and reason why</u></p> <p><u>Interested Parties</u></p>	<p>Lisa Richardson-Lewty (representative) Robert Sandham (licence holder)</p> <p>Lisa Richardson-Lewty</p> <p>n/a</p> <p>Dean Flower (Planning) Anisa Badani (Environmental Protection)</p> <p>Dean Flower Anisa Badani</p> <p>n/a</p> <p>None</p>
9.	Parties/witnesses not present and reason why	Marc Orton (Environmental Protection) – represented by team member Anisa Badani
10.	Applications and Decisions on ancillary issues, e.g. requests for adjournments; determinations whether to proceed in absence; directions, etc.	<p>It was resolved that Cllr Clarke take the chair for the remainder of the meeting.</p> <p>In accordance with regulations it was agreed each party would be given an equal time to make their representation</p>
11.	Written Representations and supplementary material taken into consideration	Agenda pack and supplementary documents (x10 Appendix) submitted in advance by the licence holder
12.	Agreed Facts	The Chequered Flag is a micropub situated on Borough Street in Castle Donington
13.	Facts/Issues	<p>Issues</p> <p>The fire authority have not been able to ascertain whether the Responsible Person (Mr Sandham) has been complying with his duties under the</p>
Signature:		
Chairman:		Cllr J Clarke
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	<p>current fire safety legislation, i.e. taking general fire precautions.</p> <p>Planning raised concerns regarding seating and tables being placed on the public highway.</p> <p>Environmental Protection raised concerns regarding the rear fire exit being partially blocked with barrels making escape from the premises difficult in the event of a fire. In addition there were issues with waste and noise.</p>
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14	<p>Findings of Fact <i>(ie the relevant facts accepted from the evidence available)</i></p> <p>The application for review was made by the Fire Service (as a responsible authority), two other Responsible Authorities made representations. No other representations were received.</p> <p>The application had been made, and served in accordance with the Licensing Act 2003.</p> <p>The panel members considered all items in the agenda pack, the further documents circulated by the licence holder prior to the sub-committee and the verbal representations made during the meeting.</p> <p>The panel acknowledged the issues raised in the representations received but felt that with the additional and amended conditions attached to the licence the promotion of the licensing objectives could be upheld.</p>
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15.	<p>Full text of decision on the application</p> <p>MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 14 AUGUST 2019</p> <p>Councillors J Clarke, D Everitt and K Merrie MBE</p> <p>Officers: Mrs M Scott, Mrs L Arnold, Mr P Dennis, Mr D Flower, Ms C Proudfoot, Mrs R Wallace Wallace and Ms A Badani</p> <p>ELECTION OF CHAIRMAN</p> <p>It was moved by Councillor K Merrie, seconded by Councillor D Everitt and</p> <p>RESOLVED THAT:</p> <p>Councillor Clarke take the chair for the remainder of the meeting.</p>
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Signature:	
Chairman:	Cllr J Clarke
Date of Hearing:	14 August 2019

APOLOGIES FOR ABSENCE

There were no apologies for absence received.

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There were no declarations of interest.

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

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Signature:	
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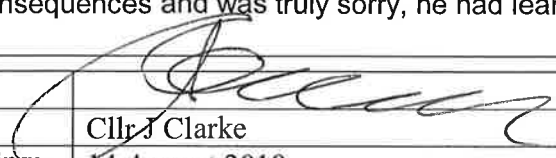
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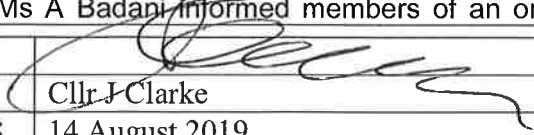
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neighbour to the premises. A noise assessment has indicated that there was an issue with noise from the patrons using the footpath outside the premises. Investigations regarding the noise emitting from inside the premises were still being undertaken.

In response to a question from Councillor J Clarke, the Environmental Health Officer confirmed that there had also been noise complaints regarding the neighbouring licensed premises in the past but improvements had been made and they had always complied with conditions.

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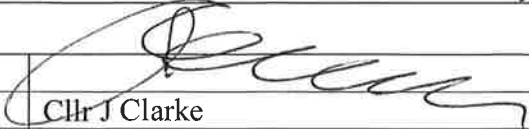
All parties gave a brief closing statement, reiterating comments made previously in the meeting.

At 7.22pm the Sub Committee adjourned to consider its decision. It reconvened at 7.50pm.

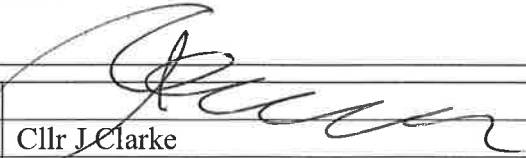
RESOLVED THAT:

In order to promote the licensing objectives this Sub Committee **added the following conditions** to the premises licence:

1. Upon receipt of fire safety audit reports all recommendations/actions therein shall be complied with within 60 days of receipt
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Signature:	
Chairman:	Cllr J Clarke
Date of Hearing:	14 August 2019

	<p>systems images should any member of a responsible authority make a request for the footage</p> <p>The sub-committee also amended the licensable activity hours under Part 1 of the licence to:</p> <p>Monday to Friday 16:00 – 22:30hrs Saturday 12:00 – 22:30hrs Sunday 12:00 – 21:00hrs</p> <p>(New Years Eve remains unchanged).</p> <p>The sub-committee also recommended that the premises work with the Council to ensure all appropriate notices, licences and permissions were in place as soon as possible.</p>
16.	<p>Reasons for decision</p> <p><i>(An explanation of why:</i></p> <ul style="list-style-type: none"> • <i>When applying the findings of fact to the statutory provisions and law; a particular conclusion is reached to grant, grant with conditions other than standard conditions, or refuse the application.</i> • <i>If facts were in dispute and it is not clear from the 'Findings of Fact' box above, which facts were disputed and, in coming to the finding of fact, the extent to which the parties and witnesses were believed or disbelieved and the information on which the Panel relied in reaching its decision.</i> <p><i>Also, state any legal authorities cited by the parties)</i></p> <p>The panel members took into account all the representations received.</p> <p>The panel members also took into account the additional papers submitted by the licence holder and the conditions proposed and suggested amendments to the licensable hours.</p>

Signature:	
Chairman:	Cllr J Clarke
Date of Hearing:	14 August 2019

17.

DECISION:

The sub-committee noted the Licence Holder's suggestions in respect of conditions.

In reaching its decision the sub-committee has had regard to the evidence and representations of the applicant, premises and responsible authorities present, the Council's Statement of Licensing Policy and Guidance issued under s182 of the Licensing Act 2003.

In attaching the additional, and amending some conditions the sub-committee has had particular regard to the representations.

In order to promote the licensing objectives this sub-committee **added the following conditions** to the premises licence:

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Signature:	
Chairman:	Cllr J Clarke
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EXTERNAL: Incident: Flag Micropub, 32 Borough Street, Castle Donington DE74 2LA - Evening of Friday 8th October

e-mailed to Licensing and Bev Smith on 11 October 2021

To whom it may concern,

Just another update on another after hours incident at the above premises.

As the pub was due to cease operation at 22:30 on Friday I was surprised by the level and noise and activity witnessed at 22:40 when I had a look outside. All the tables and chairs were still out (Yes! They're still there? Who would have imagined that they still haven't been removed) Covered in glasses, drinks, etc. A new member of staff was stood outside smoking and chatting with a customer, as other customers swanned in and out of the premises, all lit up and front door wide open, with all the raucous noise pouring out into the street.

With no indication of any attempt to pack up and close the premises, the staff member seemed to be beckoned back inside, possibly to serve the after hours arrivals. I feared that Mr Sandham may be away and had left this new staff member in charge, and that due to insufficient training or a decision to take advantage of the situation, we were set for a late night session.

Patrons continued to trickle up from the Apiary from 22:40 up until 23:00, some even leaving The Flag to go down to the Apiary to collect people and bring them back in to The Flag. As we got to 23:00 with the mess of furniture/glassware still not cleared off the street and the open door policy still in place, I really began to fear the worse. Even Mr Sandham is rarely this brazen in advertising the fact he is open after hours to the whole street and everyone walking by.

Then, to my surprise, Mr Sandham stumbled out of the premises at approx 23:05 and began hurriedly clearing up the tables and chairs, with the assistance of some of his late night revellers. Maybe he had just woken up or come round? Possibly he was relying on the staff member to keep an eye on the time whilst he enjoyed his night off in the...erm?...same pub he has been working in every night? I suppose if the staff are led by some one like him, they would have no understanding or consideration for such things as adhering to the license, etc.

What then ensued was a bizarre situation of Mr Sandham taking a one man fight, with seemingly everyone else in the pub, to get the patrons to now leave. He was shouting about his license, the CCTV, that no one should be in there after 22:30, that he is going to get fined, lose his license, etc, etc. This went on until approx 23:30 when the bulk of the mob spewed out onto the pavement and left, leaving him behind with his partner, the staff member, maybe a patron or two, to begin Lock-In version 2.0. This went on until just before mid-night.

The staff member and whoever else seemingly left, leaving Mr Sandham with the unenviable task of trying to eject his intoxicated partner from the premises. A loud argument ensued, with shouting and swearing. Mr Sandham repeatedly stating that they should have left at 22:30, he was worried about it all being on CCTV, that they should not be in there due to his license conditions, that he did not want to deal with me complaining or the council, etc, etc. To which she repeatedly told him to "F**k off" This went on with shouting and screaming and swearing until it ended at approx 00:05 with door slamming and the premises eventually closing.

I just find it amazing that here we are, seven years on, and Mr Sandham still can't just close on time. How hard can it be? But then again, it asks the bigger question of how fit is a semi-functioning alcoholic, with no ability to control patrons, staff or partner alike, to hold a license?

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Appendix 19

EXTERNAL: The Flag Micropub 14 June 2021 - Day 31

e-mailed to Licensing on 14 June 2021

Just for the record, tables and chairs set up, again, for outside drinkers. 31 consecutive days of being set up since the premises re-opened on Saturday 15th May, no consultation, no pavement license, still not removed.

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EXTERNAL: The Flag Micropub, 32 Borough Street, Castle Donington DE74 2LA

e-mailed to Licensing on 14 June 2021

To whom it may concern, I write in respect to the ongoing and long running issue of outside drinkers, and the placing of tables and chairs on the pavement outside of our property to facilitate this nuisance, at the above premises of the The Flag Micropub, 32 Borough Street, Castle Donington.

Since the most recent lockdown, this issue has been ongoing since Saturday 15th May 2021. The matter was reported to yourselves on Monday 17th May 2021. It's now been four weeks, on this occasion, which we feel is a more than reasonable period of time for this matter to be resolved. Prior to this, the issue resurfaced on Saturday 4th July 2020, even though, during a License Review hearing in 2019 Mr Sandham and his representative, Ms L Richardson-Lewty "assured members that the furniture outside the premises had been removed and the correct café licence would be applied for in the near future" and "The Planning Enforcement Officer reminded the premises licence holder that he would not only need a café licence to allow seating outside the front of the premises, but also planning permission. Ms L Richardson-Lewty confirmed that they were aware" Prior to this the complaint sat with yourselves and the Highways Department and Leicestershire County Council for over a year, only to be temporarily resolved by the License Review until Mr Sandham sought advice from a Licensing Barrister during the first lockdown and decided to renege on the promises and assurances given in the License Review.

During a telephone conversation with yourselves, on Tuesday 1st June 2021, I was advised that an incomplete Pavement License application had been received by yourselves from Mr Sandham, and that he had been advised it was not accepted due to it being incomplete. I have heard nothing since, the tables and chairs remain, along with all the loud noise and nuisance, including customers of The Flag Micropub being permitted to wander around the street with drinks in their hand and stand around drinking, blocking the highway and causing anti-social behavior (I have the video footage from Saturday 5th June but due to the size of the file I cannot attach it to this email. Instead I have included stills from the video showing drinkers, who I assume were served at the bar, walking out on the street with drinks in hand, standing around, etc. If required I can send you a hard copy in the post or upload it to YouTube, not for public viewing obviously, and send you the private link. Anyway, as I always say, you don't have to take my word for it, his CCTV should cover all this) I thought Covid rules and regulations meant that customers had to be seated and served at the table? (In addition to having a pavement license)

Looking online at the catalogue of historic instances of similar or lesser issues, with the nuisance and noise caused by drinkers outside pubs in other areas of the county, and the swift and serious manner in which the Police and other councils come down on license holders, by stripping them of the off sales element of their license or adding restrictive conditions to their license, still leaves me and my partner absolutely baffled as to why we are still having to complain about the same thing as absolutely nothing has changed?

Could you please answer these questions for us;

Is anything happening right now in respect to action being taken against Mr Sandham for renegeing on what was agreed in the License Review in 2019 and having the tables and chairs set up outside with no license?

He has been overheard on several occasions boasting that he has found a loophole, whereby, he deliberately submits an incomplete application but keeps his furniture outside during the process, whilst perpetuating a made up falsehood that Leicester County Council told him he could keep his tables and chairs set up outside during the application process. He then leaves the tables and chairs set up and does not bother to re-submit a complete application, when challenged at any point in the future, he will just state that he is in the process of applying and that LCC told him that he was allowed to keep the furniture out whilst applying, but he obviously has no plan to actually submit an application. Is this loophole true?

What time scale are we working to (If any action is being taken?) What is the next step and when are you planning to take it?

In addition to this, we also have the never ending issue of Mr Sandham operating to whatever hours suit his, and his friends drinking session, on any given evening. Again, the hours were reduced as a result of the License Review in 2019 (Laughably, for Mr Sandham to carry out administrative duties, which he must doing in between getting drunk and serving his customers during his perpetual lock ins) The hours of activity never changed after the License Review, nor have the hours advertised on his new website. Friday, Saturday and on Sunday and Bank Holidays, as well as advertising he is open until 22:30 (This was amended to 21:00 in the License Review) he also boasts 'or later' for his closing time, on his website. So he's not even concerned about advertising his intention to flaunt the hours of his license

I cannot over-stress how detrimental this whole issue has been to our mental health.

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

e-mailed to Licensing on 28 July 2019

To whom it may concern,

I am contacting you to seek some clarification regarding the hours the above premises are open to the public (Operating schedule) rather than the licensable activities and the times when those activities take place (The supply of alcohol)

As you may be aware, this has been a long running issue which I feel has never been resolved satisfactorily.

Ever since Mr Robert Sandham took over the premises license and the management of the business we have been subjected to the continued operation of the business beyond the hours described in the license application and the variation of planning condition back in 2014. ***Please note, I am not referring to the hours permitted for the supply of alcohol.*** As discussed historically, this random operating of the business until indeterminate hours on varied days is particularly sensitive due to our home occupying the same building, in the next door terrace, and our bedroom is a flying freehold above the pub.

We were on good speaking terms with the original license holder, Mr Willies, and had no reason to object or make a representation when he applied to slightly increase the hours for the supply of alcohol, and mirrored this with the variation in the operating hours, as the applications stated exactly what was discussed, which was his re-assurance that the pub would be closed and locked up, and all business ceased, by the end times stated. He was true to his word.

This concept seems to be described perfectly on a council guide I found online for people filling out a Premises License application:

HOURS

The proposed hours that the relevant licensable activities are to take place.

HOURS PREMISES ARE OPEN TO THE PUBLIC

This area is for you to say what time the public may enter the building or premises and what is the latest time they will leave, regardless of whether licensable activities are taking place. Please remember that if you finish selling alcohol at 23:00 you may wish to close at 23:30 giving customers 30 minutes to consume their drinks before you ask them to leave.

Historically when I complained about the business staying open later than the stated hours, the focus seemed to be on the supply of alcohol, which is not the point I am raising with this email. I spent time reporting all instances of the business operating beyond the times agreed in the operating schedule to the Police, only to be advised that unless I could provide proof of alcohol being sold after those hours, or of a crime being committed, then the Licensing Officer was powerless to act. I understood that it was impossible to prove that alcohol was being sold after hours, but it still left me confused as to how the pub could be allowed to stay open until any time they wanted, regardless of whether alcohol was being sold or any crimes were being committed.

I researched the matter and confirmed, as above, that there are hours of operation that are separate to the hours permitted for the supply of alcohol.

Mr Robert Sandham doesn't seem to understand this concept, based on the different things I hear him shouting out in the pub, through my lounge wall.

Last night, for example, at 23:05, he shouted out "Last orders at the bar" and the large crowd of customers that had walked in just before 23:00 did not leave until just before midnight. My understanding is that he can sell/supply alcohol up until 23:00 but, as his operating hours mirror the supply of alcohol, he would also have to close at 23:00 and ask those customers to leave at the exact same time he supplied the with alcohol.....?

I understand that 'last orders', drinking up time, and calling time are irrelevant these days but in Mr Sandham's case, it seems that he needs educating on the facts and his misunderstanding of the hours he is allowed to be open to the public need to be corrected. In his situation last night, would it not be advisable for him to explain to

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customers at say 22:30 that they will have to leave the building by 23:00, so they may want to order another drink and make sure they finish by 23:00.

I've heard him shouting out all manner of different things. Telling crowds sat outside at 23:00 on a Monday night that they need to move inside, as he "has to have the street cleared by 23:00" when they should be closed at 22:30. Other nights in the week, when they have to close at 22:30, he will shout out "You all have to leave the building by 23:00"

We also have the issue of what I can best describe, is the use of the pub for late night drinking with friends. There are many occasions where he will tell people to leave at some random time, they eventually go, and then he has a lock in with friends. Sometimes the pub closes, then he re-opens later to have a drink with friends after an evening out, rather than taking them back to his own home. This situation is exempt from any cut of time, so the business premises now become a private venue, locked off to the public, I understand we cannot address the supply of alcohol as that cannot be proven, but is this acceptable in a business premises or do we just have to consider it the same as residential neighbours having friends round for the evening?

I have spent some time clarifying this calling around 20 or so different council's licensing teams to ask what their understanding of the operating hours are, alongside the licensed hours for the supply of alcohol. The unanimous answer I got was that if the operating schedule states that the hours you are open to the public ends at 23:00, for example, they must have vacated the premises by 23:00 regardless of the fact that alcohol can and may have been supplied up to the same time.

Mr Sandham generally seems to have this skewed, made up notion of 30 minutes drinking up time, which he very loosely applies once everyone has been served. So a typical evening involves regulars arriving just before the time he is meant to stop supplying alcohol and close to the public, and they remain until anywhere between 30 to 90 minutes after closing time.

Again, this would go un-noticed in a pub in a detached building and no harm done, but we are disturbed by the operation of the business at such late hours in the week, as we sleep above the premises and I have to go to work early in the morning.

Could you offer me any advice on how we can get Mr Sandham to cease operating his business beyond the permitted hours?

Is there any evidential material I could obtain to assist you, such as CCTV footage of customers entering/exiting the pub after hours, or going out for a cigarette and going back in after hours?

Just to be clear, this is not about the supply of alcohol after hours (As told by the Police, this cannot be proven so nothing can be done) it's about the operating of the business and activities that extend beyond closing time.

Contact message from North West Leicestershire District Council

Contact message submitted to Customer Services and forwarded to Licensing on 9 June 2017.

The nature
of my Complaint
contact is:

Complaint about conditions of license for the Chequered Flag Public House, 32 Borough Street, specifically licensed operating times, this specific complaint is NOT a complaint regarding an alleged nuisance from domestic noise, so I do not need to be referred to the Environmental Protection Team in respect to this particular complaint, nor do I need to be sent a log sheet to record incidents of domestic noise nuisance. This complaint is intended for the Licensing Team alone, regarding licensed operating times alone at a licensed business premises.

Monday 5th June - Premises operating until 00:15 the following day

Tuesday 6th June - Premises operating until 23:40

Wednesday 7th June - Premises operating until 22:46

Thursday 8th June - Premises operating until 00:14 the following day

Details:

I have video footage of a crowd of customers consuming alcohol outside the premises, the footage is 20 minutes long and covers a period of time between 22:50 and 23:10 on the evening of Thursday 08th June 2017. As mentioned above, the premises continued to operate until 00:14 today (Licensed hours are until 22:30) I have overhead video footage from our bedroom, situated directly above the public house, showing customers leaving just after midnight and the landlord/license holder locking up at 00:14 today. I will continue to record all future incidents on my handheld device with a scope to installing external CCTV cameras in the near future to obtain a complete and unbroken record of full operating activity and further evidence for my complaint. I've not included this video footage as an attachment with this message, as it is a large file and I am not sure if you have the means to view it in it's current format (3gp) through something like Windows Media Player, but I can obviously forward it on as part of future communications after either converting the files to suit your needs or I can upload to YouTube and send you the URL.

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Sent via e-mail – 12 October 2023. From EP to Licensing.

The Environmental Protection Team have received noise complaints in the past alleging loud noise at the premises whilst in operation. Noise investigations indicated that there was an issue with noise being emitted from outside on the footpath, it was believed that this noise was being caused by people gathering outside the premises.

A review of the premises licence was called in by the Local Fire Authority in 2019. The Environmental Protection Team attended this hearing. Additional conditions were applied to the licence as a result of the hearing.

Following the hearing, there had been reports the micro pub had installed a sound system and this could not be investigated at the time due to the current lockdown restrictions as all public houses were meant to be closed. The alleged covid breaches were reported to the Licencing department who reported it to the police to carry out monitoring of the premises during lockdown.

When covid restrictions eased, an unannounced visit was carried out with a Licensing Enforcement Officer. I asked the licence holder if a sound system was being used. There were two speakers located in the corners of the wall and a tv in the corner by the entrance. The licence holder agreed a sound system should not be used and said he was not to blame because someone connected to the system via Bluetooth. I explained the system should not have been made available and the playing of music and football matches on a TV should not have occurred due to previous noise complaints associated with the micro pub. It was agreed the sound system was to be removed and the TV would only be playing in the background for the last of the Euro cup matches. The Licensing Enforcement Officer requested CCTV footage during this visit to investigate reports of unacceptable behaviour from the licence holder. This was not given at the time. Based on what was agreed at the licence review in 2019, CCTV must be provided to any member of a responsible authority upon request and without undue delay. Reports suggested there was loud music playing on certain nights. The licence holder allegedly was singing, shouting, and encouraging his patrons to sing and shout. In addition to this the licence holder was also letting patrons leave the door open when exiting the premises allowing music to be heard.

We support this review that is being undertaken as we have had consistent complaints in relation to the running and operation of this micro pub. It would appear the licence holder has a blatant disregard to the neighbours and surrounding area, as well as the disregard towards authorised officers at the Local Authority, making no effort to maintain standards year after year.

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Licensing Section,
North West Leicestershire District
Council,
Coalville
Leicestershire
LE67 0FW

Date: 10th October 2023
My Ref:
Your Ref:
Phone: 0116 3050001
Fax:
Email: Leicestershire.gov.uk/contact-information

**Review of Premises Licence, The Chequered Flag, 32 Borough Street, Castle
Donington, Derby DE74 2LA**

I am employed as Assistant Highways Engineer – Liaison for the Highway Control team of Leicestershire County Council ('the County Council'). Part of my role is the responsibility of monitoring licences in so far as they affect the public highway.

I am duly authorised to make the following representations on behalf of Leicestershire County Council in respect to the review of the premises licence appertaining to the above licenced premises as set out below.

As the relevant Highway Authority, Leicestershire County Council is under a statutory duty pursuant to s130 of the Highways Act 1980 to "assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority".

In or about September 2018, it was brought to the attention of the County Council by a member of the general public that the premises known as The Chequered Flag had positioned tables, chairs, and barriers on the pavement in front of the premises, so as to allow the consumption of alcohol outside of the premises on what is technically the public highway.

The use such tables and chairs outside of the premises for such a purpose would require the the Licensee to have obtained a licence to do so either under the Highways

Environment and Transport Department
Leicestershire County Council, County Hall, Glenfield. Leicestershire LE3 8RJ
Telephone: 0116 305 0001
Email: Leicestershire.gov.uk/contact-information

Director, Ann Carruthers
www.leics.gov.uk

Act 1980 or the Business and Planning Act 2020. To date, we understand no such licence has been granted.

As a result of the complaint in September 2018, the County Council wrote to the licensee (Mr Sandham) on 8th November 2018 requesting that he should desist from positioning furniture on the pavement area outside of the Flag. This was followed by a formal Notice under s143 of the Highways Act 1980 by the Highways Authority on the 21st May 2019.

In or about June 2020, the Defendant sought a pavement licence in connection with the Flag. This application was rejected by the County Council due to there being insufficient footway width left unobstructed in the application. I am also aware that there would have been objections from North West Leicestershire District Council and also from affected frontagers, due to the risk of anti-social behaviour.

The County Council received representations from the licensee's legal representative, and Member of Parliament. Both were provided with the reasons a pavement licence was refused, and no further application has been received.

In June 2021, the County Council again received complaints regarding unauthorised placing of furniture in the highway for customers of the premises. This resulted in the County Council issuing the licensee with a notice under section 149 of the Highways Act 1980, on the 8th October 2021. This was followed up with a 'cease and desist' letter from the County Council's legal department on 23rd November 2021.

Over the winter period, there appeared to be compliance with our request to desist from placing furniture outside the premises, though this may also have reflected the fact that it would have been too cold to have sat outside.

In May 2022 as a result of periodic highway inspection, it came to the attention of the County Council that furniture again was being placed on the footway which resulted in further correspondence from the County Council's Legal Services Department to the licensee on 25th May 2022 regarding his continuing unauthorised use of the highway.

Due to a total lack of compliance and engagement on the part of the licensee, the County Council again wrote to the licensee on 5th August 2022 with a further s149 Notice. This was, again, ignored and, accordingly, the Local authority considered it necessary to apply for an Order from Leicester Magistrates Court permitting the County Council to remove any furniture deposited on the pavement outside of the Flag.

Following a hearing on 5th October 2022, the Leicester Magistrates Court duly granted the County Council with an order as sought. At that hearing, Mr Sandham was legally

represented but did not attend in person. Costs were awarded to Leicestershire County Council against the defendant.

The placing of such tables and chairs within the public highway is an unreasonable obstruction of the footway and presents a real hazard and source of danger to those using the footway. It is a genuine matter of concern that the licensee chose to ignore correspondence and the various Notices made under the Highways Act

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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 Licensing, North West Leicestershire District Council

(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 32 Borough Street Castle Donington Derby DE74 2LA	
Post town Castle Donington	Post code (if known) DE74 2LA
Name of premises licence holder or club holding club premises certificate (if known) Chequered Flag ROBERT A. SANDHAM	
Number of premises licence or club premises certificate (if known) NWL20457	

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)

yes ✓

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

SANDHAY

First names

ROBERT ANTHONY

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

[Redacted]

Post town

[Redacted]

Post Code

[Redacted]

Daytime contact telephone number

[Redacted]

E-mail address
(optional)

[Redacted]

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

THE CHECKED FLAG C.I.D. LTD
T/A THE FLAG.

I wish to offer the following for due consideration.

- 1) WE HAVE TRADED SINCE 2014 TO DATE
- 2) WE HAVE BEEN AWARDED CAMRA BEST PUB AND BEEN 9 YEARS OUT OF TEN INCLUDING 2024. 4000 PUBS SELECTED NATIONALLY OUT OF 60,000 PUBS IN THE COUNTRY
- 3) FROM 2014 AND THROUGH COVID CHAIRS HAVE BEEN OUTSIDE ACTIVELY ENCOURAGED BY THE GOVERNMENT
- 4) LEICESTERSHIRE COUNTY COUNCIL REJECTS ALL APPLICATIONS FOR SEATING DUE TO ACCESS ISSUES WHICH I FEEL IS UNJUST
- 5) WE ARE REAPPLYING THROUGH NW LEICESTERSHIRE FOR SEATING
- 6) WE WERE AWARDED A CERTIFICATE FOR SERVICES TO THE COMMUNITY THROUGHOUT COVID. SUPPLYING UP TO 25/30 MEALS A DAY (AT OUR COST). DELIVERED TO SINGLE PEOPLE, THE ELDERLY, SICK PEOPLE AND THE VULNERABLE.
- 7) WE FEEL VICTIMISED AGAINST OTHER BOLTONSHIRE BUSINESSES BREAKING THE PAVEMENT DISTANCING RULES
- 8) WE ARE NERVOUS RE SUBMITTING A FURTHER APPLICATION BUT ENCOURAGED BY PAUL DENNIS TO DO SO

REGARDING THE FOLLOWING

1) THE PREVENTION OF CRIME & DISORDER

I HAVE ALWAYS POLICED ANY POTENTIAL ISSUES IN THIS AREA.

NOTIFIED NW LEICESTERSHIRE & POLICE IF NECESSARY AND WORKED WITH OTHER LICENCES IN THE TOWN

2) PUBLIC SAFETY

THERE HAS NEVER BEEN ANY SERIOUS ISSUES INVOLVING THE FLAG IN THIS AREA.

PEOPLE ARE ASKED TO LEAVE QUICKLY AND QUIETLY WITHIN THE LICENCING HOURS SIGNS ARE IN PLACE AND VERBALLY TOLD

3) PREVENTION OF PUBLIC NUISANCE

I HAVE INTERVENED IF NECESSARY AND TAKEN APPROPRIATE ACTION

I HAVE POLICED THE PAVEMENT TO PROTECT NEIGHBOURS i.e. using window ledges and doorsteps as dunkey areas.

THIS WAS MORE CONTROLLED WHEN BARRIERS WERE IN PLACE

A) PROTECTION OF CHILDREN FROM HARM

CHILDREN ARE ONLY ALLOWED IN THE MICROBUS WHEN ACCOMPANIED BY AN ADULT. NOT SERVED ALCOHOL AND ASKED TO LEAVE BY 8.P.M.

CHILDREN ARE ALLOWED TO USE THE TOILET WHEN ACCOMPANIED BY AN ADULT DURING ANY STREET EVENTS

5) REGARDING SEATING.

DURING COVID THE GOVERNMENT ENCOURAGED OUTSIDE SEATING

I BELIEVE THE NW LEICESTERSHIRE TEAM WERE NOT AWARE OF LEICESTERSHIRE CC REJECTING ANY APPLICATIONS DUE TO ACCESS BANK INSUFFICIENT.

THE ARIARY NEXT DOOR HAS PERMISSION WITH MINIMAL DISTANCING DIFFERENCES TO THE FLAG. ALSO LEICESTERSHIRE HIGHWAY CONTRAVENING THE DISTANCING ISSUES BY PLACING SIGNPOSTS IN THE MIDDLE OF THE PAVEMENT. BREAKING THEIR OWN REGULATIONS.

6) CCTV

I ACCEPT THERE HAVE BEEN ISSUES WITH CCTV REQUESTS. THIS HAS BEEN DOWN TO MY TECHNICAL ABILITY AND ERROR IN MANAGING THE SYSTEM.

I HAVE ALWAYS ADVISED ON THE DIFFICULTIES AND PROVIDED AS MUCH INFORMATION AS I CAN, INCIDENT BY INCIDENT.

7) REGARDING 8/6/23 VISIT

THE OFFICER CAME IN WITH NO I.D
PRESENTED AND ASKED FOR THE TRADING HOURS.
THE OFFICER WAS TOLD 4 PM.

THE VISIT WAS 3 PM, IT WAS THE DOWNLOAD
FESTIVAL.

TWO PEOPLE WERE IN THE PUB

- a) A FEMALE FRIEND ASKING AFTER MY WIFE'S
HEALTH AS SHE WAS IN HOSPITAL
- b) A MALE FRIEND WHO WAS WAITING FOR DOWNLOADS

BOTH HAD A DRINK BUT NO MONIES WERE
TAKEN. I PROVIDED A TILL RECEIPT AS
EVIDENCE SHOWING THIS POINT.

8) CARE IN THE COMMUNITY
FOR EXAMPLE

WE ACTIVELY OFFER OURSELVES TO THE
COMMUNITY WHERE HELP IS REQUIRED
WE WORK WITH CHURCH BY RUNNING
ALPHA COURSES TO EDUCATE THE COMMUNITY
AND WERE ASKED TO HOST AN EVENT WHERE
THE BISHOP OF LEICESTERSHIRE CAME WITH
HIS TEAM TO MEET THE COMMUNITY
CHRISTIAN OR NOT, WHO GAVE HELP THROUGHOUT
COVID

REGARDS

Robert SANDHAM

e-mail sent to Licensing from Planning and Development on 12/10/2023

The LPA have no specific comments to make, however, it should be noted that the hours of activity are also secured as part of the most recent planning permission (14/00739/VCI) under condition 5 (See wording below).

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

Between 1100hrs and 2230hrs Mondays to Thursdays;

Between 1100hrs and 2300hrs Fridays and Saturdays;

Between 1100hrs and 2230hrs Sundays and Bank Holidays (except New Years Eve); and

Between 1100hrs and 0030hrs on New Years Eve.

{\i Reason - to ensure against noise disturbance to the surrounding area or properties.}”

Therefore, if there is any activity taking place between these hours could also be a breach of planning conditions and should be reported to planning enforcement to investigate.

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