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Meeting	<b>LICENSING SUB COMMITTEE</b>
Time/Day/Date	10.30 am on Wednesday, 22 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
<b>1</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2</b>	<b>DECLARATION OF INTERESTS</b>	
	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.	
<b>3</b>	<b>REPORT UPDATE FOLLOWING THE REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003</b>	
	The report of the Licencing Team Leader	<b>3 - 10</b>

Circulation:

Councillor R Johnson (Reserve Member)  
Councillor J G Simmons  
Councillor N Smith  
Councillor A Wilson

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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**  
**LICENSING SUB COMMITTEE – WEDNESDAY 22**  
**NOVEMBER 2023**



<b>Title of Report</b>	<b>REPORT UPDATE FOLLOWING THE REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003</b>	
<b>Presented by</b>	Andy Cooper Licensing Team Leader	
<b>Background Papers</b>	<a href="https://publishing.service.gov.uk">Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</a>  <a href="https://legislation.gov.uk">Licensing Act 2003 (legislation.gov.uk)</a>  <a href="#">Statement of Licensing Policy – Issue 7</a>  <a href="#">Chequered Flag Licensing Sub Committee report</a>	<b>Public Report: Yes</b>
<b>Purpose of Report</b>	For Members to note and comment on information received following the review hearing held on 1 November 2023 that affects the status of the premises licence in respect of the premises the Chequered Flag, 32 Borough Street, Castle Donington, Derby, DE74 2LA.	
<b>Recommendations</b>	<b>THAT THE SUB-COMMITTEE NOTE AND COMMENT ON THE ADDITIONAL INFORMATION CONTAINED WITHIN THE REPORT.</b>	

## **1.0 Background**

- 1.1 On 14 September 2023, The Licensing Authority applied to review the Chequered Flag premises licence.
- 1.2 A licensing Sub-Committee hearing took place on Wednesday 1 November 2023 to hear the review. A link to the Licensing Sub-Committee hearing agenda and officers report is available within the background paper heading of this report.

- 1.3 At the hearing, Members heard the application for the review of a premises licence submitted by the Licensing Authority, heard representations from responsible authorities and the licence holder. Members adjourned the meeting to make their decision. The meeting reconvened and their decision was read out at the hearing.
- 1.4 Since members of the Licensing Sub Committee made their decision with regards to the review, new information has been brought to the attention of the licensing authority which affects that decision. Information received relates to the licence holder Mr Robert Sandham being made bankrupt in May 2023 which affects the premises licence.

The licensing Act 2003 states;

**Death, incapacity, insolvency etc. of licence holder**

(1) A premises licence lapses if the holder of the licence -

- (a) dies,
- (b) becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence,
- (c) becomes insolvent,
- (d) is dissolved, or
- (e) if it is a club, ceases to be a recognised club.

For the purposes of this section, an individual becomes insolvent on –

- (a) the approval of a voluntary arrangement proposed by him,
- (b) being made bankrupt or having his estate sequestrated, or
- (c) entering into a trust deed for his creditors.

Therefore, the premises licence may only be retained in limited circumstances, only where either an application for an interim authority or transfer of the premises licence is made, no later than 28 days after the day the premises licence lapsed. As no application was received within the prescribed 28-day period, the premises licence remains lapsed. Therefore, as the licence had lapsed, there was technically no licence in place to review.

- 1.5 Following receipt of the information, Officers wrote to Mr Sandham on 6 November 2023 advising that the premises licence had lapsed. Officers hand delivered and explained the letter to him in person to ensure that he understood the content.

Mr Sandham was also advised, that with immediate effect, the premises are no longer permitted to carry out any licensable activities from the Chequered Flag and should he wish to continue offering licensable activities, he must apply for a new premises licence. A copy of the letter and record of the individual insolvency record is attached as **Appendix 1**.

1.6 Officers had carried out attempts to check insolvency records prior to the hearing, however the checks carried out did not identify any insolvency records.

## 2.0 Observations

2.1 That the Licensing Sub-Committee note and comment on the information contained within this report.

2.2 That the Licensing Sub-Committee note that the hearing on 1 November 2023 and that their decision is null and void due to the premises licence lapsing.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Communities and housing – looking after our tenants and keeping our communities safe
Policy Considerations:	Statement of Licensing Policy – Issue 7
Safeguarding:	Not applicable
Equalities/Diversity:	No Equality/Diversity issues raised, though this will be kept under review.
Customer Impact:	Not applicable
Economic and Social Impact:	Not applicable
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Not applicable
Risks:	Not applicable
Officer Contact	Andy Cooper Licensing Team Leader <a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a>

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**Environmental Health**

Licensing

Please ask for: Andrew Cooper

Telephone: 01530 454844

Our Ref: Chequered Flag

Date: 06 November 2023

Mr R Sandham



Dear Mr Sandham,

**LICENSING ACT 2003**

**THE CHEQUERED FLAG, 32 BOROUGH STREET, CASTLE DONINGTON**

I write further to the Licensing Sub Committee hearing for the review of the Chequered Flag premises licence held on 1 November 2023.

Since members of the Licensing Sub Committee made their decision with regards to the review, new information has been brought to the attention of the licensing authority which affects that decision. Information received relates to you being made bankrupt in May 2023 which affects your premises licence.

The licensing Act 2003 states.

**Death, incapacity, insolvency etc. of licence holder**

(1) A premises licence lapses if the holder of the licence -

- (a) dies,
- (b) becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence,
- (c) becomes insolvent,
- (d) is dissolved, or
- (e) if it is a club, ceases to be a recognised club.

For the purposes of this section, an individual becomes insolvent on -

- (a) the approval of a voluntary arrangement proposed by him,
- (b) being made bankrupt or having his estate sequestrated, or
- (c) entering into a trust deed for his creditors.

Therefore, the premises licence may only be retained in limited circumstances, only where either an application for an interim authority or transfer of the premises licence is made, no

later than 28 days after the day the premises licence lapsed. As no application was received within the prescribed 28-day period, the premises licence remains lapsed. Therefore, as the licence had lapsed, there was technically no licence in place to review.

Members of the Licensing Sub Committee will reconvene the hearing to formally record the information contained within this letter and that any decision made by members at the recent hearing is now invalid. You are not required to attend this reconvened meeting.

Please find enclosed a copy of the individual insolvency register.

**With immediate effect, you are no longer permitted to carry out any licensable activities from the Chequered Flag premises.** Should you wish to continue offering licensable activities, then you must apply for a new premises licence. Details of making an application for a new premises licence can be found on the Councils website [www.nwleics.gov.uk](http://www.nwleics.gov.uk)

Please note that officers may carry out monitoring checks to ensure that licensable activities are not taking place.

If you have any queries about this matter, please contact me direct on 01530 454844 or at [licensing@nwleicestershire.gov.uk](mailto:licensing@nwleicestershire.gov.uk)

Yours Sincerely



Andrew Cooper  
Licensing Team Leader



## Individual Insolvency Register

### Online Survey

We're updating our online services, and to do this we need your feedback. We'd appreciate it if you could answer a few short questions about who you are, why you use our services and how we can improve them. You'll also have the opportunity to sign up for future research sessions if you're interested.

I'd like to take part in The Insolvency Service registers online survey

While every effort has been made to ensure that the information provided is accurate, occasionally errors may occur. If you identify information which appears to be incorrect or omitted, please inform us using the feedback links contained within this site, so that we can investigate the matter and correct the database as required.

The **Insolvency Case Details** are taken from the Court Order made on the Order Date, and include the address(es) from which debts were incurred. They cannot be changed without the consent of the Court.

The **Individual Details** may have changed since the Court Order but, even so, they might not reflect the person's current address or occupation at the time you make your search, and **they should not be relied on as such.**

The Insolvency Service cannot accept responsibility for any errors or omissions as a result of negligence or otherwise. Please note that The Insolvency Service and Official Receivers cannot provide legal or financial advice. You should seek this from a Citizen's Advice Bureau, a solicitor, a qualified accountant, an authorised insolvency practitioner, reputable financial advisor or advice centre.

The Individual Insolvency Register is a publicly available register and The Insolvency Service does not endorse, nor make any representations regarding, any use made of the data on the register by third parties.

### Report Requested For : **ROBERT ANTHONY SANDHAM**

### Report for Bankruptcy Case

#### Individual Details

<b>Surname</b>	SANDHAM
<b>Forename(s)</b>	ROBERT ANTHONY
<b>Title</b>	Mr
<b>Gender</b>	(Information Not Available)
<b>Occupation</b>	Employed
<b>Date of Birth</b>	[REDACTED]
<b>Last Known Address</b>	[REDACTED]

## Insolvency Case Details

<b>Case Name</b>	ROBERT ANTHONY SANDHAM
<b>Court</b>	County Court at Derby
<b>Type</b>	Bankruptcy
<b>Number</b>	0000008
<b>Case Year</b>	2023
<b>Order Date</b>	10 May 2023
<b>Status</b>	Currently Bankrupt : Automatic Discharge will be 10 May 2024 <b>See FootNote</b>
<b>Case Description</b>	Robert Anthony Sandham, Director, of [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED], Manager of The Flag, 32 Borough Street, Castle Donington, Der by DE74 2LA

### Insolvency Practitioner Contact Details

<b>Main Insolvency Practitioner</b>	Steven Illes
<b>Firm</b>	Macintyre Hudson LLP
<b>Address</b>	6th Floor 2 London Wall Place London United Kingdom
<b>Post Code</b>	EC2Y 5AU
<b>Telephone</b>	0207 429 0593

### Insolvency Service Contact Details

<b>Insolvency Service Office</b>	Nottingham
<b>Contact</b>	Enquiry Desk
<b>Address</b>	PO Box 16651 BIRMINGHAM United Kingdom
<b>Post Code</b>	B2 2HQ - Click Post Code for Map of Office (The Insolvency Service is not responsible for the content of external sites.)
<b>Telephone</b>	0300 678 0016

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**Footnote** The bankrupt's Discharge Date is in accordance with Section 279(1) of The Insolvency Act as amended by Section 256 of The Enterprise Act 2002.

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Details extracted on **7/11/2023**

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