

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Abbey Room, Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 17 APRIL 2024

Councillors A Barker, R Johnson and J Legrys

Officers: Mr A Cooper, Mr P Dennis, Mr T Devonshire, Mr D Gill and Ms A Badani

1 ELECTION OF CHAIR

It was moved by Councillor A Barker, seconded by Councillor R Johnson and

RESOLVED THAT:

Councillor J Legrys take the Chair for the remainder of the meeting.

2 APOLOGIES FOR ABSENCE

There were no apologies received.

3 DECLARATION OF INTERESTS

There were no interests declared.

4 THE FLAG - APPLICATION FOR A NEW PREMISES LICENCE

The Chair introduced the parties in attendance and outlined the procedure to be followed. It was agreed that the maximum presentation time would be 15 minutes.

The Licensing Enforcement Officer presented their report.

The Applicant presented her application. She noted that the issue of her partner's bankruptcy, when previous Licence Holder, had nothing to do with The Flag, which was and remained a viable business venture; she added that she had had little direct interaction with the previous venture. She had undertaken the relevant training, and her previous life experience as a teacher, foster parent and successful businesswoman were also indicative of her ability to successfully manage the venue. The previous Licence Holder would continue to play a small role in the running of the business, mainly around managing stock and maintaining the cellar. She felt that the complaint put in by her neighbour was hyperbolic and vexatious, and her application had in fact received extensive public support. She also set out some measures she had taken so to ensure the success of the business and the compliance with the licencing regime in the future; she was happy to comply with all conditions requested by the Licensing Team.

The Chair cautioned that the claims which had been made about the neighbour who wrote in opposition to the application had not been evidenced.

Members asked the Applicant for further clarification about the role she envisaged the previous Licence Holder playing going forwards, and expressed some concern that it would be inappropriately large, considering his history of flagrant licence violations and his bankruptcy. The Applicant said that the previous Licence Holder was a good salesman, 'real ale' enthusiast, and personable with customers. His role in business would reflect this, and she would do most of the administrative and management work. The venture would be unviable if he was entirely barred from aiding her in running the business.

Chairman's initials

Members asked if the Applicant had spoken or written to her neighbours regarding the new licence application. The Applicant said that she had tried to speak to them, unsuccessfully, but had not written to them.

The Licensing Team Leader noted that a pavement licence application had been received but had already been rejected.

The representative from the Leicestershire County Council Highways Team presented his representation. He set out the historical issues with regards to the previous Licence Holder's violation of street furniture regulations. He stressed to Members that the issue had ended up in the Magistrates Court, and advised that this was an extremely severe and out of the ordinary approach from Leicestershire County Council and was reflective of a pattern of repeated disobedience. This had therefore cost a lot of time and money for Leicestershire County Council and had entailed a court mandated costs order. He would strongly advise Members not to grant the licence without a corresponding pavement licence.

In response to a query from a Member, it was established that a large volume of correspondence had been sent by the Highways Team to attempt to enforce street furniture regulations.

The Legal Advisor noted that the pavement licence was not the central question at hand. He then explained that if the Sub-Committee were minded to impose a relevant street furniture condition, there were quite strong enforcement mechanisms, namely a short term of imprisonment or a potentially unlimited fine.

The Licensing Team Leader, on behalf of the Licensing Team at North West Leicestershire District Council, presented their representation. He expressed grave concern about the role the previous Licence Holder might play in the future running of the business, following his lengthy history of non-compliance with the licensing regime, which he set out for Members, and which had been the subject of previous hearings. Relatedly, he advised that a review hearing was the last stage of the process and one which the Team tried to avoid wherever possible. He then set out the conditions which he strongly implored Members to impose, most pertinently he was extremely concerned that the previous Licence Holder would be at the forefront of the business and thus he requested that the previous Licence Holder be barred from selling alcohol or undertaking any management activities. He added that if a licence was granted, the Licensing Team would be carrying out a compliance inspection within the first 28 days of the business opening.

The Licensing Team Leader then dismissed the emails of support: they were clear evidence that the previous Licence Holder maintained an active role and he felt that many people who had written in support were unaware of the repeated and varied breaches the previous Licence Holder had been responsible for. He also noted that the Licensing Team had considered prosecuting the previous Licence Holder, but the Legal Team had advised that it failed the public interest test as they would be unlikely to retrieve costs.

The Environmental Health Officer, representing the Environmental Protection Team at North West Leicestershire District Council, presented her representation. She set out the significant historical problems of noise pollution at the venue and advised Members on Environmental Protections preferred conditions, should the panel be minded to grant the licence.

The Applicant advised that she already planned to follow the conditions with regards to noise, of her own volition.

The Licensing Team Leader declined a closing speech.

Chairman's initials

The Licensing Enforcement Officer declined a closing speech.

The Applicant presented her closing speech. She said that the previous Licence Holder would not be playing a big role; she would play a much more active role and would quit other business ventures to do so. She also noted the important role which the venue played in the village and charitable endeavours her, and the previous Licence Holder, had undertaken; she felt that their name had been tarnished. She also rejected the claim that the letters of support had been produced at the initiative of the previous Licence Holder.

The representative from Leicestershire County Council Highways Team presented his closing speech. He reemphasized the extensive costs of having to deal with issues at the venue historically, which was something they strived to avoid.

The representative from Environmental Protection presented her closing speech. She stressed the extensive amount of officer time dealing with the venue historically, and she also stressed the previous impacts on nearby residents of noise pollution from the venue.

The Legal Advisors set out the range of options as per the Licensing Act 2003, and what Members should consider relevant from what had been discussed, the laudable charity work the Applicant had carried out not being so. He also noted that the deluge of emails received were not relevant representations as they did not pertain to licensing objectives. He also advised on how potential conditions should operate: they must be precise and enforceable.

The meeting adjourned at 15:45.

The meeting reconvened at 16:16.

The Legal Advisor read out the decision.

RESOLVED THAT:

The Application be refused. The Sub-Committee had no confidence that Mr Sandham would not have a controlling influence over the management and running of the public house and given the previous history of noncompliance believed that it was likely that such non-compliance would continue and therefore they refused the application.

Further reasons would be detailed in the written decision notice which the Applicant would receive within 5 working days .

The meeting commenced at 2.30 pm

The Chairman closed the meeting at 4.18 pm

Chairman's initials