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agenda.

Meeting	LICENSING SUB COMMITTEE
Time/Day/Date	10.30 am on Wednesday, 28 August 2024
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	32 BOROUGH STREET - APPLICATION FOR A NEW PREMISE LICENCE	
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PREMISES: The 32 Borough Street, Castle Donington, Derby, DE74 2LA

3 - 56

APPLICANT: Mr Stephen Doig

To determine an application for a new 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 C Beck
Councillor G Rogers
Councillor N Smith

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
LICENSING SUB COMMITTEE - 28 AUGUST 2024



Title of Report	APPLICATION FOR GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003	
Presented by	Paul Dennis Licensing Enforcement Officer	
Background Papers	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk) Licensing Act 2003 (legislation.gov.uk) Statement of Licensing Policy 2024-2029 – Issue 8	Public Report: Yes
Purpose of Report	<p>To determine an application for the grant of a premises licence in respect of 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 Statement of Licensing Policy.</p>	
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.	

1.0 Background

- 1.1 Stephen John Doig and Andrew Stewart Green applied for the grant of a premises licence for 32 Borough Street, Castle Donington, Derby, DE74 2LA on 16 July 2024. The application form is attached as **Appendix 1**.

- 1.2 The applicant has specified within their application the following times for licensable activity at the premises including any seasonal variations.

Licensable activity	Timings	
Supply by retail of alcohol	Sunday	12:00hrs - 18:00hrs
	Monday to Thursday	12:00hrs - 21:30hrs
	Friday and Saturday	12:00hrs - 22:30hrs
	Sundays preceding a Bank Holiday/ National Holiday	12:00hrs - 22:30hrs
	New Year's Eve	12:00hrs - Midnight
Recorded Music	Sunday	12:00hrs - 18:00hrs
	Monday to Thursday	12:00hrs - 21:30hrs
	Friday and Saturday	12:00hrs - 22:30hrs
	Sundays preceding a Bank Holiday/ National Holiday	12:00hrs - 22:30hrs
	New Year's Eve	12:00hrs - 00:30hrs

- 1.3 The applicant has specified within their application the following opening times for the premises.

Opening Hours	Timings	
	Sunday	12:00hrs - 18:00hrs
	Monday to Thursday	12:00hrs - 21:30hrs
	Friday and Saturday	12:00hrs - 22:30hrs
	Sundays preceding a Bank Holiday/National Holiday	12:00hrs - 22:30hrs
	New Year's Eve	12:00hrs - Midnight

- 1.4 An aerial view of the site is attached as **Appendix 2** (Note: it is displayed as "The Flag Micro Pub" – the name of the previous business). A map of the site is attached as **Appendix 3**.

- 1.5 For information, as advised by the Planning Department, the current permitted planning permission times for operations or uses authorised at this site are:

Mondays to Thursdays - 11:00hrs - 2230hrs
 Fridays and Saturdays – 11:00hrs - 2300hrs
 Sundays and Bank Holidays (except New Years Eve) – 11:00hrs – 22:30hrs
 New Years Eve – 11:00hrs - 0030hrs.

So there are no planning issues with regard to the times, as applied for.

1.6 The applicants offered the following conditions in support of their application:

General - all licensing objectives:

The Premises Licence Holder and Designated Premises Supervisor will, in regular consultation with the Licensing Officers and Responsible Authorities and by effective management, regular training and support for all staff, ensure that the four licensing objectives are promoted, understood, practised and delivered. The business will work to promote harmony with its neighbours and the local community.

The prevention of crime and disorder:

1. CCTV will be installed to specifications and in locations agreed with the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice.

2. The CCTV will be installed, maintained and working whilst the premises is open to the public. CCTV footage will be recorded 24 hours a day, 7 days a week.

3. The CCTV will 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.

4. The images/recordings will be downloadable in a suitable format and provided to any member of a responsible authority upon request and without undue delay, not exceeding 5 working days.

5. Images and recordings will be of evidential quality, will indicate the correct time and date and be kept for at least 31 days.

6. All staff will be trained in the use of the CCTV system and at least one member of staff will be on duty who is trained to download the systems images should any member of a responsible authority make a request for the footage.

7. An incident log will be kept and maintained at the premises and will record any crimes, incidents, ejection of patrons, complaints, refusals of sales and Authority visits.

8. Signage will be prominently displayed with the premises operating hours.

9. The Local Authority Licensing Team and Police will be notified not less than 5 clear working days of any seasonal variations and events taking place.

10. The premises licence holder will engage and communicate with similar operators and Police to keep abreast of any potential issues. Retail Radio and Pub Watch schemes will be joined if available in the area.

Public safety:

1. 24 - hour CCTV will be installed and operated as described above under the Prevention of Crime and Disorder Licensing Objective.

2. A fire safety audit will be undertaken and all recommendations/actions therein will be complied with within 60 days of receipt.

3. All staff will receive 6 monthly training on fire safety legislation and on their responsibilities in respect of licensing legislation. This training will be documented and presented to a member of a responsible authority upon request.
4. The appropriate levels of Public Liability Insurance will be put in place.
5. First Aid training for will be undertaken by the Designated Premises Supervisor.
6. Disabled customers will be made aware of evacuation arrangements.

The prevention of public nuisance:

1. The sale by retail of alcohol shall cease immediately at the premises closing time each day and in accordance with the premises permitted opening times and in accordance with the permitted planning times.
2. Signage will be displayed at the premises requesting that patrons leave the premises quietly.
3. Details of a reputable local taxi company will be displayed at the premises.
4. All staff will be trained to monitor and assist with the quiet and orderly dispersal of customers at the close of business.
5. Disposal of bottles will not be undertaken at the premises between the hours of 23.00 and 08.00 the following morning.
6. Regular checks carried out to the front outside area of the premises to ensure that is kept free from smoking related litter.
7. The premises frontage and pavement will be cleaned on every trading day.

The protection of children from harm:

1. Children under the age of 14 will not be allowed on the premises. This will be clearly communicated alongside the premises opening hours.
2. Children above the age of 14 will be permitted provided they are accompanied by an appropriate adult.
3. The premises age verification policy will be clearly communicated by poster.
4. The Challenge 21 scheme will be operated.
5. All staff will be trained in the effective operation of Challenge 21 and made familiar with the Home Office False I.D. Guidance July 2012.
6. Signage will be used to clearly communicate that it is an offence to buy alcohol on behalf of anyone under 18.

2.0 Historical

- 2.1 The premises has been licensed previously. The premises licence was originally issued on 17 February 2014. There have been numerous issues with the previous premises licence holder. These issues included numerous alleged instances of unlicensed activities, non-compliance with conditions including failing to provide CCTV footage evidence on many occasions, using street furniture continuously without the required consent, noise complaints and a Magistrates court hearing for failing to demonstrate steps to remove rubbish from the then Chequered Flag premises. The premises licence has previously been reviewed twice. A recent application was refused in April 2024, when the previous premises licence holder's partner applied for the grant of a premises licence. The previous premises licence, for reference, is attached as **Appendix 4**.
- 2.2 The premises was formally reviewed in 2019 by the Fire Authority. The agenda and minutes for this review hearing are attached at the following link [Agenda for Licensing Sub Committee on Wednesday, 14th August, 2019, 6.30 pm - North West Leicestershire District Council \(nwleics.gov.uk\)](#)
- 2.3 The premises was formally reviewed in 2023 by the Licensing Authority , North West Leicestershire District Council. The agenda and minutes for this review hearing are attached at the following link [Agenda for Licensing Sub Committee on Wednesday, 1st November, 2023, 6.00 pm - North West Leicestershire District Council \(nwleics.gov.uk\)](#) Shortly after this hearing, it was discovered that the current premises licence holder had been declared bankrupt and as a result, this hearing was considered "null and void", since the premises licence had already lapsed.

3.0 Representations

- 3.1 In respect of an application for the grant of a premises licence, the applicant is responsible for advertising the application by way of a notice, in specified form at the premises for not less than 28 consecutive days and in a local newspaper. The applicant placed a notice in The Derby Telegraph on Friday 19 July 2024 and officers are satisfied that the correct notices have been displayed at the premises.
- 3.2 Each of the responsible authorities have been served a copy of the application, namely; the Police, Fire Authorities, Home Office, Trading Standards Department, Health Authority and the District Council's Health and Safety, Environmental Protection, Licensing and Planning sections. One representation was received from the responsible authorities from Environmental Protection on the grounds of the prevention of public nuisance. The representation is attached as **Appendix 5** and proposed:

The Environmental Protection Section request recorded music is not given consent to protect the residential amenities of the occupiers living in the dwelling above the premises and residents in close proximity to the premises. It is requested that this is applied as a condition to the licence to include as well as recorded music, no amplified music and no speaker or television usage in or outside the premises.

Following this representation, the applicants agreed to Environmental Protection's proposals. The agreement is attached as **Appendix 6**. Therefore, as this representation has been agreed, there is no need to debate recorded music and consider it within this hearing.

- 3.3 Other persons are able to make representations within 28 days of display of the notice of application to the Licensing Authority. Two representations were received from members of the public on the grounds of the prevention of public nuisance. The representations are attached as **Appendices 7-12**.

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, 2.1 to 2.14, 2.21 to 2.27, 3.1 to 3.2, 3.35, 8.3 to 8.14, 8.80-8.82, 9.1 to 9.12, 9.31 to 9.44, 10.1 to 10.10, 10.13-10.14, 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, 2.3, 2.5, 2.6, 4.1 to 4.4, 5.1 to 5.4, 6.1 to 6.4, 12.0, 19.2, 22.0, and 25.0 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:

- Grant the application and issue the premises licence as requested.
- Modify the conditions of the licence, by altering or omitting or adding to them.
- Reject the whole or part of the application.

- 6.3 There is a right of appeal to the Magistrates' Court against the decision of the Sub-Committee by the applicant and persons who made relevant representations.

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 8
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.
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	Paul Dennis Licensing Enforcement Officer paul.dennis@nwleicestershire.gov.uk

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Premise Licence - Yet to be determined - formerly The Flag

Applicant's details

Name: Stephen Doig

Address: [REDACTED]

Email address: [REDACTED]

Phone numbers:

[REDACTED]

Date of birth: [REDACTED]

Applicant's nationality: British

Is the applicant entitled to work in the UK:Yes

Does the Main applicant have a 'Right To Work Share Code' supplied by the Home Office?
No

Enter the 9 digit 'Right to Work Share Code';

In what capacity are you applying for the premises licence?an individual or individuals

Persons applying as individual(s) or persons other than individual(s), please confirm:am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Premise Details

Name of premises: Yet to be determined - formerly The Flag

Company name: Yet to be determined

Company number: Yet to be determined

Phone number of premise: 07770336405

Address:

32 Borough Street

Castle Donington

DE74 2LA

Please give a description of the premises: Small single servery micro bar with an enclosed ground floor cellar and a unisex W.C. An additional W.C. will be installed to provide separate Ladies and Gents W.C.

Non-domestic rateable value of premise: Band A - None to £4,300

Premise licence

When do you want the premises licence to start?30/09/2024

Do you wish the licence to be valid for a limited period?No

Do you expect 5,000 or more people to attend the premises at any one time?No

Opening Days

Monday: Yes

Opening time: 12:00

Closing time: 21:30

Tuesday: Yes

Opening time: 12:00

Closing time: 21:30

Wednesday: Yes

Opening time: 12:00

Closing time: 21:30

Thursday: Yes

Opening time: 12:00

Closing time: 21:30

Friday: Yes

Opening time: 12:00

Closing time: 22:30

Saturday: Yes

Opening time:

Closing time:

Sunday: Yes

Opening time: 12:00

Closing time: 18:00

List the times when you intend the premises to be open to the public at different times than those listed above. For example (but not exclusively), where the activity will occur on additional days during the summer months.

Sundays preceding a Monday Bank Holiday / National Holiday 12.00 - 22.30

State any season variations for the hours the premises will be open to the public. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve 12.00 until 00.00

Licensable activities

Plays: No

Films: No

Indoor sporting events: No

Boxing or wrestling: No

Live music: No

Recorded music: Yes

Standard Days and Timings

Monday start time: 12:00

Monday finish time: 21:30

Tuesday start time: 12:00

Tuesday finish time: 21:30

Wednesday start time: 12:00

Wednesday finish time: 21:30

Thursday start time: 12:00

Thursday finish time: 21:30

Friday start time: 12:00

Friday finish time: 22:30

Saturday start time: 12:00

Saturday finish time: 22:30

Sunday start time: 12:00

Sunday finish time: 18:00

List the times when you intend to use the premises for the activities at different times than those listed above. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Sundays preceding a Bank Holiday / National Holiday 12.00 - 22.30

New Years Eve 12.00 00.30

Additional details of the activities

Where will the activities take place. Where taking place in a building or other structure please select as appropriate (indoors may include a tent).

Indoor

Please give further details of the indoor sporting event here. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Low volume background music only to create ambience not for entertainment.

State any seasonal variations for the activities. For example (but not exclusively), where the activity will occur on additional days during the summer months.

Castle Donington Wakes

Performance of dance: No

Anything of a similar description to the above that does not fit into a single category: No

Provision of late night refreshment: No

Supply of alcohol: Yes

Standard Days and Timings

Monday start time: 12:00

Monday finish time: 21:30

Tuesday start time: 12:00

Tuesday finish time: 21:30

Wednesday start time: 12:00

Wednesday finish time: 21:30

Thursday start time: 12:00

Thursday finish time: 21:30

Friday start time: 12:00

Friday finish time: 22:30

Saturday start time: 12:00

Saturday finish time: 22:30

Sunday start time: 12:00

Sunday finish time: 18:00

List the times when you intend to use the premises for the activities at different times than those listed above. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Sundays preceding a Bank Holiday / National Holiday 12.00 - 22.30

New Years Eve 12.00 00.00

Additional details of the activities

Where will the activities take place. Where taking place in a building or other structure please select as appropriate (indoors may include a tent).

On the premises

Please give further details of the indoor sporting event here. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the activities. For example (but not exclusively), where the activity will occur on additional days during the summer months.

Designated Premise Supervisor

Title: Mr

First Name: Stephen John

Surname: Doig

Date of birth: [REDACTED]

Age: [REDACTED]

Place of birth: Leicester

Personal licence number (if known): [REDACTED]

Do they live within the District: Yes

Address:

[REDACTED]

[REDACTED]

[REDACTED]

Do you have the consent form signed by the individual you wish to be designated premises supervisor? Yes

Licensing Objectives

General all licensing objectives: The Premises Licence Holder and Designated Premises Supervisor will, in regular consultation with the Licensing Officers and Responsible Authorities and by effective management, regular training and support for all staff ensure that the four licensing objectives are promoted, understood, practised and delivered. The business will work to promote harmony with its neighbours and the local community.

The prevention of crime and disorder: 1. CCTV will be installed to specifications and in locations agreed with the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice.

2. The CCTV will be installed, maintained and working whilst the premises is open to the public. CCTV footage will be recorded 24 hours a day, 7 days a week.

3. The CCTV will 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.

4. The images/recordings will be downloadable in a suitable format and provided to any member of a responsible authority upon request and without undue delay, not exceeding 5 working days.
5. Images and recordings will be of evidential quality, will indicate the correct time and date and be kept for at least 31 days.
6. All staff will be trained in the use of the CCTV system and at least one member of staff will be on duty who is trained to download the systems images should any member of a responsible authority make a request for the footage.
7. An incident log will be kept and maintained at the premises and will record any crimes, incidents, ejection of patrons, complaints, refusals of sales and Authority visits.
8. Signage will be prominently displayed with the premises operating hours.
9. The Local Authority Licensing Team and Police will be notified not less than 5 clear working days of any seasonal variations and events taking place.
10. The premises licence holder will engage and communicate with similar operators and Police to keep abreast of any potential issues. Retail Radio and Pub Watch schemes will be joined if available in the area.

Public safety: 1. 24 hour CCTV will be installed, and operated as described above under the Prevention of Crime and Disorder Licensing Objective.

2. A fire safety audit will be undertaken and all recommendations/actions therein will be complied with within 60 days of receipt.
3. All staff will receive 6 monthly training on fire safety legislation and on their responsibilities in respect of licensing legislation. This training will be documented and presented to a member of a responsible authority upon request.
4. The appropriate levels of Public Liability Insurance will be put in place.
5. First Aid training for will be undertaken by the Designated Premises Supervisor.
6. Disabled customers will be made aware of evacuation arrangements.

The prevention of public nuisance: 1. The sale by retail of alcohol shall cease immediately at the premises closing time each day and in accordance with the premises permitted opening times and in accordance with the permitted planning times.

2. Signage will be displayed at the premises requesting that patrons leave the premises quietly.
3. Details of a reputable local taxi company will be displayed at the premises.
4. All staff will be trained to monitor and assist with the quiet and orderly dispersal of customers at the close of business.
5. Disposal of bottles will not be undertaken at the premises between the hours of 23.00 and 08.00 the following morning.
6. Regular checks carried out to the front outside area of the premises to ensure that is kept free from smoking related litter.
7. The premises frontage and pavement will be cleaned on every trading day.

The protection of children from harm: 1. Children under the age of 14 will not be allowed on the premises. This will be clearly communicated alongside the premises opening hours.

2. Children above the age of 14 will be permitted provided they are accompanied by an appropriate adult.
3. The premises age verification policy will be clearly communicated by poster.
4. The Challenge 21 scheme will be operated.
5. All staff will be trained in the effective operation of Challenge 21 and made familiar with the Home Office False I.D. Guidance July 2012.

6. Signage will be used to clearly communicate that it is an offence to buy alcohol on behalf of anyone under 18.

Declaration

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.

It is an offence under Section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

By ticking this box, I hereby certify the information contained in this form is correct to the best of my knowledge and belief and agree to all the above statements. Ticking this box deems this form to be signed and carries the same legal obligation as a written signature. Yes

Payment Details

██████████

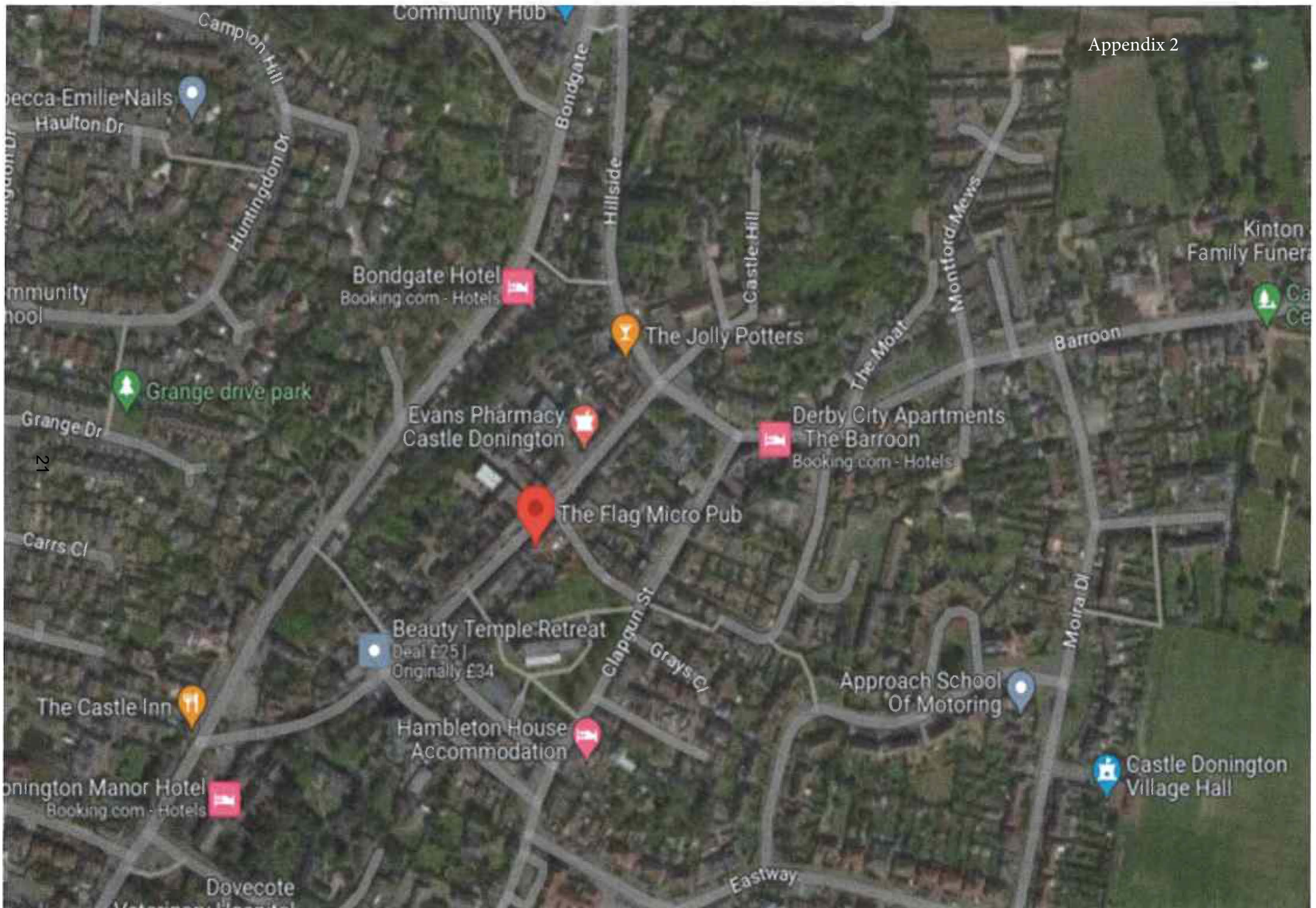
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Appendix 3



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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

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

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

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

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

Telephone Number: [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: [REDACTED]

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.

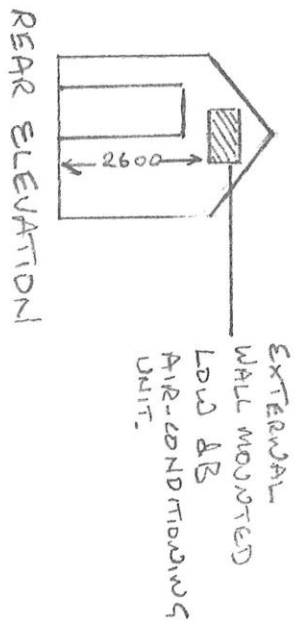
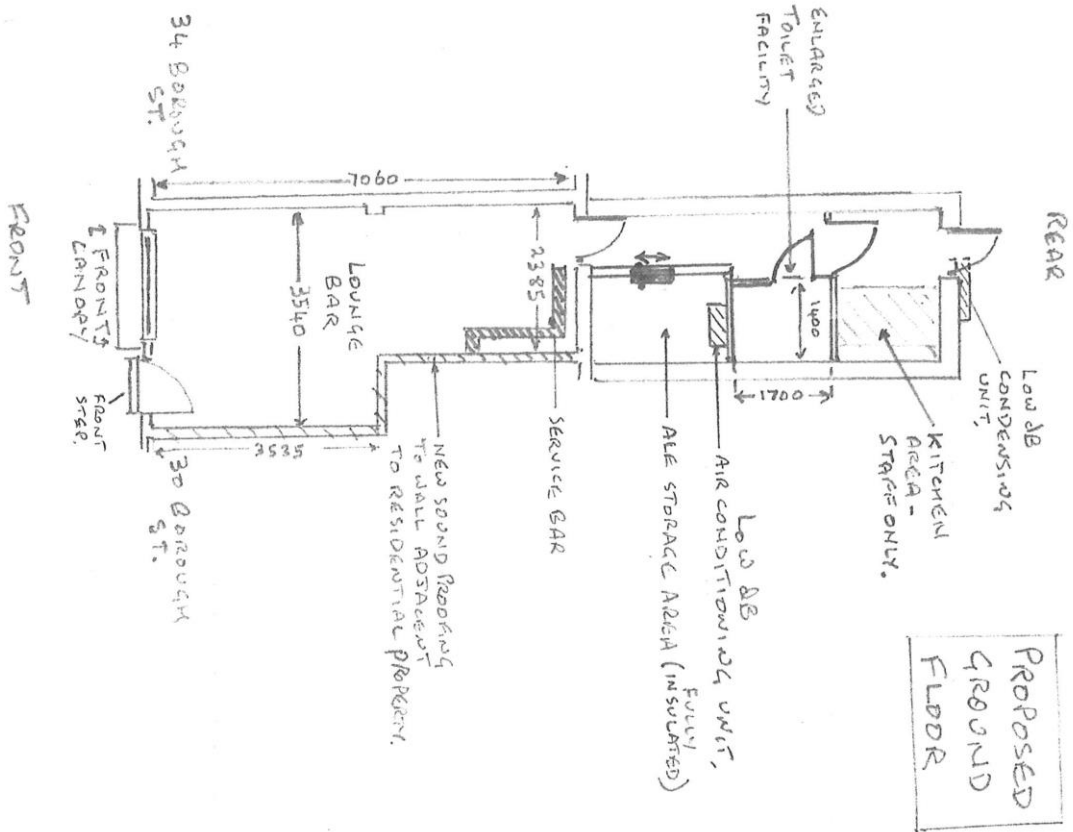
Annex 2 – Conditions consistent with the Operating Schedule

- 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

NORTH WEST LEICESTERSHIRE LICENSING AUTHORITY
Licensing Act 2003
REPLY FROM RESPONSIBLE AUTHORITY- REPRESENTATION

Responsible Authority: Environmental Protection

Your Name	Anisa Badani
Job Title	Environmental Health Officer
Postal Address	PO Box 11051 Coalville LE67 0FW
Consultation Reference	24/04306/EPLICE
Consultation Type	Env. Protection Licence Consultation
Email Address	ANISA.BADANI@NWLeicestershire.gov.uk
Contact telephone number	01530 454775
Name and Address of the premises you are making a representation about	32 Borough Street Castle Donington Derby DE74 2LA
Proposal	<p>Premise Licence - Yet to be determined - formerly The Flag Premise Details Name of premises: Yet to be determined - formerly The Flag Company name: Yet to be determined Company number: Yet to be determined When do you want the premises licence to start? 30/09/2024 Do you wish the licence to be valid for a limited period? No Do you expect 5,000 or more people to attend the premises at any one time? No Opening Days Monday: Yes 12:00 - 21:30 Tuesday: Yes 12:00 - 21:30 Wednesday: Yes 12:00 - 21:30 Thursday: Yes 12:00 - 21:30 Friday: Yes 12:00 - 22:30 Saturday: Yes Sunday: Yes - 12:00 - 18:00 Recorded music: Yes Supply of alcohol: Yes On the premises Retail Sales of Alcohol</p>

On the grounds of preventing public nuisance,

The Environmental Protection Section request recorded music is not given consent to protect the residential amenities of the occupiers living in the dwelling above the premises and residents in close proximity to the premises. It is requested that this is applied as a condition to the licence to include as well as recorded music, no amplified music and no speaker or television usage in or outside the premises.

The Environmental Protection Team are satisfied with all other details contained within the application forming a condition of the licence.

Signed: *Anisa Badani*

Date: 07.08.2024

Please return this form along with any additional sheets to:

North West Leicestershire Licensing Authority,
PO Box 11051
Coalville
LE67 0FW,

or email LICENSING@nwleicestershire.gov.uk.

This form must be returned within the Statutory Period. For more details please check with the Licensing Office on 01530 454529, 454838 or 454844.

Licensing Act 2003

Premises Licence Grant Application – 32 Borough Street, Castle Donington, Derby, DE74 2LA

Notification to Local Authority of agreement regarding Representation

To: Licensing NWLDC

Date: 07.08.2024

Dear Sir/Madam

I write in my capacity as the applicant in relation to the above matter.

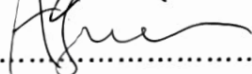
This concerns the Environmental Protection Team representation in relation to the prevention of public nuisance licensing objective.

I would like to accept the Environmental Protection proposal as follows: -

The Environmental Protection Section request recorded music is not given consent to protect the residential amenities of the occupiers living in the dwelling above the premises and residents in close proximity to the premises. It is requested that this is applied as a condition to the licence to include, as well as recorded music, no amplified music and no speaker or television usage in or outside the premises.

Please accept this notice as formal request to amend my application/operating schedule in accordance with the above and note that I agree to this proposal/ conditions being attached to the premises licence. Furthermore, I confirm that I do not consider a hearing to be necessary.

Signed..........Name in block capitals STEPHEN JOHN DOLG.

Signed..........Name in block capitals ANDREW STEWART GREEN

Date.. 08/08/2024.....

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

REPRESENTATION FORM

Your name/organisation name/name of body you represent	Mr Ben Lee
Organisation name/name of body you represent (if appropriate)	N/A
Your Postal address	30 Borough Street, Castle Donington, Derby DE74 2LA
Name of the premises you are making a representation about	N/A
Address of the premises you are making a representation about	32 Borough Street, Castle Donington, Derby DE74 2LA

What are you making a representation about?
Please indicate which part of the licence/certificate application you are making a representation about (i.e. Terminal hours, and music and dancing on Friday and Saturday night)
I am making a representation about the license application as a whole. Please see attached separate sheets.

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	<i>Please provide full details of your concerns regarding the application and include any evidence you may have in support of it. Please use separate sheets if necessary</i>
To prevent crime and disorder	
Public safety	
To prevent public nuisance	Please see attached separate sheets.
To protect children from harm	

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

Signed: Ben Lee

Date: 12/08/2024

Capacity: Owner of adjoining residential premises

NOT FOR PUBLICATION

Your e-mail address	[REDACTED]
Your contact telephone number	[REDACTED]

SUPPORTING NOTES

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

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

They can only relate to the four licensing objectives.

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

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

Licensing
North West Leicestershire District Council
PO Box 11051
Coalville
Leicestershire
LE67 0FW

Email to licensing@nwleicestershire.gov.uk

Tel: 01530 454545

What are you making a representation about?

I am making a representation about the license application as a whole.

It is simply not possible for the applicant to promote the licensing objective to prevent public nuisance, specifically noise disturbance, due to the incredibly close proximity of the premises to our residential premises. My first hand experiences of having the former licensed premises in the next room, for almost a decade, confirmed all my former concerns, and presented additional issues. The only satisfactory resolution I have ever experienced whilst living at my property for nearly twenty years, has been during the periods of time that the small, retail unit next door has been used for more realistic purposes, i.e; office use or retail, or when the licensed premises was closed and unoccupied.

Licensing Objective/To prevent public nuisance

Public nuisance... 'The reduction of the living amenity of other persons living in the area of the licensed premises' This extract from Revised Guidance issued under section 182 of the Licensing Act 2003 succinctly describes my experience of having a licensed premises next door.

I am in the unique position of having previously endured nearly a decade of continual nuisance and disturbance, arising from the small retail unit next door being used as a licensed premises. So I am very well placed to voice my legitimate concerns from a position of long term, first hand experience of public nuisance arising from the granting of a license such as this.

Firstly, understanding 32 Borough Street's proximity to our home is paramount when making decisions regarding its impact on our lives, and the detriment caused to our ability to enjoy our home due to noise and disturbance. To describe No.32 as 'next door' or 'adjoining' does not go far enough to paint a true picture of its proximity to my home. We occupy the same building, which was built circa 1900, which, over time, has been separated into four premises. There are two small retail business premises on the ground level, No.32 and No.34 (A small clothing shop) and my home. On the first floor level my home extends across and above No.32 (This is called a flying freehold) and there is also a flat. The small empty retail unit currently located at No.32 had formerly been The Flag micropub from April 2014 to November 2023, and before that the premises had always been used as an office, ever since we moved in nearly twenty years ago. It is worth noting that the entire footprint of No.32 is situated beneath two residential bedrooms, mine and the flat. Due to the age and structure of the building, sound travels easily through walls, ceilings and floor voids. It is no exaggeration to describe No.32 as being in the other room, rather than next door.

Prior to the period that No.32 operated as a licensed premises, this caused no issue, as we purchased our property on the understanding that No.32 would be used for office and retail use,

and the property title for No.32 contains a restrictive covenant, preventing it from being used as a cafe, restaurant, takeaway or licensed premises. The 9-5 operation of a shop or office works in perfect harmony with a residential dwelling next door, so we had no issues.

When we were initially approached by the first people who wanted to set up the micropub, we were completely opposed to the idea of having a pub next door. We were concerned about noisy drinkers disturbing us at all hours and all the associated issues that come along with a pub and alcohol consumption. We were assured at great length, and in great detail, that a micropub was a completely new and different concept, and nothing like a normal pub. We were told that due to its small size it would be impossible for the internal occupancy to exceed 30 people, and that the focus of the enterprise was to promote conversation in an intimate environment, without the distraction of music, games machines or TVs showing live sports. This philosophy would be further promoted through the sale of craft ales, and that lager and alcopops would not be served, in order to deter a particular type of clientele who could be rowdy. In addition to this we were told that sound proofing measures would be installed to insulate our property from noise. We were eventually convinced by their sales pitch and made no representations to the planning application, and permission was granted for a micropub. The planning officer involved in the application made the following, now seemingly prophetic, statement;

'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...'

On the first day of opening I came home from work to find a large crowd of drinkers gathered on the pavement outside the pub and my home, some gathered around my lounge window, using the window sill as a place to set down their drinks, and more people gathered round my front door, with others sat on the doorstep blocking access to my home. I had to ask them to move so I could get through my door, only for them to sit back down once I passed.

We also realised very early on that the soundproofing in the party wall was installed ineffectively, and that no sound attenuation measures had been taken in respect to the void between the pub ceiling and our bedroom floor, so stuffing some acoustic insulation behind the drywall was a pointless exercise.

Previously, the balance of compromise has been tipped in the favour of the licensed premises, which has been wholly to the detriment of our ability to ever remotely, and reasonably, enjoy our home, let alone the use of our master bedroom, whilst the bar below is in operation.

Call the premises what you will on paper; micropub, wine bar, and everything else in between, it makes no real difference on the ground, it's just a venue for people to imbibe alcohol, which leads to people becoming intoxicated, which invariably leads to people getting louder and less

inhibited. So from the very outset, the proposal of a licensed premises is to consider a thing that causes a noise disturbance, the consideration factors that then follow are how can this disturbance be mitigated by limiting the duration of such activities and the proximity of these activities to nearby residential dwellings. In this particular case, where no effective sound attenuation measures are realistically possible, the mere consideration of allowing a licensed premises at this location, is to start with a bedrock of causing a detrimental noise nuisance, and can only move forward to implement partial measures to limit it slightly through shorter hours, no music, etc, but there is no happy medium or middle ground to be had here, as the licensed premises will always gain something at the cost of us losing.

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

Please consider the following as 'suggestions' NOT 'conditions that could be added to the license to remedy my representation' I am only making these suggestions so that they can be taken into account if we find ourselves in the unfortunate position that this application is granted, which I truly hope it is not. The former micropub has gone, the property has been stripped out and returned to an empty shell of a retail unit, I was really hoping that the ridiculous notion of these premises being a suitable location for a licensed premises was dead in the water. It felt like being punched in the stomach when, after eight months of peace and quiet, I had someone knocking on my door to say they were considering turning the empty retail unit back into another boozer. I was given plenty of verbal assurances about the concept of it being a wine bar and that no one would be taking their drinks outside, etc, but past experience has hardened me to the fact that such things are absolutely meaningless, unless set in stone as conditions.

May I suggest the following conditions for consideration;

No Off Sales. No alcohol to be taken off the premises as described in the site plan of the premises included in the original granted planning permission and the license application (In order to prevent noise disturbance and antisocial behaviour from external drinkers) or at the very least, no alcohol to be taken off the premises in open containers for consumption outside.

May I bring your attention to Application Reference 14/00739/VCI - Variation of planning condition 5 of planning permission 13/00963/FUL (See attached documents)
In which, under 'Third Party Representations' the following representation was received;

'Extending the hours will lead to additional people congregating on the street which will result in detriment to residential amenities'

Under 'Residential Amenity' the planning officer responded with the following;

'In terms of the representation received in relation to the congregation of people in the street it is considered that Condition 5 of the consent outlines that the uses of the site shall be confined to

the application site, outlined in red on the site location plan submitted in support of application reference 13/00963/FUL, which does not include the public highway. Should people be consuming goods purchased from the premises on the street then this would be in a breach of the planning permission and as such would be enforced by the Council's Planning Enforcement team'

This was unfortunately a case of closing the stable door after the horse has bolted, as patrons of the licensed premises had always congregated outside the premises to drink, and always did. It has been made very clear to me by previous licencees that the backbone of the business surviving, in such a tiny premises, was the utilisation of all the free space on the street for customers during the summer months. The former licensee had been overheard numerous times stating that the business is just not viable without customers spilling out onto the highway, due to the incredibly limited floor space inside. Although I brought the above statement to the attention of the Council on numerous occasions, I have been lead to believe that they found themselves in a contradictory dilemma, in that an off license had already been granted, so consumption of alcohol purchased on the premises was permitted in the street, even though it was also a planning breach? I was also told that the highway was the jurisdiction of Leicestershire County Council highways department, not North West Leicestershire District Council. I was also advised that my only recourse for the issues arising from drinkers congregating outside my home, would be either LCC highways for blocking the pavement/road, the Police for anti-social behaviour, or Environmental Health for noise disturbance. Which is all well and good but I don't see why we should have to police such issues if they arise.

I believe that the most simple solution, which would go a very long way in limiting the disturbance we would experience from external drinkers, especially in summer months, would be the removal of OFF SALES from the license or not permitting OFF SALES. The person who approached me to advise of their plans for the premises stated that no one would be congregating outside with drinks, so I don't see that there should be any issue in having NO OFF SALES, as it is the simplest solution to resolve numerous issues. Plus the planning officer previously stated that no one should be drinking outside anyway. Not unless there are clandestine plans to boost profitability by using the street as an unlimited capacity beer garden, which has been the case historically, then I assume the applicant will have no issue with this condition. The use of a pavement/cafe license is only of use to control positioning of table and chairs, where no pavement/cafe license exists, there appears to be no control of patrons in the street if an off sales license has been granted.

Please also consider the addition of the following conditions to the license, if it is decided that it shall be granted, which I sincerely hope it is not.

No Live Music at any time

No Recorded/Amplified Music at any time

No TV (e.g; showing live sport)

How do we protect against noise nuisance arising from lock-ins/after hours drinking? This appears to be a grey area where conditions do not apply, if the till is closed and no money changes hands, it's seemingly considered a private party on the premises. This matter is of great concern to us and is the main reason for us asking that a Premises License is not granted. We understand that lock-ins/after hours drinking are long standing traditions in pubs, the unique issue with these premises is the very close proximity to our home and bedroom.

Making decisions based on the fact that there are other licensed premises in the vicinity is not appropriate. Conditions on a premises license must be tailored to the individual type, location and characteristics of the premises. No other pubs in the village are located beneath another residential premises bedroom. We are not affected by other pub's customers, or anyone walking by in the street, we never have, as no one has cause to congregate outside of our house. The only reason these people are outside our home is because of The Flag. It has been made clear that this cannot be controlled as it is off the premises, and to a large extent, not the licensee's responsibility. We get stuck in this grey area.

I'm not interested in the usual cookie cutter suggestions used in the past, for example, putting a sign up asking customers to exit quietly? It makes no sense, when have had to listen to internal and external noise from drinkers all evening, to suggest that intoxicated patrons will take the time to read a sign by the door and maybe walk away quietly is absurd and pointless

It is worth noting this excerpt from Revised Guidance issued under section 182 of the Licensing Act 2003 - Section 2.The licensing objectives/Public Nuisance Sub-section 2.27;

Encourage patrons in the immediate vicinity of the premises to respect the rights of people living nearby to a peaceful night.

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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DEL 1

Variation of planning condition 5 of planning permission 13/00963/FUL to extend the opening times so that they reflect the premises licence.
The Chequered Flag, 32 Borough Street, Castle Donington, Derbyshire, DE74 2LA.

Case Officer:
Adam Mellor

Application Reference:
14/00739/VCI

Applicant:
Mr M Willies

Date Registered:
21 July 2014
8 Week Date:
15 September 2014
Consultation Expiry:
9 September 2014

1. Proposals and Background

This is an application under Section 73 of the Town and Country Planning Act 1990 to “vary” condition 5 of planning permission 13/00963/FUL to extend opening times so that they reflect the premises licence at The Chequered Flag, 32 Borough Street, Castle Donington, which was approved on the 12th February 2014. Section 73 relates to development of land without complying with conditions subject to which a previous planning permission was granted. The Council, in considering this application, is only entitled to consider the question of the conditions subject to which planning permission should be granted. Condition 5 attached to 13/00963/FUL which the applicant wishes to vary is listed below:

Condition 5

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

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

Reason – to ensure against noise disturbance to the surrounding area or properties.”

The applicant wishes to vary this condition by increasing the hours so that they reflect those of the premises licence which would be as follows: -

Between 1100hrs and 2230hrs Mondays to Thursdays, Sundays and Bank Holidays (except New Years Eve);
 Between 1100hrs and 2300hrs Fridays and Saturdays; and
 Between 1100hrs and 0030hrs on New Years Eve.

It is indicated on the application forms that the development started on the 18th February 2014 with the works being completed on the 16th April 2014.

The planning history of the site is as follows: -

- 04/01467/FUL – Erection of a single storey rear extension – Approved 8th November 2004;
- 05/01697/FUL – Change of use from retail use (A1) to office use (A2) and erection of a satellite dish – Approved 3rd March 2006.

2. Publicity

7 No. neighbours notified 7 August 2014.

A site notice was displayed on the 19 August 2014.

3. Consultations

Castle Donington Parish Council consulted 7 August 2014.

East Midlands Airport Safeguarding consulted 7 August 2014.

Leicestershire County Council Highways Authority consulted 7 August 2014.

North West Leicestershire District Council Environmental Protection consulted 7 August 2014.

4. Summary of Representations Received

The following summary of representations is provided.

Castle Donington Parish Council has no objections but raises concerns due to the proximity of residential accommodation.

East Midlands Airport Safeguarding has no objections.

Leicestershire County Council – Highways has no observations.

NWLDC – Environmental Protection has no objections.

Third Party Representations

Two no. representations have been received from the occupants of the Sailors & Soldiers Club, 7 Clapgun Street and an unknown address objecting to the application with the comments raised summarised as follows: -

- Extending the operating times of the premises will impact on the potential custom generated by our premises which is hidden away on a parallel street to Borough Street;
- Extending the hours will lead to additional people congregating on the street which will result in detriment to residential amenities.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) – March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 123 indicates that planning policies and decisions should aim to, amongst other things:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional;

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use;

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Policy R1 states that shopping and related development such as food and drink uses will be permitted within Coalville Town Centres as shown on the Proposals Map, subject to other material considerations.

Policy R19 provides that, in addition to local shops, only certain ground floor frontage uses (listed under the policy) will be permitted within existing and proposed local shopping centres, subject to environmental and traffic considerations, and other criteria relating to vitality and viability.

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6. Assessment

The principle of the use of the ground floor building as a micro pub (an A4 use) was assessed and considered to be acceptable under application reference 13/00963/FUL. In these circumstances the only matter for consideration relates to whether the increase in the hours of operation would result in sufficient detriment to residential amenities by virtue of a noise impact. Any issues associated with the competition between premises offering similar products is not a material planning consideration which can be taken into account in an assessment of the application.

Residential Amenity

The buildings on Borough Street are utilised for a variety of uses including retail, financial businesses, restaurants, drinking establishments, flats and houses. No. 34 Borough Street is used for retail purposes and No. 30 is a residential dwelling. In assessing the merits of the proposed use on application reference 13/00963/FUL the case officer stated that *"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 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. The size of the premises (some 40 sqm total) limits the extent of the operation, and if A4 use was granted it would be unlikely to be a suitable business prospect as a standard brewery."*

The proposed working hours would be see the premises open one hour earlier on all days of the week, including Bank Holidays, with a one hour extension in the evening Monday to Thursday, Sunday and Bank Holidays (except New Years Eve) and a 30 minute extension on Friday and Saturday. An extension until 0030hrs would be proposed on New Years Eve. With regards to the working hours of premises within the vicinity of the site it is noted that the A3 (Restaurants and Cafes) use at Nos. 36 to 38 Borough Street (The Apiary) currently operates between the hours of 0900hrs until 2330hrs Monday to Saturday and 0900hrs to 2200hrs on Sundays and Bank Holidays. In respect of the alterations to the hours of operation the Council's Environmental Protection team have raised no objections and in the context of the hours of operation of neighbouring businesses, as well as the nature of the use, it is considered that there would not be an adverse impact on neighbouring residential amenities by virtue of comings and goings from the site at unsocial hours. The operation of the business until 0030hrs on New Years Eve would also not have a significantly detrimental impact on the amenities of neighbours as to warrant a refusal of the application given that these hours would be limited to one day of the year and have been deemed appropriate by the Council's Licensing team.

In terms of the representation received in relation to the congregation of people in the street it is considered that Condition 5 of the consent outlines that the uses of the site shall be confined to the application site, outlined in red on the site location plan submitted in support of application reference 13/00963/FUL, which does not include the public highway. Should people be consuming goods purchased from the premises on the street then this would result in a breach of the planning permission and as such would be enforced by the Council's Planning Enforcement team. In these circumstances the potential congregation of people from the premises, as well as neighbouring premises, on Borough Street at the operational times of the business would not result in sufficient detriment to the amenities of neighbours as to justify a reason for refusal particularly in the circumstances that the increase in the hours of use are not significant.

Overall, therefore, the proposed change to the hours of operation would not conflict with the aims

of Paragraph 123 of the NPPF or Policy E3 of the Local Plan.

Summary Reasons for Granting Planning Permission

The site has the benefit of permission for the operation of a micro pub from the premises and this has been implemented on the site. It is considered that the alterations to the hours of operation would not result in sufficient detriment to neighbouring residential amenities given that the hours would not be too dissimilar to other business premises within the vicinity of the site and the fact that the Council's Environmental Protection team has no objections. In these circumstances the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan. It is therefore recommended that the application be permitted.

The proposed amendments will require alterations to condition 5 to reflect the revised hours all other conditions remain the same as imposed on application reference 13/00963/FUL, although a note to the applicant will be imposed on the consent to bring to the applicant's attention the need to address Condition 4 of the consent given that the use of the site has commenced.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

Reason – to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

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

Reason – to determine the scope of this permission.

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

Reason – to determine the scope of this permission and for the avoidance of doubt.

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

Reason – to ensure against a noise disturbance to the surrounding area or properties.

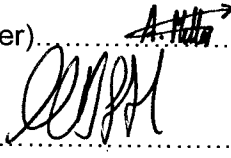
5. Operations or uses authorised under this permission shall be carried out within the application site only between the following times:

Between 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.

Reason – to ensure against noise disturbance to the surrounding area or properties.

Notes to applicant

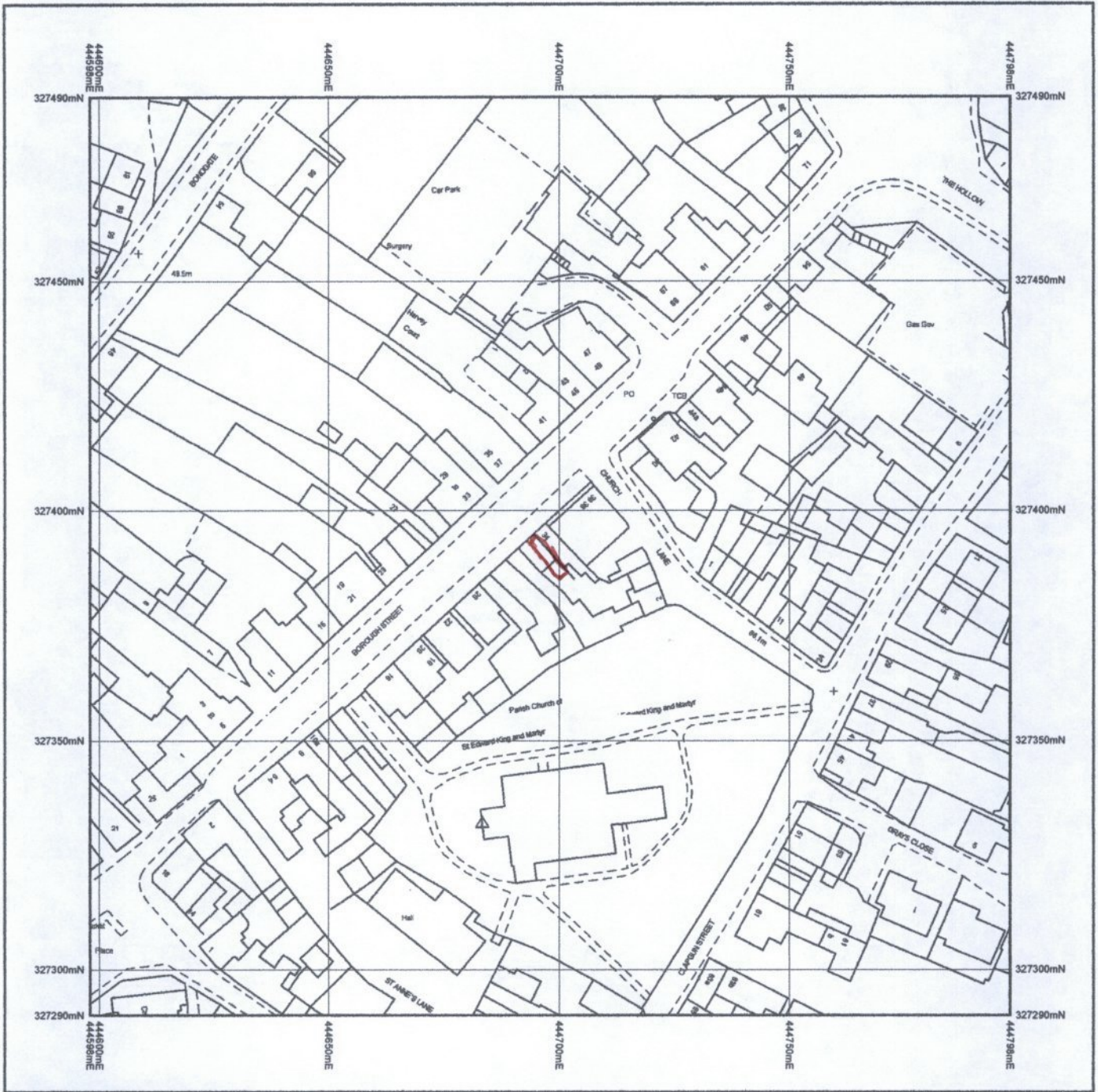
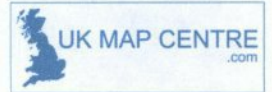
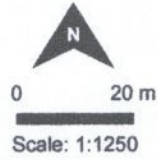
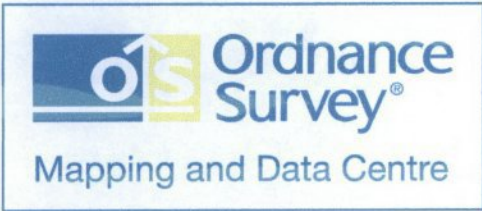
1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
2. As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
3. The developers should note that this permission does not authorise any new shop front advertisement which may require advertisement consent. You may wish to contact the Local Planning Authority in relation to any new adverts which may be required.
4. Your attention is drawn to the fact that the use of the premises as a Micro Pub has commenced without compliance with Condition 4 of the consent and as such satisfactory information should be submitted to discharge this condition at your earliest convenience in order to avoid the Local Authority considering the pursuit of any formal enforcement action.

Checked by (Case Officer)..... ~~AMH~~ 

Date..... 4/9/15.....

Decided by..... 

Date..... 4.9.15.....



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Willies

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

REPRESENTATION FORM

Your name/organisation name/name of body you represent	Jayne Orme
Organisation name/name of body you represent (if appropriate)	
Your Postal address	30, Borough Street, Castle Donington, Derby, DE74 2LA
Name of the premises you are making a representation about	
Address of the premises you are making a representation about	32, Borough Street, Castle Donington, Derby, DE74 2LA

What are you making a representation about?

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

I'm making a representation about the licence application as a whole.

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	<i>Please provide full details of your concerns regarding the application and include any evidence you may have in support of it. Please use separate sheets if necessary</i>
To prevent crime and disorder	
Public safety	
To prevent public nuisance	Please see attached
To protect children from harm	

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

Please see attached

Signed: Jayne M. Orme

Date: 11th August 2024

NOT FOR PUBLICATION

Your e-mail address	[REDACTED]
Your contact telephone number	[REDACTED]

My partner and I live next door to 32 Borough Street which, at the moment, is a small, empty retail unit. We moved into 30 Borough Street in October 2007, at that time 32 Borough Street was used as an office. On 16/4/2014 Mr M. Willies opened the Chequered Flag micropub, which was subsequently taken over by Mr. R. Sandham on 11/3/2015. The pub closed in November 2023. The bar area was situated next to our lounge/dining room area and below our bedroom (we have a flying freehold above 32 Borough Street).

During the evenings, when the pub was open, there was a constant background hubbub, in both our bedroom and our living area. I suffer from frequent migraines and need to go to bed in order to sleep them off. This is made more difficult when there is noise, from the pub, coming through the floor. The noise intruding into our living area was also a constant nuisance. All this may seem quite innocuous but living next door to this disturbance, day in and day out, affects our quality of life and absolutely plays on our nerves. Whilst I appreciate this relates to a previous situation, I see no reason why the noise levels, from the proposed wine bar, won't approximate those of our past experience.

In addition, smokers have tended to congregate outside, with their drinks, some resting them on our windowsill, while others have sat on our front doorstep and leant against our front door, so, noise has not only emanated from outside, there was also the nuisance of glasses on our sill and our door being used as a back rest, behaviours that I would like to be prevented should the licence be granted.

Previous licence holders have used the back alley, over which we have right of way, as a 'dumping ground' for empty bottles etc. This should not be allowed as it blocks our rear exit, especially pertinent in case of fire.

I think that the persons who have previously been licensees at number 32 and those who are currently applying for a licence at number 32 don't realise that it is our lives that are being affected, as well as our mental well being. I have now, for many years, had to take a cocktail of anxiolytics, my anxiety being exacerbated by the problems relating to the pub next door. The current applicant's business partner, Mr. Green, asked my partner if we had thought about moving, a suggestion which I feel was totally inconsiderate and inappropriate. Number 30 is our home, not just a house that we live in. In addition, having a licensed premises next door actually devalues our property and would make it much harder to sell, so we probably couldn't move, even if we wanted to.

The previous licensees of 32, Borough Street, Mr. Willies and Mr. Sandham, gave my partner and I verbal reassurances with regard to how the pub would be run. Both Mr. Willies and Mr. Sandham reneged on these undertakings. I do not know the current applicant Mr. Doig, or his business partner, Mr. Green (Mr Green has spoken to my partner and given him assurances with regard to the opening hours), so my concerns can only be based on the previous licensees. The saying 'fool me once, shame on you, fool me twice, shame on me' springs to mind. My concern is that I don't want to be fooled again.

I would ask that considering the effect that having a licensed premises would have not only on the value of our property but, more importantly, on our lives and our mental well being, that it not be granted. The premises are totally unsuitable and the nuisance caused would affect us each and every day.

Should the licence be granted, I would ask that in order to preempt/forestall problems that are likely to arise, the following be taken into consideration:

1. That the licensing hours applied for be 'set in stone' i.e. meaning that they cannot be increased at some future date.
2. That adequate sound proofing be installed, this would go a long way to attenuate the nuisance caused by noise.
3. The back alley should be kept clear at all times.
4. The wine bar's clientele are not allowed to take drinks, in open containers, out onto Borough Street.