

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

REPRESENTATION FORM

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

What are you making a representation about?

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

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

Your representation must relate to one of the four Licensing Objectives

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

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

Date: 23rd July 2019

Capacity: Senior Planning Enforcement Officer

please see attachments which relate to the area granted planning permission

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

NOT FOR PUBLICATION

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

SUPPORTING NOTES

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

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

They can only relate to the four licensing objectives.

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

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

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

email to licensing@nwleicestershire.gov.uk

Tel: 01530 454545
Fax: 01530 454574