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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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