

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE – WEDNESDAY 22  
NOVEMBER 2023**



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

**1.0 Background**

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

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

The licensing Act 2003 states;

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

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

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

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

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

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

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

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

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

## 2.0 Observations

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

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

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Communities and housing – looking after our tenants and keeping our communities safe
Policy Considerations:	Statement of Licensing Policy – Issue 7
Safeguarding:	Not applicable
Equalities/Diversity:	No Equality/Diversity issues raised, though this will be kept under review.
Customer Impact:	Not applicable
Economic and Social Impact:	Not applicable
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Not applicable
Risks:	Not applicable
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