

**REPRESENTATION FORM**

<b>Your name/organisation name/name of body you represent</b>	Andrew Cooper, Licensing Team Leader
<b>Organisation name/name of body you represent (if appropriate)</b>	Licensing, North West Leicestershire District Council
<b>Your Postal address</b>	PO Box 11051, Coalville, LE67 0FW
<b>Name of the premises you are making a representation about</b>	The Flag
<b>Address of the premises you are making a representation about</b>	32, Borough Street, Castle Donington, DE74 2LA

<b>What are you making a representation about?</b>
Licensing Act 2003 grant of premise licence application
As a responsible authority, the Licensing Authority is submitting a representation on the grounds that the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance would be undermined.

Your representation must relate to one of the four Licensing Objectives

<b>Licensing Objective</b>	<b><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></b>
<b>The prevention of crime and disorder, public safety and the prevention of public nuisance.</b>	<p>I write in my capacity as a Licensing Team Leader for North West Leicestershire District Council as a responsible authority.</p> <p>This representation is in response to an application for the grant of a premise licence from Christine Westbrook, 32, Borough Street, Castle Donington, DE74 2LA.</p> <p>Representation to the application for a grant of a premise licence is made on the grounds that the licensing objectives of prevention of crime and disorder, public safety and the prevention of public nuisance will be undermined.</p> <p>The Flag held a premises licence, originally issued on 17 February 2014. The premises licence was transferred to Mr Sandham on 11 March 2015.</p> <p>The previous licence for the premises lapsed due to bankruptcy. Whilst the premises licence holder was previously Mr Robert Sandham, the new application is submitted in Christine Westbrook's name who is understood according to correspondence to be Mr Sandham's partner, essentially meaning that the premises will be operated by the same people.</p> <p>The licensing authority therefore have grave concerns with regards to the management of this premises and the ability to uphold the licensing objectives should a licence be granted.</p> <p>Over the course of several years, licensing and responsible authorities have dealt with significant non-compliance issues at the</p>

	<p>premises. The level of time spent by officers dealing with non-compliance is disproportionate to the nature of this business. The level of dealing with issues and complaints about a relatively small business operation is significantly more than that of high risk rated premises within the district. A substantial number of the complaints have concerned allegations of unlicensed activities and the premises licence holder has failed to supply the requested CCTV footage on numerous occasions.</p> <p>There have been two premise licence reviews, firstly in 2019 by Leicestershire Fire Service, due to non-compliance with conditions and a further in 2023, although this review was later declared “null and void”, due to the premise licence holder’s bankruptcy and their failings to apply for interim authority or transfer the licence in accordance with the Licensing Act 2003. There have been other issues, including noise complaints, pavement furniture used without a valid consent and enforcement action with regards to waste disposal.</p> <p>The Licensing Authority also have concerns with the content of the new application. The application is of poor-quality offering very little in terms of measures that the applicant specifies to promote the licensing objectives.</p> <p>A number of the conditions listed within the application are included within the Licensing Act as mandatory. Other conditions are not appropriate and proportionate to the application received or covered within other legislative requirements. They have a lack of substance, would be difficult to enforce and do not guide the applicant to be compliant with the four licensing objectives.</p> <p>The licensing authority therefore recommend the conditions, outlined below should be added to any licence granted. The reasons for this are as a direct result of the premises licence holder failing to provide CCTV footage on numerous occasions following previous allegations of unlicensed activities, ignoring officers’ advice and non-compliance, concerning licence conditions, particularly the CCTV conditions.</p>
<p><b>To protect children from harm</b></p>	<p>N/A</p>

<p><b>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.</b></p>	<p>All previous licence “Annex 2 – Conditions consistent with the Operating Schedule” to be included as follows: -</p> <ol style="list-style-type: none"> <li>1) Signage shall be prominently displayed with the premises operating hours.</li> <li>2) The premises licence holder shall engage and communicate with similar operators and Police to keep abreast of any potential issues.</li> <li>3) Signage shall be displayed at the premises requesting that patrons leave the premises quietly.</li> <li>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.</li> </ol>
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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.

All previous "Annex 3 – Conditions attached after a hearing by the licensing authority" to be included (there are a few slight amendments with regard to an old date being removed and a requirement for the premises to have working CCTV at all times whilst the premises is open to the public).

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 and maintained and working whilst the premises is open to the public:-

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, not exceeding 5 working days.

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.

**The licensing authority also recommend the following conditions to be added to any new premises licence:-**

	<ol style="list-style-type: none"><li>1. Robert Sandham should not perform any staffing/management duties or sales at the premises whilst its open for licensable activity.</li><li>2. No sale of alcohol shall be made unless the designated premises supervisor or a personal licence holder is present on the premises.</li><li>3. CCTV shall 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.</li><li>4. CCTV footage shall be recorded 24 hours daily, 7 days a week.</li><li>4. No pavement furniture such as tables, chairs etc shall be used or stored outside the front or rear of the premises without the required consent/s being in place.</li><li>5. The applicant should notify the Local Authority Licensing Team and Police not less than 5 clear working days of any seasonal variations and events taking place.</li><li>6. The sale by retail of alcohol shall cease 30 minutes before the premises closing time and in accordance with the premises' permitted opening times in accordance with the permitted planning times.</li></ol> <p>Should a premises licence be granted for this premises, it would be pertinent for Licensing to perform a compliance inspection within 28 days of issue to ensure compliance with all licence conditions and particularly the CCTV conditions.</p>
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Signed: Andrew Cooper

Date: 02 April 2024

Capacity: Licensing Team Leader, North West Leicestershire District Council

## NOT FOR PUBLICATION

<b>Your e-mail address</b>	andy.cooper@nwleicestershire.gov.uk
<b>Your contact telephone number</b>	01530 454844

### 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,  
PO Box 11051  
Coalville  
LE67 0FW

email to [licensing@nwleicestershire.gov.uk](mailto:licensing@nwleicestershire.gov.uk)

Tel: 01530 454886