

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.
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