

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
LICENSING SUB COMMITTEE – 10 July 2025



Title of Report	APPLICATION FOR VARIATION 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	Public Report: Yes
Purpose of Report	<p>To determine an application for the variation 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** The current premises licence holders were granted a premises licence on 17 September 2024 after a Licensing sub-committee hearing following representations. The premises opened in December 2024. The existing premises licence is attached as **Appendix 1**. The Licensing sub-committee hearing decision notice is attached as **Appendix 2**.
- 1.1** Stephen John Doig applied for the variation of a premises licence for 32 Borough Street, Castle Donington, Derby, DE74 2LA on 21 May 2025. The application form is attached as **Appendix 3**.
- 1.2** The applicant has specified within their application the following amendments to their existing premises licence, should the application be granted in full:

The removal of condition Annex 3 1. "*The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises*" in order to allow the serving of drinks outside, subject to obtaining a Pavement Licence.

The removal of condition Annex 3 2. "*There shall be no recorded music, live music, amplified music, speaker or television usage in or outside the premises*" in order to allow the playing of recorded music for background only to create ambience.

To amend the Sunday opening times from 12:00 to 18:00 hours to 12.00 to 21.30 hours.

- 1.3 An aerial view of the site is attached as **Appendix 4** (Note: it is displayed as "The Flag Micro Pub" – the name of the previous business). A map of the site is attached as **Appendix 5**.
- 1.4 The applicants offered the following conditions in support of their application (some of which are already existing licence conditions):

General - all licensing objectives:

The Premises Licence Holder and Designated Premises Supervisor, in regular consultation with the Licensing Officers and Responsible Authorities, and by strong management, regular training and support for all staff, ensures that the four licensing objectives are promoted, understood, practised and delivered. The business also works hard to promote harmony with its neighbours and the local community.

The prevention of crime and disorder:

1. A state of the art 24 -hour CCTV has been professionally installed. All staff members have been trained in its use and a Refusal to Serve and Incident log is maintained for inspection by the Licensing Officer and Responsible Authorities.

2. The Premises Licence Holder ensures that all refusals to serve and incidents are properly recorded and reviewed within 24 hours.

3. Posters are prominently displayed to clearly communicate: -

- the premises licensing hours
- the age restrictions for children
- refusal to serve any person considered to be drunk
- the availability of drinks in the following measures: -
 - I. beer or cider ½ pint
 - II. gin, rum, vodka or whisky 25ml or 35ml
 - III. still wine 125ml.
- the availability of free tap water on request

Public safety:

1. The provision of 24- hour CCTV has been installed as described under Prevention of Crime and Disorder.
2. Public Liability Insurance of up to £5million has been put in place.
3. Disabled customers are made aware of evacuation arrangements.
4. A Health & Safety Policy has been devised including a Risk Assessment and all staff have been given awareness training.
5. A Fire Safety Risk Assessment has been undertaken by a professionally qualified Fire Safety Officer and Fire Safety Training has been undertaken with all staff members.

The prevention of public nuisance:

1. Posters are prominently displayed to clearly communicate:
 - local taxi firm numbers-
 - that staff will help to organise taxis for customers if needed
 - the need for quiet and orderly dispersal when leaving the premises
2. All staff have been trained to monitor and assist with the quiet and orderly dispersal of customers at the close of business.
3. The business owners have invested substantially during the property refurbishment in the installation of acoustic wall panelling and ceiling boards to contain the sound within the premises.
4. The premises frontage and pavement is cleaned on every trading day.

The protection of children from harm:

1. Children under the age of 14 are not allowed on the premises. This is clearly communicated alongside the premises opening hours and managed by staff on duty.
2. The premises age verification policy is clearly communicated by posters.
3. The Challenge 21 scheme is effectively operated.
4. All staff have received training in the effective operation of Challenge 21.
5. Signage is used to clearly communicate that it is an offence to buy alcohol on behalf of anyone under 18.
6. The Premises Licence Holder ensures that all refusals to serve and incidents are properly recorded and reviewed within 24 hours.

2.0 Historical

- 2.1 The premises has been licensed previously. The premises licence was originally issued on 17 February 2014. There were numerous issues with the previous premises licence holder. Those 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, and noise complaints, which emanated from both inside and outside the premises.
- 2.2 The current licence holders opened the premises in December 2024. Since opening, the premises has been run very professionally, with no issues or complaints.

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 Saturday 24 May 2025 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 6**.
- 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 and 8**.

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 1.1-1.5, 1.13, 1.16, 2.21-2.27, 3.1-3.2, 3.11, 8.50, 8.66-8.77, 8.80-8.82, 9.1, 9.3, 9.11-9.12, 9.31, 9.37-9.39, 9.42-9.44, 10.1 to 10.10, 10.13-10.14, 14.1-14.3, 16.1-16.3, 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, 6.1 to 6.4, 11.0, 13.0, 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 variation of 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.
Officer Contact	Paul Dennis Licensing Enforcement Officer paul.dennis@nwleicestershire.gov.uk