

**DECISION: Licence granted with conditions****NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL****LICENSING ACT 2003 SUB-COMMITTEE****RECORD OF PROCEEDINGS/MEMBERS NOTES**

1.	<b>Date of Hearing</b>	28 August 2024
2.	<ul style="list-style-type: none"> <li>• <b>Panel/Committee members present</b></li> <li>• <b>Members/officers observing</b></li> </ul>	Councillor G Rogers (Chair) Councillor Cllr C Beck Councillor N Smith  Cllr M Ball Cllr T Saffell Cllr A Barker
3.	<b>Licensing Officer</b>	Tonya Cooper (Licensing Enforcement Officer) Meggie Wainwright (Officer)
4.	<b>Democratic Services Officer</b>	Tom Devonshire
5.	<b>Legal Advisor</b>	Dave Gill
6.	<b>Declarations of interests by members or officers</b>	None  Councillor N Smith noted that he had sat on a previous hearing panel relating to the premises.
7.	<b>Nature of Application(s)</b>	Application for grant of premises licence
8.	<b>Applicant</b>	Stephen J Doig Andrew S Green
9.	<b>Premises</b>	32 Borough Street, Castle Donington, Derby, DE74 2LA.
10.	<b>Parties/Representatives and Witnesses present</b>  <b>For the Applicants</b>	Stephen J Doig

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	<p><b><u>Responsible authorities</u></b></p> <p><b><u>Interested Parties (persons making relevant representations) given permission to speak</u></b></p> <p><b><u>Interested Parties (persons making relevant representations) refused permission to speak and reason why</u></b></p>	<p>Andrew S Green</p> <p>None</p> <p>None</p> <p>None</p>
11.	<b>Parties/witnesses not present and reason why</b>	Jayne Orme Ben Lee
12.	<b>Applications and Decisions on ancillary issues, e.g. requests for adjournments; determinations whether to proceed in absence; directions, etc.</b>	It was resolved that all parties be given 10mins to speak.
13.	<b>Written Representations and supplementary material taken into consideration</b>	Agenda pack, appendices and additional papers submitted by the Applicant.
14.	<b>Facts/Issues</b>	Whether the granting the premises licence will undermine the Prevention of Crime and Disorder and Public Safety licensing objectives.
15.	<b>Full text of decision on the application</b>  See full minutes.	
16.	<b>DECISION:</b>  In reaching its decision the Sub-Committee had regard to the report prepared by the Licensing Enforcement Officer along with the appendices and additional papers. The Sub-Committee also listened carefully to what was said today by the Applicants. The Sub-Committee also had regard to	

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the Council's Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003 as well as the Human Rights Act 1998.

The Sub Committee were mindful that the premises had had a chequered history but were satisfied that the applicants intended to bring a new management regime to the premises and were committed to ensuring cordial relations with the neighboring residential occupiers. However, the Sub Committee was mindful that it was still possible for there to be concerns that granting a license could result in the licensing objectives being undermined.

The Interested Parties had objected on the grounds of Crime and Disorder and Public Safety, as they were concerned that selling alcohol on the site and the playing of recorded and live music and the use of a TV would cause them disturbance. It was noted by Members that the issue of noise had been negotiated away with the Environmental Protection Team and agreed a condition to imposed on the licence.


The Interested Parties were also concerned that patrons might gather on the footpath in front of the premises whilst drinking and smoking and cause further disturbance. Notwithstanding the fact that the application was for an 'on' licence only Members agreed that in order to ensure that there would be no disturbance a condition would be imposed on the licence that prevented open bottles or glasses being taken from the premises. .

The Sub Committee reminded itself of paragraph 9.12 of the Statutory Guidance which states:


"Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective."

The Sub Committee was, therefore, conscious that the representation from the Environmental Protection Team had been negotiated away and that there had been no representations received from any of the other responsible authorities.

The Applicants had outlined the controls in place on the premises and Members were satisfied that taken together with the additional conditions

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	<p>the Sub Committee was of the view that these controls would assist in ensuring the promotion of the licensing objectives.</p> <p>The Sub Committee, therefore, decided to grant the licence with the below conditions added to the licence:</p> <ol style="list-style-type: none"> <li>1. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises; and</li> <li>2. There shall be no recorded music, live music, amplified music, speaker or television usage in or outside the premises.</li> </ol> <p>There is a right of appeal to the magistrates' court for anyone aggrieved by the decision, any appeal to be lodged within 21 days of being notified of this decision.</p>

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