

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL  
LICENSING ACT 2003**

**Appendix 8**

**REPRESENTATION FORM**

<b>Your name/organisation name/name of body you represent</b>	Mr Ben Lee
<b>Organisation name/name of body you represent (if appropriate)</b>	
<b>Your Postal address</b>	
<b>Name of the premises you are making a representation about</b>	Borough Street Bar
<b>Address of the premises you are making a representation about</b>	32 Borough Street, Castle Donington, Derby DE74 2LA

<b>What are you making a representation about?</b>
Please indicate which part of the licence/certificate application you are making a representation about (i.e. Terminal hours, and music and dancing on Friday and Saturday night)
I wish to make a representation about the Variation to the Premises License, specifically the removal of conditions 1. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises and 2. There shall be no recorded music, live music, amplified music, speaker or television usage in or outside the premises.

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>To prevent crime and disorder</b>	N/A
<b>Public safety</b>	N/A
<b>To prevent public nuisance</b>	<p><b><u>General</u></b></p> <p>In the application there is a section stating; "Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation"</p> <p>The information provided by the applicant in response to this is basically just a facsimile of the original license application (See historic premise license application and current premise license variation docs for comparison) with a couple of minor alterations, mainly being the tense of the content changing from "we will" to "we have"</p> <p>The only additional steps described as part of the variation, which were not already described in the license application, are the display of posters regarding the refusal to serve any person considered to be drunk, and the availability of drinks in certain measures. Plus, a Health &amp; Safety policy has been devised and some attempts have been made to contain sound within the property. Other than those four 'additional steps' there is nothing different to the original license application, which resulted in a</p>

hearing in which the sub-committee members “agreed that in order to ensure that there would be no disturbance, a condition would be imposed on the license that prevented open bottles or glasses being taken off the premises”

Along with the condition that there shall be no recorded music, live music, amplified music, speaker or television usage in or outside the premises, we have eventually reached a point, after many years of having a licensed premises next door, where there is little to no disturbance (Other than smokers congregating outside of our property, and the premises large sash window and front door being wide open during warm weather) and this is 100% due to the imposing of these two critical conditions.

To call committee members decision making into question, so soon, within a year of the license hearing, within six months of opening, without exercising the right of appeal to a magistrates’ court in the first instance of the conditions being imposed, without providing any pertinent additional steps to support the four licensing objectives as part of the proposed variation, and before we have even had any real opportunity to enjoy our first summer without the disturbance of drinkers gathering outside the premises, is all absolutely unbelievable, and I truly hope that all those involved at the council understand what a hugely detrimental effect this would have if one or, heaven forbid, both of the above conditions be removed. We are as happy as we can be with the current situation and minimal disturbance, please do not allow this monumental backward step after we fought for so long to reach this point, we would rather things be left exactly as they are.

**1. The premises licence holder shall ensure that no customers shall take glasses or open bottles from the premises**

This is a long standing issue, which I have already explained in great detail as part of my representation about the recent license application. Although the license was granted after a hearing, 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. Notwithstanding the fact that the application was for an ‘on’ license only, members agreed that in order to ensure that there would be no disturbance a condition would be imposed on the license that prevented open bottles or glasses being taken from the premises.

This condition was added in a direct response to concerns raised in my representation that patrons would gather on the pavement outside the premises and my property, drinking and smoking, and causing further disturbance. So wouldn’t removing this condition, when there are absolutely no additional steps being offered by the applicant to prevent public nuisance, result in the licensing objectives being undermined? This is what members stated in the license hearing, and this is why the members agreed to add this condition, they added the condition to allay their concerns and prevent further disturbance. Surely, to remove it would mean reinstating that concern and creating further disturbance, which would undermine the licensing objectives?

This condition is only 10 months old, and the premises only actually started operating in mid-December 2024, only 6 months

ago. Summer has hardly begun, and we haven't even had an opportunity to benefit from the condition yet. The additional concern is that patrons leaving the premises to smoke and/or drink (I refer to drink during the time of previous management) they naturally turn left out of the pub and stand in front of our property, rather than standing in front of the pub. The newly opened front window seems to have enhanced this behaviour, I assume as patrons may not wish to smoke in front of an open window, near to patrons sitting inside?

If the condition regarding drinking outside was removed, we would return to what we had to put up with during the previous license holders tenure of ten years, which is drinkers congregating outside our house, which invariably leads to our lounge window sill and front step being used as a place for patrons to place their open bottles and glasses and congregate, whilst drinking and smoking. Past experience has also taught us that pub staff have very little appetite for telling customers to move away from our property, it causes confrontation and is essentially a full time job in warm weather, so it ended up unresolved or pub staff just bad mouthed us to patrons and blamed us for complaining, causing customer animosity towards us and our property. When you overhear these kinds of conversations on your doorstep it alters the way in which you go about your daily life, especially when strangers are standing outside your house drinking and making comments towards you when you come home or go out.

**2. There shall be no recorded music, live music, amplified music, speaker or television usage in or outside the premises.**

To allow the playing of recorded background music, only to create ambience, is the very thin end of an ambiguous wedge.

'Ambience' is a word with a broad definition. It is perceived differently and can mean different things to different people. To remove this existing condition, to allow the playing of music, will leave us with no protection from nuisance and noise disturbance, especially as we have the new development of the front, sash window of the premises being fully opened in warm weather (Something the former license holder had never done) Along with this approx 6' by 4' aperture appearing, along with the front door being wide open, does little to 'contain the sound within the premises' and negates any measures taken during refurbishment. This 'additional step' seems to be going in the opposite direction to promoting any of the four licensing objectives, least of all 'The Prevention of Public Nuisance' and offers me absolutely no reassurance or comfort when considering the possibility of music being played on the premises.

A condition preventing the playing of all forms of music has been long standing at the address, ever since the property was granted planning permission for a micropub in 2014, but this most recent license and condition is only 10 months old, and the premises only actually started operating in mid-December 2024, just 6 months ago.

The potential for disturbance and noise has always been flagged by Environmental Protection to protect us from this becoming a nuisance. Historically, Environmental Protection have visited the

	<p>property, when under the management of the former licensee, to ask that a sound system and speakers be removed, and more recently made representations about the playing of music on the grounds of preventing public nuisance, in respect to the two most recent license applications, in April 2024 and July 2024 (The most recent representation regarding music was negotiated away with the Environmental Protection Team, as the current license holder agreed to a condition being imposed to prevent the playing of all forms of music, yet here we are, six months later, with him now asking for it to be removed?) I just hope that the Environmental Protection Team will raise the representation again in respect to this application for a variation, as absolutely nothing has changed, other than the newly opened up front window.</p> <p>If this condition is removed we lose all form of protection along with it. All we are left with is a vague, ambiguous assurance that only ambient music will be played, but it will fall down to us to have to report every time the music is cranked up for a party or a special occasion, and it will fall to us to prove it is a nuisance and keep logs, and gather evidence, and call for a license review or get Environmental Protection involved. Then there's the potential for a TV, as they are allowed to play music, and so on. Plus, the management or license holder may change hands, and then we get someone new who is allowed to play music but they don't want it for ambience, they may like it loud?</p>
<b>To protect children from harm</b>	N/A

<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>	Keep the existing conditions exactly as they are.
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Signed: Mr Ben Lee

Date: 16 June 2025

Capacity: Owner/Resident

## NOT FOR PUBLICATION

<b>Your e-mail address</b>	
<b>Your contact telephone number</b>	

### 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:

Licensing  
North West Leicestershire District Council  
PO Box 11051  
Coalville  
Leicestershire  
LE67 0FW

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

Tel: 01530 454545