

INFORMATION FOR THE CONSIDERATION OF THE LICENSING COMMITTEE IN RELATION TO THE  
LICENCE VARIATION APPLICATION FOR THE BOROUGH STREET BAR, 32 BOROUGH STREET  
CASTLE DONINGTON.

MANAGEMENT OF THE PREMISES & PROMOTING THE LICENSING OBJECTIVES

GENERAL

The Premises Licence Holder and Designated Premises Supervisor maintain regular contact with the Licensing Team and Responsible Authorities. All conditions detailed within the Premises Licence granted on 28<sup>th</sup> August 2024 have been met and maintained by strong management, with regular training and support for all staff ensure that the four licensing objectives are promoted, understood, practised and delivered.

The owners of the business are very hands on and regularly work at the bar themselves to ensure that standards are maintained and opportunities for improvement can be identified and implemented.

There have been no incidents of any kind nor any complaints since the business started trading on 12<sup>th</sup> December 2024.

The business makes every endeavour foster good relations its neighbours, other local businesses and the local community.

THE PREVENTION OF PUBLIC NUISANCE

The following usual measures are being continuously implemented to prevent public nuisance: -

1. Information is prominently displayed to clearly communicate: -

- local taxi firm numbers-
- that staff will help to organise taxis for customers if required.
- the need for customers to leave quietly at the close of business

2. All staff are trained to monitor and assist with the quiet and orderly dispersal of customers at the close of business.

## ADDITIONAL MEASURES TO PREVENT PUBLIC NUISANCE

The additional measures we would take relating to serving drinks outside were originally contained within our Pavement Licence application which we were advised to withdraw by the Licensing Team due to there being a specific condition on our existing Premises Licence preventing drinks from being taken outside which meant we would need to apply for a Licence Variation before we could apply for our Pavement Licence.

These measures are :-

### Barriers

Removable barriers would be used to contain the furniture and to control our customers. We have already consulted with Leicestershire County Council to determine and agree the most compliant and suitable type of barriers and submitted scale plans of the proposed layout. Please see photograph.

### Signage

We would produce additional signage to emphasise to customers our responsibilities and theirs to behave appropriately and respectfully with due consideration of our neighbours.

### Additional Staff Training

As a small business we only employ two staff members. They are both mature and well experienced in the industry and appreciate the importance of customer management in these situations. Nevertheless we would undertake additional training specifically to support serving drinks outside and how to manage customers effectively.

### Strict management curfew

We would ensure that at the time stated all furniture would be removed from our pavement area and all customers brought back inside the premises.

### Cleaning

We already clean our frontage and pavement area on a daily basis but given that customers would be located outside we would be extra diligent in this regard. We would also provide waste bins for snack wrappers and customer waste to ensure that there is no litter.

WE WOULD ASK THE LICENSING COMMITTEE TO CONSIDER THE FOLLOWING  
ADDITIONAL INFORMATION IN SUPPORT OF OUR LICENCE VARIATION APPLICATION.

#### OUR STANDARDS AND PERFORMANCE TO DATE

1. We maintain a regular liaison with our Licensing Officer who was very complimentary regarding our operating standards and compliance during his visit to our premises in March.
2. Specific objections in Mr Lee's representation to our Premises Licence application included the practices of the previous licensee of erratic opening hours, noisy late night "lock ins", after hours bottling up and the rear access to his home blocked by beer barrels. We have successfully addressed all of these issues and unlike the previous incumbent we adhere strictly to our permitted licensing opening hours and run an "early doors" business i.e. we choose to close earlier than the other licensed premises on Borough Street in order to achieve minimal noise and inconvenience to our neighbours.
3. As the licensing Team will verify we close on time there and they have been no incidents or complaints of any kind since we commenced trading on 12 December 2024.
4. We actively engage with Mr Ben Lee and his partner Jayne Orme, our neighbours with whom we share a party wall and who have accommodation above our premises. As a result, we have invested substantially in the installation of acoustic wall panelling, acoustic ceiling boarding and the relocation of the main switch panel to reduce the levels of noise he experienced with the previous licensee. Andrew Green, one of our directors, liaises regularly with Mr Lee to ensure that we are doing all that we can to keep noise levels to an absolute minimum. We have managed to build a good relationship with Mr Lee who has been very complimentary regarding our efforts and in a WhatsApp message has written to thank us stating that he no longer experiences any noise from our premises due to the measures we have taken.

#### THE ENVIRONMENT

Borough Street, where our business is located, is a bustling retail street which, quite naturally, generates certain levels of noise. There is free parking for cars on both sides of the street, there are frequent trade deliveries and traffic flows continuously throughout the day and into the evening.

Many of the establishments along Borough Street have A boards outside and display their products on the pavement which creates a vibrant continental style atmosphere which helps to attract

people to the town. Of the retail outlets in Castle Donington 87% are, like ours, independently owned and play a vital role in servicing the needs of a growing market town where the number of households has grown by 15% in the last 10 years (source:- Office for National Statistics)

There are several restaurants on the street which are open until 11.30 pm on weekdays and 12.00am on Fridays and Saturdays. There are two late-night bars on the street, one is open until 11.00pm and the other until 1.00am. They both have live music at weekends and have tables and chairs on the pavement outside. One of these is our neighbour with outside tables and serving customers less than twenty feet from us.

There are also several other cafes and shops who have tables and chairs outside. Given the small size of our premises, low customer numbers and our early closing times, the levels of conversation from our customers seated outside is unlikely to add in any significant way to the existing levels of noise already generated on the street.

## IN CONCLUSION

The representations made by our neighbours Ms Jayne Orme Mr Ben Lee and those same representations made by the Environmental Health Authority are, like those made in respect of our original Premises Licence application, based entirely on the problems experienced with the previous licensee and his customers for which we are in no way responsible and which bear no relation to us, our clientele nor the manner in which we conduct our business.

We have received letters agreeing to our application from The proprietor of our neighbouring business attached on the ground floor of No 34 Borough Street and from the tenant of the flat located directly above.

We sincerely hope that the information we have provided, our response to the representations and our track record will enable our application to be granted, especially as we have experienced a significant drop in revenue on sunny days when our regular customers understandably prefer to sit outside in the sunshine and enjoy a drink at those nearby establishments that have been granted permission to have furniture on the pavement and to serve customers outside. The granting of our licence variation would enable us to compete on a level playing field with our neighbouring businesses and secure the sustainability of our business going forward.

## THE REPRESENTATIONS AND OUR INITIAL RESPONSES

Please find below the representations made by Mr Ben Lee, his partner Ms Jayne Orme and the Environmental Health Authority and our initial responses. All of these representations fall within the scope of the licensing objective of the Prevention of Public Nuisance

### REPRESENTATIONS

#### REPRESENTATIONS FROM THE ENVIRONMENTAL PROTECTION TEAM

*The Environmental Protection Team have concerns to allow the consumption of drinks outside the above premises and recorded music being played.*

*Noise complaints have been received by our department in previous years regarding the playing of music, television use and noise created by those who drink at the micro pub gathering outside the premises. Complaints were predominantly made by persons living above the premises. In line with our procedure, noise monitoring equipment was installed inside the dwelling above the premises.*

*It was evident during the noise assessment of our recordings and observations that the noise created outside the premises was an issue and likely to cause a statutory nuisance if no improvement was made. Music being played inside the premises meant micro pub goers were heard on the recordings singing along. The previous owner slowly made improvements and operated the micro pub without music and made sure micro pub goers were not gathering outside. This operation suited the premises with it being a micro pub and noise complaints ceased.*

*Part of the reason why music was clearly heard in the dwelling above the premises was due to the fact that no insulation was in place and so sound did not reduce when heard in the dwelling. dwelling.am aware from the Licensing Team that the applicant has made efforts to refurbish the premises to include insulation between the premises and the dwelling above. It is not clear whether recorded music would be heard in the dwelling with the insulation now in place.*

*The Environmental Protection Team would consider allowing recorded music if the applicant can submit a noise impact assessment to evidence the insulation would protect the dwelling*

*above the premises from unreasonable noise. The World Health Organisation sets guideline values for community noise in specific environments. The noise impact assessment would need to indicate whether the guideline decibel levels for a dwelling indoors and inside bedrooms could be met.*

## OUR RESPONSE

The negative aspects of this representation refer mainly to the practices and non-compliance of the previous licensee, his unlicensed use of music and TV on the premises and his failure to manage the behaviour of his largely male customer clientele. In comparison our business is a wine bar and pub with a completely different clientele. We have generated an environment which has resulted in customer base with a far greater proportion of ladies and couples and a very different atmosphere which by its very nature is more calm, quiet and responsible. We actively engage with Mr Ben Lee and his partner Jayne Orme, our neighbours with whom we share a party wall and who have accommodation above our premises. As a result, we have invested substantially in the installation of acoustic wall panelling, acoustic ceiling boarding and the relocation of the main switch panel to reduce the levels of noise he experienced with the previous licensee. Andrew Green, one of our directors, liaises regularly with Mr Lee to ensure that we are doing all that we can to keep noise levels to an absolute minimum. We have managed to build a good relationship with Mr Lee who has been very complimentary regarding our efforts and in a WhatsApp message has written to thank us stating that he no longer experiences any noise from our premises due to the measures we have taken.

With specific regard to our application in respect of being allowed to play recorded music, our committed intent is to only use ambient background music from a small portable domestic bluetooth speaker placed on the bar and principally early in the trading day when the very few customers we have at that time of day do not wish their private conversations to be overheard. Later, as the bar becomes more busy the levels of conversation would be louder than the music anyway and we would then turn it off. We are not and don't intend to be a music venue.

We would be happy to engage with the Environmental Team regarding any tests and assessments they would deem appropriate to enable us to enable our request

*The Environmental Protection Team would object to consumption of drinks outside due to the insulation having no benefit to the external noise, previous noise disturbance created by micro pub goes gathering outside and the dwelling facing the pavement. Similar premises in the area with pavement licences do not have a dwelling above.*

## OUR RESPONSE

As previously mentioned there are two late-night bars on the street, one is open until 11.00pm and the other until 1.00am. They both have live music at weekends and have tables and chairs on the pavement outside. One of these is our neighbour with tables and customers less than twenty feet from us. Given the small size of our premises and small number of customers seated outside it is highly unlikely that their levels of conversation would add in any significant way to the existing levels of noise already generated on the street.

*The Environmental Protection Team has no objection to the extended opening hours.*  
We are pleased to note this.

## REPRESENTATIONS FROM OUR NEIGHBOUR AT NO 30 BOROUGH STREET

From Ms Jayne Orme

*With regard to the request to be able to play recorded music, it is my understanding that planning permission was granted for a 'micropub' and it is my belief that it was stated that planning permission would not have been granted for a 'pub'. According to the Micropub Association's definition a micropub is a "small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment..." Thus, it would seem that recorded music should not be played and the request to be able to play recorded music, should be refused.*

## OUR RESPONSE

As explained within this document we are not a micropub, and have never purported to be, we are a bar and our Premises Licence granted in August of 2024 is for "the sale by retail of alcohol on the premises". The licence does not in any way seek to designate the type of premises nor the environment from where the sales are to be made.

With specific regard to our application in respect of being allowed to play recorded music, our committed intent is to only use ambient background music from a small portable domestic bluetooth speaker placed on the bar and principally early in the trading day when the very few customers we have at that time do not wish their private conversations to be overheard. Later, as the bar becomes more busy, the levels of conversation would be louder than the music anyway and we would then turn it off. We are not and don't intend to be a music venue. Our track record proves that when we say we are going to do something we do it. So when we say the music would be low level and ambient and no louder than the conversation levels of our customers then that is exactly what we would deliver.

We would be happy to engage with the Environmental Team regarding any tests and assessments they would deem appropriate to enable us to enable our request to be granted.

*With regard to the request to allow the micropub's clientele to take drinks, in open bottles and glasses, outside onto Borough Street. The rationale for the restriction, behind the imposing of a condition on the license preventing open bottles and glasses being taken from the premises, still holds true today and, in some way, the request to remove this condition, could be seen as contemptuous of the original decision making process undertaken by members.*

## OUR RESPONSE

When we applied for our Premises Licence in June 2024 our neighbours at No 30 Borough Street understandably made representations in respect of the unacceptable noise levels, unruly customer behaviour and the numerous acts of non-compliance and inconsiderate behaviour by the previous licensee with whom they were at loggerheads. At the Licensing Committee Hearing we laid out our plans for a different type of business and our commitments to run a well-managed and compliant business with due consideration to our neighbours. The Licensing Committee at the time saw fit to grant us our licence and in doing so trusted us to deliver on our promises. We have done exactly that and our application for a variation is certainly not, as is being suggested, contemptuous of their earlier decision, it is to ask them grant us a variation and trust us again to deliver what we promise so that we can continue to develop our business in a responsible way in the face of increasing commercial pressures.

From Mr Ben Lee

### **General**

*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"*

*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"*

*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 & 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 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.*



## OUR RESPONSE

The reason for this is that the additional measures we would take relating to serving drinks outside were originally contained within our Pavement Licence application which we were advised to withdraw by the Licensing Team due to there being a specific condition on our existing Premises Licence preventing drinks from being taken outside which meant we would need to apply for a Licence Variation before we could apply for our Pavement Licence. The Additional Measures are now included earlier in this document

### **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.*

## OUR RESPONSE

All of these representations are based entirely on historical events, the behaviors at that time of the previous licensee and his customers and his failure to manage his business or control his customers effectively. They bear no relation to the business we now run, the standards to which we operate, nor the profile or behaviours of our customers as is proven by the fact there hasn't been a single complaint of any kind to any of the Licensing Authorities to date.

### **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 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.*

*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?*

## OUR RESPONSE

This is the same representation made by Ms Orme and our response is the same as we made to her viz :-

With specific regard to our application in respect of being allowed to play recorded music, our committed intent is to only use ambient background music from a small portable domestic bluetooth speaker placed on the bar and principally early in the trading day when the very few customers who do not wish their private conversations to be overheard. Later, as the bar becomes more busy the levels of conversation would be louder than the music and we would then turn it off. We are not and don't intend to be a music venue. Our track record proves that when we say we what we are going to do and how we are going to manage it then that is exactly what we do. So when we say the music would be low level and ambient and no louder than the conversation levels of our customers then that is exactly what we would do.

We would be happy to engage with the Environmental Team regarding any tests and assessments they would deem appropriate to enable us to enable our request to be granted.

Tilly Dowler  
Wanted Wardrobe  
Castle Donington  
DE74 2LA

23<sup>rd</sup> April 2025

To Whom It May Concern,

**RE: The Application by The Borough Street Bar for a Pavement Licence**

My name is Tilly and I am a co-owner of the business Wanted Wardrobe LTD at 34 Borough Street, Castle Donington DE74 2LA. Our premises are attached to No 32 Borough Street, known as the Borough Street Bar which opened last December.

I am happy to confirm that I fully support Andrew and Steve in their application of a pavement licence and also I am happy for them to utilise the area outside the front of our shop for outside furniture at times when we are closed.

Should you need to contact me for verification you can reach me on [REDACTED] or [hello@wantedwardrobe.co.uk](mailto:hello@wantedwardrobe.co.uk).

Yours faithfully,



Tilly Dowler  
Co-owner  
Wanted Wardrobe

Will Thorn

2 May 2025

To whom it may concern,

My name is Will Thorn. I live at 34a Borough Street, Castle Donington. My flat is next door on the first floor to 32 Borough Street, known as The Borough Street Bar.

I understand its proprietors are applying for a licence for an outdoor seating area. As a close neighbour I fully support this application. I have always known Steve and Andrew to be considerate neighbours and have never had any issues with noise, anti-social behaviour, etc. I would like to see their business thrive and continue to provide a positive social environment in the local area.

Should you need to contact me further on this matter, you can reach me on [REDACTED] or email [REDACTED]

Yours sincerely,



Will Thorn

Primo Original

