



LICENSING SUB COMMITTEE

Members Record of Decision

Hearing: The Moorings, 14 Bridge Street,  
Barrow, Leicestershire, LE12 8PN  
2<sup>nd</sup> July 2019

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**Constitution of the Panel:**

**CHAIRMAN:** CLLR KEN PACEY

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**Other Panel Members:** Cllr John Capleton

Cllr Robin Popley

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**Legal Advisor:** Sarah Khawaja

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**Licensing Manager Present:** Grace Dowson

**Parties Present:**

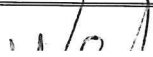

**For Premises**

**Licence Holder:** Nigel Pinegar (applicant)  
Amy Collett (Partner)

**For Responsible Authority:** Beverley Green

**Representative:** Dr P Beckett

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| <b>Signature:</b> |                 |
| <b>Chairman:</b>  | Cllr Ken Pacey  |
|                   | 7/07 2019  |

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## **Decision on the Application**

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In reaching its decision, the Sub-Committee has taken into consideration all relevant written and oral representations and submissions made. The Sub-Committee has had particular regard to the Licensing Objectives, namely public safety, the prevention of crime and disorder and the prevention of public nuisance.

### **FINDINGS OF FACT**

There were 13 objections from residents, one of whom attended the Hearing to make oral representations. There was no evidence that the issues related to the licensable activities at this premises whilst under the current management.

The Applicant is an experienced Licensee and has introduced a number of measures at the premises designed to prevent the recurrence/continuation of problem behaviours that had previously occurred at the premises under the previous management. The Applicant stressed that the plan was for the Premises to be a family 'food led' pub. He acknowledged that there were some problems such as drug taking which he had introduced measures including CCTV, restricted access to the disabled toilets and door staff to counteract.

The Sub-Committee is satisfied that the Application be granted, however to secure that the Licensing Objectives are met, conditions are necessary and proportionate to achieve that aim.

The Applicant explained that his objection to the fourth condition proposed by Environmental Health was that it was too onerous in that it required all doors and windows to be closed saved for access and egress whenever amplified music was played. The applicant indicated that he was prepared to agree to the condition if it was amended to relate to live music events.

It was agreed that the existing Environmental Health conditions would be amended to remove 2, 3, 4 & 5 as they were no longer necessary.

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### **CONDITIONS**

The following conditions to be added following agreement with Environmental Health:

1. The Licence Holder and/or Designated Premises Supervisor shall receive and respond positively in a timely manner to complaints relating to noise and/or antisocial behaviour received during the provision of licensable activities, including all potentially noisy external events.
2. The DPS or a nominated person shall satisfy themselves that the amplified music/speech levels in respect of external regulated entertainment is set to an acceptable limit and shall monitor levels throughout the event to ensure noise is not disturbing to neighbouring residents.

3. Prominent, clear notices shall be displayed at external areas and at exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
4. All external doors/windows shall be kept closed, other than for access and egress, in all rooms where live music events are taking place.

The Environmental Health Conditions of the Premises Licence to be amended to:

### **ENVIRONMENTAL HEALTH CONDITIONS**

1. Due to the residential nature of neighbouring properties the level of sound amplification during periods of regulated entertainment shall be limited and controlled such that sound is not audible beyond the site boundary.
2. The licensee or a nominated representative shall receive and respond positively to complaints.

### **CCTV**

1. A CCTV system shall be in use at the premises at all times when the venue is operating.
2. CCTV images shall be retained for a period of at least 28 days.
3. CCTV images shall be made available upon reasonable request by a police officer and/or a Charnwood Borough Council licensing officer within 24 hours of a request being made.
4. The licence holder will ensure that there is always a member of staff on the premises, whilst it is open to the public, who is trained to operate and provide images from the CCTV system.

### **DECISION AND REASONS**

In reaching this decision, the Sub-Committee were mindful of the objections raised but that the issues raised related to the premises when it was run by the previous licensee and that if there were to be any problems any complainant had the option of referring the matter to the licensing authority if the premises response was not satisfactory.

The Sub-Committee has also considered representations made by the Applicant and considered that what was being asked for was not vastly dissimilar to the activities that were currently licensed but that overall what was being proposed was very reasonable.

The Premises Licence Holder confirmed that he would maintain a complaints log and in light of this assurance Members did not consider to make this a condition of the Licence.

The licensable activities authorised by the Licence are as sought in the application.

There is a right to appeal to the Magistrates Court within 21 days from the date on which the party is notified of the determination of the decision of the Sub-Committee Panel.

CHARNWOOD BOROUGH COUNCIL

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|-------------------------|--------------------------------|
| <b>Signature:</b>       | <i>[Handwritten signature]</i> |
| <b>Chairman:</b>        | Cllr Ken Pacey                 |
| <b>Date of Decision</b> | 2/07/2019                      |

**Rider:**

Failure to comply with any of the conditions of the premises licence is a criminal offence, which can result in a sentence of up to 6 months imprisonment and/or a £20,000 fine.