



LICENSING SUB COMMITTEE

**Members Record of Decision**

Beacon Café, Breakback Road, Woodhouse  
Eaves LE12 8TA

Hearing: 23<sup>rd</sup> July 2021

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**Constitution of the Panel:**

**CHAIRMAN:** CLLR HOWE

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**Other Panel Members:** CLLR HARRIS & CLLR SAVAGE

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**Clerk:** LAURA STRONG

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**Licensing Manager Present:** GRACE DOWSON

Rachel Cluer (Licensing Officer)

**Solicitor:** KERRY N WOOLLETT

**For Premises**

**Licence Holder:** Mr Brown and Mr Clemens

**Objectors:** Mr Fox, Ms Blay, Ms Irving

*CHARNWOOD BOROUGH COUNCIL*

**Signature:**

**Chairman:** CLLR HOWE

23 July 2021

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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 regard to the Statement of Charnwood Council's Licensing Policy, and the Amended Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

### **FINDINGS OF FACT**

An application for a premises licence in respect of Beacon Café, Breakback Road, Woodhouse Eaves, Loughborough, Leicestershire, LE12 8TA was submitted by Leicestershire County Council on 7 June 2021. The application was broadly for:

- Supply of alcohol (On the premises) Monday to Sunday 08.00 to 20.00;
- Plays, performances of dance (outdoors) Friday to Saturday 08.00 to 20.00;
- Films (outdoors) Friday to Sunday 08.00 to 20.00;
- Live Music (Indoors and outdoors) Friday to Sunday 08.00 to 20.00; and
- Recorded Music (Indoors and outdoors) Monday to Sunday 08.00 to 20.00.

It was accepted that, should a licence be granted for the sale of alcohol, provided the premises was open for the sale of alcohol, the playing of amplified music (live or recorded) between 8am and 11pm for an audience of up to 500 would not be a licensable activity. Consequently, it would not be possible to either exclude the playing of amplified music from the licence or to impose conditions relating to the playing of amplified music.

However, if problems did occur as a result of amplified music (live or recorded) then conditions may be imposed to control that music following a review of the premises licence.

No representations were received from any of the Responsible Authorities.

Eleven representations were received from residents, and one from a group called The Countryside Charity. The representations were broadly;

1. The Prevention of Crime and Disorder:

- 1.1. Consumption of alcohol linked to crime and disorder; and
- 1.2. Increase in drink driving as the premises are in remote location with no public transport.

2. Public Safety

- 2.1. Loutish behaviour from persons drinking at the premises will be targeted at female horse riders that use the nearby bridleway; and
- 2.2. Noise from the premises will spook horses.

3. Prevention of public nuisance

- 3.1. Noise from music, films and plays, and the sound from persons consuming alcohol will harm the tranquillity of the area, making it less enjoyable for persons that have attended to enjoy nature;
- 3.2. Flora will be trampled by persons attending the premises;

- 3.3. Fauna will be effected by noise and likely to leave the area;
- 3.4. Likely to be an increase in litter from the premises, as there are already issues with litter from the café caused by inadequate bins;
- 3.5. Public toilets close at 4pm, therefore unsure what patrons of the premises will use if the premises is open to 8pm; and
- 3.6. Problems with parking and traffic congestion already experienced in the area will increase.

4. The Protection of Children from Harm;

- 4.1. Children will be exposed generally to drinking on the premises;
- 4.2. Children will be exposed to poor behaviour of persons drinking at the premises; and
- 4.3. Litter from premises likely to be left in the children's play area which is in close proximity to the premises.

Three persons that made representations attended the hearing.

### **DECISION AND REASONS**

The following is a majority decision of the Sub-Committee, therefore, references to Sub-Committee are references to the majority of the Sub-Committee.

For the following reasons, the Sub-Committee has decided to grant the licence subject to the operating schedule, mandatory conditions and a further condition that alcohol must only be served to persons that are seated (i.e. table service only).

The Amended Statutory Guidance states that "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." The police are experts in relation to the crime and disorder licensing objective and Environmental Health are experts in relation to the Public Nuisance licensing objective. The Sub-Committee was, therefore, particularly mindful that no representations were received from any Responsible Authorities.

The Sub-Committee was also mindful that, as the premises licence has not yet been granted, the objections were in relation to what could happen at the premises, rather than in relation to what has already happened at the premises, i.e. the objections are all currently unfounded. However, the Sub-Committee reminded itself that the purpose of the Licensing Act 2003 is to *prevent* problems from happening, rather than only dealing with them when they have already occurred. Decisions can and should be based on well-informed common sense.

However, even with this in mind, the Sub-Committee was not willing to accept the objection that disorder and anti-social behaviour automatically increased when alcohol was consumed. Indeed such behaviour is not an issue in well managed premises. As was submitted by Mr Clemens for the Applicant, Mr Brown, the DPS, is very experienced, he has worked within hospitality roles at Leicestershire County Council for 11 years and has a number of qualifications. Mr Brown confirmed that it was not the intention for the premises to be an all-day drinking establishment and there are no plans to open from 8am to 8pm. The purpose of applying for these hours was to allow for business flexibility to have carefully considered one off events and for the premise to be available for private hire for groups such as local charities, community groups and corporate events. However, Mr Brown confirmed that his trained staff would be present on the premises and would therefore have control over the private events.

The Sub-Committee was therefore of the view that the type of premises coupled with proper management would not lead to anti-social behaviour at the premises, therefore, the Sub-Committee did not accept that there would be an increase in crime and disorder.

Representations in relation to parking and traffic congestion are generally considered to be a matter for the planning regime, rather than a licensing activity. Whilst all matters resulting from the operation of licensed premises which impinge unreasonably on the living and working conditions of those in the vicinity of the premises are to be considered when raised, the Sub-Committee was mindful that a premises is only responsible for the immediate area surrounding the premises. Traffic congestion extends well beyond the immediate area surrounding the premises and is already an issue. Furthermore, by including the table service condition, this would limit the number of persons attending the premises to 54 and as such would not impact the numbers of person already attending the area.

During the hearing, concerns were also raised about how emergency vehicles would access the premises. The Fire Service and Police, as a Responsible Authorities, were given notice of the application and did not submit an objection. It is therefore, assumed that the Fire Service and Police have no concerns over access to the premises.

As for the general objection that children would be exposed to drinking, bearing in mind the proposed use of the premises coupled with the table service condition, which would contain the consumption of alcohol to the premises only, children and families attending the surrounding county park are unlikely to be exposed to the consumption of alcohol.

As the Sub-Committee has decided to grant the licence for the sale of alcohol, the playing of live and recorded music while the premises are open for the sale of alcohol, and provided the audience does not exceed 500, is not a licensable activity. The Sub-Committee therefore accepted that it was not able to impose conditions in relation to music. However, the Sub-Committee was of the view that the table service condition would mean that person being entertained by the music would only be those within the premises and on the decking and as such the volume of any music would not need to be at a level that would cause nuisance to those using the county park to enjoy nature. The Sub-Committee was also encouraged by Mr Brown's commitment to keep music levels at an acceptable level.

Given the above, the Sub-Committee was also of the view that it would be unlikely noise from the premises would spook horses, though also noted that Mr Brown said any events would be advertised and as such horse riders would have notice of the event and would be prepared.

As for litter and damage to flora, the table service condition will mean that alcohol consumption is limited to the premises and decking only, therefore reducing the possibility that flora would be trampled. As alcohol must be consumed whilst seated, this will also mean that persons will not be leaving the premises with alcohol containers which will reduce any issues associated with littering.


Mr Brown also reassured the Sub-Committee that events would be in keeping with the natural space and carefully consider the environment.

Mr Brown confirmed that there are three toilets in the premises available for use of customers.

The Sub Committee would remind all parties that should there be issues which undermine any of the licensing objections in the future, then it was open to the local residents and any of the Responsible Authorities to seek a review of the licence.

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.

CHARNWOOD BOROUGH COUNCIL

<b>Signature:</b>	
<b>Chairman:</b>	CLLR HOWE
<b>Date of Decision:</b>	23 July 2021

**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 an unlimited fine.**