

Bolsover District Council

Meeting of the Licensing and Gambling Acts Sub-Committee

18th September 2025

To hear representations made under the Licensing Act 2003

Report of the Environmental Health Team Manager (Licensing)

Classification	This report is public
Report By	Samantha Crossland, Licensing and Enforcement Officer
Contact Officer	Samantha Crossland, Licensing and Enforcement Officer

PURPOSE/SUMMARY OF REPORT

To hear representations made under the Licensing Act 2003 and determine whether to grant an application for a Premises Licence at **The In-Between, 61 Main Street, Shirebrook, Mansfield, NG20 8AN.**

REPORT DETAILS

1. Background

1.1 Bolsover District Council is responsible for the Licensing and Regulation of Premise Licences under the Licensing Act 2003. As part of those responsibilities the Licensing and Gambling Acts Sub-Committee is required to consider any application for a Premises Licence where valid representations have been received and not withdrawn.

1.2 The Licensing Act 2003 is clear that four statutory objectives, each of equal importance, must be addressed by the Council when discharging its functions under the legislation.

Those licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.3 In addition to the legislation, the Council must have regard to the Revised Guidance issued under section 182 of the Licensing Act 2003 and to the Council's own Licensing Policy.

- 1.4 The legislation and statutory guidance are clear that each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy. Conditions attached to licences must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- 1.5 A premises may only undertake licensable activities where it holds both planning permission and a Premises Licence to enable it to do so. Planning and Licensing are separate systems of regulatory control; planning deals with the use of the land, and licensing with the detailed operation of a premises where licensable activities take place. Similar considerations are likely to arise in both and there is overlap between the two, but each regime involves consideration of different, albeit related matters and each operate independently. The guidance provides that licensing committees are not bound by decisions made by a planning committee and vice versa.
- 1.6 In May 2024 the Council adopted a revised Licensing Act 2003 Policy. A number of paragraphs within the policy are relevant in this case. These paragraphs are set out below:

2.2 *In carrying out its licensing functions, the Licensing Authority must also have regard to the licensing objectives, its Policy Statement and any statutory guidance under the Act and is bound by The Human Rights Act 1998. The Council must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Bolsover.*

2.4 *Guidance on the Licensing Objectives is available on the Government's website at: <https://www.gov.uk/guidance/alcohol-licensing>*

2.5 *Licensing law is not the primary mechanism for the general control of antisocial behaviour by individuals once they are beyond the direct control of the individual club, or business holding the licence, certificate or permission concerned. Licensing is about the management of licensed premises and activities within the terms of the Act and conditions attached to various authorisations will be focused on matters which are within the*

control of the individual licence holder and others.

4.2 The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However, there will be overlapping issues of interest e.g. disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action. Equally any planning approval for a premises does not imply that approval will be giving under the Licensing regime.

Further information can be found in the Council's Licensing Act 2003 Policy.

2. Details of Proposal or Information

2.1 On 29th July 2025, an application for a Premises Licence for **The In-Between, 61 Main Street, Shirebrook, Mansfield, NG20 8AN** was received by Bolsover District Council from **Sip & Socialize Ltd.** A copy of the application is attached as **Appendix 1** and proposed plan as **Appendix 2**.

2.2 The application seeks to licence the premises for the below:

Licensable Activity	Hours requested on Premises Licence
Live Music (Indoors)	Monday to Sunday 09:00 – 23:00
Recorded Music (Indoors)	Monday to Sunday 09:00 – 23:00
Supply of Alcohol (For consumption ON & OFF the Premises)	Monday to Sunday 09:00 – 23:00
Opening hours	Monday to Sunday 09:00 – 23:00

2.3 A Risk and Method Statement, attached as **Appendix 3**, and a Fire Plan and Risk Assessment, attached as **Appendix 4**, were also provided with the application. Whilst these documents were provided with the licence application, they do not form part of the operating schedule and would not typically be included in the licence conditions. Risk assessments are dynamic documents, designed to be reviewed and updated regularly in response to changing conditions, new information, and emerging risks.

- 2.4 Subsequently, the applicant provided a further supporting document to the Licensing Section, an Anti-Social Behaviour Policy, during the consultation period. This document is attached as **Appendix 5**. This document was not provided with the application and does not form part of the operating schedule, and would typically not be included in the licence conditions.
- 2.5 The application has been processed in line with the legislation and all Responsible Authorities were notified of this application.
- 2.6 The Licensing Team has not received any formal representations from any of the Responsible Authorities.

3.0 Member of the Public Representation 1

- 3.1 On 21st August 2025, a representation was received from Ms Sharon James in relation to all four licensing objectives. A copy of Ms James's representation is attached as **Appendix 6**.
- 3.2 Following receipt of the representation, the applicant and Ms James entered into mediation in an effort to resolve the concerns raised by Ms James in her representation. At the time of writing this report, Ms James's representation is unresolved.

4.0 Member of the Public Representation 2

- 4.1 On 22nd August 2025, a representation was received from Mr Andrew Wainman in relation to all four licensing objectives. A copy of Mr Wainman's representation is attached as **Appendix 7**.
- 4.2 Following receipt of the representation, the applicant and Mr Wainman entered into mediation in an effort to resolve the concerns raised by Mr Wainman in his representation. At the time of writing this report, Mr Wainman's representation is unresolved.
- 4.3 At the time of the report, both representations from Ms James and Mr Wainman remain valid and unresolved. Both parties have a legal right to make a representation.

5.0 Correspondence in support of the application

- 5.1 On 26th August 2025, the applicant forwarded a number of representations to the Licensing Section in support of their application. The Licensing Section subsequently contacted those who made representations confirming they were happy for their representations to be submitted to the Council and included in the report. A total of 8 representations were confirmed, and copies are attached as **Appendix 8**.

6.0 Reasons for Recommendation

- 6.1 None

7.0 Alternative Options and Reasons for Rejection

7.1 None

RECOMMENDATION(S)

1. That the Licensing and Gambling Acts Sub-Committee considers the application for a new premises licence and any representations received in respect of the application.
2. That the Licensing and Gambling Acts Sub-Committee:
 1. Grant the application as applied for;
 2. Grant the application, modified to such an extent as the Authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions; or
 3. Refuse the application.

Approved by the Portfolio holder - N/A

IMPLICATIONS:

Finance and Risk: Yes ☒ No ☐

Details:

An appeal against this decision would incur costs in preparing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed. Costs could be awarded against the Authority in the event that the appeal is successful. In the event that a licence is granted other than in accordance with the Council's Licensing Policy, the reasons for departing from Policy could be subject to scrutiny and the Council's reputation harmed if the decision is not reasonable.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

The parties have the right to make an appeal to the Magistrates' Court if they are not satisfied with the outcome of the hearing.

On behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No

District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No Details:

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All

DOCUMENT INFORMATION	
Appendix No	Title
1	New Premises Licence Application Form
2	Proposed Plan
3	Risk & Method Statement
4	Fire Plan & Risk Assessment
5	Anti-Social Behaviour Policy
6	Ms James's Representation
7	Mr Wainman's Representation
8	Emails of support

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)

Application Form and Supporting documentation