

# **APPENDIX 4**

Revised offer letter and responses from  
the objectors to the application



## James Mortell

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**From:** Eduard Masters [bilko85@hotmail.com]  
**Sent:** 06 September 2017 08:44  
**To:** James Mortell  
**Subject:** RE: Premises Licence Application. Spar, Shell, Dorset Avenue

Dear Mr Mortell

Thank you for your update. As the proposed amendments would have little or no impact on my main concerns, I most certainly do wish to continue with my strong objection

Sincerely  
Frank Kilby

Sent from [Mail](#) for Windows 10

**From:** [James Mortell](#)  
**Sent:** 05 September 2017 16:34  
**To:** '[Eduard Masters](#)'  
**Subject:** Premises Licence Application. Spar, Shell, Dorset Avenue

Dear Mr Kilby

Further to my last email, I would advise you that the agents for the applicants have agreed that the application can be amended to reduce the times applied for.

The details are listed below:

CURRENT APPLICATION	PROPOSED AMENDMENTS
<b>Alcohol Sale Hours</b>	<b>Alcohol Sale Hours</b>
00:00 – 00:00	07:00hrs – 22:00hrs
Seven Days a Week	Seven Days a Week
<b>Late Night Refreshment Hours</b>	<b>Late Night Refreshment Hours</b>
23:00hrs – 05:00hrs	Withdrawn
Seven Days a Week	

Please note that the 24 hour opening element does not fall under the Licensing Act 2003 and therefore cannot be considered as part of the Licensing application.

I would be grateful if, given the information above you would advise me whether you wish to continue with, or withdraw, your objection.

If you would like any clarification or further information please do contact me either by letter, email or using the telephone number at the top of this letter.

Sincerely  
**James Mortell**  
Licensing Officer



# Oadby & Wigston

## BOROUGH COUNCIL

**Customer Service Centre:** 40 Bell Street, Wigston, Leicestershire LE18 1AD.

**Postal Address:** Council Offices, Station Road, Wigston, Leicestershire LE18 2DR

**T:** 0116 257 2637

**F:** 0116 288 7828

**E:** [james.mortell@oadby-wigston.gov.uk](mailto:james.mortell@oadby-wigston.gov.uk)



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Jacqueline Berwick  
7 Dorset Avenue  
Wigston  
Leicester  
LE18 4WB

**Please Ask For:** James Mortell  
**Direct Dial:** (0116) 257 2637 **Ext:** 637  
**Email:** James.mortell@oadby-wigston.gov.uk  
**Our Ref:** JM/PLASpar/JLB  
**Date:** Tuesday, 05 September 2017

Dear Jacqueline

**Re: Licensing Act 2003 – Application for a premises licence.**

In my previous correspondence I stated that the proposed hours of alcohol sales and Late Night Refreshment (hot food) can be open to negotiation prior to any hearing and it again would be helpful if you would indicate whether any adjustment to these hours would be acceptable to you and if so, what those adjusted hours are.

I am advised that the agents for the applicants have agreed that the application can be amended to reduce the times applied for. These details can be found on the reverse of this letter.

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I would be grateful if, given the information above you would advise me whether you wish to continue with or withdraw your objection.

If you would like any clarification or further information please do contact me either by letter, email or using the telephone number at the top of this letter.



Yours Sincerely

*James Mortell*

James Mortell  
Licensing Officer  
Environmental Health, Licensing.

7. Dorset Avenue  
Wigston  
Leicestershire LE18 4WB  
4<sup>th</sup> Sept 2017

Oadby & Wigston Borough Council  
Council Offices  
Station Rd.  
Wigston.  
Leics. LE18 2DR.

Attention of Mr. J. Martell JM/PLASper/JUB

Dear Sir,

Further to your letter dated 30<sup>th</sup> Aug.

I have not received any notification regarding your application for a Liquor Licence.

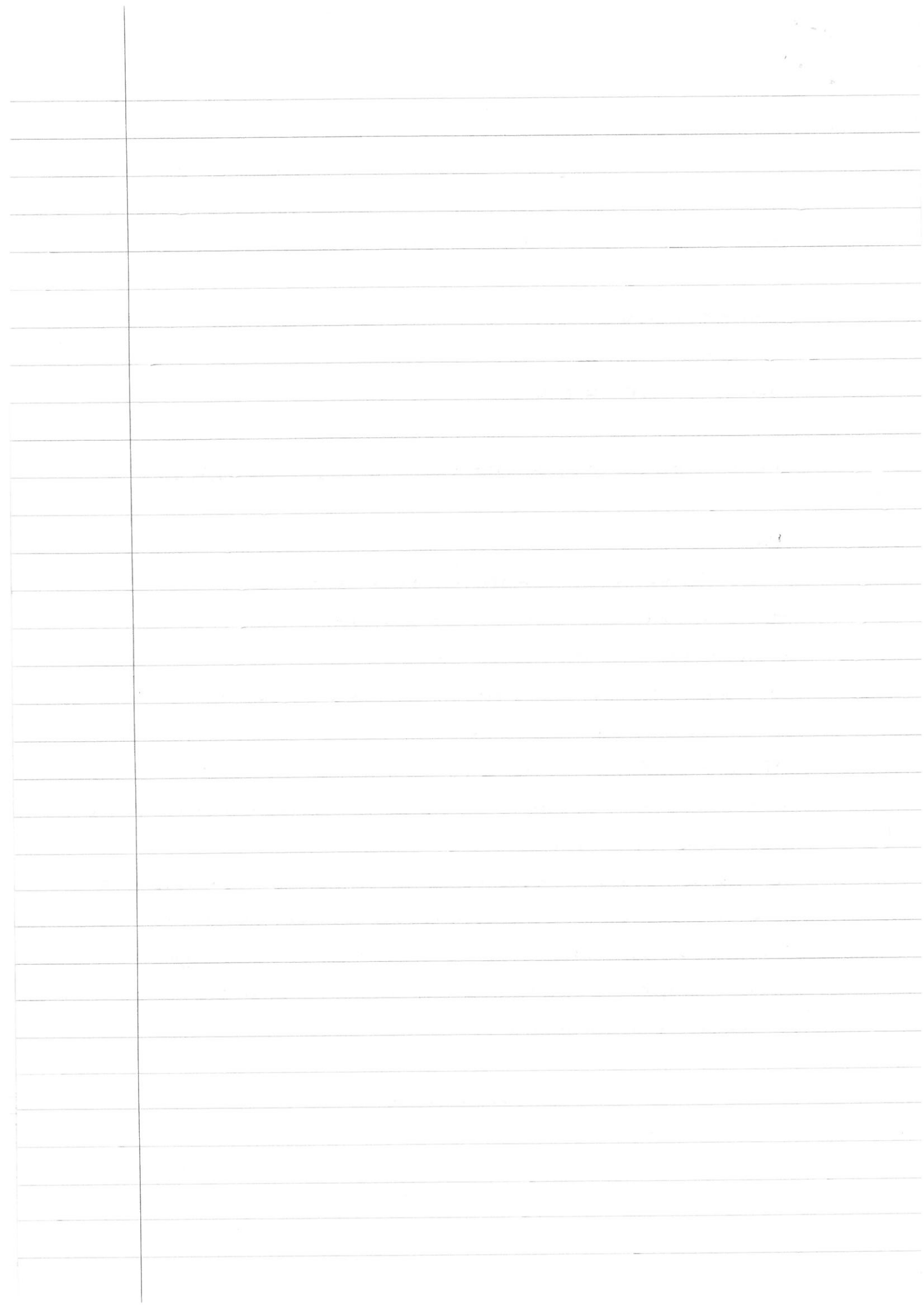
I object to all the points stated as per the reasons set out in my previous letter.

This matter came to light when a small notice was attached to the gate of the premises. (It has now been replaced by a larger one)

Whilst you "stress" that the opening hours of the premises are not a matter that can be considered in relation to the licence application. The notice attached to the gate states Application for Licence, hours 00-24hrs.

I await your comments.

Jaqueline L. Bewick.







Mr T Berwick  
7 Dorset Avenue  
Wigston  
Leicester  
LE18 4WB

**Please Ask For:** James Mortell  
**Direct Dial:** (0116) 257 2637 **Ext:** 637

**Email:** James.mortell@oadby-wigston.gov.uk

**Our Ref:** JM/PLASpar/TB

**Date:** Tuesday, 05 September 2017

Dear Mr Berwick

**Re: Licensing Act 2003 – Application for a premises licence.**

In my previous correspondence I stated that the proposed hours of alcohol sales and Late Night Refreshment (hot food) can be open to negotiation prior to any hearing and it again would be helpful if you would indicate whether any adjustment to these hours would be acceptable to you and if so, what those adjusted hours are.

I am advised that the agents for the applicants have agreed that the application can be amended to reduce the times applied for. These details can be found on the reverse of this letter.

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Please note that the 24 hour opening element does not fall under the Licensing Act 2003 and therefore cannot be considered as part of the Licensing application.

I would be grateful if, given the information above you would advise me whether you wish to continue with or withdraw your objection.

If you would like any clarification or further information please do contact me either by letter, email or using the telephone number at the top of this letter.



Yours Sincerely

*James Mortell*

James Mortell  
Licensing Officer  
Environmental Health, Licensing.

MR. T. BERWICK  
7, DORSET AVE  
WIGSTON  
LEICS.  
LE18 4WB

DEAR MR MORTELL  
RE-YOUR LETTER 30-08-17

MY COMMENTS APPLY TO ALL  
FOUR OF YOUR OBJECTIVES.

AS REGARDS MY COMMENTS  
ON ATTRACTION FOR TROUBLE  
MAKERS ETC, THIS WAS REGARDS  
PROPOSALS IE IN THE FUTURE-FOR  
PREMISES NOT YET BUILT. IT WOULD  
BE VERY DIFFICULT THEREFOR TO GIVE  
EVIDENCE OF THIS, ALTHOUGH IN THE  
PAST THERE HAVE BEEN MANY  
OCCASIONS OF THIS INCLUDING STOLEN  
FOODS BEING LEFT IN OUR GARDEN WITH  
PEOPLE TRYING TO RETRIEVE THEM LATER

AS REGARDS NEGOTIATION OF  
HOURS I HAVE ALREADY MADE IT CLEAR  
TO YOUR PLANNING DEPT THAT THE  
CURRENT PLANNING PERMISSION FOR  
THE PREMISES AS INDICATED BY YOUR  
MR ALEX MATTHEWS OF 7.00 TO 22.00  
HOURS SHOULD BE ADHERED TO.

YOURS.







Chris Weston  
Minister  
Eyres Monsell Baptist Free Church  
2 – 4 Dorset Avenue  
South Wigston  
Leicestershire  
LE18 4UP

**Please Ask For:** James Mortell  
**Direct Dial:** (0116) 257 2637      **Ext:** 637  
**Email:** James.mortell@oadby-wigston.gov.uk  
**Our Ref:** JM/PLASpar/CW  
**Date:** Tuesday, 05 September 2017

Dear Chris Weston

**Re: Licensing Act 2003 – Application for a premises licence.**

Thank you for your letter dated 2<sup>nd</sup> September 2017 reference an application for a premises licence in respect of 1 – 3 Dorset Avenue, Wigston.

For clarification I would advise you that any objection to the grant of a premises licence must be based on the four licensing objectives. For your information these are:

1. the prevention of crime and disorder,
2. public safety,
3. prevention of public nuisance, and
4. the protection of children from harm

I appreciate that not all objections will fall in to all four categories. However, there may be some overlap and it would assist in processing this matter if you would clarify which objective(s) fit your comments. It would help Members of the Licensing Panel to determine the application should the matter proceed to a formal hearing, if you can supply any supporting evidence reference your comments about the premises suffering from graffiti, rubbish and other forms of anti-social behaviour. (Time, dates, Police incident numbers or anything that helps to establish your comments) If the matter does go to a hearing then you, and the applicants representatives, will be invited to the hearing to personally put forward your objections.

The proposed hours of alcohol sales and Late Night Refreshment (hot food) can be open to negotiation prior to any hearing and it again would be helpful if you would indicate whether any adjustment to these hours would be acceptable to you and if so, what those adjusted hours are. I am advised that the agents for the applicants have agreed that the application can be amended to reduce the times applied for. These details can be found on the reverse of this letter.



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I would be grateful if, given the information above you would advise me whether you wish to continue with or withdraw your objection.

If you would like any clarification or further information please do contact me either by letter, email or using the telephone number at the top of this letter.

Yours Sincerely

*James Mortell*

James Mortell  
Licensing Officer  
Environmental Health, Licensing.

**Eyres Monsell Baptist Free Church**

Oadby & Wigston Council  
Station Road  
Wigston  
Leicestershire  
LE18 2DR

Eyres Monsell Baptist Free Church  
2-4 Dorset Avenue  
South Wigston  
Leicestershire  
LE18 4UP

Date 12 September 2017

For the attention of James Mortell Licensing Officer Environmental Health

Dear James,

Thank for your letter of 5 September 2017, which was passed to me on Sunday 9 September 2017. I am very grateful for the information you have given me in relation to the Licensing Act 2003 and specifically to the application relating to 1-3 Dorset Avenue.

Your letter of 5 September 2017 contains proposed amendments to the current application. I am pleased to see that the provision of late night refreshments is to be withdrawn. As to the Alcohol sales hours being reduced from 24 hours to 7am-10pm, whilst this too is welcome, I am not entirely sure that this addresses the issues. It is still proposed to sell and supply both fuel for vehicles and alcohol for a good proportion of a 24 hour period, seven days a week on the same site. I maintain that this is still encouraging drivers of different types of vehicles to drink and drive and therefore break the law. There is the possibility that through the sales of alcohol from this site, that drivers will drink and drive and incidents occur. In my opinion if a licence is not granted there will be no possibility of crime being committed due to the consumption of alcohol from this site. It is a well known fact that when people get drunk, they are difficult to handle. We have had people drunk around the church premises at night on two occasions that I know of. One caused us to stop holding a watch night church service on Christmas Eve to see Christmas Day in. The other was on a Boy's and Girl's brigade night, when two lads who on their bikes going round the back of the church, came across a chap lying down at the back of the church by our fire exit doors. The police refused to come and attend, stating that he was not actually breaking any law; the home he lived at refused to come out, because they had no staff available to attend to him. Myself and another person tried to get him up, but to no avail, eventually we reluctantly called 999 again and an ambulance attended and took him to hospital for his safety. There are no crime numbers for either of these incidents, because the one on Christmas eve we dealt with ourselves at the time and decided in the interests of the safety of the folk at the church not to hold that particular service again. A further incident of anti social behaviour was on Boxing Day 2014, when we arrived at church to find that one of the window panels at the front of the church had been kicked in, there being a footprint on the glass, the police attended, but were unable to find the culprit(s).

A more recent event was on Saturday 10 December 2016, when arriving at the church, there was an abandoned vehicle that had come across the corner of Dorset Avenue, mounted the curb and hit the step of the church, went





backwards and came to a stop. The police arrived quickly and were very helpful, the vehicle being moved that morning. Inside the vehicle were a number of beer cans.

As I stated in my previous letter, we have children, young people and vulnerable adults on our premises at different points throughout most days each week. In my opinion people who get drunk are a public nuisance. As I have dealt with a number of drunk people in my life, I have found that it is impossible to talk sense to them and they can often be violent and awkward as a result. As Eyres Monsell Baptist Free Church is a church seeking to be positively involved in the community, I cannot see that having such a provision opposite the church is helpful to this local community who as far as I can ascertain are not asking for or wanting such a provision on their doorstep.

With reference to your request for supporting evidence of the graffiti, rubbish and other forms of anti-social behaviour that we have suffered. This has gone on since the church was built, including two youngsters breaking in and setting fire to the building, which was many years ago. I have been at this church as the Minister for the last fifteen years. During that time we have had so many instances of the above that I cannot possibly detail them all. What we did was to handle them ourselves and replace, repair what we could as and when we had money available to do so. I have enclosed photographs which show various parts of the church building that have suffered graffiti, that as yet we have not attended to. I have also included photographs of windows that have suffered pellet indentations including some that were done the night of new windows being put in. In my opinion there is no way that we or the police would know or be able to find out who did these things. As such I maintain that if this licence is granted it is likely to lead to an increase of anti-social behaviour in the area of the type that I am outlining. I repeat you or any official from the council are welcome to come and visit the church and see for yourself the current level of graffiti etc that we have. As far as rubbish, including glass is concerned, if it is around the church grounds, that is always cleared by myself or a member of the church. We have no photographic evidence, but if you require such evidence I can provide it in the future if you request it.

Though Dorset Avenue is a wide road, the mini roundabout at the junction of the road with Saffron Lane/Saffron Road does see a lot of near misses, accidents and incidents in the vicinity. Should the application be granted there will be a likely increase in traffic in the immediate area and therefore this will increase the likelihood of accidents/incidents, which is a safety concern.

A further safety issue is this. The planned facilities of having vehicle fuel, a Spar shop with alcohol, a car wash and a new waiting area for such a small site seems to me, to be cramming too much in the same space and if granted would lead in my opinion to the likelihood of more collisions, near misses, incidents, crashes, anti-social behaviour etc. When there was a car wash until recently on this site, at times there were queues of cars spilling out onto Dorset Avenue, causing a hazard for the oncoming traffic. Given all the facilities that are planned for this site, surely there is a likelihood of the same happening once more.

Yours Sincerely

CC Weston Chris  
Minister Eyres Monsell Baptist Free Church

Eric Photographs



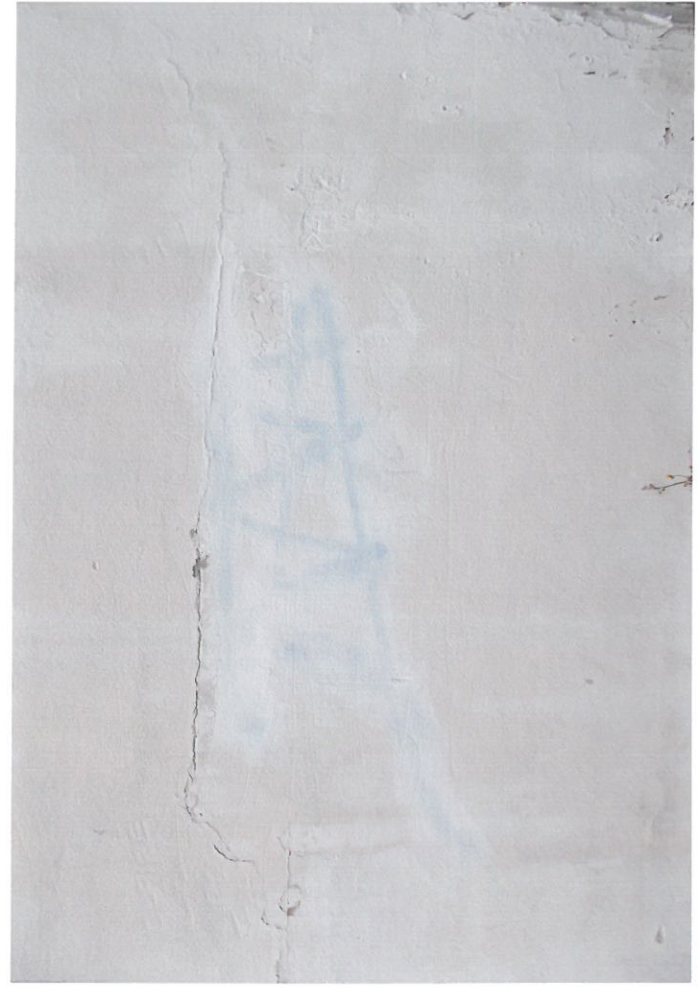
Graffiti on Back church wall



Pellet Hole in window



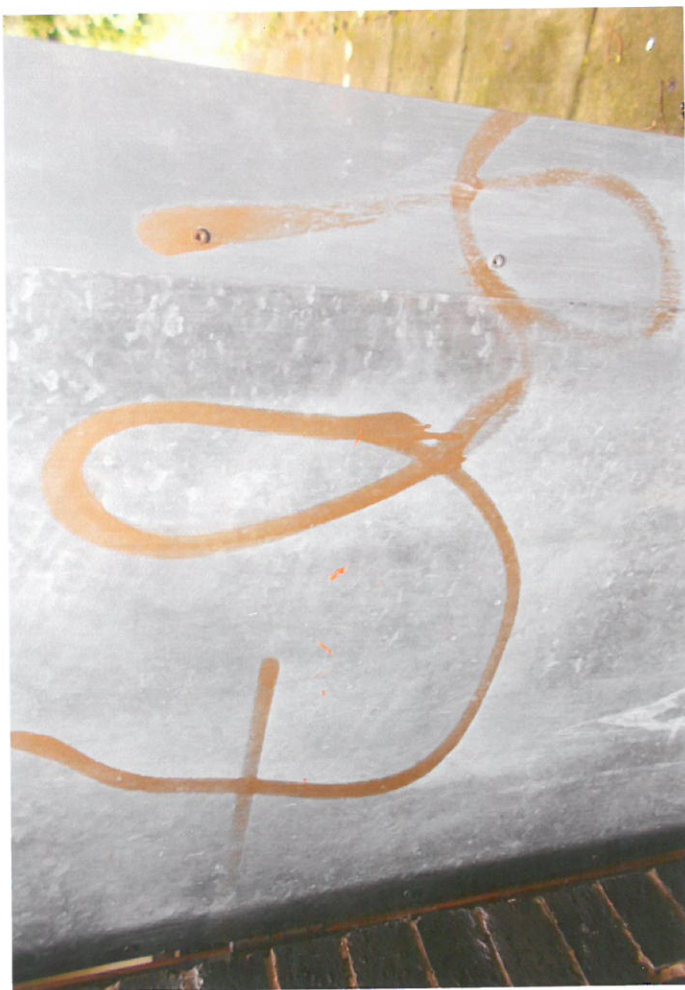
Graffiti on Back church wall







Grills on window to protect



Graffiti on fire door





Graffiti on Door Panels



Grilles to protect window & Door





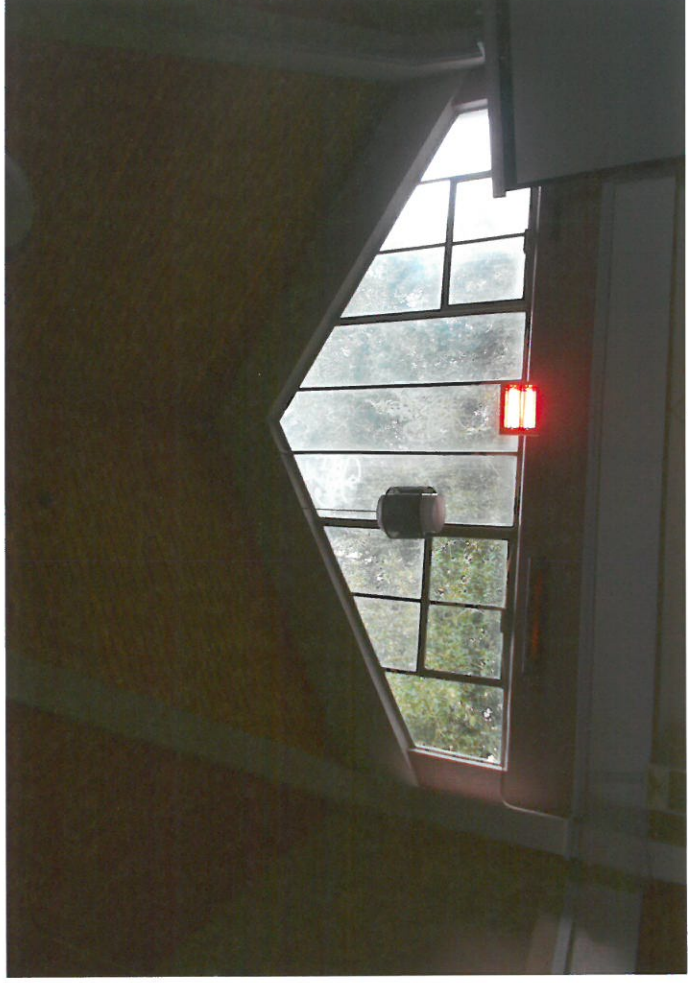
GRAFFITI on windows scratched on



Pellet Hole in window



GRAFFITI on windows scratched on



GRAFFITI on windows scratched on

