



Dr J Ives
Chief Executive
South Derbyshire District Council,
Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH.

www.southderbyshire.gov.uk

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Please ask for Democratic Services
Phone (01283) 595722/ 595889
Democratic.services@southderbyshire.gov.uk

Our Ref
Your Ref

Date: 01 June 2023

Dear Councillor,

Licensing and Appeals Sub-Committee

Please find enclosed the agenda and supporting information for the Licensing and Appeals Sub-Committee meeting.

A Meeting of the **Licensing and Appeals Sub-Committee** will be held at **Council Chamber**, Civic Way, Swadlincote on **Monday, 12 June 2023 at 10:00**. You are requested to attend.

If you require any further information, please contact Democratic Services on the number shown above.

Yours faithfully,

Chief Executive

To: **Labour Group**
Councillor Gee
Councillor Rhind

Conservative Group
Councillor Kirke



AGENDA

Open to Public and Press

- 1** Apologies.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE 23 JUNE 2023 **3 - 24**
- 4** HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE 01 JULY 2023 **25 - 46**

Exclusion of the Public and Press:

- 5** The Chairman may therefore move:-
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 6** DETERMINATION OF A PRIVATE HIRE DRIVER'S LICENCE
- 7** BACKGROUND PAPERS

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: 12 JUNE 2023

Contact Officer: Faye Norman

HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE

Premises User	Kelly Baverstock
Premises Name	White Hart
Address	Derby Road, Aston on Trent, Derbyshire, DE72 2AF

1. PURPOSE

- 1.1 To consider an objection notice made by Environmental Health in response to a temporary event notice (TEN) made by Kelly Baverstock at White Hart, Derby Road, Aston on Trent, Derbyshire, DE72 2AF on 23rd June 2023. A copy of the TEN is attached at **Appendix 1**.

2. BACKGROUND

- 2.1 The premises user submitted a TEN on 30th May 2023 regarding the intended use of the premises for live music at the above premises. The nature of the event for which the notification has been received is an outdoor music event.

3. APPLICATION DETAILS

- 3.1 The TEN notifies the Licensing Authority that the above licensable activities will take place at the following days and times:

Activity	Days	Times
Regulated Entertainment	Friday 23 rd June 2023	20.00hrs – 23.00hrs

- 3.2 A permitted temporary activity is a licensable activity that is carried on in accordance with a temporary event notice under section 100 and in compliance with the provisions of Part 5 of the Licensing Act 2003.
- 3.3 A TEN is subject to various restrictions and limits. Where the requirements for obtaining a TEN cannot be met, the licensable activity can only be authorised by way of a premises licence.
- 3.4 Officers are satisfied that this TEN has been properly served and the criteria in respect of TENs have been met.

4. CONSULTATION RESPONSES

- 4.1 In respect of a TEN, if the Chief Officer of Police or Environmental Health is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, he must give a notice to the Licensing Authority and premises licence user detailing the reasons for the objection.

- 4.2 An objection notice has been received from Environmental Health on 2nd June 2023 on the grounds of the prevention of public nuisance. A copy of the objection notice is attached at **Appendix 2**.

5. OTHER RELEVANT CONSIDERATIONS

- 5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.
- 5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

6. DETERMINATION

- 6.1 If having regard to the objection notice, The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
1. Allow the licensable activities to take place as stated in the TEN;
 2. Impose one or more of the existing licence conditions from the premises licence on the TEN (insofar as such conditions are not inconsistent with the event. A copy of the premises licence is attached at **Appendix 3**).
 3. Issue a counter notice under section 105 of the Licensing Act 2003 meaning that the event cannot take place.

8. RIGHT OF APPEAL

- 8.1 Members should note that the premises user or persons making representations have the right of appeal against any decision made by the Sub-Committee. However, no appeal may be brought later than 5 working days before the day on which the TEN begins.

9. APPENDICES

1. A copy of the Temporary Events Notice
1. A copy of the representation received from Environmental Health
2. A copy of the premises licence for White Hart, Aston on Trent.



**South
Derbyshire
District Council**

Temporary Event Notice Form

Case Reference Number - FS-Case-520045348

Name of Premises – White Hart

EVENT START DATE

Event Start Date - *23/06/2023*

PERSONAL DETAILS OF PREMISES USER

Agent or Applicant - *Agent*

Name – *Kelly Baverstock*

Contact Phone Number – *01142668664*

Email Address - *lwalker@john-gaunt.co.uk*

Address Details - *6, VULCAN WAY, CASTLE DONINGTON, LEICESTERSHIRE, DE74 2UJ*

Previous Names – *Bull*

Date of Birth – *01/06/1982*

Place of Birth – *Derby*

National Insurance Number – *JT200958C*

Do you wish to use a different address for correspondence? – *Yes*

Correspondence Address – *JOHN GAUNT AND PARTNERS, 372-374, CEMETERY ROAD, SHEFFIELD, S11 8FT*

PREMISES DETAILS

Name of Premises – *White Hart*

Premises Address – *WHITE HART INN, DERBY ROAD, ASTON-ON-TRENT, DERBY, DERBYSHIRE, DE72 2AF*

Please provide a detailed description of a location where you are to carry out the licensable activities if it has no address, (including the Ordnance Survey references) (Please read note 2):

Car Park and Beer Garden adjacent to the White Hart Inn.

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below:

LAPRE/0270

Premises licence number or club premises certificate (if applicable):

LAPRE/0270

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3):

Car Park and Beer Garden adjacent to the White Hart Inn.

Please describe the nature of the premises below. (Please read note 4):

Car Park / Beer Garden

Please describe the nature of the event below. (Please read note 5):

Outdoor music event.

To include performances of live music taking place from a trailer.

Barrier tape will be used around the perimeter the trailer to help to ensure safety.

Please note that this application also intends to suspend the following conditions:

Annex 2 - Conditions consistent with the operating schedule

The prevention of crime and disorder

6. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

Annex 3 - Conditions attached after Hearing

2. In relation to live and recorded music, the licensee shall install a noise limiting cut out device at a decibel rating determined by South Derbyshire District Council's Environmental Health Department.

LICENSABLE ACTIVITIES

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on) (Please read note 6):

The sale by retail of alcohol – *No*

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club – *No*

The provision of regulated entertainment – *Yes*

The provision of late night refreshment – *No*

Are you giving a late temporary event notice? – *No*

You have indicated that your event is more than 10 clear working days away (not including today, and the day of the event). Please confirm that this is correct –

How many days do you intend to use the premises for licensable activities? – *1*

Please state the dates on which you intend to use these premises for Licensable Activities
(Maximum 7 Days)

23/06/2023 – 23/06/2023

Please state the day and times during the event period that you propose to carry on licensable activities (please give times in a 24 hour format)

20:00 - 23:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers – 499

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for the consumption on or off the premises, or both – *On the premises*

Will your event include entertainment of a relevant nature? – *No*

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment –

PERSONAL LICENCE HOLDER

Do you currently hold a valid personal licence – *Yes*

Date of Issue – *29/11/2021*

Issuing Licensing Authority – *South Derbyshire District Council*

Personal Licence Number – *LAPER/1403*

Any further relevant details –

PREVIOUS NOTICES

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? – *No*

Please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in the same calendar year –

Have you already given a temporary event notice for the same premises in which the event period:
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? – *No*

ASSOCIATES

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? – *No*

Please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year –

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice? –No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? – No

Please state the total number of temporary event notices (including the number of late temporary event notices, your business colleague(s) have given for events in the same calendar year. -

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice? –No

DECLARATION

Condition (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

I declare that the information contained in this form is correct to the best of my knowledge and belief. – Yes

Declaration Date – 30/05/2023

Contact Phone Number – 01142668664

Contact Email Address – lwalker@john-gaunt.co.uk

DATE CHANGES

TENs cannot be moved to cover another event day or another premises. If your event day or premises changes you will need to apply for a new TEN and paying the relevant fee of £21.00. You may cancel your TEN up to 24 hours before your planned event and the we will re-allocate the

entitlement to the premises.

No refunds on the original TEN are available in these circumstances.

I accept that no refunds are given in relation to the above conditions –/ Accept

WHAT HAPPENS NEXT

All correspondence in respect of this application will be made via email.

We will acknowledge receipt of your application within 2 working days of you submitting your application.

If you apply online, we are responsible for copying your STANDARD TEN or LATE TEN to the Chief Officer of Police and environmental health on the first working day after you have submitted a valid STANDARD or LATE TEN and paid the fee.

However, if you submit any part of your STANDARD TEN or LATE TEN in writing, this will not be treated as an online application and you will remain responsible for copying your STANDARD TEN or LATE TEN to the Chief Officer of Police and environmental health at the same time as the STANDARD TEN or LATE TEN is served on the licensing authority.

In such cases, your application will not be valid unless you do this in accordance with the Act and applicable Regulations.

If the Chief officer of Police and/ or environmental health wish to lodge an objection to the STANDARD TEN or LATE TEN they must do so within 3 working days of being served with a copy of the STANDARD TEN or LATE TEN and they must inform you and the Licensing Authority of their reasons for the objection. The police and / or environmental health may object to a STANDARD TEN or a LATE TEN if they consider any of the four licensing objectives of the Licensing Act 2003 would be undermined if the event were to be allowed to go ahead. You will then be served a counter notice by the licensing authority notifying you of the objections.

For a LATE TEN, where the police and/ or environmental health raise an objection, a counter notice will be served by the Licensing Authority at least 24 hours before the event is due to start, and the event will not be allowed to go ahead.

For a STANDARD TEN, the Licensing Authority will arrange for mediation in the first instance between yourselves, the police and/ or environmental health. As a result of mediation, the STANDARD TEN may be modified, and the licensing authority would then be informed. If mediation fails, a hearing will be held, where conditions may be attached to the STANDARD TEN by way of issuing a statement of conditions; or the event may not be authorised to proceed. Alternatively, the event may be permitted to proceed with no further conditions to be added.

The Local Authority will also serve a counter notice to STANDARD and LATE TENS in the following circumstances:

where the relevant premises user holds a personal licence and has already served at least fifty STANDARD TENS wholly or partly within the same calendar year;

where the relevant premises user holds a personal licence and has already served at least ten LATE TENS wholly or partly within the same calendar year

where the relevant premises user does not hold a personal licence and has already served at least five STANDARD TENS wholly or partly within the same calendar year;

where the relevant premises user does not hold a personal licence and has already served at least two LATE TENS wholly or partly within the same calendar year;

if the length of time the STANDARD or LATE last exceeds 168 hours;

if at least twenty one STANDARD OR LATE TENS (in combination) have been served in respect of any part of the relevant premises in the same calendar year as the new TEN or LATE TEN application;

if the maximum aggregate duration of the periods covered by STANDARD and LATE TENS at any individual premises exceeds twenty six days in a calendar year; and

if the scale of the event in terms of the maximum number of people attending at any one time exceeds 499.

PAYMENTS

The total amount to pay is £21.00

Are these details correct? – Yes

SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES
TEMPORARY EVENT NOTICE

Responsible Authority (please delete as applicable):
 Environmental Protection

Name	John Mills
Job Title	Principal EHO
Postal and email address	South Derbyshire DC.
Contact telephone number	01283 595903

Name of the premises you are making a representation about	White Hart, Aston On Trent.
Address of the premises you are making a representation about	21 Derby Road, Aston On Trent

Which of the four licensing objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	This representation is in regards two separate events for which TEN's have been submitted. See accompanying letter
To protect children from harm	No	

Please detail any modifications that could be made to the temporary event notice to allow the licensable activities to take place.	Amplified music should only be held externally for 1 night per calendar year, with a cut-off of 11pm.
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Signed:

John Mills

Date: 02/06/23

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to licensing@south-derbys.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724

Licensing Section
South Derbyshire District Council

Matthew Holford
Head of Environmental Services
South Derbyshire District Council,
Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH.

www.southderbyshire.gov.uk
@SDDC on Twitter

Please ask for John Mills
Phone (01283) 01283 595903
Fax (01283) 595855
Typetalk (0870) 2409598
DX 23912 Swadlincote
John.mills@southderbyshire.gov.uk

Our Ref: JM/33372

Dear Sirs,

REPRESENTATION - TEMPORARY EVENT NOTICES
WHITE HART, ASTON ON TRENT.
23rd June 2023 FS-Case-520045348
1st – 2nd July 2023 FS-Case-520054215

I wish to make representations in regards the various TEN's applied for by the above venue on the dates listed on grounds of public nuisance.

The venue is requesting three nights external amplified music. The music will be played on a trailer externally in the car park of the premises.

Aston On Trent is a small village, and the public house is situated predominantly in a residential area, with houses bordering the car park and dwellings less than 20 metres from the car park. I have reviewed the types of music that are being played at the event. The typical music noise levels from such events are likely to exceed 90 dB(A), a level at which will mean that adjoining properties will be unable to hold normal conversations in their gardens, or open windows for ventilation throughout the event, it is also unlikely that they will be able to sleep even with windows closed in bedrooms with a line of sight to the car park. The noise levels will exceed widely recognised guideline values of 65 dB(A) up to 11pm and inaudible beyond this time.

The wider impacts of the music will be felt far further afield than this. I estimate the noise impacts will be significant well over 100 metres from the property (this is based upon both universally accepted sound propagation principles, and my professional experience)

For this reason, we have in previous years agreed with the premises to host one day of external music until 11pm for the Well Dressing event, with any additional music either not amplified, or restricted to internal areas of the premises. We accept that whilst one night will have a considerable impact on residents, the guidance recognises that higher limits are deemed acceptable for an event taking place only one day per year.

It is unfortunate that once again the license holder has not discussed this event with the Local Authority prior to submitting the TEN. They have offered no supporting information in regards how they intend to uphold the licensing objectives and prevent public nuisance, therefore I have no alternative other than to submit a representation.

I can confirm I am willing to withdraw my representation on the basis that the event is limited to one day/year, with an 11pm cut-off.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "John Mills". The signature is written in a cursive, slightly slanted style.

John Mills
Principal Environmental Health Officer

Premises Licence

Part A

Premises Licence Number **LAPRE/0270**

Part 1 – Premises Details

Postal Address of premises, or if none ordnance survey map reference of description

**White Hart
21 Derby Road
Aston On Trent
Derbyshire, DE72 2AF**

Telephone Number **01332 792264**

Where the Licence is time limited the dates

Not applicable

Licensable Activities authorised by the licence

These premises are entitled to sell to residents and their bona fide guests 24 hours a day pursuant to section 63 (2) LA 1964

The premises can open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours to be confirmed with the Police at least 7 days prior to the event, notification to include opening times and sporting event which is to be shown.

Films - Indoors

Live music – Indoors

Performances of dance – Indoors

Sale by Retail of Alcohol for consumption on and off the premises

Indoor sporting events - Indoors

Recorded music - Indoors

Late night refreshment – Indoors

The times the licence authorises the carrying out of licensable activities

All licensable activities are permitted to occur

Monday – Thursday

10.00hrs – 00.00hrs

Friday – Sunday

10.00hrs – 01.00hrs

Bank Holiday Monday, Christmas Eve and

10.00hrs – 01.00hrs

Boxing Day

(To allow the premises to open until 01.00hrs on up to 20 occasions per annum upon 7 days prior notice to the Police if required by them)

From 10.00hrs New Year's Eve until the proposed terminal hour on New Year's Day.

The opening hours of the premises

Monday – Thursday

10.00hrs – 00.30hrs

Friday – Sunday

10.00hrs – 01.30hrs

From 10.00hrs New Year's Eve until the proposed terminal hour on New Year's Day.

Where the licence authorises supplies of alcohol whether there are on and or off supplies

Sale by retail of alcohol for consumption on and off the premises

Date Issued: 19/01/2006

Date Last Amended: 27/01/2023

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

**Marston's Plc
St Johns House
St Johns Square
Wolverhampton
WV2 4BH**

Registered number of holder, for example company number, charity number (where applicable)

00031461

Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Kelly Baverstock
103 London Road
Shardlow
Derbyshire
DE72 2GP**

Personal licence number and Issuing Authority of personal licence held by designated premises supervisor where the premises authorises for the supply of alcohol

Reference: **LAPER/1403** Issued by: **South Derbyshire District Council**

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) A holographic mark, or
(b) An ultraviolet feature.
6. The responsible person must ensure that—

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) Beer or cider: ½ pint;
(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
(iii) Still wine in a glass: 125 ml;

(b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
8. For the purposes of the condition set out in paragraph 1—

(a) “Duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “Permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where—

- (i) P is the permitted price,
- (i) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "Relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- (i) The holder of the premises licence,
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (ii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "Relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "Value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

9. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

11. Where a premise licence authorises the exhibition of films, then the admission of children to the exhibition should be restricted in accordance with this section.

12. Where the film classification body is specified in the licence, unless subsection (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

13. Where:-

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the licensing authority.

14. Children is defined as persons aged under 18; and film classification body means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (C.39)(authority to determine suitability of video works for classification)
15. For the purpose of section 2, South Derbyshire District Council specifies the British Board of Film Classification (BBFC) as the relevant classification body for this licence.

Annex 2 – Conditions consistent with operating schedule

The prevention of crime and disorder.

1. Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
2. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the Premises Licence, and will clearly display his name badge at all times whilst on duty.
3. Any person as defined in condition 1 of the prevention of crime and disorder condition will clearly display his name badge at all times whilst on duty.
4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
5. Where C.C.T.V. is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
6. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

Public Safety

7. To comply with reasonable requirements of the fire officer from time to time.
8. To comply with the reasonable requirements of the building control officer.

The prevention of public nuisance.

9. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
10. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

The protection of children from harm.

11. Children under the age of 16 shall not be permitted to enter the premises after 21:00hrs

Annex 3 – Conditions attached after Hearing

1. The applicant shall close windows and doors in the room where live and recorded music is played, except for access to and egress from that room.
2. In relation to live and recorded music, the licensee shall install a noise limiting cut out device at a decibel rating determined by South Derbyshire District Council's Environmental Health Department
3. The hours of operation as specified in the authorised licensing times

Annex 4 – Plans



GROUND FLOOR PLAN



FIRST FLOOR PLAN

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

Hearing Date: 12 JUNE 2023

Contact Officer: Faye Norman

HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE

Premises User	Kelly Baverstock
Premises Name	White Hart
Address	Derby Road, Aston on Trent Derbyshire DE72 2AF

1. PURPOSE

- 1.1 To consider an objection notice made by Environmental Health in response to a temporary event notice (TEN) made by Kelly Baverstock at White Hart, Derby Road, Aston on Trent, Derbyshire, DE72 2AF on 1st – 2nd July 2023. A copy of the TEN is attached at **Appendix 1**.

2. BACKGROUND

- 2.1 The premises user submitted a TEN on 30th May 2023 regarding the intended use of the premises for live music at the above premises. The nature of the event for which the notification has been received is an annual well dressing festival.

3. APPLICATION DETAILS

- 3.1 The TEN notifies the Licensing Authority that the above licensable activities will take place at the following days and times:

Activity	Days	Times
Regulated Entertainment	Saturday 1 st July 2023 Sunday 2 nd July 2023	19.00hrs – 01.00hrs 11.00hrs – 23.00hrs

- 3.2 A permitted temporary activity is a licensable activity that is carried on in accordance with a temporary event notice under section 100 and in compliance with the provisions of Part 5 of the Licensing Act 2003.
- 3.3 A TEN is subject to various restrictions and limits. Where the requirements for obtaining a TEN cannot be met, the licensable activity can only be authorised by way of a premises licence.
- 3.4 Officers are satisfied that this TEN has been properly served and the criteria in respect of TENs have been met.

4. CONSULTATION RESPONSES

- 4.1 In respect of a TEN, if the Chief Officer of Police or Environmental Health is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, he must give a notice to the

Licensing Authority and premises licence user detailing the reasons for the objection.

- 4.2 An objection notice has been received from Environmental Health on 2nd June 2023 on the grounds of the prevention of public nuisance. A copy of the objection notice is attached at **Appendix 2**.

5. OTHER RELEVANT CONSIDERATIONS

- 5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.
- 5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

6. DETERMINATION

- 6.1 If having regard to the objection notice, The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
1. Allow the licensable activities to take place as stated in the TEN;
 2. Impose one or more of the existing licence conditions from the premises licence on the TEN (insofar as such conditions are not inconsistent with the event. A copy of the premises licence is attached at **Appendix 3**.)
 3. Issue a counter notice under section 105 of the Licensing Act 2003 meaning that the event cannot take place.

8. RIGHT OF APPEAL

- 8.1 Members should note that the premises user or persons making representations have the right of appeal against any decision made by the Sub-Committee. However, no appeal may be brought later than 5 working days before the day on which the TEN begins.

9. APPENDICES

1. A copy of the Temporary Events Notice
2. A copy of the representation received from Environmental Health
3. A copy of the premises licence for White Hart, Aston on Trent.



**South
Derbyshire
District Council**

Temporary Event Notice Form

Case Reference Number - FS-Case-520054215

Name of Premises – White Hart Inn

EVENT START DATE

Event Start Date - 01/07/2023

PERSONAL DETAILS OF PREMISES USER

Agent or Applicant - Agent

Name – Kelly Baverstock

Contact Phone Number – 01142668664

Email Address - lwalker@john-gaunt.co.uk

Address Details - 6, VULCAN WAY, CASTLE DONINGTON, LEICESTERSHIRE, DE74 2UJ

Previous Names – Bull

Date of Birth – 01/06/1982

Place of Birth – Derby

National Insurance Number – JT200958C

Do you wish to use a different address for correspondence? – Yes

Correspondence Address – JOHN GAUNT AND PARTNERS, 372-374, CEMETERY ROAD, SHEFFIELD, S11 8FT

PREMISES DETAILS

Name of Premises – White Hart Inn

Premises Address – WHITE HART INN, DERBY ROAD, ASTON-ON-TRENT, DERBY, DERBYSHIRE, DE72 2AF

Please provide a detailed description of a location where you are to carry out the licensable activities if it has no address, (including the Ordnance Survey references) (Please read note 2):

Car Park and Beer Garden at the White Hart Inn

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below:

LAPRE/0270

Premises licence number or club premises certificate (if applicable):

LAPRE/0270

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3):

Car Park and Beer Garden at the White Hart Inn

Please describe the nature of the premises below. (Please read note 4):

Car Park / Beer Garden

Please describe the nature of the event below. (Please read note 5):

Annual Well Dressing Festival.

To include performances of live music taking place from a trailer.

Barriers to be installed to create a one way in and one way out system.

This application also intends to suspend the following conditions:

Annex 2 - Conditions consistent with operating schedule

The prevention of crime and disorder

Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

Annex 3 - Conditions attached after Hearing

In relation to live and recorded music, the licensee shall install a noise limiting cut out device at a decibel determined by South Derbyshire District Council's Environmental Health Department.

LICENSABLE ACTIVITIES

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on) (Please read note 6):

The sale by retail of alcohol – *No*

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club – *No*

The provision of regulated entertainment – *Yes*

The provision of late night refreshment – *No*

Are you giving a late temporary event notice? – *No*

You have indicated that your event is more than 10 clear working days away (not including today, and the day of the event). Please confirm that this is correct –

How many days do you intend to use the premises for licensable activities? – *2*

Please state the dates on which you intend to use these premises for Licensable Activities
(Maximum 7 Days)

01/07/2023 – 02/07/2023

Please state the day and times during the event period that you propose to carry on licensable activities (please give times in a 24 hour format)

*Saturday 1st July 2023 from 19:00 until 01:00 on Sunday 2nd July 2023
Sunday 2nd July 2023 from 11:00 until 23:00*

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers – 499

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for the consumption on or off the premises, or both – *On the premises*

Will your event include entertainment of a relevant nature? – *No*

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment –

PERSONAL LICENCE HOLDER

Do you currently hold a valid personal licence – *Yes*

Date of Issue – *29/11/2021*

Issuing Licensing Authority – *South Derbyshire District Council*

Personal Licence Number – *LAPER/1403*

Any further relevant details –

PREVIOUS NOTICES

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? – *Yes*

Please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in the same calendar year – *1*

Have you already given a temporary event notice for the same premises in which the event period:
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? – *No*

ASSOCIATES

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? – *No*

Please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year –

Has any person with whom you are in business carrying on licensable activities already given a

temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice? *–No*

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? – *No*

Please state the total number of temporary event notices (including the number of late temporary event notices, your business colleague(s) have given for events in the same calendar year. -

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice? *–No*

DECLARATION

Condition (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

I declare that the information contained in this form is correct to the best of my knowledge and belief. – *Yes*

Declaration Date – *30/05/2023*

Contact Phone Number – *01142668664*

Contact Email Address – *lwalker@john-gaunt.co.uk*

DATE CHANGES

TENs cannot be moved to cover another event day or another premises. If your event day or

premises changes you will need to apply for a new TEN and paying the relevant fee of £21.00. You may cancel your TEN up to 24 hours before your planned event and the we will re-allocate the entitlement to the premises.

No refunds on the original TEN are available in these circumstances.

I accept that no refunds are given in relation to the above conditions –/ *Accept*

WHAT HAPPENS NEXT

All correspondence in respect of this application will be made via email.

We will acknowledge receipt of your application within 2 working days of you submitting your application.

If you apply online, we are responsible for copying your STANDARD TEN or LATE TEN to the Chief Officer of Police and environmental health on the first working day after you have submitted a valid STANDARD or LATE TEN and paid the fee.

However, if you submit any part of your STANDARD TEN or LATE TEN in writing, this will not be treated as an online application and you will remain responsible for copying your STANDARD TEN or LATE TEN to the Chief Officer of Police and environmental health at the same time as the STANDARD TEN or LATE TEN is served on the licensing authority.

In such cases, your application will not be valid unless you do this in accordance with the Act and applicable Regulations.

If the Chief officer of Police and/ or environmental health wish to lodge an objection to the STANDARD TEN or LATE TEN they must do so within 3 working days of being served with a copy of the STANDARD TEN or LATE TEN and they must inform you and the Licensing Authority of their reasons for the objection. The police and / or environmental health may object to a STANDARD TEN or a LATE TEN if they consider any of the four licensing objectives of the Licensing Act 2003 would be undermined if the event were to be allowed to go ahead. You will then be served a counter notice by the licensing authority notifying you of the objections.

For a LATE TEN, where the police and/ or environmental health raise an objection, a counter notice will be served by the Licensing Authority at least 24 hours before the event is due to start, and the event will not be allowed to go ahead.

For a STANDARD TEN, the Licensing Authority will arrange for mediation in the first instance between yourselves, the police and/ or environmental health. As a result of mediation, the STANDARD TEN may be modified, and the licensing authority would then be informed. If mediation fails, a hearing will be held, where conditions may be attached to the STANDARD TEN by way of issuing a statement of conditions; or the event may not be authorised to proceed. Alternatively, the event may be permitted to proceed with no further conditions to be added.

The Local Authority will also serve a counter notice to STANDARD and LATE TENS in the following circumstances:

where the relevant premises user holds a personal licence and has already served at least fifty STANDARD TENS wholly or partly within the same calendar year;

where the relevant premises user holds a personal licence and has already served at least ten LATE TENS wholly or partly within the same calendar year

where the relevant premises user does not hold a personal licence and has already served at least five STANDARD TENS wholly or partly within the same calendar year;

where the relevant premises user does not hold a personal licence and has already served at least two LATE TENS wholly or partly within the same calendar year;

if the length of time the STANDARD or LATE last exceeds 168 hours;

if at least twenty one STANDARD OR LATE TENS (in combination) have been served in respect of any part of the relevant premises in the same calendar year as the new TEN or LATE TEN application;

if the maximum aggregate duration of the periods covered by STANDARD and LATE TENS at any individual premises exceeds twenty six days in a calendar year; and

if the scale of the event in terms of the maximum number of people attending at any one time exceeds 499.

PAYMENTS

The total amount to pay is £21.00

Are these details correct? – Yes

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES
TEMPORARY EVENT NOTICE**

Responsible Authority (please delete as applicable):
Environmental Protection

Name	John Mills
Job Title	Principal EHO
Postal and email address	South Derbyshire DC.
Contact telephone number	01283 595903

Name of the premises you are making a representation about	White Hart, Aston On Trent.
Address of the premises you are making a representation about	21 Derby Road, Aston On Trent

Which of the four licensing objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	This representation is in regards two separate events for which TEN's have been submitted. See accompanying letter
To protect children from harm	No	

Please detail any modifications that could be made to the temporary event notice to allow the licensable activities to take place.	Amplified music should only be held externally for 1 night per calendar year, with a cut-off of 11pm.
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Signed:



Date: 02/06/23

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to licensing@south-derbys.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724

Dear Sirs,

REPRESENTATION - TEMPORARY EVENT NOTICES

WHITE HART, ASTON ON TRENT.

23rd June 2023 FS-Case-520045348

1st – 2nd July 2023 FS-Case-520054215

I wish to make representations in regards the various TEN's applied for by the above venue on the dates listed on grounds of public nuisance.

The venue is requesting three nights external amplified music. The music will be played on a trailer externally in the car park of the premises.

Aston On Trent is a small village, and the public house is situated predominantly in a residential area, with houses bordering the car park and dwellings less than 20 metres from the car park. I have reviewed the types of music that are being played at the event. The typical music noise levels from such events are likely to exceed 90 dB(A), a level at which will mean that adjoining properties will be unable to hold normal conversations in their gardens, or open windows for ventilation throughout the event, it is also unlikely that they will be able to sleep even with windows closed in bedrooms with a line of sight to the car park. The noise levels will exceed widely recognised guideline values of 65 dB(A) up to 11pm and inaudible beyond this time.

The wider impacts of the music will be felt far further afield than this. I estimate the noise impacts will be significant well over 100 metres from the property (this is based upon both universally accepted sound propagation principles, and my professional experience)

For this reason, we have in previous years agreed with the premises to host one day of external music until 11pm for the Well Dressing event, with any additional music either not amplified, or restricted to internal areas of the premises. We accept that whilst one night will have a considerable impact on residents, the guidance recognises that higher limits are deemed acceptable for an event taking place only one day per year.

It is unfortunate that once again the license holder has not discussed this event with the Local Authority prior to submitting the TEN. They have offered no supporting information in regards how they intend to uphold the licensing objectives and prevent public nuisance, therefore I have no alternative other than to submit a representation.

I can confirm I am willing to withdraw my representation on the basis that the event is limited to one day/year, with an 11pm cut-off.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Mills". The signature is written in a cursive, slightly slanted style.

John Mills
Principal Environmental Health Officer

Premises Licence

Part A

Premises Licence Number **LAPRE/0270**

Part 1 – Premises Details

Postal Address of premises, or if none ordnance survey map reference of description

**White Hart
21 Derby Road
Aston On Trent
Derbyshire, DE72 2AF**

Telephone Number **01332 792264**

Where the Licence is time limited the dates

Not applicable

Licensable Activities authorised by the licence

These premises are entitled to sell to residents and their bona fide guests 24 hours a day pursuant to section 63 (2) LA 1964

The premises can open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours to be confirmed with the Police at least 7 days prior to the event, notification to include opening times and sporting event which is to be shown.

Films - Indoors

Live music – Indoors

Performances of dance – Indoors

Sale by Retail of Alcohol for consumption on and off the premises

Indoor sporting events - Indoors

Recorded music - Indoors

Late night refreshment – Indoors

The times the licence authorises the carrying out of licensable activities

All licensable activities are permitted to occur

Monday – Thursday

10.00hrs – 00.00hrs

Friday – Sunday

10.00hrs – 01.00hrs

Bank Holiday Monday, Christmas Eve and

10.00hrs – 01.00hrs

Boxing Day

(To allow the premises to open until 01.00hrs on up to 20 occasions per annum upon 7 days prior notice to the Police if required by them)

From 10.00hrs New Year's Eve until the proposed terminal hour on New Year's Day.

The opening hours of the premises

Monday – Thursday

10.00hrs – 00.30hrs

Friday – Sunday

10.00hrs – 01.30hrs

From 10.00hrs New Year's Eve until the proposed terminal hour on New Year's Day.

Where the licence authorises supplies of alcohol whether there are on and or off supplies

Sale by retail of alcohol for consumption on and off the premises

Date Issued: 19/01/2006

Date Last Amended: 27/01/2023

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

**Marston's Plc
St Johns House
St Johns Square
Wolverhampton
WV2 4BH**

Registered number of holder, for example company number, charity number (where applicable)

00031461

Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Kelly Baverstock
103 London Road
Shardlow
Derbyshire
DE72 2GP**

Personal licence number and Issuing Authority of personal licence held by designated premises supervisor where the premises authorises for the supply of alcohol

Reference: **LAPER/1403** Issued by: **South Derbyshire District Council**

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) A holographic mark, or
(b) An ultraviolet feature.
6. The responsible person must ensure that—

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) Beer or cider: ½ pint;
(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
(iii) Still wine in a glass: 125 ml;

(b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
8. For the purposes of the condition set out in paragraph 1—

(a) “Duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “Permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where—

- (i) P is the permitted price,
- (i) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "Relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- (i) The holder of the premises licence,
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (ii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "Relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "Value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

9. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

11. Where a premise licence authorises the exhibition of films, then the admission of children to the exhibition should be restricted in accordance with this section.

12. Where the film classification body is specified in the licence, unless subsection (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

13. Where:-

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the licensing authority.

14. Children is defined as persons aged under 18; and film classification body means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (C.39)(authority to determine suitability of video works for classification)
15. For the purpose of section 2, South Derbyshire District Council specifies the British Board of Film Classification (BBFC) as the relevant classification body for this licence.

Annex 2 – Conditions consistent with operating schedule

The prevention of crime and disorder.

1. Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
2. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the Premises Licence, and will clearly display his name badge at all times whilst on duty.
3. Any person as defined in condition 1 of the prevention of crime and disorder condition will clearly display his name badge at all times whilst on duty.
4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
5. Where C.C.T.V. is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
6. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

Public Safety

7. To comply with reasonable requirements of the fire officer from time to time.
8. To comply with the reasonable requirements of the building control officer.

The prevention of public nuisance.

9. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
10. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

The protection of children from harm.

11. Children under the age of 16 shall not be permitted to enter the premises after 21:00hrs

Annex 3 – Conditions attached after Hearing

1. The applicant shall close windows and doors in the room where live and recorded music is played, except for access to and egress from that room.
2. In relation to live and recorded music, the licensee shall install a noise limiting cut out device at a decibel rating determined by South Derbyshire District Council's Environmental Health Department
3. The hours of operation as specified in the authorised licensing times

Annex 4 – Plans



GROUND FLOOR PLAN



FIRST FLOOR PLAN

