



South Derbyshire
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@southderbyshire.gov.uk
 Telephone: 01283 221000

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference		You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant? ☐ Yes ☒ No		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	Roger	
* Family name	Lowe	
* E-mail	-	
Main telephone number		Include country code.
Other telephone number		
☐ Indicate here if you would prefer not to be contacted by telephone		

Are you:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number			
Business name	Stable Ales Ltd		If your business is registered, use its registered name.
VAT number	-		Put "none" if you are not registered for VAT.
Legal status	Private Limited Company		

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

Section 3 of 18

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐ Yes

☒ No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

We would like to add an adjoining premises to our license which would increase the internal seating/standing capacity by approx 25-30 people subject to a FRA. As per the supporting plan. No changes to the existing layout or conditions are being requested.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐ Yes

☒ No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐ Yes

☒ No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- ☐ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

Full training will be given to staff on commencement of employment relating to the sale of alcohol and any system or procedures they are expected follow in the course of dealing with these goods.
Refresher training will be given at regular intervals - not less than 6 months
Records detailing the training provided will be kept on the premises for production upon request from Police or other responsible authority.
All records must be written and recorded and shall be retained on the premises for a minimum of 12 months.
A challenge 25 system shall be in place at all times
Anyone attempting to purchase alcohol that appears under the age of 25 shall be asked to produce proof, all refusals will be recorded in the refusal log, kept on site.

b) The prevention of crime and disorder

The only acceptable forms of ID when challenged will be:
PASS - Government approved accredited proof of age card Photo driving license
Current Passport
HM Forces Identification card
Clear prominent and unobstructed signage informing customers of the proof of age scheme in operation shall be displayed at all entry points to the premises and at the point of sale
A system recording sales challenged under the proof of age scheme shall be operated at all times.
The refusal book shall be kept on the premises for production upon request by the police or other responsible authority.
The records relating to the refusal log shall be retained on the premises for a minimum of 12 months.
The premises license holder shall ensure that a written incident log is maintained within the premises and details of all relevant incidents are recorded within the log.
This log shall be kept on the premises for a period not less than 12 months and shall be produced upon request by the police or other responsible authority.
It will be made clear on the website that in relation to the delivery service a Challenge 25 policy is in operation and that alcohol will not be delivered to anyone that appears under 25 and who does not have acceptable identification
Anyone making a telephone order will be given the same information
Any couriers delivering the alcohol will have the age verification policy in place
Any alcohol packaged for delivery by a courier will be clearly labeled that it contains alcohol
An age verification notice will be displayed upon the home page of the website and again on ordering page

c) Public safety

Any movement of stock shall take place prior to 23:00hrs to keep disturbance to a minimum.
A full risk assessment will be carried out to ensure potential hazards are identified and appropriate measures will be in place such as signage to identify any risks or hazards.
A CCTV system is installed and the recording system is in good working order and is in operation at all times.
Records are kept for a minimum of 28 days

d) The prevention of public nuisance

Due to operating times and through the promotion of the facility being used by families we will ensure any nuisance is kept to a minimum. Regular consultation with local community groups and parish councils will ensure any issues are resolved quickly.
No customers shall be allowed to remove any alcoholic or other drinks from the licensed area in an open container, unless to an external area set aside for consumption indicated on the plan
The premises license holder shall comply with the noise management strategy.
A telephone number shall be made available to residents to contact in case of noise disturbance or anti social behavior by persons associated with the premises.
A record will be kept by management of calls in the incident log.

e) The protection of children from harm

Continued from previous page...

Children shall be supervised at all times by a responsible adult when they are on the licensed premises.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	
Street	
District	
City or town	
County or administrative area	
Postcode	
Country	United Kingdom

DECLARATION

I/we understand it is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

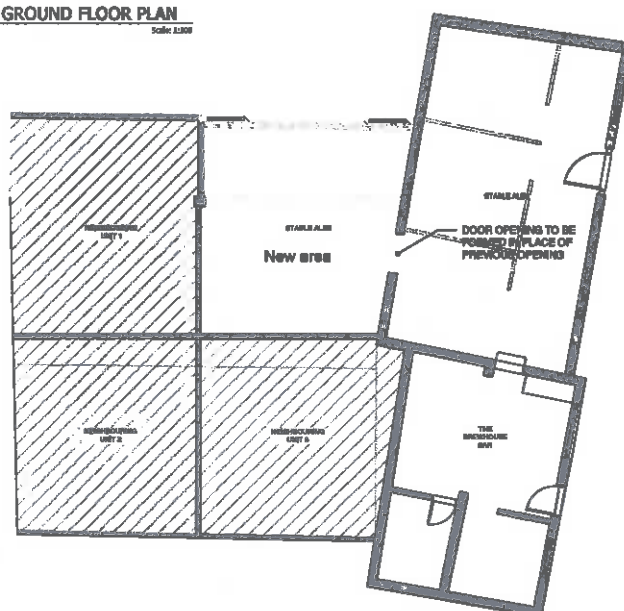
* Full name	Roger Lowe
* Capacity	Owner & DPS
Date (dd/mm/yyyy)	30/09/22

Once you're finished you need to do the following:

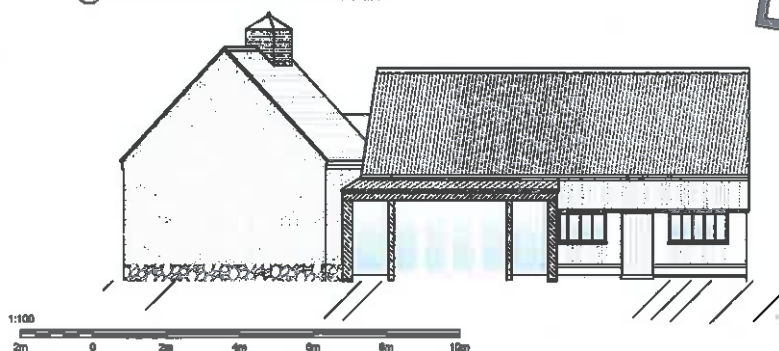
1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-derbyshire/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

① PROPOSED GROUND FLOOR PLAN
Scale: 1:200



② PROPOSED NORTH ELEVATION
Scale: 1:100



CONCEPT 2			
MELBOURNE ESTATE			
MELBOURNE HALL DRIVE/WHORE			
PROPERTY NO. 1			
BROKER: ALEX COWANSON			
DESIGNER: TUK			
FLOOR PLANS AND ELEVATION			
PROJECT NO.	DATE	BY	JO
2004-01-01-002	2004/01/01		
REV	DATE	BY	JO
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			
60			
61			
62			
63			
64			
65			
66			
67			
68			
69			
70			
71			
72			
73			
74			
75			
76			
77			
78			
79			
80			
81			
82			
83			
84			
85			
86			
87			
88			
89			
90			
91			
92			
93			
94			
95			
96			
97			
98			
99			
100			

TUK ARCHITECTURE
The Studio
100 Market Street
Melbourne
VIC 3000
03 9247 1000
www.tukarchitect.com.au

ALL drawings and details to be checked and approved by the architect and the client before construction. The architect is not responsible for any errors or omissions in the drawings or details. The client is responsible for any errors or omissions in the drawings or details. The architect is not responsible for any errors or omissions in the drawings or details. The client is responsible for any errors or omissions in the drawings or details.

ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH THE BUILDING REGULATIONS 1993.

SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):
 Licensing Authority

Your Name	Mark Lomas
Job Title	Licensing Officer (Enforcement)
Postal and email address	Licensing Department, South Derbyshire District Council, Civic Offices, Civic Way, DE11 0AH.
Contact telephone number	01283-221000

Name of the premises you are making a representation about	Stable Ales
Address of the premises you are making a representation about	The Old Stables , Unit D, Melbourne Hall, Church Square, Melbourne, Derbyshire, DE73 8EN.

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	Yes	This is a Premises Licence Variation Application for a bar and retail off-sales establishment situated within the retail Courtyard area of Melbourne Hall. The application has been made to include an extra internal area thereby increasing the footfall within the premises. The premises currently being in receipt of a premises licence authorising the following licensable activities of live music, recorded music and the sale by retail of alcohol to the public on and off the premises. The premises licence also has numerous conditions that were offered and agreed by the applicant and responsible authorities on receipt of their initial application to promote the four licensing objectives in support of their application. However, the condition shown below in its current form would not be achievable due to human nature whilst also placing an added staffing control and financial measure upon the establishments management. Thereby placing the applicant in a precarious position in attempting to comply with and adhere to this condition whilst undermining the licensing objectives and the applicant's business. All the other conditions as shown at Annex 2 and Annex 3 would remain in place. In order to aid, assist and ensure the promotion of the four licensing objectives in line with the application submitted by the applicant I would remove this condition from the premises licence.
Public safety	Yes	As Above
To prevent public nuisance	Yes	As Above

To protect children from harm	Yes	As Above

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing and Appeals Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Removal from the Premises Licence of Condition 10 on Annex 2 - conditions consistent with the operating schedule; Customers consuming alcohol outside in the courtyard area must be seated at a table at all times.
---	--

Signed: **M. Lomas**

Date: 20th October 2022

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@southderbyshire.gov.uk. This form must be returned within the Statutory Period. For more details please check with the Licensing Office on 01283 595 716/724/890



SOUTH DERBYSHIRE DISTRICT COUNCIL

Licensing Act 2003

Representation by an "Other Person" as defined by the above Act.

Note: Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

You may request that the Licensing Authority withholds some or all of your details, however, the withholding of details will only be considered in exceptional circumstances where the Licensing Authority believes there to be a genuine and well-founded fear of intimidation. Any person who wishes the Authority to consider withholding their details is advised to contact the Licensing Department prior to submitting this form.

An "other person" can make representations against a relevant licence application. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

Please indicate in which capacity you are making this representation by ticking a box below:

- An individual person ✓
- A body representing a person e.g. Solicitor
- A person involved in a business
- A body representing a business

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority. This period is reduced to the expiry of the 9th working day after the application was given for minor variation applications.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	
Address:	
Postcode:	
Tel:	
E-mail:	

Please confirm name and address of person, represented person or business affected, if different from the address given above: i.e. this could be a shop premise in the vicinity but you do not live at the shop premises.

Name:	
Address:	
Postcode:	

Address of premises in application causing concern, which you wish to make a representation about

Name of Applicant:	Roger Lowe
Address of Premises	Stable Ales & The Brewhouse, Melbourne Hall, Church Square, Melbourne, Derbyshire
Application Details:	LAPRE/0398 : Adjustment of licensed area

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box/es:

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **The Protection of Children from Harm**



I wish to oppose the expansion of the licensed area as detailed in the Premises Licence application on the grounds of the 'Prevention of Public Nuisance'. Myself and my family live in the residential area opposite the business premises.

The reason for my objection is that the licensee is currently not abiding to his own Noise Management Statement v1.1 which is required as part of the Premises Licence granted by the SDDC Licensing Committee in 2021.

From my point of view the particular aspect of the business operation which generates a public nuisance is the playing of live music outside the business premises and inside the Melbourne Hall Courtyard. During the late spring, summer and early autumn months, this has been taking place each Wednesday and Saturday evening. More recently the business has expanded the playing of live music on a Thursday evening as part of an 'open mic night' (which may or may not continue into 2023).

On June 8th 2021, The SDDC Licensing Committee granted the licensee a premises license subject to a number of conditions which included 'The Applicant complies with the Noise Management Strategy'. This 'strategy' was annexed in Statement v1.1 and distributed by email to all members of the public who made a representation to the council at that time.

This Noise Management Statement v1.1 includes the following wording: 'The proposal is to provide incidental entertainment on an ad-hoc basis, typically consisting of a classical guitar, small piano and artists providing music genres typically of jazz, blues, classical etc. Indeed, the restrictions on space do not lend themselves to other genres and a single performer is the most likely form of entertainment. It is also stressed that such performances are primarily limited to internal only with ad hoc or occasional external events.....Acoustic music inside is intended to take place once a week, whilst outdoor events may take place once a month depending on season and weather etc.". Rather than the genres specified, the music has been more in the genre of rock/pop with amplification. Sometimes, audience participation is encouraged which increases the disturbance.

On several occasions throughout 2022 I have been forced to complain to the Licensee as the sound from the live music emanating from Stable Ales / The Brewhouse has been audible in my garden, inside my living room and my bedrooms. I consider this to be a public nuisance as it is preventing myself and my family from enjoying our own home undisturbed.

There is also recognition from the SDDC that the applicant does not comply with his own Noise Management Strategy v1.1 as doors and windows are not closed during any music event, no discussion with local residents takes place and there is no background noise level in which to determine a breach.

If possible please suggest alterations to the application/licence that would resolve the problem mentioned above, again paying attention to the licensing objectives

The licensing decision in respect of the variation for Stable Ales / The Brewhouse premise should be deferred until the licensee demonstrates compliance with the current premises licence conditions.

The Licensee should abide by his Noise Management Strategy v1.1 as defined by the Premises License (June 2021) and now be formally limited on the frequency that external live or prerecorded music may be played each month.

Nothing exists in the 'Noise Management Policy' (an appendix to the Noise Management Statement v1.1) regarding external live music events, only that they may take place once per month. The definition of 'external live or prerecorded music' must now be clearly defined by the Licensing Committee as the licensee has often had artists positioned inside the business premises with music amplified outside the business premises towards guests seated outside. This is the element that generates a public nuisance.

Once the licensee can demonstrate full compliance with the current premises license conditions and further conditions (such as above), any adjustment to the Noise Management Strategy v1.1 must have the full approval of SDDC and local neighbouring residents.

Once the Licensing Section has received this form you will receive a written acknowledgement and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

If referred to a sub committee hearing:

Please tick this box if you do not intend to be present

Please tick this box if you do not intend to be represented

Please tick this box if you would like to remain anonymous ☒

If you wish to withdraw your representation you may do so by confirming this in writing before the end of the last day of the 28 day consultation period.

Signed:

PRINT NAME
.....

Date: 23rd October, 2022.....

Please return this form to the following address:

South Derbyshire District Council
PO Box 6927
Civic Offices
SWADLINCOTE
DE11 0AH

Or e-mail the completed form to licensing@southderbyshire.gov.uk

Licensing
 South Derbyshire District Council
 Civic Way
 Swadlincote
 DE11 0AH

23rd October 2022

Dear Sirs

**Objection. Application to vary a premises licence.
 Stable Ales. Unit D, The Courtyard, Melbourne Hall, Melbourne**

I refer to the variation to a premises license application submitted by Mr Roger Lowe of Stable Ales, Unit D, The Courtyard, Melbourne Hall, Melbourne. Your licence reference is LAPRE/0398.

Please accept this objection to the proposed variation which adds an adjoining premise (for which building alteration will require planning consent) and increase the internal seating and standing areas for an alleged 25-30 persons. The objection is made on the grounds of the prevention of public nuisance.

Since the creation of this live and recorded music venue within the Courtyard of Melbourne Hall the South Derbyshire District Council and the applicant has received significant complaint with regards to noise nuisance. It is no longer possible to enjoy the peaceful privacy of one's home without having to close windows in the summer months and, if appropriate, to turn up the volume on the television if the interruption from unwanted music intrusion is to be tolerated.

In addition to these complaints there is recognition from the South Derbyshire District Council that the applicant does not comply with his own Noise Management Strategy (Joynes Nash May 2021 version 1.1) in that doors and windows are not closed during any music event, no discussion with the community takes place and there is no background noise level in which to determine any breach. The council has requested the applicant re-write his own strategy in order to ensure compliance!

Joynes Nash Technical Note 1 relating to the Brewhouse and dated May 2022 refers to: -

"a single guitarist, whose performance took place indoors but was amplified by the use of a speaker in the doorway of the premises"

The statement further reinforces the point of non-compliance. Joynes Nash are independent experts whose evidence is beyond reproach.

The decision in respect of the licence variation for The Brewhouse premise should be deferred until the applicant is able to show compliance with the current premise licence conditions. To approve at this juncture would be to condone the actions of the applicant, fail to uphold the principle of the prevention of noise nuisance and provide a signal to the Brewhouse that the council is unable to apply the provisions of the Licensing Act 2003 with any certainty.

Yours faithfully

Licensing Act 2003
Premises Licence Variation Application – Stable Ales, “The
Old Stables, Melbourne Hall, Church Square, Melbourne, DE73
8EN.
Notification to Local Authority of agreement regarding
Representations

To: Licensing Authority Office

Date: 24th October 2022

Dear Madam

I write in my capacity as the Licensing Officer (Enforcement) for the Licensing Authority of South Derbyshire District Council.

Discussions have taken place with the applicant in relation to the promotion of the licensing objectives.

I understand that the applicant has formally amended their application to remove the following condition:

Customers consuming alcohol outside in the courtyard area must be seated at a table at all times.

On this basis, please accept this notice as formal notification to withdraw my representation to the above premises licence application. Furthermore, I confirm that I do not consider a hearing to be necessary.

Signed : *M. Lomas*

Name in block : MARK LOMAS

Date : 24th October 2022

