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Our Ref

Your Ref

Date: 22 November 2022

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 **Tuesday, 06 December 2022** 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 Richards

Conservative Group
Councillor Hewlett

Independent Group
Councillor MacPherson



AGENDA

Open to Public and Press

- 1** Appointment of the Chair
- 2** Apologies
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 **3 - 63**

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.

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

Hearing Date: 06 December 2022

Contact Officer: Faye Norman

HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003

Applicant's Name	Real Brewing Pub Company Limited
Premises Name	The Garage
Address	7 Derby Road Aston on Trent Derbyshire DE72 2AE

1. PURPOSE

- 1.1 To determine an application to vary a premises licence received by this Authority on the 17th October 2022 from Real Brewing Pub Company Limited. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a variation of a premises licence to extend the hours for licensable activities and the opening hours for the public. I have attached a copy of the current premises licence at **(Appendix 2)** for your information. No changes to the existing layout or conditions are being requested.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
All Licensable Activities	Monday - Sunday	09.30hrs – 00.00hrs
Opening Hours of the Premises	Monday - Sunday	08.00hrs – 00.30hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

4. CONSULTATION RESPONSES

- 4.1 No representations were received from the Responsible Authorities.
- 4.2 5 representations were received from other persons.

Resident 1

Representation received during the 28 day consultation period. Full details can be found at **(Appendix 3)**.

Resident 2

Representation received during the 28 day consultation period. Full details can be found at **(Appendix 4)**.

Resident 3	Representation received during the 28 day consultation period. Full details can be found at (Appendix 5).
Resident 4	Representation received during the 28 day consultation period. Full details can be found at (Appendix 6).
Resident 5	Representation received during the 28 day consultation period. Full details can be found at (Appendix 7).

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 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
 1. Grant the licence in accordance with the application.
 2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
 3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
 4. Reject the whole of the application.
- 6.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 6.3 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.

6.4 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

7. RIGHT OF APPEAL

7.1 Members should note that the applicant or persons making representations have the right of appeal against any decision made by the Sub-Committee.

8. APPENDICES

1. Application to Vary a Premises Licence
2. Copy of Current Premises Licence
3. Representation from Resident 1
4. Representation from Resident 2
5. Representation from Resident 3
6. Representation from Resident 4
7. Representation from Resident 5

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/WE Real Brewing Pub Company Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number LAPRE/0403

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Grange 7 Derby Road Aston On Trent			
Post Town	Aston On Trent	Postcode	DE72 2AE

Telephone number at premises	
Non-domestic rateable value of premises	£3,850.00

Part 2 - Applicant Details

Daytime contact telephone number	01332 551979		
E-mail address (optional)			
Current postal address if different from premises address	12 Masons Business Park Nottingham Road, Derby		
Post Town	Derby	Postcode	DE21 6AQ

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Yes No

If not do you want the variation to take effect from

--	--	--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (please read guidance note 1)

Application is made to : -

amend the hours for all licensable activities to 09.30 to 12.00 midnight daily.

amend the opening hours of the premises from 08:00 to 00.30 daily.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful

Provision of regulated entertainment

Please tick yes

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 5)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	09.30	00.00			
Tue	09.30	00.00			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed	09.30	00.00			
Thur	09.30	00.00			
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) Non-standard timings to are to remain unchanged.		
Fri	09.30	00.00			
Sat	09.30	00.00			
Sun	09.30	00.00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	09.30	00.00			
Tue	09.30	00.00			
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	09.30	00.00			
Thur	09.30	00.00			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7) Non-standard timings to are to remain unchanged.		
Fri	09.30	00.00			
Sat	09.30	00.00			
Sun	09.30	00.00			

G

Performances of dance			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)
Standard days and timings (please read guidance note 8)			
Day	Start	Finish	
Mon			
Tue			Outdoors <input type="checkbox"/>
Wed			Both <input type="checkbox"/>
Thur			Please give further details here (please read guidance note 5)
Fri			
Sat			State any seasonal variations for the performance of dance (please read guidance note 6)
Sun			
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)

H

<p>Anything of a similar description to that falling within (e), (f) or (g)</p> <p>Standard days and timings (please read guidance note 8)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			<u>Will the supply of alcohol be for consumption (Please tick box)</u> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	09.30	00.00			
Tue	09.30	00.00			
Wed	09.30	00.00			
Thur	09.30	00.00			
Fri	09.30	00.00			
Sat	09.30	00.00			
Sun	09.30	00.00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) Non-standard timings to are to remain unchanged.		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08.00	00.30	
Tue	08.00	00.30	
Wed	08.00	00.30	
Thur	08.00	00.30	
Fri	08.00	00.30	
Sat	08.00	00.30	
Sun	08.00	00.30	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) Non-standard timings to are to remain unchanged.

Please 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

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

M- Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

Given the nature of the application and the conditions remaining on the licence, no further steps have been identified as necessary to promote the licensing objectives.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

--

e) The protection of children from harm

--

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (See guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	<i>Flur Bohop.</i>
Date	17/10/2022
Capacity	Solicitor

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Andrew Cochrane Flint Bishop LLP St. Michael's Court St. Michael's Lane Derby DE1 3HQ	
Telephone number (if any)	01332 226142
If you would prefer us to correspond with you by e-mail your e-mail address (optional) andrew.cochrane@flintbishop.co.uk	

Notes for Guidance

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.

1. 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 for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
- **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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

- 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.
- 4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 8. Please give 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.
- 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 10. Please give 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 or the presence of gaming machines.
- 11. Please list here steps you will take to promote all four licensing objectives together.
- 12. The application form must be signed.
- 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- 15. This is the address which we shall use to correspond with you about this application. to correspond with you about this application.

Premises Licence

Part A

Premises Licence Number **LAPRE/0403**

Part 1 – Premises Details

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

**The Garage
7 Derby Road
Aston-On-Trent
Derby
DE72 2AE**

Telephone Number

Where the Licence is time limited the dates

Licensable Activities authorised by the licence

Live music – Indoors

Recorded music – Indoors

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

The times the licence authorises the carrying out of licensable activities

Live music

Monday – Saturday:

14:00hrs – 23:00hrs

Sunday:

14:00hrs – 22:00hrs

Christmas Eve and New Years Eve

08:00hrs – 00:30hrs

Recorded music

Monday – Thursday:

08:00hrs – 23:30hrs

Friday – Sunday:

08:00hrs – 23:45hrs

Christmas Eve and New Years Eve

08:00hrs – 00:30hrs

Sale by retail of alcohol

Monday – Thursday:

11:00hrs – 23:30hrs

Friday – Sunday:

11:00hrs – 23:45hrs

Christmas Eve and New Years Eve

08:00hrs – 00:30hrs

The opening hours of the premises

Monday – Sunday:

08:00hrs – 00:00hrs

Christmas Eve and New Years Eve:

08:00hrs – 01:00hrs

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: 17th February 2022

Date Last Amended: 11th November 2022

Part 2

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

Real Brewing Pub Company Limited
12 Masons Business Park
Nottingham Road
Derby
DE21 6AQ

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

05294423

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

Robin Bell

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

Reference:

Issued by:

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.

Annex 2 – Conditions consistent with operating schedule

1. Full training shall be provided to all staff on commencement of employment relating to the sale of alcohol and any system or procedures they are expected to follow in the course of dealing with these goods.
2. Refresher training shall be provided at regular intervals – at least every 6 months.

3. Records detailing the training provided shall be kept on the premises for production upon request by the Police or other Responsible Authority.
4. All records must be written and shall be retained on the premises for a minimum of 12 months.
5. A challenge 25 Proof of age scheme shall be operated at all times.
6. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.
7. The only acceptable forms of identification shall be:
 - PASS – accreditation proof of age card.
 - Photo Driving Licence.
 - Current Passport.
 - HM Forces Identity Card
8. 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.
9. A system of recording sales challenged under the proof of age scheme shall be operated at all times.
10. The refusal book / log shall be kept on the premises for production upon request by the Police or other Responsible Authority.
11. The records relating to the refusal book / log shall be retained on the premises for a minimum of 12 months.
12. The Premises Licence 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 of not less than 12 months and shall be produced upon request by the Police or other Responsible Authority.
13. A CCTV system shall be installed at all times and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).
14. The CCTV recording system shall operate at all times when the premises are open for licensable activities and whilst they are open to the public.
15. All CCTV recordings shall be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or another authorised person as detailed within Section 13 of the Licensing Act 2003.

16. The Premises Licence Holder, Designated Premises Supervisor or designated members of staff shall be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).
17. The CCTV recording unit shall be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
18. Installed CCTV cameras shall be positioned so as to ensure that all parts of the premises to which the public have access are covered including any external areas (save for any toilet areas).
19. All digital recordings shall be made in real time and they shall be fit for purpose recording clear images permitting the identification of individuals in particular enabling facial recognition images at the point of entry and exit.
20. No customer shall remove any alcoholic and/or non-alcoholic beverage in an open container from the internal licensed area of the premises except to an external area set aside for consumption as indicated on the premises licence plan.
21. Notices shall be affixed in a prominent position at or near the exit doors requesting customers to leave the premises and local area quietly.

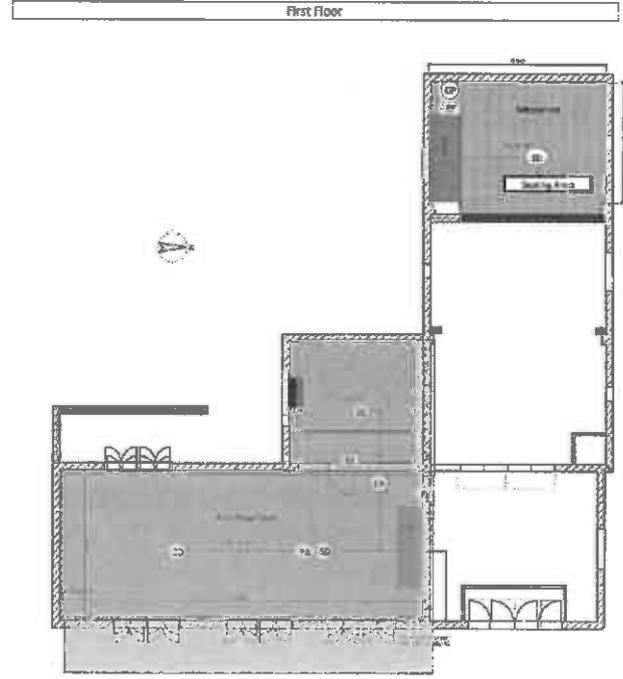
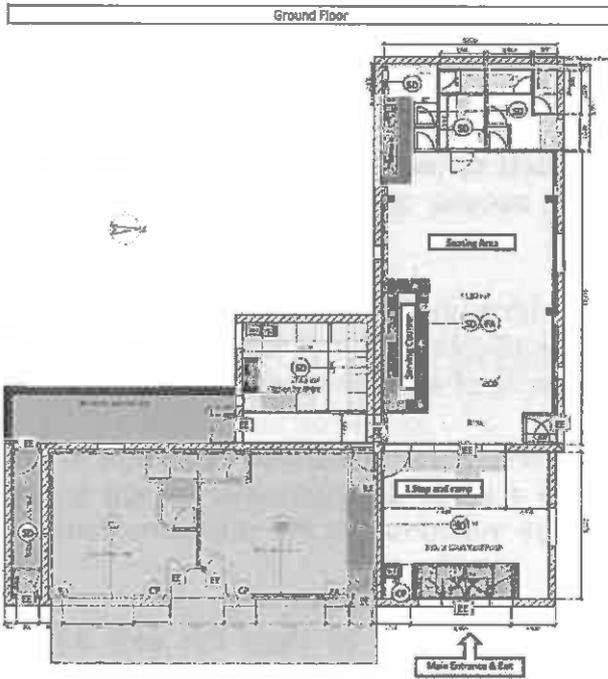
Annex 3 – Conditions attached after Hearing

None

Annex 4 – Plans

Maloka Developments Ltd Aston on Trent	Tudor Garage Aston On Trent	Job No – 2021 -001
	Premises Application	Draw No – Dwg010/01
	Drawn by – Rob Bell	07/12/2021

General Notes	
	Smoke detector
	Call point
	Fire Alarm Control Panel
	Sounder
	Emergency Escape route & Lighting
Fire Alarm	2 zone fire system
	Zone 1 All Ground Floor areas and Mezzanine
	Zone 2 All First Floor Area.
	Areas in Blue are not subject to this application.



Faye Norman

From:
Sent: 22 October 2022 17:44
To: Licensing
Cc:
Subject: Application objection
Categories: Completed, Emma

Sirs

Application: Real Brewing Pub Company for The Garage, 7 Derby Road, Aston on Trent Derbyshire DE72 2AE

Licensable activities

I wish to submit a strong objection to these applications for extended hours noting the key points below:

- This company currently has licensed premises in a number of large towns and cities including Lichfield and Derby. These large locations are their prime areas of activity
- The opening hours are totally inappropriate for a small rural village and may clearly be defined as being suitable only for large conurbation areas
- Aston village currently has four premises (the majority being local family-run businesses) licensed for the consumption and/or off-sales for alcohol – two public houses, a Post Office and a village shop. This is more than adequate for the size of population; competition from a large organisation has the potential to adversely affect these businesses
- The location of The Garage is central to the village, surrounded by residential dwellings. Residents have a right to expect and maintain the peace and quiet of their immediate environment and these late hours are not conducive to that expectation.
- Approving these excessive lengthy hours will likely exacerbate pressure on the other licensed outlets to compete, thus adding to the issues outlined above. There are already issues re noise on Derby Road from cars driving away after closing hours.
- The Garage location is immediately next to the White Hart public house on the main road in/out of the village. The pub has shorter and therefore more reasonable opening hours. It is totally unnecessary for another outlet to be granted extended hours; unacceptable for a small village
- To the best of my knowledge the company has not undertaken any market survey as to identifiable need for these hours; so how come the application is for a variance?

The best case for this village is for this licence application to be refused in its entirety. The worst case is to refuse the additional and, frankly, ridiculous early and late times. Comments on the local social media are already alluding to the potential issues this application may create.

Whilst I appreciate that the issues concerning parking are not part of this application, it is important to note that early morning traffic and school opening are already creating daily gridlock in this area of Derby Road. To allow additional opening times at this point will not be helpful given that the only parking in the village is on both sides of every street and road. The village has incurred at least three vehicle accidents in six months due to traffic volume.

It is my contention that the application request has the potential to cause consequences, however slight, to the Prevention of crime and disorder / Public safety / Prevention of public nuisance and Child protection from traffic accidents due to the excessive hours and village centre location

Under the UK Human Rights Act 1998 and my right to privacy I do not wish this objection to be made available in the public domain. A similar objection a few months ago caused me issues in this village and I received an email from your department assuring me that my rights would be upheld in the future

Please also note that this application has been sent by email because your application form cannot be opened and thus completed on-line from my tablet

Regards

Faye Norman

From:
Sent: 04 November 2022 14:18
To: Licensing
Subject: Variation of Premises Licence - The Garage Aston on Trent
Categories: Completed, Faye

RE:

REAL BREWING PUB COMPANY LTD
The Garage
7 Derby Road
Aston on Trent
Derbys
DE72 2AE

Dear Sirs

I wish to object to the application for a variation of premises licence to the above premises on the grounds listed below:-

Prevention of Public Nuisance

I am concerned that if The Garage Bistro is granted an extension to the existing licence there is a potential of excessive noise to emanate from the building as my understanding is that, weather permitting, the full sized original garage doors are intended to be opened. I feel that villagers are entitled to peace and quiet throughout the day but especially before 11.00 am.

Public Safety

The village has only two number 73 buses serving its residents, the first being 9.40am. There is, in my opinion, a potential safety issue as the bus stop is adjacent to The Garage on an extremely narrow pavement. This bus is very well supported by, mainly, elderly residents and I'm concerned that if the Garage were granted additional hours in which to serve alcohol there would be an impact on these people waiting for their bus to arrive due to more traffic within the village. The Garage has no car park of its own so will rely on on street parking. Given there are now additional cars parking on Derby Road due to a nail bar and hairdressers housed in the same premises I worry there will be a road safety issue. Incidentally, an additional business is due to open above the nail bar and hairdressers creating yet more traffic issues.

I also fail to understand why, as the Bistro is not yet open and operating, it has been sold to a larger company and a variation to the licence is necessary. It was my understanding that The Garage Bistro was to be operated as a small local business in keeping with this village and on that basis I didn't object to the first proposal.

I therefore hope that this licence application change of opening hours will be refused

Yours sincerely

Faye Norman

From:
Sent: 14 November 2022 22:42
To: Faye Norman
Subject: Re: The Garage, Aston on Trent

8th November 2022

To whom this may concern,

We wish to object to the following premises license, the property was previously known as The Garage, 7 Derby Road, Aston on Trent, DE72 2AF

As this is clearly now going to be trading as a public house (Derby Brewing Company) and not a cafe as previously stated, serving food till only 3pm each day and serving alcohol for the entirety of the day (16.5hrs) I have following concerns as this pub is to be trading next door to mine.

My pub trades with the proposed licensing hours this pub now wishes to have granted. I have big concerns regarding the already two pubs in the village and there customers clashing at the end of an evening, to now bring in a third hotspot causing nuisance, noise and anti social behaviour. This will not only cause distress to myself but to the neighbours. I would also like to highlight i have regular live music during the week and at weekends which would mean that two venues would more often than not have live music on at the same time, again causing upset to the neighbours and then with the new pub expecting to bring in a much younger trade from outside of the village the concerns then for the larger volumn of customers attending not only my live events but theirs, and then all exiting at the same time.

I would really appreciate you taking my concerns into consideration regarding the new licensing hours.

Thankyou for your time.

Regards

I am one of the Licensing Officers at South Derbyshire District Council and need to speak to Kelly Baverstock regarding the above premises urgently today.

Please could you let me know a good time to contact you after 2.30pm today? Please provide a telephone number as the one I tried sent me to voicemail.

Kind regards

Faye Norman
Licensing Officer (Enforcement)
T: 01283 595765

www.southderbyshire.gov.uk



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Faye Norman

From:
Sent: 11 November 2022 14:53
To: Licensing
Subject: Formal objections to Variation of Premises Licence 7 Derby Road Aston on Trent
Categories: Completed, Faye

From

References to the driveway relate to the land immediately adjacent to 7 Derby Road which forms the rear entrance to our property and not our front driveway on Green Leas, Aston

We are the immediate neighbours to the licensed premises and the owners of the land which forms the rear access to our house and workshop.

Permission has been granted to Maloka Deveopments for Customers (of a Cafe/Bistro) to cross this land for emergency purposes only.

We, and other people in the village, are concerned as to the nature of this business. I refer you to the following emails from officers of the council.

1. Delegated Report - Planning Assessment From Steffan Saunders dated 28/10/21 "would suit a cafe or restaurant"
2. Neil Thompson Planning officer to John Mills Environmental officer date 7/1/22 "looks like a cafe during the day and some drinks/wine bar in the evening" We suggest that this description is hardly a legal definition
3. Neil Thompson Planning officer to Applicant dated 6th April 2022 "Where will you store the bins given that you do not have any outside storage areas?"

The planning dept was contacted to establish what the difference was between a cafe/bistro and a pub as they represent different categories in planning and we are grateful to Holly Wardle planning officer for clarifying this for me. She stated "a pub is classed as 'sui generis' and is primarily used for the consumption of alcohol. Whereas class E(b) is something like a restaurant but also has a small food service to eat off the premises"

We believe this to be a simplistic view but fundamentally an acceptable analogy. We understand a more accurate legal definition relates to the percentage of turnover between Food/Alcohol. Food should be the dominant factor for class E premises

The applicant for this variation is "Real Brewing Pub Company Limited" . The activities in their other premises are what you would normally expect from a pub and we am concerned that there may be an intention to operate in Aston on Trent in this way contrary to the planning category that has been allowed. Surely to operate as a pub a change of use would be necessary requiring full planning permission?.

We should also like to point out that the applicant for varying the licensing times is not the same as the licence holder has this licence been transferred or should this be a full application rather than a variation?.

Having established the various technical points We would like to list our objections which are:

1. Noise from live music and customers especially those leaving late at night from existing premises which, although irregular, can be extremely annoying and excessive. This would be compounded by another organisation with even longer hours

2. If the dominant use of this business is to serve alcohol there would be considerably more people present than if they were seated at tables enjoying meals.

This raises concerns about the customer safety in this building. The fire exit, which according to the plans submitted, is only 1.4m wide but is also listed as a bin store. In the commercial bins were located in this area as defined in the

planning application (No storage outside of these premises is allowed) the only areas outside that potentially could be used are either on the pavement or owned by us. We would not grant permission for any such use.

3. In the earlier premises licence application made only a year ago Police licensing officer expressed concerns over the late night operation and the original licensing times were subsequently curtailed. This variation seeks to revert to the original request which was not acceptable then and should not be acceptable now.

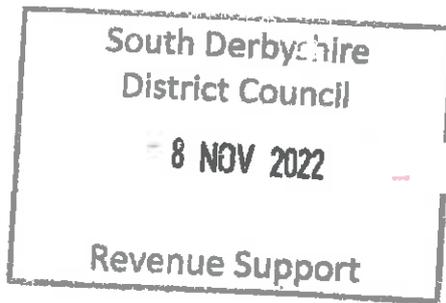
4. We have witnessed anti social behaviour related to alcohol abuse from time to time. We have lived in this location for 45 years and this would appear to be getting more common in recent years including broken bottles smashed on the sports field and our rear driveway which has been designated as a re-wilded area for the past 20 years in accordance with the local plan for nature. We are concerned that the side door to the licensed premises which leads out to this driveway could be abused by their customers despite the restrictions imposed in licensing approval.

We have found it necessary to install CCTV equipment to monitor any such breeches.

We had to remove someone consuming cans of alcohol from the driveway at the side of these premises only 2 nights ago. We feel that any extension to drinking hours would further exacerbate these problems and add to public nuisance.

Please consider these points when reviewing the variation application.

Regards



3 November 2022

Sir,

We wish to object to the variation in premises licence for the property known as The Grange, 7 Derby Road, Aston on Trent Derby, DE72 2AE.

The premises were subject to a change of use planning application in 2021 from a garage to a café. We do not consider the hours that a café would operate to be conducive to being able to sell alcohol for 16.5 hours per day.

We believe this could lead to a public nuisance with the closing of the premises coinciding with other licensed premises in the vicinity, in respect of noise and disruption to local residents.

As the premises is presumably going to operate as a café and not a public house, it will be open for children to enter either on the way to or from school (bus stop outside) potentially exposing them to alcohol and attempts to purchase it.

As these premises have no off-street parking any increase in traffic on the already busy Derby Road by staff and customers is also likely to cause safety issues throughout the day and evening.

Yours Sincerely

We should like you to consider the following examples of public safety when applied to the variation application for 7 Derby Rd., Aston on Trent.

Image 1

24/11/2022 18:29



Image 2

24/11/2022 18:29



Image 3

26/11/2022 14:20



Image 4

26/11/2022 14:20



Images 1 & 2 taken in pitch darkness (using flash to illuminate) shows a bin currently being used by 1 of 4 business premises at this address clearly obstructing not only the pavement but also the designated fire exit.

You can also determine the viability of this fire exit as the alleyway behind this door is not much wider than the door itself and the detailed plans submitted to SDDC Planning describe this as the bin store as well as the fire exit.

Images 3 & 4 show the same bin 2 days later. No-one has bothered to move it.

You should note that 2 of the businesses that will be using these bins are not yet in operation.

The licensed premises would require a much larger bin than that shown. This scenario can only get worse.

The following link is a press release made by the Managing Director of Derby Brewing where he has clearly indicated his intention to run this establishment primarily for the purpose of serving alcohol. When the kitchens are closed there would be an increase in the number of people present which would pose a significant additional risk.

https://www.derbytelegraph.co.uk/whats-on/food-drink/derby-brewing-reveal-plans-open-7830230?utm_source=linkCopy&utm_medium=social&utm_campaign=sharebar

Permission has not been given to Derby Brewing to allow emergency exit over land that we own.

This would constitute the only alternative way out of these premises other than the main doors.