



**F B McArdle**  
**Chief Executive**  
South Derbyshire District Council,  
Civic Offices, Civic Way,  
Swadlincote, Derbyshire DE11 0AH.

[www.southderbyshire.gov.uk](http://www.southderbyshire.gov.uk)

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Phone (01283) 595722/ 595848

Typetalk 18001

DX 23912 Swadlincote

Democratic.services@southderbyshire.gov.uk

Our Ref

Your Ref

Date: 08 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, 22 November 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 and Councillor Rhind

**Independent Group**  
Councillor MacPherson



## **AGENDA**

### **Open to Public and Press**

- 1** Apologies
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 **3 - 29**

### **Exclusion of the Public and Press:**

- 4** 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: 3

Hearing Date: 22 November 2022

Contact Officer: Faye Norman

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

<b>Applicant's Name</b>	Roger Lowe
<b>Premises Name</b>	Stable Ales
<b>Address</b>	The Old Stables Unit D Melbourne Hall Church Square Melbourne Derbyshire DE73 8EN

#### 1. PURPOSE

- 1.1 To determine an application to vary a premises licence received by this Authority on the 26<sup>th</sup> September 2022 from Roger Lowe. The application is attached at **Appendix 1**.

#### 2. BACKGROUND

- 2.1 The applicant is seeking to vary the plan attached to the premises licence. A copy of the plan is attached as **Appendix 2**.

#### 3. APPLICATION DETAILS

- 3.1 The applicant is seeking to be granted a variation of the premises licence to add an adjoining premises to increase the internal seating/standing capacity by approximately 25-30 people as per the attached plan. No changes to the existing layout, conditions or hours are being requested.
- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section 16 of the application form.

#### 4. CONSULTATION RESPONSES

- 4.1 Representations were received from the Responsible Authorities.

Licensing Authority

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

- 4.2 Two representations were received from other persons.

Resident 1

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

Resident 2

Representation received during the 28-day consultation period. Full details can be found at **Appendix 5**.

## **5. AGREEMENT BETWEEN PARTIES**

5.1 The Licensing Authority has now agreed conditions with the applicant and have subsequently withdrawn their representation as shown at **Appendix 6**.

## **6. OTHER RELEVANT CONSIDERATIONS**

6.1 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.

6.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.

6.3 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.

6.4 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.

6.5 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.

## **7. DETERMINATION**

7.1 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.

7.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.

7.3 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.

7.4 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.

## **8. RIGHT OF APPEAL**

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

## **9. APPENDICES**

1. Application to vary a premises licence
2. Plan
3. Representation from the Licensing Authority
4. Representation from Resident 1
5. Representation from Resident 2
6. Withdrawn of representation by the Licensing Authority



**South Derbyshire**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@southderbyshire.gov.uk](mailto: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  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

\* Family name

\* 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

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

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

Page 8 of 29

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:
  - 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.

*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](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	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="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	<input type="text" value="Roger Lowe"/>
* Capacity	<input type="text" value="Owner &amp; DPS"/>
Date (dd/mm/yyyy)	<input type="text" value="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.**





**SOUTH DERBYSHIRE DISTRICT COUNCIL**  
Licensing Act 2003

## REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

**Responsible Authority** (please delete as applicable):  
Licensing Authority

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

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

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	Yes	<p>This is a Premises Licence Variation Application for a bar and retail off-sales establishment situated within the retail Courtyard area of Melbourne Hall.</p> <p>The application has been made to include an extra internal area thereby increasing the footfall within the premises.</p> <p>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.</p> <p>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.</p> <p>All the other conditions as shown at Annex 2 and Annex 3 would remain in place.</p> <p>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.</p>
<b>Public safety</b>	Yes	As Above
<b>To prevent public nuisance</b>	Yes	As Above

To protect children from harm	Yes	As Above
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<p><b>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.</b></p>	<p>Removal from the Premises Licence of Condition 10 on Annex 2 - conditions consistent with the operating schedule;</p> <p>Customers consuming alcohol outside in the courtyard area must be seated at a table at all times.</p>
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Signed: *M.Lomas*

Date: 20<sup>th</sup> 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](mailto: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 9<sup>th</sup> 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](mailto:licensing@southderbyshire.gov.uk)



Licensing  
South Derbyshire District Council  
Civic Way  
Swadlincote  
DE11 0AH

23<sup>rd</sup> 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: 24<sup>th</sup> 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 : 24<sup>th</sup> October 2022

