

Date: 13 November 2023

Dear Councillor,

Licensing and Appeals Sub-Committee

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

A Meeting of the **Licensing and Appeals Sub-Committee** will be held at **Training Room**, Civic Way, Swadlincote on **Tuesday, 21 November 2023** at **10:00**. You are requested to attend.

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

Yours faithfully,



Chief Executive

To: **Labour Group**
Councillor M Gee (Chair)
Councillor A Haynes

Conservative Group
Councillor A Kirke

AGENDA

Open to Public and Press

- 1** Apologies.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE **3 - 37**

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: 21st November 2023

Contact Officer: Emma McHugh

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

Applicant's Name	Robert Winterton
Premises Name	Sir Nigel Gresley
Address	Market Street Swadlincote Derbyshire DE11 9DA

1. PURPOSE

- 1.1 To consider an objection notice made by the Chief Officer of Police in response to two temporary event notices (TEN) made by Robert Winterton at the Sir Nigel Gresley on 9th November 2023. A copy of each TEN is attached at **Appendix 1-2**.

2. BACKGROUND

- 2.1 The premises user submitted two TENs on 9th November 2023 regarding the intended use of the premises for the sale of alcohol for consumption on and off the premises at the above premises. The nature of the event for which the notification has been received is 'Extension of hours for the provision of licensable activities for the Christmas/New Year period'.

3. APPLICATION DETAILS

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

Activity	Days	Times
TEN 1	21 st and 22 nd December 2023	Midnight to 1am for each day.
TEN 2	28 th and 29 th December 2023	Midnight to 1am for each day.

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

4. CONSULTATION RESPONSES

- 4.1 In respect of a TEN, if the Chief Officer of Police or Environmental Health is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, he must give a notice to the Licensing Authority and premises licence user detailing the reasons for the objection.
- 4.2 An objection notice has been received from the Chief Officer of Police on 10th November 2023 on the grounds of prevention of crime and disorder. The Police request that the conditions from the premises licence are attached to the TEN as this would alleviate their concerns about the undermining of the licensing objectives. A copy of the objection notice is attached at **Appendix 3**.
- 4.4 It is only the Licensing Authority who is permitted to attach premises licence conditions to a TEN. Please note that the premises user has agreed to attaching their premises licence conditions to the TEN.

5. OTHER RELEVANT CONSIDERATIONS

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

6. DETERMINATION

- 6.1 If having regard to the objection notice, the Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
1. Allow the licensable activities to take place as stated in the TEN;
 2. Impose one or more of the existing licence conditions from the premises licence on the TEN (insofar as such conditions are not inconsistent with the event. A copy of the premises licence is attached at **Appendix 4**).
 3. Issue a counter notice under section 105 of the Licensing Act 2003 meaning that the event cannot take place.

7. RIGHT OF APPEAL

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

However, no appeal may be brought later than 5 working days before the day on which the TEN begins.

8. APPENDICES

1. Temporary Event Notice – 21st-22nd December 2023
2. Temporary Event Notice – 28th – 29th December 2023
3. Police Objection
4. Premises Licence



**South Derbyshire
Temporary Event Notice
Licensing Act 2003**

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

* required information

Section 1 of 9

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 the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	11
* Street	William Bees Road
District	
* City or town	Coalville
County or administrative area	
* Postcode	LE7 3AS
* Country	United Kingdom

Agent Details

* First name	Barbara
* Family name	Morrice
* E-mail	bmorrice@jdwetherspoon.co.uk
Main telephone number	07976 002 336
Other telephone number	

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent 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	1709784
Business name	JD Wetherspoon plc
VAT number	- 396331433
Legal status	Public Limited Company
Your position in the business	Licensing Administrator
Home country	United Kingdom

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	Wetherspoon House
Street	Reeds Crescent
District	
City or town	Watford
County or administrative area	
Postcode	WD24 4QL
Country	United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

* Your date of birth

27	/	06	/	1985
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

JJ643808A

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Leicester

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	Wetherspoon House
Street	Reeds Crescent
District	
City or town	Watford
County or administrative area	
Postcode	WD24 4QL
Country	United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail
Telephone number
Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

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

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Whole Premises

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Whole Premises

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Public House

Describe the nature of the event below (see also guidance on completing the form, note 5)

Extension of hours for the provision of licensable activities for the Christmas/New Year period.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities (see also guidance on completing the form, note 9)

Event start date

21 / 12 / 2023
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

22 / 12 / 2023
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 10)

0000 - 0100 21.12.23 (following 20.12.23 trade)
0000 - 0100 22.12.23 (following 21.12.23 trade)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 11)

499

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 12):

- On the premises only
 Off the premises only
 Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

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

None.

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / / [Page 11 of 37](#)
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

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

- Yes No

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Continued from previous page...

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

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.

This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

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 (See also guidance on completing the form, note 19)

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

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"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Continued from previous page...

Add another signatory

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/temporary-event-notice/south-derbyshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



**South Derbyshire
Temporary Event Notice
Licensing Act 2003**

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

* required information

Section 1 of 9

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

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Pub 1805 - Sir Nigel Gresley, Swadlincote

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

Robert

* Family name

Winterton

* E-mail

p1805@jdwetherspoon.co.uk

Main telephone number

01283 227560

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent 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

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	Wetherspoon House
Street	Reeds Crescent
District	
City or town	Watford
County or administrative area	
Postcode	WD24 4QL
Country	United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

* Your date of birth

27	/	06	/	1985
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

JJ643808A

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Leicester

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	Wetherspoon House
Street	Reeds Crescent
District	
City or town	Watford
County or administrative area	
Postcode	WD24 4QL
Country	United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Whole Premises

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Whole Premises

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Public House

Describe the nature of the event below (see also guidance on completing the form, note 5)

Extension of hours for the provision of licensable activities for the Christmas/New Year period.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

28 / 12 / 2023
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

29 / 12 / 2023
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 10)

0000 - 0100 28.12.23 (following 27.12.23 trade)
0000 - 0100 29.12.23 (following 28.12.23 trade)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 11)

499

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 12):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

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

None.

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

North West Leicestershire District Council

Licence number

NWL1070

Date of issue

/ /
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

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

Yes No

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

1

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

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

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.

This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

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 (See also guidance on completing the form, note 19)

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

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

Continued from previous page...

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

* Capacity

Date (dd/mm/yyyy)

Add another signatory

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/temporary-event-notice/south-derbyshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	Steve PHILLIPS
Job Title	Police Licensing Enforcement Officer 2815
Postal and email address	South Derbyshire Licensing Unit, South Divisional Headquarters, Prime Park Way, Derby DE1 3AB
Contact telephone number	07860825277/ 101 ext 14259

Name of the premises you are making a representation about	SIR NIGEL GRESLEY (LAPRE/0173) PID 2228
Address of the premises you are making a representation about	Market Street, Swadlincote, Derbyshire, DE117AD.

Which of the four licensing objectives does your representation relate to?		Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	<p>This is a Temporary Event Notice requested for a very busy Licenced Premises integral to the local night-time economy of Swadlincote town centre.</p> <p>Over the past months there have been violent incidents at this premises. An incident of serious assault where a man was assaulted resulting in serious injuries and a second incident where a male was glassed in the face again resulting in injury. Both these investigations are still ongoing.</p> <p>As such any TEN submitted will require the premises licence conditions adding so that we can be assured the licensing objectives can be worked to and the safety of customers and staff ensured.</p> <p>The premises submits two Temporary Events Notices and wishes to extend their opening hours for the sale of alcohol as below.</p> <p>Extension of hours for the provision of licensable activities for the Christmas/New Year period.</p> <p>The pub opens for trade on Wed 20/12 – the existing licence is until midnight. The application is to extend into 0100hrs on Thursday 21/12 The pub will then reopen for trade on 21/12 and wishes to extend the closing on this day from midnight to 0100hrs on 22/12</p> <p>The pub opens for trade on Wed 27/12 – the existing licence is until midnight. The application is to extend into 0100hrs on Thursday 28/12 The pub will then reopen for trade on 28/12 and wishes to extend the closing on this day from midnight to 0100hrs on 29/12</p> <p>Page 26 of 37</p>

Public safety	Yes	As above
To prevent public nuisance	Yes	As above
To protect children from harm	Yes	As above

<p>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.</p>	<ol style="list-style-type: none"> 1. Children under the age of 16 and young persons aged 16 and 17 will be allowed on the premises up to 2100 or 2130 if consuming a meal. All children under the age of 16 must be accompanied by an adult aged 18 or above. 2. The premises licence holder will provide training to staff on commencement of employment on the law relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods. Refresher training should be provided at regular intervals (a minimum of 6months). Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 1 year. 3. The premises licence holder will apply a Challenge 25 age verification policy at the premises. This policy will require anyone attempting to purchase alcohol (or other min.18 restricted product) that appears under the age of 25 years will to be asked to prove their age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence, approved military ID or passport. Failure to produce satisfactory proof of age will result in a refused sale. Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed. 4. A system of recording sales refused under the age verification policy will be operated at all times. The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 1 year.
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5. Managers to deal with any complaints from local residents quickly and effectively

6. Member of Pub watch scheme if available

7. Signage will be placed on either side of the entrance/exit doors to the premises requesting that patrons shall not take drinks off the premises. Such signs shall be placed in a prominent position and easily read.

8. A CCTV system shall be installed and the recording system must be maintained in good working order and any faults repaired 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).

9. The CCTV recording system must be operating at all times when the premises are open for licensable activities.

10. All CCTV recordings must be retained for a minimum of 21 days unless negotiated otherwise. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.

11. The Designated Premises Supervisor and designated members of staff must be able to retrieve and copy any recordings/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 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).

12. The CCTV recording unit is to be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.

13. Installed CCTV cameras are to be positioned to cover the areas to which the public have access with regards to the premises.

14. All recordings to be of evidential quality.

15. The DPS will ensure that clear, prominent and legible notices must be displayed internally at all exits, requesting customers and other users to leave the premise and the area local to the premises quietly and in an orderly manner respecting the needs of local residents.

16. There shall be no consumption of alcohol outside of the premises except in the terraced area to the front of the premises as permitted by any street café licence authorised by Derbyshire County Council and issued to the premises

licence holder. Consumption of alcohol will be permitted between the hours of 09.00hrs – 20.00hrs only.

17.All beverages to be consumed in the outside street café area of the premises will be served in polycarbonate drinking vessels only with the exception of hot beverages. Glass bottles and other receptacles are not to be used outside of the premises.

18.Prominent signage will be placed inside the premises on either side of the entrance/exit doors to the premises stating that customers may only take open drinks from the premises if they are to be consumed in the designated street café licence area and if they are, with the exception of hot beverages, in polycarbonate drinking vessels.

19.No adult entertainment or services, activities etc. will be undertaken at the premises

Signed: S D PHILLIPS

Date: 10th of November 2023

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

Premises Licence

Part A

Premises Licence Number **LAPRE/0173**

Part 1 – Premises Details

Postal Address of premises, or if none Ordnance Survey map reference of description

**Sir Nigel Gresley
Market Street
Swadlincote
Derbyshire
DE11 9DA**

Telephone Number **01283 227560**

Where the Licence is time limited the dates

Not applicable

Licensable Activities authorised by the licence

Late night refreshment - Indoors

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Sunday – Thursday

09.00hrs – 00.00hrs

Friday & Saturday

09.00hrs – 01.00hrs

Street Café area

09.00hrs – 20.00hrs

Christmas Eve & Boxing Day

09.00hrs – 02.00hrs

From the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

Non Standard Timings

The terminal time will be extended for 1 hour on Burns Night, St David's Day, St Patrick's Day, St George's Day & St Andrew's Day.

The terminal time will be extended for 30 minutes on the Thursday preceding Good Friday & the Sunday preceding a Bank Holiday Monday.

The premise can open from 06.00hrs or until 03.00hrs on no more than 12 occasions per calendar year, extensions for the sale of alcohol can only take place if at least 14 days notice is provided to the Police and Licensing Authority and ONLY if they give their consent.

The opening hours of the premises

From 7.00hrs until 30 minutes beyond the terminal times for licensable activities unless operating under one of the 12 special occasions on which case the premises may open from 06.00hrs until 30 minutes beyond its terminal hour for licensable activities.

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: 09.10.2013

Date Last Amended: 16/09/2019

Part 2

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

**JD Wetherspoon Plc
Wetherspoon House
Reeds Crescent
Watford
WD24 4QL**

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

01709784

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

**Robert Winterton
11 William Bees Road
Coalville
Leicestershire
LE7 3AS**

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

Reference: **NWL10790**

Issued by: **North West Leicestershire District Council**

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence:

(a) At a time when there is no designated premises supervisor in respect of the premises licence or

(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) Drink as much alcohol as possible (whether within a time limit or otherwise);.

(b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;.

(c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;.

(d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;.

(e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

(a) A holographic mark, or.

(b) An ultraviolet feature.

6. The responsible person must ensure that—

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

(i) Beer or cider: ½ pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and.

(iii) Still wine in a glass: 125 ml;

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

(c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8. For the purposes of the condition set out in paragraph 1—

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

(b) “Permitted price” is the price found by applying the formula—
 $P = D + (D \times V)$

Where—

(i) P is the permitted price,

(i) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) The holder of the premises licence,

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) 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. Children under the age of 16 and young persons aged 16 and 17 will be allowed on the premises up to 2100 or 2130 if consuming a meal. All children under the age of 16 must be accompanied by an adult aged 18 or above.
2. The premises licence holder will provide training to staff on commencement of employment on the law relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods. Refresher training should be provided at regular intervals (a minimum of 6months). Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 1 year.
3. The premises licence holder will apply a Challenge 25 age verification policy at the premises. This policy will require anyone attempting to purchase alcohol (or other min.18 restricted product) that appears under the age of 25 years will be asked to prove their age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence, approved military ID or passport. Failure to produce satisfactory proof of age will result in a refused sale. Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed.
4. A system of recording sales refused under the age verification policy will be operated at all times. The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 1 year.
5. Managers to deal with any complaints from local residents quickly and effectively
6. Member of Pub watch scheme if available
7. Signage will be placed on either side of the entrance/exit doors to the premises requesting that patrons shall not take drinks off the premises. Such signs shall be placed in a prominent position and easily read.
8. A CCTV system shall be installed and the recording system must be maintained in good working order and any faults repaired 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).
9. The CCTV recording system must be operating at all times when the premises are open for licensable activities.
10. All CCTV recordings must be retained for a minimum of 21 days unless negotiated otherwise. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.

11. The Designated Premises Supervisor and designated members of staff must be able to retrieve and copy any recordings/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 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).
12. The CCTV recording unit is to be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
13. Installed CCTV cameras are to be positioned to cover the areas to which the public have access with regards to the premises.
14. All recordings to be of evidential quality.
15. The DPS will ensure that clear, prominent and legible notices must be displayed internally at all exits, requesting customers and other users to leave the premise and the area local to the premises quietly and in an orderly manner respecting the needs of local residents.
16. There shall be no consumption of alcohol outside of the premises except in the terraced area to the front of the premises as permitted by any street café licence authorised by Derbyshire County Council and issued to the premises licence holder. Consumption of alcohol will be permitted between the hours of 09.00hrs – 20.00hrs only.
17. All beverages to be consumed in the outside street café area of the premises will be served in polycarbonate drinking vessels only with the exception of hot beverages. Glass bottles and other receptacles are not to be used outside of the premises.
18. Prominent signage will be placed inside the premises on either side of the entrance/exit doors to the premises stating that customers may only take open drinks from the premises if they are to be consumed in the designated street café licence area and if they are, with the exception of hot beverages, in polycarbonate drinking vessels.
19. No adult entertainment or services, activities etc. will be undertaken at the premises

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Annex 3 – Conditions attached after Hearing

Annex 4 – Plans

