

Investigation into Noise Nuisance from the Alma Inn, 59 Derby Road,
Melbourne.

28/7/06 Initial contact from Mr Harrison to advise that he was having a problem with loud music emanating from the Alma Inn, 59 Derby Road, Melbourne, DE73 8FE. I explained this Service's procedure relating to the investigation of noise complaints.

Diary Sheets and accompanying letter sent to Mr Harrison.

Standard letter sent to Mr Cripps – Holder of the premise licence.

9/8/06 Mr Cripps contacted me to discuss my letter and advise that he welcomed an investigation by this Service because he believed that it was the Liberal Club on Derby Road that was causing the noise problem and not the Alma.

16/8/06 Out of Hours visit made to the area. Sat directly outside the Alma. There was no live music playing at the Alma or the Liberal Club.

17/10/06 Diary Sheets returned from Mr Harrison.

31/10/06 Visit made to Mr Harrison to discuss the complaint and to advise that I would install a Digital Audio Cassette (DAT) recorder at his property.

1/11/06 DAT recorder installed at Mr Harrison's property.

18/11/06 Out of Hours visit made to the area. Sat directly outside the Alma. There was no live music playing at the Alma or the Liberal Club.

20/11/06 Transcription of the DAT tape from the recorder installed at Mr Harrison's property.

Mr Harrison had recorded 26 minutes of music noise over two separate days. 23 minutes on 2/11/06 and 3 minutes on the 9/11/06. I did not feel that this was sufficient evidence to serve a Noise Abatement Notice on the Alma but it was enough to send a letter to Mr Cripps at the Alma.

Letter sent to Mr Cripps advising of the DAT evidence of music noise.

23/11/06 Letter received from Mr Cripps.

Contacted Mr Cripps to advise that we would visit the Alma on the 30/11/06 to assess the noise-limiting device.

28/11/06 Contacted Mr Harrison to advise of Mr conversation with Mr Cripps regarding the noise-limiting device.

- 30/6/06 Visit made with to the Alma. As we arrived we noticed that Mr Cripps had his jukebox running through the noise limiter and this was restricting its use for live music. I advised that his jukebox would be better controlled from a separate switch behind the bar. We also noticed that Mr Cripps had the microphone for the limiter above the bar and this was causing the limiter to continually trip. We advised that we would call out at a later date to set the limiter. My colleague stayed in the Alma whilst I walked across to the complainant's property to assess the noise. There was a live female artiste on. She had her own equipment and the level was acceptable to Mr Harrison (as confirmed by Mr Harrison).
- 14/12/06 Visited the Alma with a colleague. The limiter in use was - EAGLE G920A SOUND LEVEL CONTROLLER - Mr Cripps was advised that visiting artists should run their equipment through the limiter and he was showed where they needed to plug it in. Mr Cripps agreed that he would advise them of this. He also advised, that he was getting a quote to have the window on the side of the building where the artists perform double-glazed. He also advised he planned to cover the air vent on this side of the building when the music was being played. Mr Cripps was advised that we would try to find out who was the local supplier the noise limiter he had in his establishment.
- 22/12/06 Pollution Letter delivered by hand to Mr Harrison.
- 16/1/07 Mr Cripps was contacted and was advised that Kevin Hopcroft of Premier Solutions, Notts (main supplier of the G920A sound limiter used by subject), has confirmed that the microphone appears to have been installed incorrectly, and that it should be relocated (behind the bar being preferable). Explained that he can also arrange to set this equipment up for a charge of around £90 (two hours labour). Landlord will ensure that extractor has been blocked off for the live performance on the 1st February 2007, and that microphone has been repositioned.
- 17/1/07 Visit made to Mr Harrison's shop. I advised of my conversation with Mr Cripps at the Alma. Mr Harrison became very agitated (using expletives to make his point) and advised that this had been going on long enough. I advised that Mr Cripps had been given advice on the noise limiter but it appeared that the sensor was in the wrong position. Mr Harrison advised that he was going to put a representation in against the Licence and I wasn't going to change his mind. I advised that I wasn't trying to change his mind. I advised that We were investigating for noise nuisance and we could serve a notice if we witnessed a statutory nuisance. He wanted to know why a notice had not been served already. I advised that we had not witnessed what we considered to be a statutory nuisance. He advised that the noise had been bad over the Christmas period but on the whole he didn't notice as much?? I advised that we would visit on Thursday 18th January for an OOH visit.

- 19/1/07 Out of Hours visit made to the Mr Harrison's property. We arrived at 8:20pm and were met outside by the complainant. He advised that there was no noise tonight but the whole of Melbourne was without gas because of the adverse weather conditions. We entered his property and stayed approx 20 minutes - during that time there was no noise. As we left there was no noise coming from the Alma.
- 25/1/07 Out of hours visit made. The jukebox could be heard right out side the pub, no live music. This was not at a nuisance level at the complainant's property. Spoke to Mr. Harrison waited until after 9.30 p.m. but no live music the advertising board wasn't out. Told Mr. Harrison to see what happens next week and maybe the week after and if the live music occurs again we can set up another visit.
- 30/1/07 Call made to Mr Harrison from Carl Jacobs. Mr Harrison said he was hoping to sell his property and that there had been no noise problems from the Alma since December. He confirmed that visits from pollution had been made and no noise was evident. He would confirm in writing that he intended to withdraw representation at this moment. He confirmed that he didn't want Ian Tranter (pollution control) or licensing to visit until he contacts us again if there is any further nuisance.
- 7/2/07 Mr Cripps rang to advise that he had had the sensor for the noise limiter moved today to behind the bar area. He asked if we would call out to assess the levels. I advised that we were available Thursday 15th February.
- 15/2/07 OOH Evening visit made with a colleague. We walked into the Alma and there was an artist already performing. Mr Cripps came from behind the bar and showed us that he had moved the sensor for the noise limiter, he also advised that he had installed a door closer to the interior door. We all walked to the front of the pub and stood on the pavement across from the window. We advised Mr Cripps that the music should not be any louder than it was at this location, and he needs to make sure that the artists are playing their equipment through the pubs noise limiter. We also advised that he should check on the levels of the noise across the road from the pub and if he can clearly hear the lyrics then the chances are the noise can be heard within the nearby properties and could be a nuisance.
- 8/3/07 Visit made to the Alma with a colleague. My Colleague had printed the instructions for the noise limiter from the Internet and brought these with him. He removed the top from the noise limiter and he adjusted the internal level. Mr Cripps put a particularly bassy track on the jukebox and ran this through the limiter. We then went to stand outside the pub to assess the level. We went back into the premises and my colleague adjusted the level again. Another bassy track was put on the jukebox and we reached a level that we found acceptable. We advised Mr Cripps that the best way to monitor this was to stand opposite the pub to assess the noise. If the lyrics could clearly be

heard then he needed to turn the level down.

12/3/07 Letter sent to Mr Harrison.

13/3/07 Telephone call from Mr Harrison. He advised that he had received my letter. He advised that he was confused, he had spoken to Mr Cripps this morning in the street and Mr Cripps had advised that I had been out to set the noise limiter. Why hadn't I included this in the letter. I advised that we had been out to see Mr Cripps and we had assisted him by recalibrating the noise limiter. I advised that we had set a level to the jukebox and stood outside the public house until we considered the level to be acceptable. I advised Mr Harrison that Mr Cripps had then contacted me on Friday 9th March to advise that this level was unworkable, and the artist last night had trouble playing through it. I advised Mr Harrison that this was separate to the issues covered in the letter - He had complained about noise again and I had advised him in the letter that we would visit on Thursday 15th to try and witness a Statutory Nuisance. He advised that there was no point in me visiting again because he was putting a representation in against the licence. I advised that we needed to visit his premises to witness a Statutory Nuisance. He advised that the reason we had not witnessed a Stat Nuisance so far was that we came in January when there was no noise. I advised that we visited in January because he had advised that there was a problem over the Christmas period. Mr Harrison stated that he could not stop me visiting on Thursday if I wanted to. I advised that I would see him at 9pm.

Mr Cripps contacted me to advise that last Thursday night's artist was a female vocalist and when she started to play the limiter kept cutting out and her father had to keep adjusting the volume levels. He said it was very unworkable. I asked if they had had a sound check before she started playing, he said yes but everything had seemed ok. I advised that if the system was continuously cutting out the volume needed reducing. I advised that we had tried to help him on Thursday by re-calibration the unit. But if this was not adequate then he needed to get a professional in to re set the unit. **THE UNIT WAS HIS RESPONSIBILITY.** He advised that he would see how it went thus Thursday.

Letter sent to Mr Cripps.

15/3/07 Visit made to Mr Harrison's property with a colleague. We arrived at 21:10. We walked into Mr Harrison's kitchen. He advised that he had not heard any noise to night so far from the Alma. We heard no audible noise from the Alma public house on our arrival. We stayed in the kitchen discussing the case until 21:45, there was no audible music noise from the Alma during this time. At 21:45 we went outside Mr Harrison's property and walked past the Alma (particularly the area of the pub where the music is played). There was an advert on the window advertising live guitar music

for Thursday 15th March 2007. There was music barely audible - it sounded like was from the jukebox. We returned on the opposite side of the road to the Alma. There was no noise audible from the pub. We returned to Mr Harrison's property at 21:50, and advised him that we would ring him in about 20 minutes. I telephoned Mr Harrison at 22:20. He advised that he had not heard any noise at all tonight. I advised that I would contact him next week with regard to another visit.

22/3/07 Mr Harrison contacted me to advise that the noise from the Alma was noticeable last Saturday. He advised that he did not think there was anything on tonight but there was a weekend of music planned and there was an Elvis impersonator arranged for Friday night. I arranged a visit for Friday.

23/3/07 Call from Mr Cripps to advise that he has had secondary glazing fitted to the window nearest to where the live acts are situated. He also advised that he has made a temporary housing for the extraction unit (that could be removed when there is no music being played). He wanted me to come out to assess the noise levels.

Visit made to the Alma with a colleague. We were met at the door by Mr Cripps. He showed us the works he had completed. This included a Perspex sheet over the window facing Derby Road. He had put this on a rubber mounting. It was acting as secondary glazing. He had also made a covering for his extraction unit. He had attached this to wall with Velcro, so he could remove it after the artiste had finished. Mr Cripps asked if we could assess the noise. He put a bassy track on the jukebox and we went to stand outside on the pavement opposite the pub. The noise was (the fact that it was 3pm on a Friday afternoon and the road was quite noisy) barely audible. BEFORE LEAVING I ADVISED MR CRIPPS THAT HE MUST MAKE REGULAR VISITS OUTSIDE HIS PREMISES TO ASSESS THE NUISANCE. if HE COULD CLEARLY HEAR THE LYRICS THEN THE CHANCES ARE THAT IT WAS TOO LOUD AND IT NEEDED TURNING DOWN.

Out of Hours visit made to Mr Harrison's property with a colleague. We arrived at 21:15. There was no audible music noise coming from the pub at this time. We walked through to the back kitchen of Mr Harrison's property. There was no audible music noise from the pub. At 21:40 Mr Harrison advised that they music might be starting at 22:00. I advised that we would walk around the area and return at 22:00 to see if the music had started. Mr Harrison agreed to this. As we walked to the front of his property muffled music and voice could be heard coming from the Alma. This sounded like an Elvis track. We walked back into the complainant's property and advised him that the music had started - he was unaware of this. He walked back outside his property and advised that this was a bit too loud. Both Mr self and SPA felt

that this was not a nuisance. We walked back into the shop and stood by the front window. The noise was not really audible at this location. I advised that I did not feel that this was a nuisance. Mr Harrison advised that if it stayed at this level every week he would be happy. We left the premises at 22:00 the amplified music and voice were barely audible.

28/3/07 Visit made to Mr Harrison. Called in to speak to Mr Harrison. OOH visit arranged for Thursday 29th March 2007.

29/3/07 Out of Hours visit made to the complainants property with a colleague. Arrived at the complainants property at 9:15 and we were met outside by Mr Harrison. The music was just audible at the boundary of his property. We walked across to the Alma and sat on the wall opposite. The noise was audible at the location and we all agreed that it was not a nuisance but it was a borderline nuisance. After a couple of minutes Mr Cripps came out to speak to us. Mr Cripps asked me what I thought about the noise. I advised that I thought that it was a borderline nuisance. He advised that he would go back into the pub and ask the entertainer to turn the music down. We waited a while but this did not appear to happen. We walked back to Mr Harrison's property and went into the back kitchen. The music was not audible at this location. We discussed the case with Mr Harrison. At approx 10:20 we left his property. As I left the levels emanating from the pub were considerably lower.

5/4/07 Meeting in Carl Jacobs's office. Present were Carl Jacobs, Jack Twomey, Ian Tranter and Mr Roger Harrison. We discussed the investigation so far. Mr Harrison wanted to know why we had not put a representation in against the pub. We advised that it was because we had a lack of evidence.

11/4/07 Letter sent to Mr Harrison.

12/4/07 Evening visit made with a colleague to Mr Harrison's property. I arrived at 21:10. We walked down past the Alma directly past the window adjacent to where the music is being played. There was some music on, but not live. It was from the Jukebox. The music was barely audible even on the pavement outside. There was a board up outside that was advertising football. We walked past the pub and then back to Mr Harrison's property. Mr Harrison came to the door and we advised that there was no live music being played. He advised that he already knew this. We walked into Mr Harrison's back kitchen. We were joined by his partner. We discussed the case again. Mr Harrison advised that he wasn't happy with the letter that I sent out to him. He advised that I hadn't answered the questions he had posed. I advised that I would go back through the letter again and send him another response. Mr Harrison advised that he was going to do an Alan Sugar on me

and say "your Fired". He advised that he did not want me to carry out any further visits. JTW asked he wanted this Service to close the complaint, he advised no, but he did not want any further visits. We left the property at 21:50, Mr Harrison was quite agitated. we walked back past the pub and the noise was still at a low level.

25/4/07 Letter sent to Mr Harrison.

26/4/07 Letter sent to Mr Cripps.

Appendix 6

Cottage Antiques

34 Derby Road Melbourne Derby DE73 1FE
Telephone: 01332 862465



07/04/07

Antique Pine & Country Furniture

~~Anything Old Bought & Sold~~

South Derbyshire
District Council

11 APR 2007

Environmental Health

Mr. Carl Jacobs
S.D.D.C.
Buxton.

Dear Mr. Jacobs

Many thanks for your time and advice at our meeting on Tuesday, whilst frustrating at times I did find it extremely useful.

As a result of our discussions I am even more convinced that my grounds for requesting a review are the correct ones, - in that the conditions of the licence are both weak and unenforceable, and would benefit from some modification.

I am also now convinced that my request for the licence to double glaze and ventilate the premises properly, is not something that should be forced upon him by condition or otherwise. But should be instigated by himself out of a need to soundproof his premises as a result of the activities he pursues within the premises.

Hence I would like to modify my application for review to reflect this thinking. I will now be requesting that the licensing committee add to the

Proprietor :- Roger Harrison

34.

existing conditions, - two further conditions.

i.e. those highlighted on the attached extract from the guidance issued under Section 182 of the Housing Act 2003.

This I am sure will affect the letter you have recently sent to Mr. Cripps and will probably necessitate me writing to Mr. Cripps informing him of this modification. I would be grateful if you could contact me and indicate what actions I must now take if any?

Yours sincerely,
D. Morris

P.S. Last night my car was vandalised on my premises by someone throwing bricks at it during the early hours of the morning. My girlfriend's car has also been vandalised whilst on the street outside, large pot plants have been stolen from my patio, and attempts were made a few weeks ago to smash the main shop front window of my premises at 30 minutes past midnight one Sunday morning. I am now having to involve the Police. This is more than just coincidence now that my name is displayed for all to see in the pub window.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:
 - a simple requirement to keep doors and windows at the premises closed;
 - limiting live music to a particular area of the building;
 - moving the location and direction of speakers away from external walls or walls that abut private premises;
 - installation of acoustic curtains;
 - fitting of rubber seals to doorways;
 - installation of rubber speaker mounts;
 - requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
 - require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
 - noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Cottage Antiques

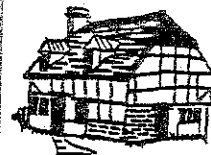
34 Derby Road Melbourne Derby DE73 1FE
Telephone: 01332 862465

South Derbyshire District Council

24 APR 2007

Environmental Health

~~Antique Fine & Country Furniture - Anything Old Bought & Sold~~



Mr J Cripps
The Alma Inn
Derby Road
Melbourne

20/04/07

Dear Mr Cripps

c.c. Carl Jacobs Licensing.

Re: Licensing Act 2003

As you are aware I have requested a review of the licence for the above premises on the grounds that the existing conditions are weak, insufficient, impractical and unenforceable. In my forms for the request for a review I have asked for the addition of an extra condition that relates to the soundproofing of the premises.

I have informed Mr Carl Jacobs of the licensing dept that I am changing this to a request for the following conditions to be added to the license as highlighted on the attached sheet. These are taken from the guidance notes issued under section 182 of the licensing act 2003, - they are not of my making.

This letter is to inform you of this change prior to the review hearing.

Proprietor :- Roger Harrison

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Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:
 - a simple requirement to keep doors and windows at the premises closed;
 - limiting live music to a particular area of the building;
 - moving the location and direction of speakers away from external walls or walls that abut private premises;
 - installation of acoustic curtains;
 - fitting of rubber seals to doorways;
 - installation of rubber speaker mounts;
 - requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
 - require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
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In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

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Appendix 7

South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH

Dear Carl Jacobs:

SUBJECT: REVIEW OF THE LICENSING AGREEMENT

I am writing to defend the Alma Inn from accusations of "public nuisance" from Mr Harrison of 34 Derby Road, Melbourne. Mr Harrison claims:

- *The Alma does not close windows and doors during live entertainment.*

The Alma's doors and windows are always closed when any entertainment is on. The Alma is situated within a conservation area which means only single glazed original windows and doors can be installed. We have nevertheless improved sound insulation by installing a second layer on the windows and a new internal door. Since these improvements have been made, Mr Harrison himself has confirmed that the noise levels are much better. There have been no more recordings made from inside Mr Harrison's property since these improvements have been made.

- *The Alma does not have a sound limiting device.*

The Alma had a Sound Limiter installed in 2006, shortly after the License required us to do so. It has been used ever since and the sound level was set by the council's pollution team.

- *The Alma allows consumption of alcohol outside the premises after 10.30pm.*

The Alma does not allow alcoholic drinks to be consumed outside after 10.30pm, due to heat customers do like to be outside in the summer and we do our utmost to control this.

Since the licensing conditions for the Alma changed in 2005, I have done my utmost to comply with every aspect. I feel that this review is nothing more than a personal crusade for Mr Harrison:

- Mr Harrison has had his property up for sale for at least the last 6 months, with this in mind I fail to see why he is perusing this case with such vigour.
- Mr Harrison has stated to me that "once I have finished with you I will start on the Liberal Club and the Melbourne Hotel", I find this attitude quite shocking.
- Mr Harrison is bringing up a range of issues that he took to the original licensing hearing in 2005 and was thrown out by the licensing committee for being unreasonable.
- Mr Harrison complaint reads as though it is on behalf of all of the residents in the vicinity of the Alma Inn I can confirm, after speaking with my neighbours, that this complaint is not on their behalf and I have attached letters in this regard. Also attached is a map showing the location of the letter writers and Mr Harrison in relation to the Alma.
- Mr Harrison has concerns with regards to noise affecting "children in adjacent properties", however after speaking to my neighbours I can confirm that there are no children living in the properties adjacent to the Alma. We also have letters from seven of our neighbours (six of which live closer to the Alma Inn than Mr Harrison) that state their belief that the Alma Inn is not a nuisance to them. We also have a letter from the council pollution team stating that the noise from the Alma Inn is "not at a nuisance level". You yourself have confirmed that none of our neighbours have complained about noise from the Alma Inn with the exception of Mr Harrison. My neighbours have informed me that Mr Harrison has been trying to recruit them to strengthen his argument. This has prompted many of them to write to you on our behalf as they see no problem.
- Under the freedom of information act we have discovered that although our licensed neighbours (Liberal Club, Royal British Legion & The Melbourne Hotel) have had the police called out to them on many occasions for drinking related incidents, whilst I have been Landlord, they have been out once to the Alma Inn, at my request, to deal with some vandalism to the property.

April 16, 2007

- I have received a compromise letter from you asking me to have double glazing and air-conditioning installed to satisfy Mr Harrison. I would make these points to that letter
1. How does Mr Harrison think that double-glazing would help? We have had advice from a glazier that states that double-glazing would contribute no more to sound proofing than our current secondary glazing.
 2. We would not be allowed to install double-glazing under South Derbyshire District Council regulations as we are in a conservation area.
 3. The best quotation we have had for double-glazing and air-conditioning is in excess of £20,000. Does it seem reasonable to you for us to be expected to pay this when the improvements would have no effect and the person who wishes them is moving house?

I am a reasonable, law-abiding person and if a neighbour of mine has a genuine complaint then I will do my utmost to do what is necessary to appease that neighbour. In the past Mr Harrison has had issues with the previous Landlord, and as these were unresolved he now seems to be perusing a personal vendetta against the business. The Alma is at the heart of the community and I enjoy being a part of that community and have never wished to cause any upset. I feel it is a shame that Mr Harrison has not felt able to come to me in person to resolve the problems he appears to have been having and that he has felt the need to escalate this to such a level.

I hope this clarifies my position as landlord of the Alma and Mr Harrison's neighbour and enables you to draw a conclusion to this matter once and for all.

Yours sincerely,



Mr James Cripps

Landlord

The Alma Inn, Melbourne.

**34 Derby Road DE73 8FE
Melbourne**



- Commercial Premises: Shop
- Change Of Use Approved..
- Three Shop Rooms Plus..
- Kitchen, Cellar, Workshop
- One Bedroom Apartment
- Roof Terrace And Parking
- Town Centre Location
- View To Appreciate

Offers in excess of: £230,000

Our Thoughts.....

This property is currently being utilised as commercial premises - a shop. The owner has applied for, and been granted, 'change of use' to residential accommodation, therefore offering great potential to a prospective purchaser.

The Vendor's Thoughts.....

Commercial premises with approved planning consent from South Derbyshire District Council for 'change of use' (if required) to residential use.

Melbourne

31 Market Place

Derbyshire DE73 8DS

Tel: 01332 865696

fax: 01332 865171

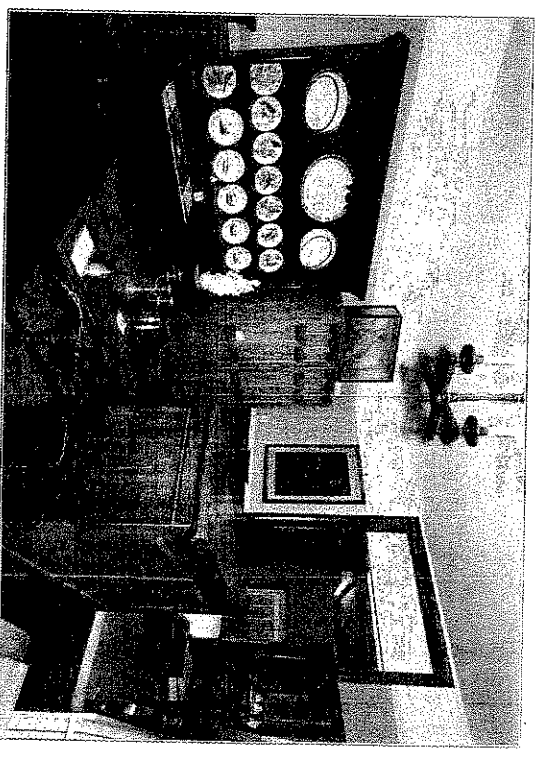
Email: melbourne@newtonfallowell.co.uk

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fallowell**

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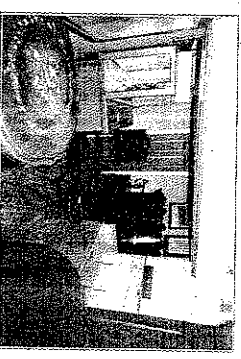
newtonfallowell.co.uk

Melbourne 01332 865696



An open doorway and three brick steps down to:

SHOP : ROOM TWO
5.31m(17'5") x 2.57m(8'5")
With a quarry tiled floor, picture rail and two ceiling lights. There's a recessed alcove measuring approx 4'6" by 3'4" with a brick exposed wall. From the main room, a striped pine door leads through to the kitchen.

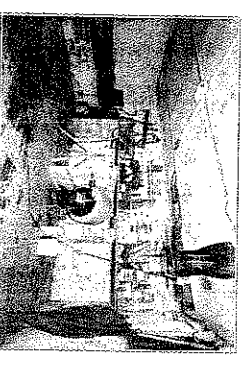


From Shop Room One: a panelled door leads to a:

BACK RECEPTION ROOM
3.66m(12'0") max x 2.64m(8'8")
With a sash window to the side elevation, a double central heating radiator, and French doors to the rear and the gravelled parking area for one vehicle. A trap door in the floor lifts up to reveal steps down to:

THE CELLAR / WORKSHOP
4.88m(16'0") x 4.14m(13'7")
With a workbench on raised brick pillars, a brick laid floor, power, two water taps and lighting.

Returning to the back reception room: a step down to an inner area with wall mounted coat hooks, and three brick steps down to the:

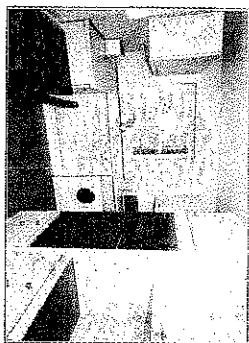


newton
fallowell

4.14m(13'7") x 2.34m(7'8")

Fitted with base and drawer units, wall mounted cupboards, and a larder unit. A 1.5 bowl sink and drainer, built in Bosch eye level electric oven and separate microwave. Vinyl floor covering over quarry tiles, ceramic tiled splashbacks and contrasting roll edged worksurfaces. Space and plumbing for a washing machine, and space for an upright refrigerator / freezer. Double glazed windows to the rear and side elevations. From the inner area, there is a passageway with a radiator, and stairs to the:

34 Derby Road (continued)



FIRST FLOOR

4.19m(13'9") max x 3.35m(11'0")

With two sash windows to the front elevation, a double central heating radiator, TV aerial point, and two ceiling lights.

A stripped pine door leads to an inner landing area with doors off to the bedroom and a walk in STORAGE CUPBOARD housing the wall mounted gas combi-boiler. Hanging rail for clothes, and a ceiling light.



BATHROOM

Fitted with a wood panelled bath, pedestal wash basin with tiled splashback, and a low level w.c. Part tiled walls, extractor fan and a ceiling light.

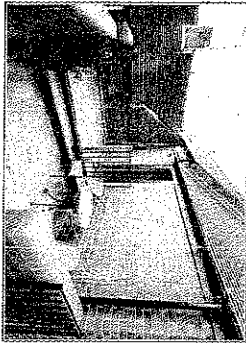
KITCHEN

4.06m(13'4") x 3.38m(11'1")

With a double central heating radiator, and a double glazed window to the rear elevation. Power and ceiling light. A stripped pine door to a second double glazed door which opens onto the:

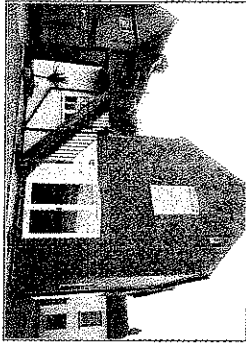
REAR TOP GARDEN TERRACE

An outside walled area with paving and room to relax in the open air. Wooden steps lead down to the ground level and to the gravelled parking area.



PARKING AREA

A gravelled area to the rear of the property offering off road parking for one vehicle.



newton
fallowell

DIRECTIONAL NOTE

From our NEWTON FALL OWELL Melbourne office: Turn left into Market Place and continue into Derby Road. The property can be found on the right hand side within two hundred yards. Please note: There is NO 'For Sale' board outside.

34 Derby Road (continued)

Search
4000 mortgages
from 100 lenders
in 15 minutes
by talking to...

person

Talk to your
Mortgage Advice Bureau today

31 Market Place, Melbourne, Derbyshire, DE1 3GS

www.mortgageadvicebureau.com/newtonfallowell



Mortgage Advice Bureau
at Newton Fallowell

Your home may be repossessed if you do not keep up repayments on your mortgage.
A maximum fee of up to 1% will be charged

250 High Street, Offices, Melbourne

These particulars, whilst believed to be accurate are set out as a general outline only for guidance and do not constitute any part of an offer or contract. Intending purchasers should not rely on them as statements of representation of fact, but must satisfy themselves by inspection or otherwise as to their accuracy. No person in this firm's employment has the authority to make or give any representation or warranty in respect of the property.

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107

NEWTON FALL OWELL
Whether you are looking for commercial premises close to a town centre, or the opportunity to convert the building to substantial living accommodation, the property offers considerable scope and potential for improvement.

OFFICE COPY OF REGISTER ENTRIES

This office copy shows the entries subsisting in the register on 23 July 2003 at 14:30:56.

This date **must be quoted as the 'search from date' in any official search** application based on this copy.

Under s.113 of the Land Registration Act 1925, this copy is admissible in evidence to the same extent as the original.

Issued on 23 July 2003.

This title is dealt with by the Nottingham (West) District Land Registry.

HM Land Registry



Title Number : **DY248119**

Edition Date : 18 February 2003

A: Property Register

This register describes the land and estate comprised in the title.

COUNTY

DISTRICT

DERBYSHIRE

SOUTH DERBYSHIRE

1. (26 April 1983) The **Freehold** land shown edged with red on the plan of the above Title filed at the Registry and being land on the North side of 48 Derby Road, Melbourne.
2. A Conveyance of the land in this title and other land dated 5 April 1983 made between (1) Harold Cecil Woodward and (2) Kenneth Charles Wright contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED that:-

(a) The house walls on either side of the dwellinghouse hereby sold the garden walls and/or fences and the walls on either side of the outbuildings hereby sold are party walls and fences and are repairable accordingly.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title Absolute

1. (18 February 2003) PROPRIETOR: SIMON BOND of 48 Derby Road, Melbourne, Derbyshire DE73 1FE.
2. (18 February 2003) The price stated to have been paid on 2 September 2002 for the land in this title and in title DY107946 was £92,875.

3. (18 February 2003) **RESTRICTION:** Except under an order of the registrar no disposition by the proprietor of the land is to be registered without the consent of the proprietor of the Charge dated 2 September 2002 in favour of Mortgage Express referred to in the Charges Register.
-

C: Charges Register

This register contains any charges and other matters that affect the land

1. (18 February 2003) **REGISTERED CHARGE** dated 2 September 2002 affecting also other titles to secure the moneys including the further advances therein mentioned.

NOTE 1: The proprietor of this charge is obliged to make further advances in accordance with the mortgage terms and conditions.

NOTE 2: Copy filed under DY107946.

2. (18 February 2003) **PROPRIETOR:** MORTGAGE EXPRESS (Co. Regn. No. 2405490) (an unlimited company) of Endeavour House, 1 Lyonsdown Road, New Barnet, Herts EN5 1HU.
-

END OF REGISTER

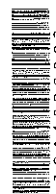
NOTE: A date at the beginning of an entry is the date on which the entry was made in the Register.

H.M. LAND REGISTRY		TITLE NUMBER DY 242113	
ORDNANCE SURVEY PLAN REFERENCE	SK 3825	SECTION L	Scale 1/1250 Enlarged from 1/2500
COUNTY DERBYSHIRE	DISTRICT SOUTH DERBYSHIRE		© Crown copyright 1983



THE ALMA INW

RESIDENTS WHO
HAVE NO PROBLEM WITH
THE ALMA INW
MR HARRISON



This title plan shows the general position of the boundaries; it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Explanatory Leaflet 24.

This office copy shows the state of the title plan on 23 July 2003 at 14:30:56. It may be subject to distortions in scale. Under s.113 of the Land Registration Act 1925, this copy is admissible in evidence to the same extent as the original, saved on 23 July 2003.

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This title is dealt with by the Nottingham (West) District Land Registry.

48.

Miss Kelly Dolphin
The Flat
61 Derby Road
Melbourne
Derby
DE73 8FE

Derbyshire County Council
Civic Office
Civic Way
Swadlincote
Derbyshire

Dear Sir or Madam,

I live in the flat directly next door to the Alma Inn Public House. I am writing in response to nuisance complaints made against the pub.

My flat shares an internal wall with the Alma Inn and I have never heard a level of noise that I would consider to be a nuisance. I would believe that if the Alma Inn was producing a large amount of noise, I would have heard it, but I have heard no such thing.

I would not be supportive of a more restrictive license for the Alma Inn.

Yours faithfully,



Kelly Dolphin

Miss Jodi Allsopp
48 Derby Road
Melbourne
Derby
DE73 8FE

Derbyshire County Council
Civic Office
Civic Way
Swadlincote
Derbyshire

To whom it may concern,

I am writing in response to a request for a licensing review of the Alma Inn. I live directly opposite the Alma Inn and next door to the Liberal Club.

I hear quite a lot of noise at the weekends from people drinking until late at night, but this emanates from the Liberal Club on Derby Road and not from the Alma Inn. I therefore do not see any need for a licensing review of the Alma Inn and would see it as being completely unfair to the Landlord and to its customers.

I have never had any cause to complain about noise from the Alma Inn and furthermore, since the recent work to their windows, I don't hear noise when outside of my property unfortunately I cannot say the same is true of the Liberal Club.

I do not see any need and therefore am not in support of a more restrictive license at the Alma Inn.

Yours faithfully,



Jodi Allsopp

Mr J. Sullivan +
Miss A. Senior
40 Jersey Road
Melbourne
Derbyshire
DE73 8FE.

21/3/07.

Dear Sir,

Ref: The Alma
Inn.

I wrote to you some months ago now in relation to the above pub. I wrote to protest against an extension / change to opening hours in light of the previous owner's record at running an "intolerable" business.

It has come to light that Mr J. Cripps is being continually bothered by another local resident. I would like to state that Mr. Cripps has made many satisfactory + effective changes to the running of The Alma Inn.

As a close neighbour we no longer have problems with loud music, noise + disturbance. This is a direct result of his sensitivity to those who complained (like myself).

I would urge you + indeed direct you to more urgent and less trivial matters such as the repellent individuals who attack local residents, drop litter,

intimidate others & generally
make Melbourne an unpleasant
place to be on the street at
weekends. If this issue were
tackled then perhaps the resident
who is complaining may find the
true route of his problem!

Sincerely

A Senior.

42 Derby Road
Melbourne
Derbyshire
DE73 8FE

28 March 2007

RE: Noise levels from the Alma Inn.

To whom it may concern,

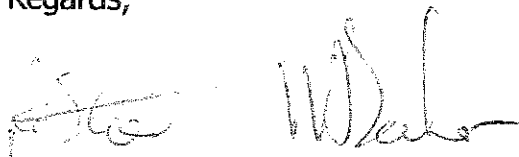
It has come to our attention that you have been receiving complaints from a local resident about the noise levels at the Alma Inn. We have heard that said resident has informed you that he has spoken to all residents within our terrace block which is directly across the road from the Alma, and that all residents agree that noise levels are too high. This is not the case. We have neither spoken to, nor do we agree with his complaints.

Adam and I moved into to Number 42 at around the same time Mr Cripps took over the Alma Inn, and since that date, we have not felt on any occasion that the music is too loud. Nor have we seen gangs hanging round outside causing trouble. Having worked in the Alma, I can safely say that Mr Cripps is firm but fair with his customers, asking them to respect his neighbours whilst showing respect for his neighbours himself. He makes a conscious effort to keep noise to a minimum ensuring doors and windows are closed during live entertainment. As far as we're aware he has also installed a sound meter in the bar to constantly monitor noise levels.

On several occasions Mr Cripps has asked us what we thought of the noise levels coming from the pub. We have given the same answer each time, noise levels are not high enough to be a nuisance, we can barely hear a thing.

If you require any further information please don't hesitate to contact us.

Best Regards,

Two handwritten signatures in black ink. The first signature on the left is 'Rebecca' and the second signature on the right is 'Adam'.

Rebecca Stead & Adam Secker

3 South Street
Melbourne
Derby
DE73 8GB

11th April 2007

To Whom It May Concern

I live at 3 South Street, Melbourne which is located behind the Alma Public House on Derby Road, Melbourne. Windows at the back of my home face the rear of 'The Alma'.

Since Mr Cripps took over 'The Alma' I would like to confirm that I have not experienced any problems associated with the pub. I do not have, and have not had any reason to make a complaint, either informally or formally.

I did make a complaint to the previous Landlord when all-day music was played which was unacceptably loud and prolonged. My verbal complaint resulted in the volume being increased immediately and maintained and an announcement over the PA system addressed to me which was both intimidating and upsetting.

I am pleased to say I have not experienced any problems, including noise nuisance, since Mr Cripps has taken over the business.

Yours sincerely



Jenny James



MICKUSHER

Dear Sirs,

I am a permanent resident of 44 Derby Road, Melbourne, Derby and have been so for the past three years. I am writing in response to the licensing review.

22nd March 2007

I live directly opposite the Alma and do not agree with nuisance allegations made against it. I hear nothing other than occasional low level noise and even this is infrequent. Even during the warmer months, when customers are drinking outside I have no problem with noise levels.

I would not be supportive of a more restrictive licensing agreement for the Alma, it seems ridiculous to me that any move in that direction is even being considered. If you want to cut down on noise, ban lorries from Derby Road which is a far bigger noise nuisance or sort out the teenagers roaming the streets.

44 Derby Road,
Melbourne,
Derbyshire,
DE73 1FE

Telephone / Fax:
(01332) 863105

International:
44 1332 863105

Mobile:
(+44) 0779160586

E-Mail:
mick@mickusher.com

WWW:
mickusher.com

Yours faithfully,



Mick Usher

46, Derby Road
Melbourne
Derbyshire
DE73 8FE

The Licencee
The Alma Public House
Derby Road
Melbourne

14 April 2007

Dear Sir,

Following a conversation with one of my neighbours in the row of houses opposite your public house I happened to hear about a possible complaint that has been made against yourselves with regard to noise. I do not know the source or any details with regard to this matter but would like to make the following points.

Firstly if such a complaint has been made please be aware that it is nothing to do with myself or my partner.

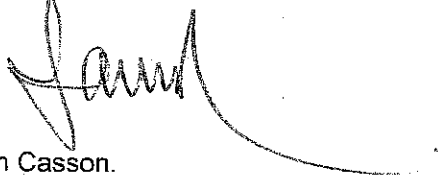
Secondly I would just like to say that since your arrival at The Alma the noise levels have been greatly reduced. Before your arrival we did have some problems with regard to the noise. There were instances of people generally being noisy outside in the early hours and excessive noise levels from inside the public house on certain nights of the week.

I can now say that this is certainly no longer the case. Although I often work away I have never noticed any excessive noise from the premises, I have spoken to my partner about this at great length and she too has no problems at all. As we are probably the closest of all the houses to your premises I am sure that if there were any excessive noise we would be able to hear it.

Also may I take this opportunity to thank you for your obvious efforts made to quieten customers when leaving your premises, the whole direct surrounding area is now a much quieter place later at night and around closing time. I can only assume some effort has been made to effect such a change.

If you require any further assistance in this matter please do not hesitate to contact myself or my partner, Miss Michelle Basford, at the address above.

Regards,



Ian Casson.

