

**F. McArdle**  
**Chief Executive**

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Swadlincote, Derbyshire DE11 0AH

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**Please ask for: Democratic Services**

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DX 23912 Swadlincote

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Date: 15<sup>th</sup> July 2015

Dear Councillor,

**Licensing and Appeals Sub-Committee**

Further to recent correspondence, please find enclosed the agenda and supporting information for the Licensing and Appeals Sub-Committee meeting.

The **Licensing and Appeals Sub-Committee** will meet on **Thursday, 23 July 2015**, in the **Council Chamber** at the Civic Offices, Civic Way, Swadlincote. The meeting will commence at **10:00**.

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

Yours faithfully,



F.B. McArdle  
Chief Executive

To:- **Conservative Group**  
Councillors Watson and Wheeler.

· **Labour Group**  
Councillor Mrs Stuart.

## **AGENDA**

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

- 1** Apologies
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** Appointment of a Chairman
- 4** APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003 **4 - 7**
  - Appendix 1 Application for the variation of a premises licence. **8 - 19**
  - Appendix 2 Existing premises licence. **20 - 29**
  - Appendix 3 Representation from the Environmental Health Department. **30 - 32**
  - Appendix 4 Representation from Derbyshire Constabulary. **33 - 34**
  - Appendix 5 Formal notification of the agreed amendment to the application. **35 - 36**
  - Appendix 6 Representations received from other parties **37 - 85**
  - Appendix 7 Representation from Councillor John Harrison **86 - 86**
  - Appendix 8 Representation from Councillor Jim Hewlett **87 - 91**

**Exclusion of the Public and Press:****5** The Chairman may therefore move:-

That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.



## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

Hearing Date: 23<sup>rd</sup> July 2015

Contact Officer: Emma McHugh – 01283 595716

### HEARING FOR AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003

<b>Applicants Name</b>	Marston's PLC
<b>Premises Name</b>	Alma Inn
<b>Address</b>	59 Derby Road, Melbourne, Derbyshire, DE73 8FE

#### 1. PURPOSE

- 1.1 To determine an application to vary a premises licence received by this Authority on 28<sup>th</sup> May 2015 from Marston's Plc. A copy of the application is attached as **Appendix 1** and a copy of the existing premises licence is attached as **Appendix 2**.

#### 2. BACKGROUND

- 2.1 The applicant is seeking to vary the current premises licence as follows:-

- to extend the terminal hour for licensable activities;
- to extend the opening hours of the premises;
- to authorise seasonal variations for licensable activities; and
- to remove the condition restricting the use of the external area which states "The licensee shall ensure that no alcohol is consumed outside the premises after the hours of 22:30 hours".

Further details are indicated in paragraph 3 below.

#### 3. APPLICATION DETAILS

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

Activity	Days	Times
Films (indoors), indoor sporting events, live music (indoors), recorded music (indoors), performances of dance (indoors)	Monday to Thursday Friday to Sunday Bank Holiday Sundays and Mondays, Christmas Eve and Boxing Day	10:00 to 01:00 10:00 to 02:00 10:00 to 02:00

Late night refreshment (indoors and outdoors)	Monday to Thursday Friday to Sunday Bank Holiday Sundays and Mondays, Christmas Eve and Boxing Day	23:00 to 01:00 23:00 to 02:00 10:00 to 02:00
Supply of alcohol for consumption on and off the premises	Monday to Thursday Friday to Sunday Bank Holiday Sundays and Mondays, Christmas Eve and Boxing Day	10:00 to 01:00 10:00 to 02:00 10:00 to 02:00
Hours premises to remain open to members of the public	Monday to Thursday Friday to Sunday Bank Holiday Sundays and Mondays, Christmas Eve and Boxing Day	10:00 to 01:30 10:00 to 02:30 10:00 to 02:00

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

#### 4. CONSULTATION RESPONSES

##### 4.1 Responsible Authorities

**Environmental Health Department** - Representation received during the 28 day consultation period based on the prevention of public nuisance licensing objective. Full details can be found at **Appendix 3**.

**Derbyshire Constabulary** - Representation received during the 28 day consultation period based on the prevention of crime and disorder and prevention of public nuisance licensing objectives. Full details can be found at **Appendix 4**.

After negotiation with the applicant's solicitors, Derbyshire Constabulary have withdrawn their representation as the applicant has formally amended the hours requested on their variation application and agreed to add two additional conditions to the operating schedule. Full details can be found at **Appendix 5** and the agreed hours are detailed below.

Activity	Days	Times
Films (indoors), indoor sporting events, live music (indoors), recorded music (indoors), performances of dance (indoors)	Sunday to Thursday Friday and Saturday Bank Holiday Sundays, Christmas Eve and Boxing Day	10:00 to 00:00 10:00 to 01:00 10:00 to 01:00
Late night refreshment (indoors and outdoors)	Sunday to Thursday Friday and Saturday Bank Holiday Sundays, Christmas Eve and Boxing Day	23:00 to 00:00 23:00 to 01:00 23:00 to 01:00

Supply of alcohol for consumption on and off the premises	Sunday to Thursday Friday and Saturday Bank Holiday Sundays Christmas Eve and Boxing Day	10:00 to 00:00 10:00 to 01:00 10:00 to 01:00
Hours premises to remain open to members of the public	Sunday to Thursday Friday and Saturday Bank Holiday Sundays Christmas Eve and Boxing Day	10:00 to 00:30 10:00 to 01:30 10:00 to 01:30

#### 4.2 Other Parties

Written representations have been received from 15 residents during the 28 day consultation period based on the prevention of crime and disorder and the prevention of public nuisance licensing objectives. Three of these residents have requested that they remain anonymous. Copies of all of these representations are attached at **Appendix 6**.

Written representations have been received from Councillor John Harrison and Councillor Jim Hewlett, the elected District Councillors for the Melbourne Ward, during the 28 day representation period based on the prevention of crime and disorder and the prevention of public nuisance licensing objectives. Copies of their representations are attached as **Appendices 7 and 8**.

4.3 A map showing the location of the premises is also attached as **Appendix 9**.

### 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 licensing objectives 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 and 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 Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

## **6. DETERMINATION**

6.1 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

1. Grant the licence in accordance with the application;
2. Modify the conditions of the operating schedule by altering or omitting or adding to them;
3. Restrict from the scope of the licence any of the licensable activities to which the application relates;
4. Reject the whole of the application.

6.2 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.

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

## **7. RIGHT OF APPEAL**

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

## **8. APPENDICES**

- Appendix 1 Application for the variation of a premises licence.
- Appendix 2 Existing premises licence.
- Appendix 3 Representation from the Environmental Health Department.
- Appendix 4 Representation from Derbyshire Constabulary.
- Appendix 5 Formal notification of the agreed amendment to the application.
- Appendix 6 Representations from other persons.
- Appendix 7 Representation from Councillor John Harrison.
- Appendix 8 Representation from Councillor Jim Hewlett.
- Appendix 9 Map showing the location of the premises.

26/06/2015

**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**We Marston's PLC being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.**

**Premises Licence Number**

SDDC/001975

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
Alma Inn, 59 Derby Road, Melbourne	
Post town Derby	Post code DE73 8FE

Telephone number of premises (if any)

01332 865607

Non-domestic rateable value of premises

£17500

**Part 2 – Applicant Details**

Daytime contact telephone number

c/o 01142 668664

Email address  
(optional)Current postal  
address if  
different from  
premises address

Marston's House, Brewery Road, Wolverhampton, WV1 4JT

Post Town

Wolverhampton

Postcode

WV1 4JT



### Part 3 – Variation

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

Please tick ☒ yes

☒

If not do you want the variation to take effect from

Day      Month      Year

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

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

N/A

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

Application is made to vary the Premises Licence:-

1. To extend the terminal hour for licensable activities as follows:
  - (a) Monday to Thursday to 01:00 the following morning; and
  - (b) Friday to Sunday to 02:00 hours the following morning.
2. To authorise Bank Holiday weekends, Christmas Eve and Boxing Day until 02:00 hours.
3. To remove the restrictions on the use of the external area by removing the following condition  
"The Licensee shall ensure that no alcohol is consumed outside the premises after the hours of 22:30 hours"
4. To extend the opening hours to 01:30 hours Monday to Thursday and 02:30 hours Friday to Sunday.

It is not anticipated the application will have an adverse impact on the licensing objectives and the application has been prepared on that basis.

#### Part 4 Operating Schedule

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

Please tick ✓ yes

##### Provision of regulated entertainment

- a) Plays (if ticking yes, fill in box A) ☐
- b) Films (if ticking yes, fill in box B) ☒
- c) indoor sporting events (if ticking yes, fill in box C) ☒
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

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

☒

##### Sale by retail of alcohol (if ticking yes, fill in box J)

☒

**In all cases complete boxes K, L and M**

## A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
				<b>Please give further details here</b> (please read guidance note 3)	
Tue					
Wed					
Thur			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Fri					
Sat					
Sun			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

## B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	10:00	01:00		Both	
				<b>Please give further details here</b> (please read guidance note 3)  To extend the hours for the existing licensable activities	
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Fri	10:00	02:00			
Sat	10:00	02:00			
Sun	10:00	02:00	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Where alcohol is extended these hours are extended to the same		

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	To extend the hours for the existing licensable activities
Mon	10:00	01:00	
Tue	10:00	01:00	<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed	10:00	01:00	
Thur	10:00	01:00	<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Where alcohol is extended these hours are extended to the same
Fri	10:00	02:00	
Sat	10:00	02:00	
Sun	10:00	02:00	

D

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 2).	
Day	Start	Finish	Indoors	
Mon			Outdoors	
Tue			Both	
Wed				
Thur				
Fri				
Sat				
Sun				

<b>Please give further details here</b> (please read guidance note 3)		
<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

## E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 2).		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)  To extend the hours for the existing licensable activities			
Mon	10:00	01:00				
Tue	10:00	01:00				
Wed	10:00	01:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)			
Thur	10:00	01:00				
Fri	10:00	02:00				
Sat	10:00	02:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Where alcohol is extended these hours are extended to the same			
Sun	10:00	02:00				

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 2).		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)  To extend the hours for the existing licensable activities			
Mon	10:00	01:00				
Tue	10:00	01:00				
Wed	10:00	01:00	<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)			
Thur	10:00	01:00				
Fri	10:00	02:00				
Sat	10:00	02:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Where alcohol is extended these hours are extended to the same			
Sun	10:00	02:00				

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	10:00	01:00	<b>Please give further details here</b> (please read guidance note 3)  To extend the hours for the existing licensable activities	Both	
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Fri	10:00	02:00			
Sat	10:00	02:00			
Sun	10:00	02:00	<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Where alcohol is extended these hours are extended to the same		

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 2).	Indoors	
Mon					Outdoors
Tue			Both		
Wed					
Thur			<b>Please give further details here</b> (please read guidance note 3)		
Fri					
Sat					
Sun			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
			<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

## 4

J

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variation</b> (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	01:30	<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)  The premises will close 30 minutes after the end of licensable activities
Tue	10:00	01:30	
Wed	10:00	01:30	
Thur	10:00	01:30	
Fri	10:00	02:30	
Sat	10:00	02:30	
Sun	10:00	02:30	

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

“The Licensee shall ensure that no alcohol is consumed outside of the premises after 22:30 hours”

Please tick ✓ yes

I have enclosed the premises licence



I have enclosed the relevant part of the premises licence



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

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



## M

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

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

The premises currently operate without particular issue and the application is lodged on this basis

**b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed.

**c) Public safety**

No further risks have been identified which need to be addressed.

**d) The prevention of public nuisance**

No further risks have been identified which need to be addressed.

**e) The protection of children from harm**

No further risks have been identified which need to be addressed.

I have made or enclosed payment of the fee

- ☐ I have sent copies of this application and the plan to responsible authorities and others where applicable
- ☐ I understand that I must now advertise my application
- ☐ I have enclosed the premises licence or relevant part of it or explanation
- ☐ I understand that if I do not comply with the above requirements my application will be rejected



**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent.** (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date: 27 May 2015

Capacity: Solicitors.....

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date: .....

Capacity: Solicitors.....

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

John Gaunt & Partners  
Omega Court  
372 Cemetery Road

**Post town**

Sheffield

**Post code**

S11 8FT

**Telephone number (if any)**

0114 266 8664

**If you would prefer us to correspond with you by email your email address (optional)**

tshield@john-gaunt.co.uk

## Notes for Guidance

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

## Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

**Part A**  
**Premise Licence under Licensing Act 2003**

**Premise Licence Number SDDC/001975**

**Part 1 – Premise Details**

Postal Address of premises, or if none Ordnance Survey map reference of description <b>Alma Inn 59 Derby Road Melbourne Derbyshire DE73 8FE</b>											
Telephone Number <b>01332 862411</b>											
Where the Licence is time limited the dates <b>Not Applicable</b>											
Licensable Activities authorised by the licence <b>Provision of regulated entertainment for; b) films, c) indoor sporting events, e) live music, f) recorded music, g) performances of dance</b> <b>Provision of entertainment facilities for l) making music and j) dancing</b> <b>Provision of late night refreshment</b> <b>Sale by retail of alcohol for consumption on and off the premises</b>											
The times the licence authorises the carrying out of licensable activities <b><u>For the supply of alcohol &amp; Late Night Refreshment (licensable after 23:00hrs)</u></b> <table> <tr> <td><b>Sunday to Thursday</b></td> <td><b>10.00hrs until 23.30hrs</b></td> </tr> <tr> <td><b>Friday &amp; Saturday</b></td> <td><b>10.00hrs until 00.30hrs</b></td> </tr> <tr> <td><b>Bank Holiday Sundays &amp; Mondays, }</b></td> <td></td> </tr> <tr> <td><b>Christmas Eve &amp; Boxing Day }</b></td> <td><b>10.00hrs until 00.30hrs</b></td> </tr> <tr> <td colspan="2"><b>New Year Period: 10:00hrs New Years Eve until terminal hour on New Year's Day</b></td> </tr> </table>		<b>Sunday to Thursday</b>	<b>10.00hrs until 23.30hrs</b>	<b>Friday &amp; Saturday</b>	<b>10.00hrs until 00.30hrs</b>	<b>Bank Holiday Sundays &amp; Mondays, }</b>		<b>Christmas Eve &amp; Boxing Day }</b>	<b>10.00hrs until 00.30hrs</b>	<b>New Year Period: 10:00hrs New Years Eve until terminal hour on New Year's Day</b>	
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<b>New Year Period: 10:00hrs New Years Eve until terminal hour on New Year's Day</b>											
<b><u>In relation to licensable activities except the provision of late night refreshments and alcohol</u></b> <table> <tr> <td><b>Sunday – Thursday</b></td> <td><b>10.00hrs until 23.00hrs</b></td> </tr> <tr> <td><b>Friday &amp; Saturday</b></td> <td><b>10.00hrs until Midnight</b></td> </tr> <tr> <td><b>Bank Holiday Sundays &amp; Mondays, }</b></td> <td></td> </tr> <tr> <td><b>Christmas Eve &amp; Boxing Day }</b></td> <td><b>10.00hrs until Midnight</b></td> </tr> <tr> <td><b>New Year's Eve</b></td> <td><b>10.00hrs until 01.00hrs</b></td> </tr> </table>		<b>Sunday – Thursday</b>	<b>10.00hrs until 23.00hrs</b>	<b>Friday &amp; Saturday</b>	<b>10.00hrs until Midnight</b>	<b>Bank Holiday Sundays &amp; Mondays, }</b>		<b>Christmas Eve &amp; Boxing Day }</b>	<b>10.00hrs until Midnight</b>	<b>New Year's Eve</b>	<b>10.00hrs until 01.00hrs</b>
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<b>New Year's Eve</b>	<b>10.00hrs until 01.00hrs</b>										
<b><u>Non specific sporting extensions</u> - Restricted to 12 occasions per year on 14 days written notice to the police and the licensing authority. The police shall have the right of veto on the grounds of contravention of one or more of the licensing objective, such a right of veto not to be unreasonable exercised</b>											
The opening hours of the premises <b>30 minutes beyond the licensable activity for the supply of alcohol and late night refreshment each day.</b>											
Where the licence authorises supplies of alcohol whether there are on and or off supplies <b>On and off sales</b>											

## Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premise licence <b>Marston's PLC, Marston's House, Wolverhampton, WV1 4JT</b>
Registered number of holder, for example company number, charity number (where applicable) <b>00031461</b>
Name address and telephone number of designated premise supervisor where the premises licence authorises the supply of alcohol <b>Paula Quinby, The New Inn, 273 Horninglow Road, Burton on Trent</b>
Personal licence number and Issuing Authority of personal licence held by designated premise supervisor where the premise authorises for the supply of alcohol <b>SDDC/002612 South Derbyshire District Council</b>

## Annex 1 - Mandatory Conditions

### Mandatory Conditions where licence authorises supply of alcohol

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime & disorder, prejudice to public safety, public nuisance, or harm to children.
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act.

- (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;
  - (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can be reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reasonable disability)
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. a. The premise licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premise in relation to the sale or supply of alcohol.
- b. 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 a holographic mark (1<sup>st</sup> October 2010).
7. The responsible person shall ensure that-
- a. where any of the following alcoholic drinks 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-
- (1) beer or cider: ½ pint;
  - (2) gin, rum, vodka or whisky: 25ml or 35 ml; and
  - (3) still wine in a glass: 125 ml; and
- b. customers are made aware of the availability of these measures. (1<sup>st</sup> October 2010).

## **Mandatory Condition -Exhibition of Films**

1. Where a premise licence authorises the exhibition of films, then the admission of children to the exhibition should be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where:-
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the licensing authority.
4. Children is defined as persons aged under 18; and film classification body means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (C.39)(authority to determine suitability of video works for classification)

## **Annex 2 - Conditions consistent with Operating Schedule**

### **The Prevention of crime and disorder**

- Persons employed in a security activity shall be licensed by the Security Industry Authority and will be employed at the discretion of the designated premise supervisor or the premise licence holder and will display a name badge at all times whilst on duty
- No customers apparently carrying open bottles upon entry shall be admitted to the premises at any time the premises are open to the public
- Where CCTV is installed with recording facilities, such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police
- Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose

### **Public Safety**

- To comply with the reasonable requirements of the fire officer and building control officer as appropriate

### The prevention of public nuisance

- Noise and vibration shall not emanate from the premises so as to cause a nuisance to nearby properties
- Where appropriate, prominent, clear and legible notices shall be displayed at all exits, requesting the public respect the needs of local residents and to leave the premises and area quietly
- The licensee shall ensure that all windows and doors are kept closed for the duration of live and recorded music and other entertainment, except for access and egress from that room
- The licensee shall install a noise limiting cut out device at a decibel rating determined by South Derbyshire District Council's Environmental Health Department
- The licensee shall ensure that no alcohol is consumed outside of the premises after the hours of 22.30hrs

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

In relation to the Opening Hours these were to be as follows: (Standard times)

- Sunday to Thursday : 10.00am until 12.00am (midnight);
- Friday and Saturday : 10.00am until 1.00am;
- (Non Standard times)
- Bank Holidays; Sunday and Monday; 10.00am until 1.00am;
- Christmas Eve : 10.00am until 1.00am;
- Boxing Day : 10.00am until 1.00am;
- New Years Eve : 10.00am to terminal hour on New Years Day

\*\*\*\*\*

In relation to the Supply of Alcohol these hours were to be as follows:  
(Standard times)

- Sunday to Thursday : 10.00am until 11.30pm
- Friday and Saturday : 10.00am until 12.30am
- (Non Standard times)
- Bank Holidays; Sunday and Monday ; 10.00am until 12.30am
- Christmas Eve : 10.00am until 12.30am
- Boxing Day : 10.00am until 12.30am
- New Years Eve : 10.00am to terminal hour on New Years Day
- All times with an additional 30 minutes drinking up time

\*\*\*\*\*



In relation to Live Music these hours were to be as follows: (Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);
- (Non Standard times)
- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

\*\*\*\*\*

In relation to Recorded Music these hours were to be as follows:(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);
- (Non Standard times)
- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

\*\*\*\*\*

In relation to the Late Night Refreshment these hours were to be as follows:  
(Standard times)

- Sunday to Thursday : 10.00am until 11.30pm;
- Friday and Saturday : 10.00am until 12.30am;
- (Non Standard times)
- Bank Holidays; Sunday and Monday ; 10.00am until 12.30am;
- Christmas Eve : 10.00am until 12.30am;
- Boxing Day : 10.00am until 12.30am;
- New Years Eve: 10.00am to terminal hour New Years Day

In relation to Performances of Dance these hours were to be as follows:  
(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);
- (Non Standard times)
- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

\*\*\*\*\*

In relation to Facilities for Making Music these hours were to be as follows:  
(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);
- (Non Standard times)
- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

\*\*\*\*\*

In relation to Facilities for Dancing these hours were to be as follows:  
(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);
- (Non Standard times)
- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

\*\*\*\*\*

In relation to Indoor Sporting Events these hours were to be as follows:  
(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);
- (Non Standard times)
- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

\*\*\*\*\*

In relation to Films these hours were to be as follows: (Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);
- (Non Standard times)
- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

Variations are subject to the following conditions:

- The licensee shall ensure that prominent signage is displayed at all exit doors requesting customers to leave the area quietly and to respect neighbouring residents and their properties. In addition, there shall be prominent signage placed at the exit points from the premises' car park
- The licensee shall ensure that all windows and doors are kept closed for the duration of live and recorded music and other entertainment, except for access to and egress from that room. This condition is subject to the Licensee erecting signs in the premises informing customers of the necessity and reason for windows and doors to remain shut during such performances of live and recorded music and other entertainment
- A Noise Limiting device shall be installed, fitted and maintained by the Licensee in such manner as to control all sources of amplified music at the premises in order to ensure that music will be at a reasonable level at the nearest noise sensitive point as determined by the Environmental Health Department

- The licensee shall ensure that no alcohol is consumed outside of the premises after the hours of 22.30hrs
- The licensee shall ensure that non specific sporting extensions shall be restricted to 12 occasions per year on 14 days written notice to the Police, and the Police shall have right of veto on the grounds of contravention of one or more of the licensing objective, such a right of veto not to be unreasonably exercised.

**For clarification the conditions attaching to the Premises Licence can only apply to the Licensee in relation to the Alma Inn and the curtilage of the Alma Inn, which includes the car park, any beer garden and other external area.**

## Annex 4 - Plans



FIND FLIGHT PLAN



## REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

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

Police / Fire / Environmental Protection / ~~Health and Safety~~ / ~~Child Protection~~ / Trading Standards / Planning Authority / Licensing Authority / Health Authority

<b>Name</b>	JOHN MILLS
<b>Job Title</b>	SENIOR ENVIRONMENTAL HEALTH OFFICER
<b>Postal and email address</b>	CIVIC OFFICES, CIVIC WAY, SWADLINCOTE. DE14 3HH John.mills@south-derbys.gov.uk
<b>Contact telephone number</b>	01283 595903

<b>Name of the premises you are making a representation about</b>	ALMA INN
<b>Address of the premises you are making a representation about</b>	59 Derby Road, Melbourne, Derby

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
To prevent crime and disorder	NO	
Public safety	NO	
To prevent public nuisance	YES	PREMISES IS IN A RESIDENTIAL SETTING, LAYOUT RELATIVE TO NEIGHBOURS WILL RESULT IN AN INCREASED LIKELIHOOD OF NOISE NUISANCE. THIS IS WHY THE CONDITION WAS THERE IN THE FIRST PLACE. THE APPLICANT HAS NOT DEMONSTRATED HOW THEY WILL PROVIDE THIS FACILITY WHILST UPHOLDING THIS LICENSING OBJECTIVE.
To protect children from harm	NO	

<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b>	I FEEL THAT OWING TO THE LOCATION OF THIS BEER GARDEN THE ONLY PRACTICAL CONTROL MEASURE IS AN EARLIER CLOSING TIME AS PER CURRENTLY IN PLACE.
---	--

Signed:

*John Mills*

Date: 05/06/15

**Kinsey Lisa**

---

**From:** Mills John  
**Sent:** 05 June 2015 16:55  
**To:** 'tshield@john-gaunt.co.uk'  
**Cc:** Licensing Mailbox  
**Subject:** Application to vary premises license - Alma Inn, Melbourne

**Categories:** Lisa

Dear Sir/Madam,

**PREMISES LICENSE - ALMA INN, MELBOURNE**

I have been consulted with regards to the above application, and have concerns with regards to the removal of the condition relating to the hours of use of the beer garden.

The condition limiting hours of use to 10.30pm was deemed necessary to prevent noise from the beer garden becoming a public nuisance. No additional information has been submitted in your application to satisfy me that the condition is no longer needed. The application seeks to allow extended use of the beer garden into the early hours of the morning, accessing it from areas of the premises where amplified music is played. This noise in a relatively quiet area of Melbourne is likely to result in public nuisance at a time of night where residents should be able to expect not to be disturbed.

I would therefore appreciate you contacting me at you earliest convenience to establish whether we can agree on a way to address this.

Kind regards,

John Mills  
Senior Environmental Health Officer  
Environmental Protection Team  
Environmental Health Department  
South Derbyshire District Council  
Tel: 01283 595903  
Fax: 01283 595855  
[www.south-derbys.gov.uk](http://www.south-derbys.gov.uk)



Facebook

[South Derbyshire Environmental Health | Facebook](#)



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FAO Emma McHugh  
Licensing Team  
South Derbyshire District Council

**Bob Ledger**  
**Director of Housing and Environmental Services**  
South Derbyshire District Council  
Civic Offices, Civic Way,  
Swadlincote, Derbyshire DE11 0AH

[www.south-derbys.gov.uk](http://www.south-derbys.gov.uk)

**Please ask for John Mills**  
Phone (01283) 595903  
Fax (01283) 595855  
Typetalk (0870) 2409598  
DX 23912 Swadlincote

Email: [john.mills@south-derbys.gov.uk](mailto:john.mills@south-derbys.gov.uk)

Our Ref:  
Your Ref:

Date: 15/07/2015

Dear Sir/Madam,

**LICENSING ACT 2003 – HEARING.**  
**ALMA INN - 59 Derby Road, Melbourne, Derby**

With regards to written representation regarding the above premises, I confirm that my Manager, Matthew Holford, will be in attendance. He will not be calling any witnesses.

My objection relates to the variation of the hours of use restriction on the outdoor area. The garden use for licensable activities is currently restricted to 10.30pm, and the applicant sought to vary this to be in line with the variation of general opening hours (i.e. beer garden opening hours 2.30am weekends and 1.30am weekdays). I am of the opinion that noise from patrons using the garden, and access and egress to rooms of the premises where amplified music is regularly played will be likely to cause a public nuisance to neighbouring residents during these extended, noise sensitive hours.

I have visited the premises and, following discussions with the DPS and the applicant's solicitor, as no other noise control options were readily apparent, the DPS agreed that an 11pm cut off time would meet their business needs.

Provided this is effectively managed then I have no evidence to suggest that this will give rise to an unreasonable impact on neighbours. At the time of writing despite repeated requests I have been unable to get written confirmation of this agreement from the applicant.

Yours sincerely



**John Mills**  
**Senior Environmental Health Officer**



## REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

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

Police / Fire / Environmental Protection / Health and Safety / Child Protection / Trading Standards/ Planning Authority / Licensing Authority / Health Authority

<b>Name</b>	Kelvin Hannah
<b>Job Title</b>	PC
<b>Postal and email address</b>	St Mary's Wharf Police Station, Wyatts Way, Derby.
<b>Contact telephone number</b>	0300 122 5643

<b>Name of the premises you are making a representation about</b>	Alma Inn
<b>Address of the premises you are making a representation about</b>	Derby Road, Melbourne, Derbyshire.

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	Yes	Objection around the hours of Operation and the potential of the Premises becoming a 'Last drink' venue in the village. Issues over persons arriving in drink and the possibilities without concessions of Alcohol related disorder.
<b>Public safety</b>		
<b>To prevent public nuisance</b>	Yes	Concern around condition being removed from the licence on the consumption of alcohol outdoors after 22:30hrs. Will support Environmental Health in this condition not being removed due to concerns of the local community and a recent alleged breach reported to the Licensing Authority. This would potentially create more noise in the late hours.
<b>To protect children from harm</b>		

<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b>	<b>Conditions have been negotiated with John Gaunts solicitors around the hours of Operation and additional conditions which have been sent to the Licensing authority. If these are agreed at any Panel hearing then the objection will be withdrawn on the 'Crime and disorder' aspect. The Public nuisance aspect is being dealt with by Environmental Health at SDDC and I will support any objection put forward by the authority on this matter.</b>
---	--

Signed:

Date: 25/6/15

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-derbyshire.gov.uk](mailto:licensing@south-derbyshire.gov.uk)

[derbys.gov.uk](http://derbys.gov.uk) This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724

**Licensing Act 2003**  
**Premises Licence Application – Alma Inn, Melbourne**  
**Notification to Local Authority of agreement regarding**  
**Representations**

To: Southern Derbyshire District Council

Date: 30/06/2015

Dear Sir/Madam

I write in my capacity as the Licensing Enforcement Officer for Derbyshire Constabulary.

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

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

**Licensable Activities**

Sunday to Thursday - 10:00hrs to 00:00hrs

Friday and Saturday – 10:00hrs to 01:00hrs

Bank Holiday Sundays, Christmas Eve, Boxing Day - 10:00hrs to 01:00hrs

**Opening Hours**

Sunday to Thursday - 10:00hrs to 00:30hrs

Friday and Saturday – 10:00hrs to 01:30hrs

Bank Holiday Sundays, Christmas Eve, Boxing Day - 10:00hrs to 01:30hrs

In addition, to add the following conditions to the operating schedule:

A last door entry policy shall be implemented on a Friday and Saturday at the premises. The last entry time for new entries to the premises shall be 00:30hrs. No new access to the premises shall be allowed after this time

On six occasions a year, the premises may be open for licensable activities until 02:00hrs for pre booked events such as weddings or birthday parties excluding 18<sup>th</sup> birthday parties. 14 days' notice in writing must be given to the Police for such events, detailing the type of event.

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

Signed  Name in block HANNAH XL

Date 30/6/15

**Licensing Act 2003**  
**Premises Licence Application – Alma Inn, Melbourne**  
**Notification to Local Authority of agreement regarding**  
**Representations**

To: Licensing Authority Office

Date: 25/06/2015

Dear Sir/Madam

I write in my capacity as the applicant in relation to the above matter. Discussions have taken place with Derbyshire Constabulary in relation to the promotion of the licensing objectives.

I would like to amend the variation application to the following:

**Licensable Activities**

Sunday to Thursday - 10:00hrs to 00:00hrs

Friday and Saturday – 10:00hrs to 01:00hrs

Bank Holiday Sundays, Christmas Eve, Boxing Day - 10:00hrs to 01:00hrs

**Opening Hours**

Sunday to Thursday - 10:00hrs to 00:30hrs

Friday and Saturday – 10:00hrs to 01:30hrs

Bank Holiday Sundays, Christmas Eve, Boxing Day - 10:00hrs to 01:30hrs

In addition, to add the following conditions to the operating schedule:

A last door entry policy shall be implemented on a Friday and Saturday at the premises. The last entry time for new entries to the premises shall be 00:30hrs. No new access to the premises shall be allowed after this time

On six occasions a year, the premises may be open for licensable activities until 02:00hrs for pre booked events such as weddings or birthday parties excluding 18<sup>th</sup> birthday parties. 14 days' notice in writing must be given to the Police for such events, detailing the type of event.

Please accept this notice as formal request to amend my application/operating schedule in accordance with the above and note that I agree to these conditions being attached to the premises licence. Furthermore, I confirm that I do not consider a hearing to be necessary.

Signed.....  ..... Name in block ..... John Gurney and Partners

Date..... 26/6/15 .....

Solicitors  
for the  
Applicant

**REPRESENTATIONS RECEIVED FROM OTHER PARTIES**

1. Representation form from Judith Baron dated 14 June 2015
2. E-mail from Rachael Everard dated 19 June 2015
3. E-mail from Liz Johns dated 19 June 2015
4. E-mail from Gemma Parker dated 20 June 2015
5. E-mail from Henry Hudson and Holly Johnson dated 20 June 2015
6. E-mail from Sue Steffen and Reinhard Steffen dated 22 June 2015
7. Online licensing comment form from Stephen Spear dated 22 June 2015
8. Representation form from Barry Thomas dated 22 June 2015
9. Representation form from Resident A (anonymous) dated 22 June 2015
10. E-mail from Daniel Knappett and Sarah Knappett dated 23 June 2015
11. E-mail from Karen Popely dated 24 June 2015
12. Representation form and additional evidence from Roger Harrison dated 25 June 2015
13. E-mail from Charles Loake dated 26 June 2015
14. Representation form from Resident B (anonymous) dated 26 June 2015
15. Representation form from Resident C (anonymous) dated 26 June 2015



## SOUTH DERBYSHIRE DISTRICT COUNCIL

### Licensing Act 2003

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

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

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

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

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

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

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

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

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

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

Please enter your contact details below: -

Name:	JUDITH BARON
Address:	36 DERBY ROAD MELBOURNE
Postcode:	DE 73 8FE
Tel:	
E-mail:	

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

Name:	
Address:	
Postcode:	

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

Name of Applicant:	Marston's PLC,
Address of Premises	Alma Inn, 59 Derby Road, Melbourne Derby DE 73 8FE
Application Details:	Premises Licence Number SDDC / 001975

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

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

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

Details of representation.....

I am objecting to the application to extend the terminal hours for licensable activities at this address and also the extension to opening hours on the grounds of the prevention of public nuisance. I live almost directly opposite the small car park and outside smoking and drinking area at the Alma and share the same postcode. We have adjusted to the noise of patrons and cars, taxis and those leaving late on Fridays and Saturdays. This means keeping bedroom windows closed (even in the heat) and having restricted access to our driveway. There are occasional inebriated people, shouting etc and on Friday 12<sup>th</sup> June eg. a drunken youth leaving the Alma white to jump a car in the Alma car park. I see no reason why such nuisance and intrusion into our daily life should be extended to 6 days a week in an area where residential units are increasingly over and above commercial ones.

The authority should note the narrow roads in the vicinity and the need for patrons to leave by foot or taxi. Late at night even small conversations between groups of people are amplified and experienced as loud - loud enough to wake elderly and deaf people nearby as public car parks are accessed. I disagree with the statement 11(d)



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

I propose that the existing license should remain as it is working well enough for the residents of the area and allows considerable flexibility for the premises in a mixed commercial/residential area in the middle of a conservation area in a small Derbyshire village/town.

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

If referred to a sub committee hearing:

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

☒

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

☐

Please tick this box if you would like to remain anonymous

☐

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

Signed: ..... *Judith Baron* .....

PRINT NAME: ..... JUDITH BARON .....

Date: ..... June 14<sup>th</sup> 2015 .....

Please return this form to the following address:

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

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

## McHugh Emma

---

**From:** Everard, Rachael <  
**Sent:** 19 June 2015 10:33  
**To:** Licensing Mailbox  
**Cc:** jim.hewlitt@south-derbys.gov.uk; Harrison John  
**Subject:** Objection to licence extension - Alma Inn, 59 Derby Road, Melbourne - SDDC/001975

Dear Sirs,

I am writing to object to the application made by the Alma Inn (of 59 Derby Road, Melbourne, SDDC/001975) to extend its licencing hours on weekdays and at weekends, and to remove the late night outside drinking ban.

I live directly opposite the establishment and am deeply concerned about the noise levels and increased anti-social behaviour associated with later opening hours. Already, pub-goers are often a noise nuisance at weekends and I am concerned that this will worsen with later opening hours. The properties directly opposite the pub are subject to conservation restrictions, and are therefore restricted to single glazing. Noise from people leaving the pub late at night is already a disturbance and this will only worsen with extended hours. Allowing outside drinking later into the night will also increase noise disturbance for local residents.

In the past year, I am also aware of at least two incidents of antisocial behaviour when the Police have been called to the pub premises. Again, I am concerned that this will only increase with later opening hours. In one instance I returned to my property late in at night to find an individual lying in the doorway having left the Alma Inn. This anti-social behaviour will be amplified with extended opening hours.

Given that the Alma Inn's licence was put under review in 2012 following "repeated and consistent breaches" of the conditions of its licence I believe that the application to extend its opening hours and removing the ban on late night outside drinking should be denied due to its residential location and the negative impact this would have on nearby residents.

Yours sincerely,  
Rachael

**Rachael Everard**

Resident – 40 Derby Road, Melbourne, Derbyshire, DE73 8FE

The data contained in, or attached to, this e-mail, may contain confidential information. If you have received it in error you should notify the sender immediately by reply e-mail, delete the message from your system and contact +44 (0) 1332 622800(Security Operations Centre) if you need assistance. Please do not copy it for any purpose, or disclose its contents to any other person.

An e-mail response to this address may be subject to interception or monitoring for operational reasons or for lawful business practices.

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Registered office: 62 Buckingham Gate, London SW1E 6AT Company number: 1003142. Registered in England.

**From:** daniel johns <  
**Sent:** 19 June 2015 18:11  
**To:** Licensing Mailbox  
**Cc:** jim.hewlitt@south-derbys.gov.uk; Harrison John  
**Subject:** The Alma Inn Extension to the opening hours - Objection

Dear Sir,

As a resident of South Street, Melbourne, I would like to object to the application to extend the licensing hours of The Alma Inn. Since the opening of Amalfi's restaurant and the extended opening times of the Zeerah's restaurant we have noticed an increase in the noise and traffic particularly in the bottom half of South Street. On numerous occasions the street has been blocked by customers parking cars inappropriately and delivery vans blocking access. At times, it is extremely difficult to exit the street onto Derby road and to park in the street. At least at the moment we know the noise and disruption is contained within reasonable hours. Although it is also worrying whether emergency vehicles will have access to South Street at such times.

Extending the opening hours of the Alma Inn to 1.30 in the week and 2.30 at weekends is inconceivable given that the pub is located in a residential area. It is going to compound the congestion issues, increase the noise levels in the surrounding areas and lead to increased antisocial behaviour as customers head home in the early hours. As residents we do not want such disturbance late into the night as this will impact our family life. We want to continue the right to peaceful enjoyment of our property.

I strongly hope that the views of the residents are taken into consideration and the application is rejected.

Liz Johns  
24 South Street  
Melbourne  
DE73 8GB

## McHugh Emma

---

**From:** gemma parker <>  
**Sent:** 20 June 2015 09:30  
**To:** Licensing Mailbox  
**Subject:** Fwd: The Alma Inn - Melbourne

Sent from my iPhone

Begin forwarded message:

**From:** gemma parker <>  
**Date:** 20 June 2015 08:24:56 BST  
**To:** "[licencing@south-derbys.gov.uk](mailto:licencing@south-derbys.gov.uk)" <[licencing@south-derbys.gov.uk](mailto:licencing@south-derbys.gov.uk)>  
**Subject:** Re: The Alma Inn - Melbourne

I have seen that there has been an application to extend the opening hours of The Alma Inn, Derby Road, Melbourne, to 1:30 in the morning during the week, and to 2:30 at weekends. There is currently a ban on drinking outside past 10:30 in the evening, which they have applied to be lifted.

As a local resident to the Alma (I live opposite) I strongly object to the application to extend hours of opening. The last time that the Alma tried to extend their hours, the police objected saying:

'Given the residential location of the Alma Inn there is a likelihood of increased complaints regarding noise and antisocial behaviour as people make their way home at a later time. The streets are quieter at this time of night so any noises tend to be amplified'.

This statement will still stand true. Living opposite the Alma Inn, it is noisy in the evenings, particularly weekends and I have heard neighbours shout from their windows to people leaving because of the noise they make and their disregard to local residents. As people leave, they can stand talking (more often arguing and shouting - we have heard many drunken arguments in the street as people head to the pub later in the evening or leave after it has closed), I am a single mum to a 5 year old and would not dream of asking someone who has clearly had a lot to drink to quieten down, for worry about what the consequence of that may be. This is without the people who stand outside smoking because of the smoking ban, so of an evening there is, more often than not, people standing around outside.

The other concern I have is that opposite the Alma there is a restaurant called Amalfi White, and next door an Indian Restaurant called Zeerah. If the hours are extended at the Alma, it will give them rise to try to extend their hours too. On busy Friday and Saturday evening, the noise generated from the three can be loud in the street outside. If the Alma gains its extension, then that opens the doors for the others to try to follow suit, making the problem of noise (that already exists) much, much worse. Not to mention the extra strain it would add to parking as people are in the area for longer. This is already a nightmare in Melbourne.

The Alma Inn has tried and failed to extend their hours so many times in the past, to believe it would be beneficial to extend their hours this time would be a joke, as the same issues that have prevented it before will still exist.

Yours faithfully  
Gemma Parker

**McHugh Emma**

---

**From:**  
**Sent:** 20 June 2015 13:24  
**To:** Licensing Mailbox  
**Cc:** Holly Johnson  
**Subject:** The Alma Inn, Melbourne

To Whom It May Concern,

We are writing to make a formal objection with regards to application from The Alma Inn to extend their opening hours, with specific reference to outside drinking.

We live at number 2 South Street, Melbourne and have recently had reason to complain to the proprietors of The Amalfi White, Melbourne due to excessive noise and antisocial behaviour in the streets during the hours of midnight and 2AM. The noise has been due to people under the influence of alcohol leaving the premises. This has not only affected us on weekend nights, but also on weekdays. To date they have been very co-operative.

Therefore our objection to extending the licensing hours of The Alma Inn also arises from concern regarding noise during unsociable hours. The beer garden of The Alma Inn is in within viewing distance of our upstairs bedrooms and we do not feel that in a residential area, late night drinking and the likelihood of anti social behaviour as a result of this is appropriate. Having already experienced problems with a premises nearby, which closes earlier than the proposed new opening hours, you can appreciate our concerns.

We hope that you will take this into consideration when making your decision and we hope we will not have to contact you in the future regarding noise or antisocial behaviour.

If you would like to discuss our concerns further with us, please do not hesitate to contact us on the details provided below.

Regards

Henry Hudson & Holly Johnson

Henry Hudson

Holly Johnson

2 South Street  
Melbourne  
Derby  
DE73 8GB

## McHugh Emma

---

**From:** Sue & Reinhard <  
**Sent:** 22 June 2015 10:46  
**To:** Licensing Mailbox  
**Cc:** Jim.hewlitt@south-derbys.gov.uk; Harrison John  
**Subject:** Licence Extension - The Alma Inn

We would like to object to the application of the Alma Inn, Derby Road, Melbourne to extend their opening hours. We live in South Street in a residential location and the likelihood of increased noise and antisocial behaviour as people make their way home at a later time would not be acceptable. The street is quieter at this time of night so any noise tends to be amplified.

Sue and Reinhard Steffen



**From:** controlled@derbyshire.gov.uk  
**Sent:** 22 June 2015 11:01  
**To:** web.editor@northgate-is.com; Licensing Mailbox  
**Subject:** Licensing comment form -

## **Online form submission**

The following information has been submitted via an online form.

## **Licensing comment form**

### **Contact details**

**First name:** Stephen

**Surname:** Spear

**House name or number:** 1

**Road or street:** South Street

**Town or Village:** Melbourne

**County:** Derbyshire

**Post code:** DE73 8GB

**Telephone:** (

**Mobile:**

**email:**

---

### **Details of enquiry - Which application or policy do you wish to comment on?**

**Reference number:** SDDC/001975

**Your comments:** These comments refer to the Alma Inn Melbourne. The Alma Inn is a drinking pub that has made little effort to extend its offer to food. It is situated in residential area with the unofficial "beer garden" five metres from my bedroom window. The current restrictions minimise the noise from the pub late at night but the noise on a summers day shows the potential noise levels. Further there is often very bad language particularly when there is small groups of drinkers as they are not aware that we are just behind the wall. The application provides no evidence that things have changed since 2005 and in particular the view held by the police that extended hours are likely to lead to an increase in noise and anti-social behaviour. In fact I have had to make a complaint regarding noise and drinking outside after 10.30pm, in fact this went on for 15 minutes at about 11.30pm disturbing our sleep. The hours being requested are suitable for a city centre

premises not a pub in a quiet market town in the middle of a residential area. I am also very concerned that there is a request to completely remove the restriction on drinking outside. As well as the obvious noise implications it will be very difficult for the licensee to supervise the drinking with the higher likelihood of intoxication. Removing this restriction would make a nonsense of the Planning Restriction on the use of the outside smoking shelter that cannot be used after 10pm because of the threat to the amenity of the residents (9/2012/0790) This application is nothing but an attempt to make the Alma the last bar open in Melbourne with all the problems associated with late night drinking including the noise of the clients leaving the area at closure in the early hours of the morning.

Think before you print! Save energy and paper. Do you really need to print this email?

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#### Please Note

This email is confidential, may be legally privileged and may contain personal views that are not the views of Derbyshire County Council. It is intended solely for the addressee. If this email was sent to you in error please notify us by replying to the email. Once you have done this please delete the email and do not disclose, copy, distribute, or rely on it.

Under the Data Protection Act 1998 and the Freedom of Information Act 2000 the contents of this email may be disclosed.

Derbyshire County Council reserves the right to monitor both sent and received emails.

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**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**Licensing Act 2003**

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

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

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

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

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

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

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

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

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

Licensing Section  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 22103

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

If referred to a sub committee hearing:

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

☒

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

☐

Please tick this box if you would like to remain anonymous

☐

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

Signed: B. A. Thomas

PRINT NAME: BARRY THOMAS

Date: 22 June 2015

Please return this form to the following address:

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

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

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

Please enter your contact details below: -

Name:	BARRY THOMAS
Address:	8 STATION RD MELBOURNE
Postcode:	DE23 8EA
Tel:	
E-mail:	

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

Name:	
Address:	
Postcode:	

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

Name of Applicant:	MARSTONS
Address of Premises	ALMA DERBY RD MELBOURNE
Application Details:	VARIATION OF HOURS   REMOVAL OF CONDITION

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

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

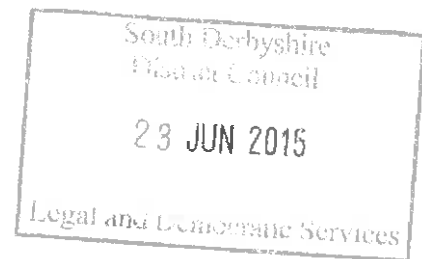
Details of representation.....

- ① The Alma is in an urban location surrounded by a large number of residential homes.
- ② It is a "drinking" pub rather than a "food" one. The hours requested are more appropriate to a Derby City establishment rather than a village pub.
- ③ We have had problems with late night noisy and unruly drinkers in the past in Melbourne streets but over the past few years these problems have declined. This application will draw into the area more late night drinkers and the problems that come with them.
- ④ The present restrictions in relation to outside drinking is sensible and should be retained for the sake of the extremely close residential neighbours e.g. the row of houses opposite on Derby Rd which is very narrow at this point.

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

None

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000



**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**Licensing Act 2003**

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

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

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

☒  
☐  
☐  
☐  
☐

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

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

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



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

Please enter your contact details below: -

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

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

Name:	
Address:	
Postcode:	

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

Name of Applicant:	AIMA
Address of Premises	Derby Rd Melbourne
Application Details:	

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

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

Details of representation.....

I object to the Alma wishing to extend their opening hours.

We live directly opposite and are concerned about the noise which will be generated from customers in the early hours.

If drinking outside after 10.30pm is allowed then I'm worried this will keep our children awake at night.

I'm afraid that trouble and noise will be a problem if the majority of drinkers in the village are going here for a late drink.

Being in a conservation area we are not allowed double glazing on the front so weekends ~~are~~ can get quite noisy from Alma / Amalfi White as it is.

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

late licence granted but not as late as 2am, paying attention to noise pollution and to carry on with the drinks banned outside after 10.30pm.

If referred to a sub committee hearing:

☒

Signed: Walter

PRINT NAME:.....

Date: 22/6/15

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

Page 60 of 92

## McHugh Emma

---

**From:** Dan K <.....>  
**Sent:** 23 June 2015 19:22  
**To:** Licensing Mailbox  
**Subject:** The Alma Inn, Melbourne

Dear Sir / Madam,

I am writing to object to the application to extend the opening hours of The Alma, Derby Rd, Melbourne. Derby Rd is a residential street where the pavement adjoins the houses. My children sleep at the front of the house and I do want them or I to be woken many times throughout the night, every night by loud late-night drinkers on their way to and from the Alma. Friday and Saturday nights are loud enough with revellers travelling between the three drinking establishments on Derby Rd (The Alma, Amalfi White and Harpur's). Already this year I have had to wash human faeces from my alleyway!

Daniel and Sarah Knappett  
49 Derby Rd  
Melbourne

## McHugh Emma

---

**From:** Karen Popely  
**Sent:** 24 June 2015 21:31  
**To:** Licensing Mailbox  
**Subject:** Alma Inn Extended Hours, Melbourne Derby

To whom it may concern,

I am a local resident in Melbourne and am extremely concerned to hear that the Alma Inn has applied to extend its opening hours to 1.30am during the week and 2.30am at the weekends including Sunday. These opening hours are perfectly suited to a city centre night club but definitely not a small local village pub.

As local residents, we already put up with a lot of noise from the local pubs - particularly during the summers months; whilst this is of some annoyance, we all know it will stop at a reasonable time and we can all get a good nights' sleep. The Alma Inn often has bands playing and even when the door is closed, the noise travels far; when people open the door, the noise is even louder. Are they seriously now proposing that they can make noise until 1.30am during the week and 2.30am at the weekends including Sunday?? This is totally unacceptable! Melbourne is a small village with a wonderful sense of community. Not only will these opening hours cause additional noise and disruption, but it will also lead to an increase in late night alcohol consumption and the vandalism / general brawling that this brings.

Whilst the Alma Inn may argue that drinking outside is banned after 10.30pm, smoking is not! There is still a lot of noise from the Alma after 10.30pm and this is due to groups of people and smokers standing outside the venue shouting and generally making lots of noise.

I am more than happy for people to drink and enjoy themselves in the local village, but the Alma Inn should not be putting their own profits before the wellbeing of both the villages and its' residents.

To be perfectly frank, these plans are an utter disgrace and the answer should be a big "NO".

Regards

Karen Popely

30 Blanch Croft

Melbourne

28 JUN 2015



**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**Licensing Act 2003**

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

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

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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

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

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

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

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

Please enter your contact details below: -

Name:	ROGER HARRISON
Address:	34, DERBY RD MELBOURNE, DERBYS
Postcode:	DE73 8FE
Tel:	
E-mail:	

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

Name:	
Address:	
Postcode:	

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

Name of Applicant:	MARSTONS
Address of Premises	THE ALMA INN, DERBY RD, MELBOURNE
Application Details:	VARIATION

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

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000



Details of representation.....

\* PLEASE SEE ATTACHED SHEETS 1-9 inc.

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

If referred to a sub committee hearing:

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

☐

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

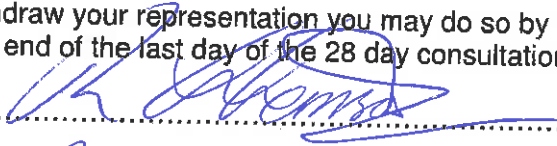
☒

Please tick this box if you would like to remain anonymous

☐

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

Signed: .....



PRINT NAME: .....

Peter Harrison

Date: .....

25/06/15

Please return this form to the following address:

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

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

**1/** The application seeks an extension of the hours for the sale of alcohol;-

The hours being applied for are the same as those sought when the licence was first applied for. I wish to object to any alteration to the current hours for the same reasons that these hours were refused when the licence was originally granted; A1 refers

In particular the representations say:-

***'The Alma Inn at Melbourne have submitted an application for a new premises licence, and have asked to serve alcohol until 1am (01:00hrs), Sunday thru Thursday and until 2am (02:00hrs) Friday and Saturday. The police feel that the hours proposed for service of alcohol are excessive'.***

Of Particular relevance to this further application for the same terminal hours is the following reason given at A1.

***'Given the residential location of the Alma Inn, there is likelihood of increased complaints regarding noise and anti social behaviour as people make their way home at a later time. The streets are quieter at this time of night, so any noise tends to be amplified'.***

The reasons given at A1 for objecting to the hours requested at the granting of the licence are as relevant today as they were then if not more so. The as yet unoccupied development of 55 Derby Road adjacent to The Alma Inn where multiple residential units are currently being developed increases the need to maintain the protection of residential properties from late night noise, crime and disorder and anti social behaviour - not to diminish this protection.

Furthermore the reasons given by the licensing committee for granting the reduced hours currently enjoyed by The Alma Inn and for imposing the condition the variation seeks to remove are equally relevant today; A2 refers.

These reasons being;

***'Having taken into account the four licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the Councils Licensing Policy and the Human Rights Act 1998, the panel sought to balance the interests of the applicant and the representations made by interested parties.***

***The panel felt it was reasonable and proportionate to allow the premises licence, in part, with amendments subject to the conditions specified which are imposed to specifically address the concerns raised, in particular the prevention of public nuisance, the prevention of crime and disorder and public safety.'***

The current application to vary the licence hours seeks to upset the above balance in favour of the Licensee thereby undermining the Licensing Objectives.

2/. The application seeks the removal of the following condition:-

**The licensee shall ensure that no alcohol is consumed outside of the premises after the hours of 10:30 pm. - 'The Condition'.**

I wish to object to the removal of the condition for the following reasons -

The condition was imposed upon the licence by the Licensing Committee of South Derbyshire District Council in accordance with their duty to promote the licensing objectives and in response to multiple representations from concerned residents and other people.

The applicant believes there is justification for removing this condition as a consequence of the proposed variation to extend the current permitted hours for the sale of alcohol. (Section L of the application form refers). This is both perverse and absurd when the condition was imposed as a consequence of the grant of the already extensive hours enjoyed by the Alma Inn which exceed other licensed premises in the area. In the event that the extended hours were granted this does not of itself justify the removal of the condition. Nor does the refusal to grant the extended hours.

The application also seems to suggest that because the premises currently operate without particular issue this is a further reason for removing the condition.

Assuming the premises do currently operate without particular issue. This cannot and does not justify the removal of the condition. This merely illustrates that the condition is actually working and is performing its function of promoting the licensing objectives and protecting nearby properties and businesses.

What is an acceptable level of noise at say 10:00 pm is totally different to what is an acceptable level of noise at say midnight, and the propensity for disturbance, anti social behaviour and crime and disorder increases the later into the night that you go and the more intoxicated people become. If this were not true there would be no need to have imposed such a condition at these premises in the first place, or at adjacent premises such as 'The Amalfi White' and 'Harpurs'.

When in the past the patrons of the Alma Inn have been allowed to drink outside the premises late at night, in breach of the condition, this has inevitably resulted in instances of crime and disorder, anti social behaviour and noise nuisance. This is graphically illustrated by the video evidence at A3 (not meant to be exhaustive evidence) and the subsequent police incident number 832 when patrons drinking outside the premises late at night in breach of the condition led to a night of extreme disorder involving the setting alight of one of the patrons and the assault of another. (Letter to the Council at A4 refers) This incident necessitating both police and ambulance attendance. Alec Judge the victim of this particular evenings excess being awarded in excess of £6000 in criminal damages as a consequence. These instances being examples only of the many instances in the past when drinking outside the premises late at night in breach of the condition was commonplace as were complaints.

Following the introduction of the Police Action Plan at A5 and the current observance of the condition by the licensee late night crime/disorder or nuisance from people drinking outside the premises has all but been eradicated which only serves to illustrate why this condition should remain. The argument that the condition can be removed because there currently is not a problem from people drinking outside the premises late at night is a self defeating argument. There is not a problem currently late at night because there is a condition preventing the external unsupervised consumption of alcohol that creates the problem in the first place. Remove it and there will be a problem, the history of problems related to late night external drinking at these premises tells us so.

The Licensing Clerk  
Environmental Health & Trading Standards  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swadlincote  
DE11 0AH

Fax (01332) 613087

(01332) 613036  
Pc 1073 Bounds Licensing Officer  
LA03/D 1934

Wednesday 21<sup>st</sup> September 2005

Dear Sirs,

**POLICE REPRESENTATIONS TO LICENSING ACT 2003 APPLICATION.**

**RE: ALMA INN, MELBOURNE.**

**PRIVATE AND CONFIDENTIAL**

**PLEASE NOTE:**

*The information contained in this letter does not form part of the 'Notice of Police representation'.*

*Please disclose to the Licensing Authority/ Licensing Committee and Applicants only at this stage.*

*Disclosure to other parties prior to hearing may prejudice any alternative dispute resolution process and subsequent committee hearing / court appeal.*

The Alma Inn at Melbourne have submitted an application for a new premises license, and have asked to serve alcohol until 1am (01:00hrs), Sunday thru Thursday and until 2am (02:00hrs) Friday and Saturday. The police feel that the hours proposed for the service of alcohol are excessive, especially when taking into account the current concerns over the UK's "Binge Drinking" culture, and are making representations with regard to this application for the following reasons:

- Given the residential location of the Alma Inn, there is likelihood of increased complaints regarding noise and anti social behaviour as people make their way home at a later time. The streets are quieter at this time of night, so any noise tends to be amplified.
- The Swadlincote Police Section Inspector fears a rise in crime (Assaults, Public Order, Criminal Damage and Domestic Violence), that may come about as a result of longer drinking hours. This is a genuine concern, based upon the fact that traditionally crime and calls for service tend to rise around the extended drinking times on Bank Holidays. This would mean that the issue of police resources would have to be considered, and may mean that officers have to be diverted from other key police objectives such as Community Beat Teams.
- We oppose the 20 discretionary days per annum that are asked for if the proposed hours are not granted, and we oppose the premises being able to open for licensable activities to show the broadcasts of televised sporting events. Instead these two points should be amalgamated and treated as discretionary or event days. The Association of Chief Police Officers (ACPO) recommends that only 12 "discretionary" events should be permitted per annum, with 14 days written notice given to the police, and the police to have right of veto if they feel that any of the four key licensing objectives have been compromised. (The following wording has been used on other premises applications from John Gaunts solicitors, "The non specific sporting extensions in Box M shall be restricted to 12 occasions per annum, on 14 days written notice to the Police and the Police shall have a right of veto on the grounds of contravention of one or more of the licensing objectives, such right of veto not to be unreasonably exercised").

A 1  
2 of 2

Also this premises application is woefully short of key information for the police to consider the new times proposed, for instance:

- What is the capacity of these premises? This is important for us when considering any resource issues and likely impact on crime and disorder.
- In section "P" it mentions that the licensee has undertaken his own risk assessment. Is it possible to have a copy of this forwarded to us?
- I appreciate that any door supervisors employed at the premises will be SIA registered, but will the premises use door supervisors? If so what number, and under what conditions? Will a record of door supervisors who have worked at the premises be retained for a period of 12 months and will this record be able to be produced at the reasonable request of a police officer or the licensing authority?
- What measures will be employed to reduce disorder?
- Is there a CCTV system installed at the premises?
- Would the Licensee / Premises owner be willing to comply with the reasonable recommendations of the crime reduction officer?

Until this information becomes available the police will not be willing to consider any variation of the premises license, and recommend to the committee that there should be no change to the current permitted licensing hours i.e.

Monday to Saturday: 10:00 – 00:00

Sundays and Good Friday: 12:00 – 23:30

New Years Eve: 10:00 – New Years Day – Terminal hour as existing

Christmas Day: 12:00 – 15:00 and 19:00 – 22:30

These timings reflect the current permitted times as extended by the premises supper hour certificate.

Please do not hesitate to contact me, should you wish to discuss the above.

Yours faithfully,

Shaun Bounds

PRIVATE AND CONFIDENTIAL



In relation to Films these hours were to be as follows:-  
(Standard times)

- Sunday to Thursday : 10.00am until 11.00pm;
- Friday and Saturday : 10.00am until 12.00am (midnight);

(Non Standard times)

- Bank Holidays; Sunday and Monday ; 10.00am until 12.00am (midnight);
- Christmas Eve : 10.00am until 12.00am (midnight);
- Boxing Day : 10.00am until 12.00am (midnight);
- New Years Eve : 10.00am until 1.00am;

All variations are subject to the following conditions;

- The licensee shall ensure that all windows and doors are kept closed for the duration of live and recorded music and other entertainment, except for access to and egress from that room;
- The licensee shall install a noise limiting cut out device at a decibel rating determined by South Derbyshire District Council's Environmental Health Department;
- The licensee shall ensure that prominent signage is displayed at all exit doors requesting customers to leave the area quietly and to respect neighbouring residents and their properties;
- The licensee shall ensure that no alcohol is consumed outside of the premises after the hours of 10.30pm;
- The licensee shall ensure that non specific sporting extensions shall be restricted to 12 occasions per year on 14 days written notice to the Police, and the Police shall have right of veto on the grounds of contravention of one or more of the licensing objective, such a right of veto not to be unreasonably exercised.

In the event of any conflict between the Decision Notice and Grandfather Rights already in existence, Grandfather Rights will take precedence.

## REASON FOR THE DECISION

Having taken into account the four licensing objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the panel sought to balance the interests of the Applicant and the representations made by the Interested Parties.

The panel felt that it was reasonable and proportionate to allow the premises licence, in part, with amendments subject to the conditions specified which are imposed to specifically address the concerns raised, in particular the prevention of public nuisance, the prevention of crime and disorder and public safety.

A4

Roger.

Copy of my letter.  
Kind regards, *Simon*

40 Derby Road

Melbourne

DE73 8FE

• 13<sup>th</sup> March, 2012.

FAO The Licencing Section, South Derbys district, Swadlincote.

Dear Sirs,

This letter is to appraise you of an unacceptable situation at the Alma Inn, Derby Road Melbourne.

Nuisances and breaches of the peace have regrettably become more commonplace in the last 12 months and I believe that there have been a number of complaints.

The previous licensee retired two weeks ago and with scarcely a moment for breath, the premises re-opened on Saturday, 10<sup>th</sup> March. Around midnight, alcohol was served to hooligans in fancy dress who proceeded to run amok in the early hours: streaking down the high street, creating an infernal din, setting off fire extinguishers, leaving a trail of devastation and, we are led to believe, committing criminal acts concerning arson/causing grievous bodily harm by fire. The police and ambulance service both attended and the police were accompanied by SOCA /Derbyshire scientific police on Sunday morning to conduct enquiries at the Alma Inn.

On Sunday morning, I entered the premises which were in a state of carnage. I asked for the licensee who gave his name as Mr. Derek Moffatt. When I told him that I was a neighbour, he asked the question "what's up?" (as though Saturday night's activity were perfectly normal and acceptable). As I pressed for answers, he then seemed to deny being the licensee, saying the trouble "was nothing to do with him". He could not give the name of the licence holder, however. The police constable taking a witness statement suggested contacting authorities in Derby!

On Monday I rang the police, who confirmed that a D.C Suett (Collar 3221) telephone 03451233333 was investigating but since criminal charges were likely to be pending, no further information could be released.

You will agree that we have an intolerable situation with this public house, which, long suspected of being out of control, is now confirmed to be out of control, with seemingly no one aware of who is the licensee, nor, presumably, responsible for running an orderly premises. One can only conclude that the ultimate desire of the beneficiaries (believed to be Marston's brewery) is to maintain as disorderly a premises as possible to maximise their profits, at the expense of residents.

It has been a blight on our lives for a considerable time and this incident is the final straw. Something has got to be done about it and I would respectfully request your reaction, comments and advice.

Yours sincerely, Simon Fletcher.





Roger Harrison &lt;rogerharrisonantiques@gmail.com&gt;

## The Alma Inn

**Morton Jackie** <Jackie.Morton@south-derbys.gov.uk>

Wed, May 16, 2012 at 11:33 AM

To: rogerharrisonantiques@gmail.com

Cc: Kaur Ardip &lt;Ardip.Kaur@south-derbys.gov.uk&gt;

Dear Mr Harrison

A5.

In response to your email to Ardip Kaur.

An Action Plan was agreed between the Police, the DPS of the Alma Inn and the premises licence holder, Marstons.

The Action Plan was drawn up after a meeting at the Alma Inn to discuss the issues surrounding the pub, and to seek a way

forward to alleviate similar issues occurring in the future.

An outline of the actions include;

- The Premise Licence Holder or nominated representative shall discuss any incidents from the past weeks trading at least weekly. Any issues highlighted to be documented with clear actions to be taken.
- A further agreement to cease the use of external drinking area from 22.00hrs. The DPS to be responsible for policing this request.
- The DPS to perform regular external checks to ensure groups or individuals are not congregating at the main door way and are making full use of the beer garden when appropriate. A record of these checks to be documented and any actions taken.
- The DPS to inform any emergency service (as appropriate) when an incident has occurred on or within the curtilage of the premises.
- Signs informing patrons of the use of the external beer garden to be displayed in clear unobstructed areas within the venue. Accompanied by notices highlighting that smoking and drinking are not permitted within the immediate vicinity of the main entrance (car park).
- Ashtrays, bins and other paraphernalia to be removed from the main entrance area.

It is proposed to review this plan on 25th May 2012 by the same parties, and any subsequent meeting will be scheduled following this date.

Regards

**Jackie Morton**

Licensing Enforcement Officer

South Derbyshire District Council

(01283) 228709

Fax: (01283) 595855

Email: licensing2@south-derbys.gov.uk



Alma Inn

**NO  
DRINKS  
OUTSIDE  
AFTER 10<sup>30</sup><sub>pm</sub>**



**From:** Charles Loake  
**Sent:** 26 June 2015 09:17  
**To:** Licensing Mailbox  
**Subject:** Objection to extended Licensing Hours for The Alma Inn Melbourne Derbyshire

**Importance:** High

**Categories:** Emma

Dear Sirs

**The Alma Inn Melbourne Derbyshire**

I strongly object to the extension of opening hours for the above mentioned premises. I live on Derby road and have two small children who's bedrooms are front facing on Derby Road. We have double glazing however at night we can still hear loud noises as people leave from either the Alma Inn or Amalfi Whites (Neighbouring Pub) at closing time. We also suffer with people urinating and occasionally vomiting along route.

People seem to think its fine to make as much noise as possible with out any thought to residents. I have great concerns that extending the license will just make things worse with customers drinking more alcohol, behaviour getting worse along with extended noise. At least you can prepare for it and it passes at a fixed closing time and I would be horrified to have my children woken up in the early hours of the morning.

Please do not grant the extended license.

Kind Regards,

Charles Loake FNAVA

**Head of Professional Services**

**John Pye & Sons Limited**

Tel:

Mc

Head Office: **John Pye & Sons Ltd.** James Shipstone House, Radford Road, New Basford, Nottingham. NG7 7FQ

[johnpye.co.uk](http://johnpye.co.uk)

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26 JUN 2015



**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**Licensing Act 2003**

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

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

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

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

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

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

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

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

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

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

Please enter your contact details below: -

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

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

Name:	
Address:	
Postcode:	

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

Name of Applicant:	Marston - on behalf of The Alma Inn
Address of Premises	59 Derby Road, Melbourne DE73 8FE
Application Details:	Extension to opening hours and removal of restrictions on use of the external areas.

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

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

#### Details of representation:

We wish to object to the application by Marstons for an extension to the hours for the sale of alcohol at The Alma Inn, 59 Derby Road, Melbourne, DE73 8FE.

The hours being applied for now are the same as those requested when the licence was first applied for. We wish to object to any alteration to the current hours for the same reasons these hours were refused when the licence was originally applied for. The police felt the hours applied for at the time of the original application were excessive. The reasons for the objections to excessive hours is as relevant today as it was when the licence was originally applied for.

The Alma Inn is located within a residential area and any change to the current hours are likely to cause distress to residents giving rise to an increase in complaints regarding noise and anti-social behaviour as people make their way home at a much later time than they do presently.

Easytiger Platinum have been converting their property (which is adjacent to the Alma Inn) to residential units. Two of these units are now complete and have gone on the market for sale this week. If the application to extend the hours for the sale of alcohol at The Alma Inn are granted, it is likely to adversely affect the saleability of these units and the market value. Not only would this increase noise and disturbance for the residents living directly next to The Alma Inn but could increase the risk of criminal damage to these properties. Due to the properties being in the conservation area, we are unable to protect the properties further from noise pollution due to South Derbyshire's insistence on single glazed windows on the front elevation. Derby Road is a narrow road and suffers from traffic congestion and any increase in traffic is not in the interests of residents and local businesses.

The proposed variation application requests the terminal hour for licensable activities to be 2am the morning after for bank holidays, Christmas Eve and Boxing Day. These are days that most residents would be enjoying relaxation time around their homes and would not be wanting excessive noise and disturbance during these times. Equally during the week, most residents would not wish to be subjected to noise and anti-social behaviour continuing until 1.30am.

The proposed variation application also seeks to remove restrictions on the use of the external area by removing the following condition "the licensee shall ensure that no alcohol is consumed outside the premises after the hours of 22.30 hours". We strongly object to the removal of this condition. The outside area of The Alma Inn is literally the other side of the boundary wall to the residential development of Easytiger Platinum. Easytiger Platinum have planning permission granted for a large residential new build at the rear of the two converted units. This new property is likely to appeal to families. The Alma Inn is not a family pub; the noise and language from this outside drinking area would be a concern to any potential buyer especially those with children. When the property at 55 Derby Road was used as a commercial building, glasses and bottles were regularly thrown over the boundary wall and left outside our property. Not only is this a nuisance, it is dangerous too. When in the past the patrons of the Alma Inn have been allowed to drink outside the premises late at night in breach of the current condition, this has inevitably resulted in instances of crime and disorder, anti-social behaviour and noise nuisance. What is an acceptable level of noise at say 10:00 pm is totally different to what is an acceptable level of noise at say midnight and beyond, and the propensity for disturbance, anti-social behaviour and crime and disorder increases the later into the night that you go and the more intoxicated people become.

The Alma Inn is not located in a city or town where very long licencing hours are more commonly granted. This is a desirable village location and the pub must have licencing conditions that are easily understood, precise, enforceable, and unambiguous and give the same level of protection to residents as that given to residents living around other licenced properties in Melbourne. We cannot see that granting these variations to the conditions currently in place will promote the licencing objectives and protect nearby properties and businesses and will give rise to an increase in complaints to the police.

We would seek that no changes are made to the current conditions of the licence.



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

If referred to a sub committee hearing:

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

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

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

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

Signed: ..... 

PRINT NAME .....

Date: ..... 26 / 6 / 15 .....

Please return this form to the following address:

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

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000



**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**Licensing Act 2003**

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

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

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

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

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

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

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

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

Please enter your contact details below: -

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

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

Name:	
Address:	
Postcode:	

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

Name of Applicant:	Margsons on behalf of The Alma Inn
Address of Premises	59 Derby Road, Melbourne Derbyshire, DE73 8FE
Application Details:	Extension to licencing hours and removal of restrictions on use of external areas

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

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

Details of representation:

We wish to object to the application by Marstons for an extension to the hours for the sale of alcohol at The Alma Inn, 59 Derby Road, Melbourne, DE73 8FE.

The hours being applied for now are the same as those requested when the licence was first applied for. We wish to object to any alteration to the current hours for the same reasons these hours were refused when the licence was originally applied for. The police felt the hours applied for at the time of the original application were excessive. The reasons for the objections to excessive hours is as relevant today as it was when the licence was originally applied for.

The Alma Inn is located within a residential area and any change to the current licencing hours are likely to cause distress to residents and disruption to local businesses with an increase in complaints of anti-social behaviour and criminal damage.

The One Off have been established as a business in Melbourne since 2005 and are located quite close to The Alma Inn on the opposite side of the road. Our employees are respectful of the village residential location and care about the residents. Our building was refurbished to enhance the area. We feel that the changes to the current conditions of the licence granted to The Alma Inn would have a detrimental impact on the area and spoil its good reputation. We have concerns that our property could be at risk of criminal damage from people making their way home much later and possibly more intoxicated.

Derby Road is an already busy and often congested road due to the types of residential properties and businesses being located on this road. Any increase in traffic could make this road even more dangerous and generate more noise and parking difficulties for residents especially at times of the day/night when they usually enjoy less traffic after employees from local businesses have left for the day.

We would seek that no changes are made to the current conditions of the licence.

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

If referred to a sub committee hearing:

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

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

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

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

Signed: ..... Alison Cockerill .....

PRINT NAME: Alison Cockerill .....

Date: ..... 26/6/15 .....

Please return this form to the following address:

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

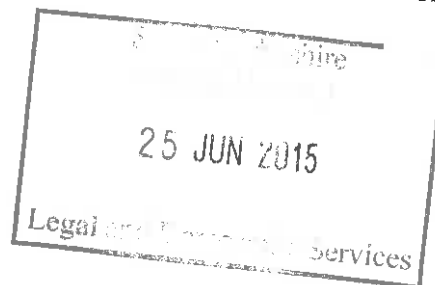
Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

## **CLLR JOHN HARRISON'S STATEMENT OF OBJECTIONS TO THE PROPOSED EXTENSION OF THE PERMITTED LICENSING HOURS EXTENSIONS AT THE ALMA INN, MELBOURNE.**

1. As an Elected Member for the SDDC Melbourne Ward, I submit this my strong opposition to this Application to extend the permitted licensing hours to 01.30 hrs on weekdays and 02.30 hrs at weekends for the reasons set out below.
2. Having regard to the statutory Licensing Objectives and, in particular, the prevention of crime and disorder, public safety and the prevention of nuisance, I share the fears of my constituents who live within the immediate vicinity of The Alma Inn, many of whom have submitted direct representations themselves, that the stated objectives are in danger of being regularly breached.
3. The Alma Inn is located in a predominantly residential area, which enjoys conservation status, with no discernable ambient noise at 02.00hrs and 03.00hrs when the last customers would be departing, thereby amplifying the noise made by their vehicles, voices or footfall, effectively in the middle of the night. Because of the conservation status of the affected properties, these residents are unable to install double glazing to attenuate the associated noise pollution.
4. Sleep patterns of the residents in this vicinity, including young school children, will be endangered adversely, impacting on their ability to carryout work and other activities the next day.
5. Notwithstanding that I have not received any complaints since the current Designated Premises Supervisor was appointed some 2 years ago, the fear of noise pollution and anti social behaviour outside the applicant's direct control remains a real concern to my constituents and, therefore, myself as their Elected Member.
6. I strongly recommend refusal.

John Harrison  
Elected Member for the Melbourne Ward

Melbourne  
25 June, 2015



## SOUTH DERBYSHIRE DISTRICT COUNCIL

### Licensing Act 2003

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

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

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

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

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

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

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

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

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

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

Please enter your contact details below: -

Name:	JIM HEWLETT
Address:	2 BISHOPS COURT, MELBOURNE, DERBY
Postcode:	DE73 8LN
Tel:	01332-863927
E-mail:	jim.hewlett@south-derby.gov.uk

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

Name:	
Address:	
Postcode:	

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

Name of Applicant:	MARSTON'S PLC
Address of Premises	ALMA INN, 59 DERBY ROAD, MELBOURNE, DERBY DE73 8FE
Application Details:	VARIATION OF LICENCE SDDC/001975

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

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000



Details of representation.....

- 1) Later closing times than at present would attract the late drinking fraternity of the area to this pub, as it would be the last in the area to close.
- 2) It is inevitable that people drinking late will be fairly inebriated, with resulting shouting, swearing and other anti-social behaviour.
- 3) This pub is in a residential area, with houses very close to it, and any noise would disturb local residents.
- 4) It is also inevitable that people will stand outside and smoke, talking with friends as they do it. Cigarette smoke drifting into open bedroom windows in the summer would be most unpleasant for non-smokers.
- 5) Removing the restriction on alcohol consumed outside the premises after 22.30 would be particularly damaging.
- 6) These late hours are unnecessary as the present hours are the latest in the village already and there is already plenty of time to enjoy many drinks with friends.

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

*Leave the hows as they are at presents.  
Any extension of these hows is  
unacceptable in a residential area.*

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

If referred to a sub committee hearing:

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

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

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

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

Signed: J. N. Hewlett, District Councillor for Melbourne

PRINT NAME: JIM HEWLETT

Date: June 22<sup>nd</sup> 2015

Please return this form to the following address:

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

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000

