

APPENDIX 1

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

South Derbyshire District Council

03 JUL 2013

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.

Corporate Services

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

I Superintendent Gary PARKIN

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Travellers Rest, 2 New Street, Church Gresley,	
Post town Swadlincote	Post code (if known) DE11 9PS

Name of premises licence holder or club holding club premises certificate (if known) Indeed Nominee 1 Limited
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Number of premises licence or club premises certificate (if known) SDDC / 023312

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) ☐ below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev) ☐

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Officer of Police. Derbyshire Constabulary, 'D' Division Headquarters, Prime Park Way, Chester Green, Derby, DE1 3AB
Telephone number (if any) 0300 122 5409
E-mail address (optional) derby.licensing@derbyshire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Please state the ground(s) for review (please read guidance note 1)

Derbyshire Constabulary has carried out an in depth audit and appraisal of the level and types of incidents that are both attributable and directly relate to the premises since the change of Premises Licence Holder in 2012. Since the installation of the new Premises Licence Holders Derbyshire Constabulary can confirm that along with other 'Responsible Authorities' have attempted to work in partnership with both the Premises Licence Holders and Designated Premises Supervisors with a view of promoting and supporting the Licensing Objectives.

As part of this audit Derbyshire Constabulary has also reviewed all previous incidents that are linked to the premises since February 2004 in an effort to remain balanced and proportionate in its actions and intervention.

It is apparent from information and evidence gathered by Police Staff and also openly volunteered by members of the public who live within the immediate vicinity of the premises that the regulated entertainment, accompanied with the sale of alcohol authorised by the Premises Licence is a contributing factor and is definitely feeding the incidents relating to drink fuelled violence and anti-social behaviour suffered in the area and immediately surrounding the premises.

As stated above, since 2012 officers from Police Licensing and representatives from other Responsible Authorities have visited the premises and strived to assist a succession of managers regarding supporting the Licensing Objectives.

The Police have now lost all confidence in the current Designated Premises Supervisor and the Premises Licence Holders. The Police are exceptionally concerned with regard to the frequency of reported incidents that have continued to take place in and around the premises.

Derbyshire Constabulary have serious cause for concern surrounding incidents that have been reported that relate to the level of intoxication of customers leaving the premises and local the area. Several of these incidents have degenerated into drunken fights on the street leading to further calls for service from concerned members of the public, some of whom have been residents in excess of fifteen years. One particular incident occurred at a birthday party where several calls for service were received and a total of three police vehicles were in attendance. This was also on a night where the Premises was scheduled to be visited by 'test purchase operatives' when working with Derbyshire County Trading Standards. The level of the incident was such that it was risk assessed by council colleagues and the attempt to purchase was cancelled. (statements will be within the bundle)

In relation to other incidents that directly impact on the residents of New Street, two individual incidents of the same nature were reported whereby sex toys were used to prop open a window of the premises leading to a seven year old to ask her parents what the objects were. These incidents occurred on Wednesday 27th March 2013 and Sunday 19th May 2013. (statements will be within the bundle)

Derbyshire Constabulary take an extremely dim view of those premises and Licence Holder who fail to manage their premises in support of the Licensing Objectives and with regard for the local community.

The Police and other Responsible Authorities have repeatedly attempted to work with the Premises Licence Holders and Designated Premises Supervisors of The Travellers Rest over the last nine months. At one meeting it was agreed between the Premises Licence Holders, Designated Premises Supervisor and Police Licensing Officer that a minor variation should be submitted in an attempt to support the Licensing Objectives. This was due to repeated calls from local residents that related to excessive noise from Regulated Entertainment. The variation which included several proportionate conditions that were approved by South Derbyshire District Council Environmental Health Pollution Team was applied to the Premises Licence in March 2013.

It is with the disbelief of the Police that issues surrounding loud music still occur on a regular basis.

The patience of the Police is now at its limit and although we have attempted to work with all parties concerned with the premises in a proportionate and balanced manner, we have no other option other than to call for a review of the Premises Licence under Section 51 of the Licensing Act 2003.

The Police have made the decision to request to revoke the Premises Licence completely as it is believed that no additional conditions, change in management or removal of the Designated Premises Supervisor could give the Police confidence that the Licensing Objectives would be promoted.

Given all of the above points raised, a request to review the premises licence is based around all of the Licensing Objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm.

Evidence to support this application will be located within a bundle of evidence to be submitted shortly after this application is made and shall contain statements from Police Officers, Local Residents, Incident Logs and other information relating to the Licenced premises.

Please provide as much information as possible to support the application
(please read guidance note 2)

To follow within the evidential bundle.

However, the bulk of the representation shall be focussed around the transfer of the Premises Licence to Indeed Nominee 1 Limited and the installation of the last two Designated Premises Supervisors.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

None.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

02.07.13

.....

Capacity Superintendent

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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10, New Street,
Church Gresley.
Sawadworth.

DE 11 9PS.

10/7/13

Re: Licensing Review
(Travellers' Rest, New St.)

Dear Sir or Madam,

We are writing in support of the above Public House.
As residents of New Street for 26 years and close neighbours,
we have had no cause to complain to either the Council, or
Police on any matter concerning the Travellers' Rest.

Over the years, the 'pub' has supported the residents of
New Street, and been a meeting place for people to air their opinions
and grievances concerning local issues such as:-

speed humps for the street,
need for a local choirist
closure of our Post Office
erection of a mobile 'phone mast.

We are led to believe that out of all the people who reside
in New Street, very few of them complain. The complaints seem
to come from the same few people each time.

May we suggest that a representative from the local Council visit
the other neighbours to get their opinions of The Travellers' Rest.
This will enable the Council to form an overall, honest assessment
of the 'so called' problems.

p.t.o.

Yours faithfully,

P.P. 111 2211

MRS C.V. & MR J.D. PENDLETON.

We can be contacted on the following telephone numbers:-

South Derbyshire
District Council

11 JUL 2013

Corporate Services

1/11

31 New Street,
Church Gresley
Swadlincote
South Derbyshire
DE11 9PS

9th July 2013

To whom it may concern,

I am writing to express my support of the Travellers Rest public house, 2 New Street, Church Gresley. I am aware from posters in the vicinity that you are proposing to review their licence under the following criteria:

The operation of the premises concerned undermines the prevention of crime and disorder, the prevention of public nuisance, the public safety and the protection of children from harm licensing objectives under the Licensing Act 2003.

I am greatly saddened to hear of this. Sharon, Andy and the staff work tirelessly to provide a welcoming and friendly atmosphere, and to accommodate the ceaseless, and at times apparently malicious requests of the immediate neighbours.

My husband and I regularly frequent the Travellers Rest, and we have never seen anything to suggest that the premises undermines the prevention of crime and disorder, and nor do we believe that the pub or its' patrons create a public nuisance. Indeed, there are many posters and notices throughout the pub reminding customers to keep the noise down and to respect the neighbours. However, these are essentially redundant, as the pub is certainly not the home of a rowdy clientele.

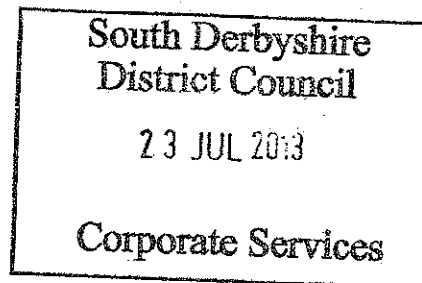
I am curious to know why the council believes the pub needs to be investigated due to concerns of a child protection nature. As a professional in this line of work, I have never witnessed anything to suggest that a child has been at risk of harm whilst on the premises. The pub does not permit children to be present after 9pm (again there are clear notices throughout in this respect), and any children present prior to this time are always supervised by their parents. Children's prevalence in the pub was only an issue under the tenancy of the previous landlady Sandra, who has not held the licence since May 2012.

I hope that my views will be taken into account and look forward to hearing your response and decisions.

Kind regards,



Mrs Katy Evill



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Licensing Act 2003

Premise Licence

Premise Licence Number **SDDC/ 023312**

Part 1 – Premise Details

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

**The Travellers Rest
2 New Street
Church Gresley
Swadlincote, Derbyshire
DE11 9PS**

Telephone Number **01283 216813**

Where the Licence is time limited the dates

Not applicable

Licensable Activities authorised by the licence

Live music – Indoors

Performance of dance - Indoors

Dancing – Indoors

**Anything of a similar description to making
music or dancing – Indoors**

Recorded music - Indoors

**Anything of a similar description to live music,
recorded music or performance of dance – Indoors**

Sale by Retail of Alcohol

**The provision of facilities for
making music – Indoors**

The times the licence authorises the carrying out of licensable activities

Monday – Thursday

11.00hrs – 23.00hrs

Friday & Saturday

11.00hrs – 00.00hrs

Sunday & Good Friday

12.00hrs – 22.30hrs

**New Year's Day, Bank Holiday Mondays, St George's Day, St Patrick's Day, Independence Day,
Bonfire night, Halloween, Christmas Eve, Mothers Day, Fathers Day & Valentine's Day from normal
opening hour until 00.00hrs**

The opening hours of the premises

Monday – Thursday

11.00hrs – 23.30hrs

Friday & Saturday

11.00hrs – 00.30hrs

Sunday

12.00hrs – 23.00hrs

**New Year's Day, Bank Holiday Mondays, St George's Day, St Patrick's Day, Independence Day,
Bonfire night, Halloween, Christmas Eve, Mothers Day, Fathers Day & Valentine's Day from normal
opening hour until 00.00hrs**

Where the licence authorises supplies of alcohol whether there are on and or off supplies

Sale by Retail of Alcohol for consumption on and off the premises

Date Issued: 02.03.2006

Date Last Amended: 11/04/2013

Part 2

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

**InnDeed Nominee 1 Limited
31 Haverscroft Industrial Estate
New Road
Attleborough
NR17 1YE**

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

05969421

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

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

Reference: **SDDC/023167**

Issued by: **South Derbyshire District Council**

Annex 1 - Mandatory Conditions

Sale 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 drink promotions in relation to the premises.

(2) In this paragraph, an irresponsible drink 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.

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

Annex 2 - Conditions consistent with Operating Schedule

Embedded by virtue of schedule 8 of the Licensing Act 2003

The premises may remain open and the Sale by Retail of Alcohol is permitted from the start of normal permitted hours on New Year's Eve through until the start of normal permitted hours the following day.

Prevention of Public Nuisance

- 1. All doors and windows will remain closed save for entrance and egress from 21:00hrs during provision of regulated entertainment to prevent noise outbreak.
- 2. The rear of the premises has the benefit of sound proofing which will be maintained.

3. The Designated Premise Supervisor / Appointed Manager will regularly supervise the external areas to ensure that no nuisance occurs
4. Notices will be placed and maintained on the premises requesting customers to leave quietly and respect local residents

Conditions added by minor variation on 11.04.2013 as agreed with Derbyshire Constabulary

1. The Designated Premises Supervisor will ensure that prominent, clear and legible notices are displayed at all exits to external areas requesting customers to respect the needs of local resident by keeping noise to a minimum. This is to include external drinking and smoking areas.
2. This message is to be emphasised by the Designated Premises Supervisor or nominated member of staff at closing time by requesting members of the public to leave the premises and area quietly.
3. When regulated entertainment involving amplified live/recorded music or speech is taking place at the premises all doors and windows will remain closed except for access and egress.
4. The Designated Premises Supervisor will ensure that after 2100hrs hourly checks are made around the boundary of the premises to check that noise levels from the premises are not at a level that could cause disturbance to neighbouring properties. *(for the avoidance of doubt, if the music is able to be heard at each/any noise sensitive point it must be turned down to a point where it may not be heard.)*
5. These hourly checks are to be recorded within a logbook specifically designated for this purpose and any action or findings shall be recorded at the point of the check.
6. The Designated Premises Supervisor will shall receive and respond to complaints when activities involving amplified music or speech are taking place and during the time that customers are leaving the premises.
7. The Designated Premises Supervisor will must take action to investigate the complaint and take reasonable steps to address the nature of the complaint.
8. A record of these complaints and of any action taken as a result shall be maintained in a logbook kept specifically for that purpose. The logbook shall be made available for investigation by a Police Officer or an authorised officer as defines within section 13 of the Licensing Act 2003.
9. No customer shall be allowed to remove any alcoholic or other drink from the premises in an open container (glasses and open bottles) other than to an external area designated for consumption.
10. External areas will not be used after 2300 hrs except for parking, access and egress.

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

None

Annex 4 – Plans

