

APPENDIX 3



**SOUTH DERBYSHIRE DISTRICT COUNCIL**  
**Licensing Act 2003**

**Representation by an Interested Party**

**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.

An interested party 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="" 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.

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: -

INDIVIDUAL PERSON AFFECTED

Name:	
Address:	
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.

BUSINESS AFFECTED

Name:	
Address:	DERBY ROAD, MELBOURNE, DERBYS.
Postcode:	DE73 8FE

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

Name of Applicant:	MR & MRS DAVEY SMITH
Address of Premises	50 DERBY ROAD MELBOURNE, DERBYSHIRE.
Application Details:	APPLICATIONS FOR PREMISES LICENSE

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"/>

Details of representation.....

PLEASE SEE ATTACHED SHEETS NUMBERED  
1-5 AND THEIR APPENDICES.

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.

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

97.

PLEASE SEE ATTACHED SHEETS NUMBERED  
1-5 AND THEIR APPENDICES.

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

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

☒

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: 22nd July 2013

Please return this form to the following address:

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

**WRITTEN REPRESENTATIONS IN RELATION TO THE APPLICATION  
FOR A PREMISES LICENCE AT 50 DERBY ROAD, MELBOURNE,  
DERBYSHIRE.**

These representations are made in relation to all four of the Licensing Objectives contained in section 4 (2) of the Licensing act 2003.

The premises are located in an historic town and within a conservation area which is predominantly a residential area. This area has a history of disorder, anti social behaviour and public nuisance, particularly at weekends. The premises have adjacent residential properties in close proximity on all four sides of the proposed licensed area. They also have an adjacent Licensed Premise known as The Alma Inn that is currently the subject of a licensing review under section 51 to 53 of the Licensing Act 2003 arising out of the exact same problems mentioned above. The Alma Inn is currently the subject of a Police Action Plan pending the outcome of the current review application in order to control activities on this site and its impact on the surrounding area. It is requested that the cumulative impact of these premises be taken into consideration when making any decision.

The premises previously operated as a Club Premises on the ground floor with an attached associated upper floor (Public Hall). The ground floor Club operated with not for profit objectives and for the social benefit of its members. The ground floor held a Club Premises Certificate in accordance with the provisions of the Licensing Act 2003. A Club Premises Certificate being significantly different to the Premises Licence now being sought for all three floors.

A copy of the previous Club Premises Certificate is attached at appendix A for the attention of the Licensing Committee.

The previous Club Premises Certificate authorised the following licensable activities:

- Indoor sporting events (Darts, Dominoes, Skittles)
- Live Music
- Recorded Music (Wireless, C.D. Player, Television)
- The supply of Alcohol.

The application For a Premises Licence seeks the following licensable activities:

- Plays
- Films
- Live Music
- Recorded Music
- Performances of dance
- Provision of late night refreshment
- The supply of alcohol.

The previous Club Premises were licensed for the supply of alcohol for consumption on the premises only. - The application for a Premises Licence seeks to be licensed for the supply of alcohol for consumption both on and off the premises.

The previous Club Premises Certificate authorised no external licensed area. - The application for a Premises Licence seeks to licence any and every external area of the premises inclusive of an extensive external area of land to the rear of the premises, an external area at the front of the premises abutting the Public Highway and the external side alleyway from the Public Highway to the side entrance of the premises. (see appendix B)

The previous Club Premises Certificate licensed the internal ground floor area only. - The application for a Premises Licence seeks to licence any and every internal area from the basement to the ground floor to the upper floor.

The previous Club Premises Certificate did not provide for any external area for the consumption of off sales. The application for a Premises Licence seeks to provide any and every external area at the premises for the consumption of off sales, inclusive of the external area at the front of the building adjacent to the public highway.

The application makes reference to the previous use of the first floor as a Public Hall and says this floor will continue its function as a Public Hall for music lessons, parties, weddings, local events, the sale and consumption of alcohol, plays and so on, every licensable activity possible bar boxing/wrestling/indoor sports. This is at best misleading. The first floor of these premises was not previously licensed at all and any of the few licensable events that may have taken place there presumably have taken place in accordance with a Temporary Events Notice when licensable activities were proposed. The application notifies us that it will seek 24 Temporary Events Notices a year up to 0030 Hrs, and it seeks to licence the previously unlicensed Public Hall for 365 days a year from 0800 hrs to 0030 hrs, this is dramatically more than any previous use of the premises.

In short the previously restricted licensed use of the premises as a Club for the social benefit of its members differs dramatically to the proposed future commercial use. The Premises Licence being sought is far reaching and much wider in scope than the previous Club Premise Certificate ever was. The application would appear to be made purely with commercial gain in mind and the implications for such a sensitive area of a Historic Town are manifold.

When a developer seeks to purchase a vacant property for commercial/residential development it is always wise for the developer to obtain the necessary permissions such as licensing/planning in advance of purchasing a property for development. Otherwise there is a considerable amount of risk involved from the lack of any guarantee that the necessary permissions will be obtained.

Following the purchase of these premises permission was recently granted for a 14 room hotel, restaurant and bar as per the plans submitted with the application. If it was the previous wish of the applicants to open a Hotel Restaurant/Bar and satisfy a local demand for such premises why has this permission now been set aside in favour of licensed premises only? The statement by the applicant that the premises will be a 'family friendly restaurant, bar and event space' carries no weight and is of no consequence. Once a License is granted it remains with the premises. The premises may be sold for financial gain by the applicant or may be sold or leased to another

party for use as say a night club type premises or a sports bar and so on - the possibilities are endless. As are the ramifications for the people living and working in the vicinity of the premises and for the town in general.

The procedure for obtaining the necessary authorisation for licensable activities and any appropriate conditions in advance of developing a property is set out in sections 29 to 32 of the Licensing Act (Application for a Provisional Statement) Any application made in this way must be accompanied by a schedule of works as per section 29 (5). This schedule of works is required for good reasons. The case of Retail Development Ltd v East Hampshire Magistrates Court 2011 is illustrative of this procedure.

For whatever reason the applicants have chosen to purchase the property prior to gaining planning permission for a 14 room hotel/bar/restaurant, then having gained planning permission for this set aside this proposed course of action, commence a schedule of works and notify the Licensing Authority that this **Historic Melbourne Building is to re-open in October 2013 as the 'Amalfi White Bar' and the 'White Ballroom'**. All of this in advance of being granted the necessary Premises Licence in order to do so, without regard for any appropriate conditions and without any guarantee that they will actually be given any Licence at all. This sequence of events appears a random and senseless approach which does not inspire confidence in the sincerity of the applicant's intentions or motives.

The applicant has already stripped out a considerable amount of the premises inclusive of the extensive sound proofing (thick secondary glazing) that was previously put in place to protect residents from noise breakout. The application makes no mention of replacing this or putting in place any other sound proofing or odour control measures such as air conditioning/fume extraction as set out in the Councils own Licensing Policy at section 13.1. In fact the application does not even give a commitment to keep its windows and doors closed during the many periods of regulated entertainment predicted by the application.

The applicant has volunteered a number of conditions for attachment to a licence at section M of the application. Most of these appear aspirational; few if any are enforceable and/or comply with section 1.19 of the section 182 Statutory Guidance.

In addition the legal authority in the case of *Crawley Borough Council v Attenborough* (2006) says:

Lord Justice Scott Baker:

*"It is important that the terms of a premises licence and any conditions attached to it should be clear not just clear to those having specialist knowledge of licensing such as the Local Authority or the manager of the premises, but also to the independent bystander such as neighbours, who may have no knowledge of licensing at all."*

*The terms of a licence and its conditions may of course be the subject of enforcement. Breach carries criminal sanctions. It must be apparent from reading the document what the license and its conditions mean."*



Furthermore the legal authority in the case of *Developing Retail Ltd v East Hampshire Magistrates Court* 2011 says:

*"The protection of nearby residential properties from noise generated by licensed activities could lawfully be prevented by the imposition of a condition that specified the particular nearby locations intended to be protected, and required that noise from licensable activities did not exceed a specified level of decibels measured at a particular location over a particular period of time."*

Both of the above legal authorities are relevant to this application and any conditions volunteered or imposed.

Summary:

The application seeks a Premises Licence under the provisions of the Licensing Act 2003 at premises unsuitable for the scope and extent of the Hours, Licensed Area and Licensable Activities proposed. The historic and restricted use of these premises as a Club under the provisions of the Licensing Act bears no comparison to the proposed use of the premises if a Premises Licence is granted as applied for. The location of these Historic Premises in the Historic Town of Melbourne, within a conservation area and predominantly residential area of the town is unsuitable for the grant of a licence that is effectively the same as that of a Night Club type operation in a city centre premises in say Derby. In addition many of the applicant's proposals to promote the Licensing Objectives at section M of the application are vague, unenforceable, insufficient and inappropriate at best, thereby failing to promote the Licensing Objectives. Whatever risk assessment has been carried out in accordance with section 10.4 of the statutory guidance would appear to be woefully short of identifying the risks associated with this type of premises in this type of location.

These representations request that the licensing committee give consideration to the following courses of action in response to the above representations in the following order:

1/.

In the first instance it is requested that the Licensing Committee refuse the application in accordance with section 72 (4) (c) of the Licensing Act and section 9.36 of the section 182 Statutory Guidance on the grounds that this is appropriate for the promotion of the Licensing Objectives and for the detailed reasons contained in these representations and any other reasons the committee may feel appropriate.

2/.

In the event that the Licensing Authority are minded to grant a Premises Licence it is requested that the Licensing Authority restrict any such licence in scope to that of the previous use of the premises in terms of the hours of operation, the licensable activities and the licensed area of the premises.

In the event a licence is granted (in whatever form) that as a minimum the same levels of appropriate protection be given to the people living and working in the vicinity of these premises that are enjoyed by those people living and working in the Vicinity of Harpurs Hotel/Bar and Restaurant a short distance away on Derby Road, Melbourne. This level of protection being in the form of the same appropriate conditions put in place at Harpurs by the relevant responsible authorities in order to fulfil the requirement of the Licensing Act to promote the four licensing objectives.

The Licence and non mandatory conditions attached to the licence at Harpurs are attached to these representations at appendix C for the attention of the Licensing Committee.

These representations also respectfully request that the Licensing Committee note that several of the conditions attached to the Harpurs Licence are unenforceable and these should not be duplicated on this or any other licence in that form, - for example the following condition;

***"No noise from regulated entertainment, including repetitive bass noise shall be audible within noise-sensitive premises with their windows open in a typical manner for ventilation."***

This condition is unclear and unenforceable it is at variance with the legal authority created by the case of Developing Retail Ltd v East Hampshire Magistrates Court 2011 and section 1.16 of the section 182 statutory guidance. This is because it lacks any specificity as to what is meant by audible and what noise sensitive premises are intended to be protected by this condition.

Similarly other conditions attached to the premises licence at Harpurs are unclear and unenforceable.

In conclusion it is also respectfully requested that whatever course of action the Licensing Committee take they provide to all parties full written comprehensive reasons for their decisions that address the extent to which the decisions have been made with regard to the Licensing Act 2003, The Councils Licensing Policy and the Section 182 Statutory Guidance. In accordance with section 23 (2) of the Licensing Act, section 12.10 of the Statutory guidance and section 18.0 of the Councils own Licensing Policy in relation to Article 6 of the Human Rights Act.

Name: 

Signer: 

Date: 22nd July 2013.

5

104.

Part A

**Club Premise Certificate under Licensing Act 2003**

Club Premise Certificate Number **SDDC/002348**

**Club Details**

Name of club in whose name this certificate and relevant postal address of club **Melbourne Liberal Club and Public Hall Co Ltd 50 Derby Road, Melbourne, Derbyshire, DE73 8FE**

Telephone

Where the club certificate is time limited the dates

**Not applicable**

Qualifying club activities authorised by the certificate

**The provision of regulated entertainment comprising a) indoor sporting events, b) live music and c) recorded music.**

**The supply alcohol by or on behalf of a club, or to order of, a member of the club or the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place**

The times the certificate authorises the carrying out of qualifying activities

**Monday to Thursday 11:00 hrs until 23:00 hrs**

**Friday and Saturday 11:00 hrs until Midnight**

**Sunday Midday until 22:30 hrs**

**New Years Eve from the licensable commencement time until 01:00hrs**

The opening hours of the premises

**Not restricted for non licensable activities but 30 minutes beyond the qualifying licensable activity**

Where the certificate authorises supplies of alcohol whether they are on and or off supplies on the premises supply only

**Annex 1 - Mandatory Conditions**

None

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

The prevention of crime and disorder.

1. There is a panic button behind the bar.
2. The premise is alarmed.

Public Safety.

1. There are smoke detectors at the premises.
2. There is a fire alarm system in place at the premises.

The prevention of public nuisance.

1. When entertainment is on at the venue, all windows and doors will be closed.
2. Members are encouraged to leave the premises quietly.

The protection of children from harm.

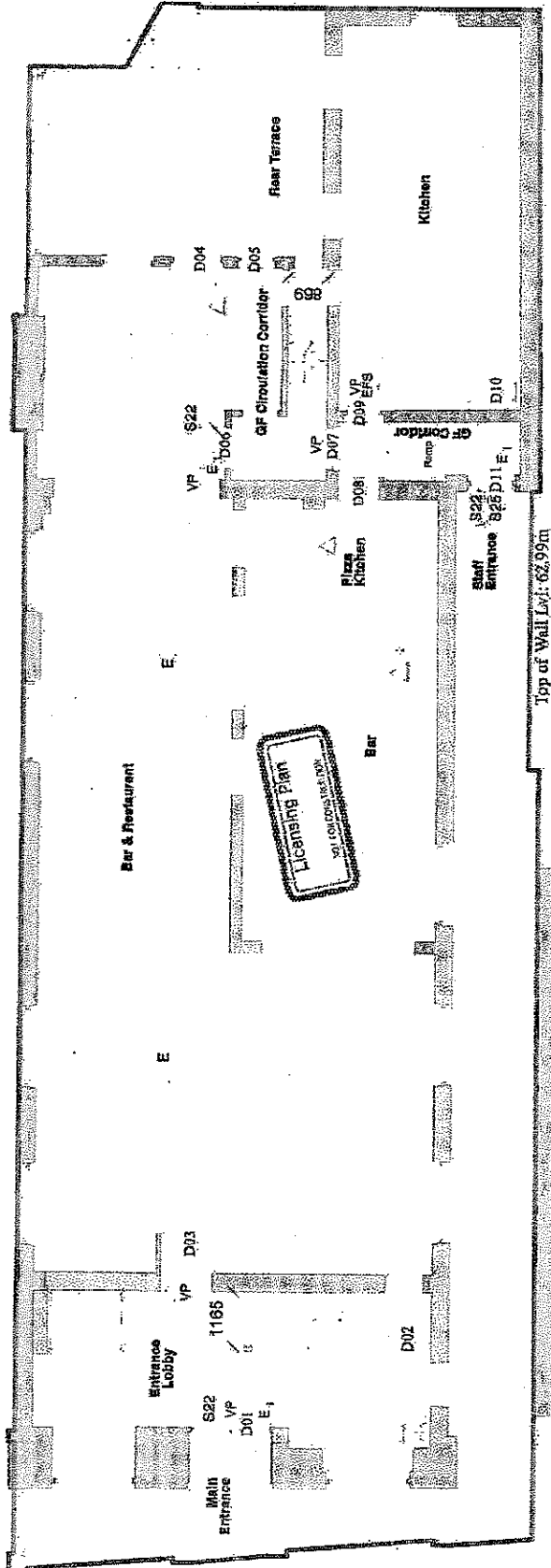
1. No children are allowed on the premises unless accompanied by a parent or adult.
2. No children will be served at the bar.

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

None



GROSS INTERNAL = 193 SQM

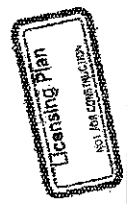


1 Ground Floor Plan  
1:100@A3

- Key**
- Licensing Area**
  - Water fire extinguisher min 9L
  - Carbon Dioxide gas fire extinguisher min 50kg
  - Foam fire extinguisher
  - Fire blanket
  - Vision Panel
  - Fire exit door with self closing device integral with fire alarm
  - 30 minute fire resisting door
  - Hold open
  - Fire door - keep locked notice










- NOTES:**
- \* FIRE SIGNAGE, FIRE ALARM SYSTEM AND EMERGENCY LIGHTING TO BE INSTALLED IN ACCORDANCE WITH LATEST BS AND BUILDING REGULATIONS.
  - \* ALL CIRCULATION AREAS OF FLOORS TO HAVE CLASS 0 SURFACE SPREAD OF FLAME RATING TO LIVING MATERIALS OR THE SURFACE OF COMPOSITE PRODUCTS - ALL OTHER AREAS TO HAVE CLASS 1.
  - \* ADDITION EMERGENCY LIGHTING INFORMATION AVAILABLE FROM ELECTRICAL CONTRACTOR.
  - \* LIFT TO NOT BE USED IN THE EVENT OF FIRE
  - \* ANY DUCTS THAT PENETRATES THROUGH FIRE WALL TO BE FIRE STOPPED
  - \* ALL CEILINGS TO BE OVERBOARDED IN FIRE LINE BOARD TO GROUND FLOOR
  - \* EXISTING DOORS TO BE RETAINED. BUILDING CONTROL TO ADVISE IF DOORS NEED VISION PANELS.
  - \* FOR POSITIONS OF ALL FITTINGS REFER TO MADE CONSULTING ENGINEER DRAWINGS AND M&E SUBCONTRACTOR DRAWINGS.

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- |   |  |
|---|--|
|    | Water fire extinguisher, min 9L                                      |
|    | Carbon dioxide gas fire extinguisher, min 5KG                        |
|    | Foam fire extinguisher   |
|   | Fits blank   |
|  | Vision Panel   |
|  | Fire saving door with self closing device integrated with fire alarm |
|  | 30 minute fire rating door   |
|  | Hold open  |
|  | Fire door - keep locked notice                                       |

1. FIRE SIGNAGE, FIRE ALARM SYSTEM AND EMERGENCY LIGHTING TO BE INSTALLED IN ACCORDANCE WITH LATEST BS 5839 PART 1.

2. ALL CORROSION RESISTANT COATINGS TO HAVE PROPER COVERAGE AND SPREAD OF FLAME RATING TO LINING MATERIALS OR TO THE SURFACE OF CONCRETE PRODUCTS. ALL OTHER MATERIALS TO HAVE CLASS 1.

3. ADDITIONAL EMERGENCY LIGHTING INFORMATION AVAILABLE FROM ELECTRICAL CONTRACTOR.

4. LIGHT TO NOT BE USED IN THE EVENT OF FIRE

5. ANY DUCTS THAT PENETRATES THROUGH FIRE WALL TO BE FIRE STOPPED

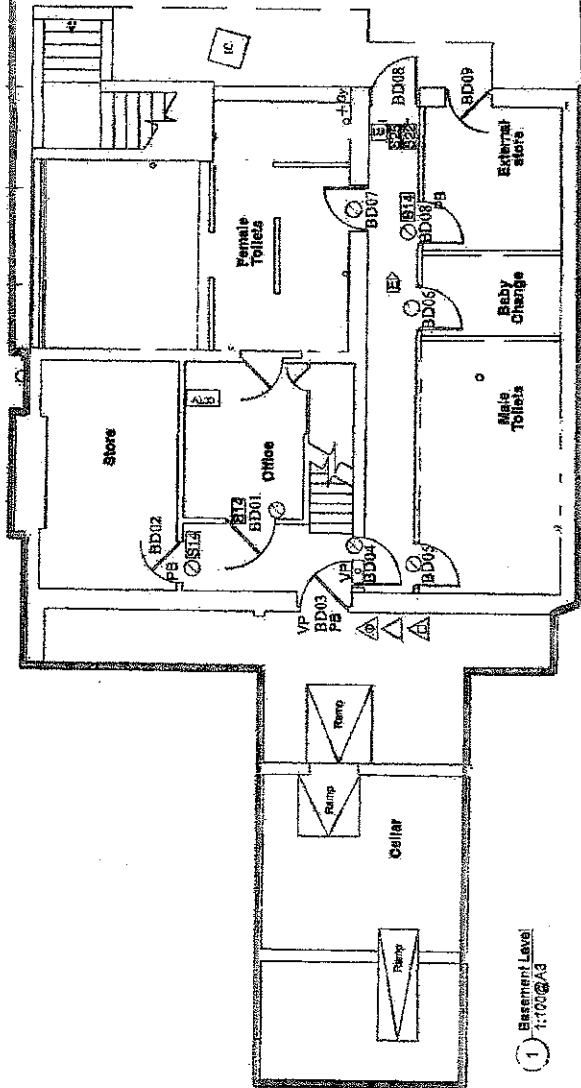
6. ALL CEILINGS TO BE OVERRECORDED IN FIRE LINE BOARD TO GROUND FLOOR

7. EXISTING DOORS TO BE RETAINED. BUILDING CONTROL TO ADVISE IF DOORS NEED VISION PANELS.

8. FOR POSITIONS OF MAE FITTINGS REFER TO MAE CONSULTING ENGINEER DRAWINGS AND MAE 3/18 CONTRACTOR DRAWINGS.

[illegible]

GROSS INTERNAL = 419 SQM



1 Basement Plan  
1:100@A3



1 Garden Plan  
1:500@A3

Key

Licensing Area

- Water fire extinguisher min 4L
- Carbon Dioxide Gas fire extinguisher min 5KG
- Foam fire extinguisher
- Fire blanket
- Valon Racer
- Fire exiting door with self closing device integral with alarm
- 30 minute fire resisting door

- Fire exit notice
- Push bar to open notice
- Fire door - keep shut notice
- Call Point
- Double sided suspended direction fire exit sign
- Emergency lighting
- Hold open
- Fire door - keep locked notice

- NOTES:
- \* FIRE SIGNAGE, FIRE ALARM SYSTEM AND EMERGENCY LIGHTING TO BE INSTALLED IN ACCORDANCE WITH LATEST BS AND BUILDING REGULATIONS.
  - \* ALL CIRCULATION AREAS CORRIDORS TO HAVE CLASS 0 SURFACE SPREAD OF FLAME RATINGS TO LINKS MATERIALS OR THE SURFACE OF COMPOSITE PRODUCTS - ALL OTHER AREAS TO HAVE CLASS 1.
  - \* ADDITION EMERGENCY LIGHTING INFORMATION AVAILABLE FROM ELECTRICAL CONTRACTOR.
  - \* LIFT TO NOT BE USED IN THE EVENT OF FIRE
  - \* ANY DUCTS THAT PENETRATE THROUGH FIRE WALL TO BE FIRE STOPPED
  - \* ALL CEILING TO BE OVERBOARDER IN FIRE LINE BOARD TO GROUND FLOOR
  - \* EXISTING DOORS TO BE RETAINED. BUILDING CONTROL TO ADVISE IF DOORS NEED VISION PANELS.
  - \* FOR POSITIONS OF M&E FITTINGS REFER TO M&E CONSULTING ENGINEER DRAWINGS AND M&E SUBCONTRACTOR DRAWINGS.

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Revisions:

Notes:

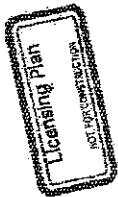
Client:	Elizabeth Devay Smith
Job:	Amalfi White
Drawn By:	General Arrangement
Drawn Date:	200
Scale:	1:100@A3
Classified By:	NV
Revised:	
Date:	12/06/12

Issue Code:

1

Dwg Title: Basement Licensing Plan

Dwg N°: 222





COPY

## Part A

## Premise Licence under Licensing Act 2003

Premise Licence Number **SDDC / 015535**

## Part 1 – Premise Details

Postal Address of premises, or if none Ordnance Survey map reference of description <b>Harpur's of Melbourne, 2 Derby Road, Melbourne, Derbyshire, DE73 8FE</b>
Telephone Number <b>01332 862134</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 (e) live music, (f) recorded music and (g) performances of dance.</b> <b>Provision of entertainment facilities for (i) Making Music, (j) Dancing and (k) Entertainment of a similar description to that falling within (i) and (j).</b> <b>Provision of late night refreshment. Supply of alcohol.</b>
The times the licence authorises the carrying out of licensable activities <b>Live Music – Indoors</b> <b>Friday &amp; Saturday – 17.00hrs until Midnight</b> <b>Sunday – 17.00hrs until 23.00hrs</b> <b>Recorded Music &amp; Performances of Dance - Indoors</b> <b>Monday to Sunday – 11.00hrs until Midnight</b> <b>Anything of a similar description to that falling within (e), (f) or (g)</b> <b>Monday to Saturday – 11.00hrs until Midnight</b> <b>Sunday – 11.00hrs – 23.00hrs</b> <b>Provision of Entertainment Facilities for: Making Music, Dancing &amp; Entertainment of a similar description to that falling within (i) &amp; (j) - Indoors</b> <b>Monday to Saturday – 11.00hrs until Midnight</b> <b>Sunday – 11.00hrs – 23.00hrs</b> <b>Provision of Late Night Refreshment – Indoors</b> <b>Monday to Saturday – 23.00hrs until Midnight</b> <b>Supply of Alcohol – (Indoors) and to include first floor restaurant outside terraced area</b> <b>Monday to Saturday – 11.00hrs until Midnight</b> <b>Sunday – 11.00hrs – 23.00hrs</b> <b>Russell Yard (Outdoors) Consumption of alcohol only</b> <b>Monday to Sunday – 11.00hrs until 23.00hrs</b> <b>Seasonal Variation</b> <b>On Christmas Eve until 01.00hrs and New Years Eve until 02.00hrs for the following licensable activities is permitted: Live Music, Recorded Music, Performances of Dance, Making Music, Dancing, Late Night Refreshment &amp; Supply of Alcohol</b>
The opening hours of the premises <b>Monday to Saturday – 08.00hrs – 00.30hrs</b> <b>Sunday – 08.00hrs – 23.30hrs</b> <b>Seasonal Variation</b> <b>Christmas Eve until 01.30hrs and New Years Eve until 02.30hrs</b>
Where the licence authorises supplies of alcohol whether there are on and or off supplies <b>On and off sales</b>

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

### **General**

Training will be given to all staff members so that they are aware of all aspects of the law in relation to serving alcohol, including challenge 25, customer behaviour problems, zero drugs tolerance & health & safety issues including fire safety. All training will be the responsibility of the Designated Premise Supervisor.

### **Crime & Disorder**

1. Relevant signage for drinks purchase and consumption areas
2. Provide adequate staffing to ensure all areas of the licensed premises, e.g. toilets and not easily visible areas of the bar, are regularly checked to prevent possible breach of licensing principles.
3. The Designated Premises Supervisor (DPS) shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or an authorised person as detailed within Section 13 of the Licensing Act 2003.
4. Suitable and sufficient written risk assessments and operating policies shall be kept up to date and shall be made available for inspection upon request of a Police Officer or an authorised person as detailed within Section 13 of the Licensing Act 2003.
5. The DPS shall ensure that clear, prominent and legible notices must be displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises quietly and in an orderly manner respecting the needs of local residents
6. The DPS or nominated representative shall be a member of the local Pub Watch Scheme where such a scheme exists.
7. A CCTV system shall be installed at all times and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).
8. The CCTV recording system must be operating at all times when the premises are open for licensable activities.
9. All CCTV recordings must be retained for a minimum of 28 days unless negotiated otherwise. These images must be available for viewing at any reasonable time upon request of a Police Officer or an authorised person as detailed within Section 13 of the Licensing Act 2003.
10. The premises holder, DPS and designated members of staff must be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).

11. The CCTV recording unit is to be kept secure, to be opened only by the premises licence holder or authorised, designated member of staff.
12. Installed CCTV cameras/monitors are to be positioned so as to ensure all areas to which the public have access are covered, this is to include all areas designated for the consumption of alcohol. A plan denoting the site of each camera shall be deposited with Derbyshire Police upon completion of the installation of any such cameras or monitors.
13. All cameras installed will be of a standard that will offer optimum image quality in low light.
14. All digital recordings to be made in real time, time lapse not to be used; the recordings will be fit for the purpose.
15. All Regulated Entertainment to be indoor only.
16. No customer shall be allowed to remove any alcoholic or other drink from the licensed area of the premises in an open container (e.g. glasses and open bottles) unless to an external area set aside for consumption as indicated on a plan submitted with the application.
17. No children under 16 years are to be allowed on the premises after 21:00 hours

#### **Public Safety**

1. Relevant and up to date, electrical safety certificate, building integrity, gas certificate and comply with Health and Safety regulations
2. Adhere to the recommended premises capacity
3. Provide door supervision when required
4. Provide exterior lighting
5. Illuminated fire exit installed
6. Downstairs area to be fully compliant with Fire Safety Regulations

#### **Public Nuisance**

1. Train staff to check outside areas at regular intervals and again at close of business
2. Provide signage asking customers to respect your neighbours and leave the premises quietly
3. Install a noise limiter for the provision of live and recorded music (sound level to be set by Environment Health) during which doors and windows will be kept closed except for access and egress.
4. All external doors and windows to remain closed at all times when regulated entertainment is being offered at the premises save for access and egress.
5. No noise from regulated entertainment, including repetitive bass noise, shall be audible within noise-sensitive premises with their windows open in a typical manner for ventilation
6. Russell Yard to be managed with a controlled designated area
7. Russell Yard is to be a designated area for consumption only and will be clearly marked on a plan attached to the licence
8. When in use the Russell Yard area will be screened off sufficiently in a way as to show a defined area for the use of consumption and smoking. At no time will consumption or smoking be allowed in any other area of Russell Yard

9. There will be no consumption allowed in Russell Yard after 23.00hrs daily

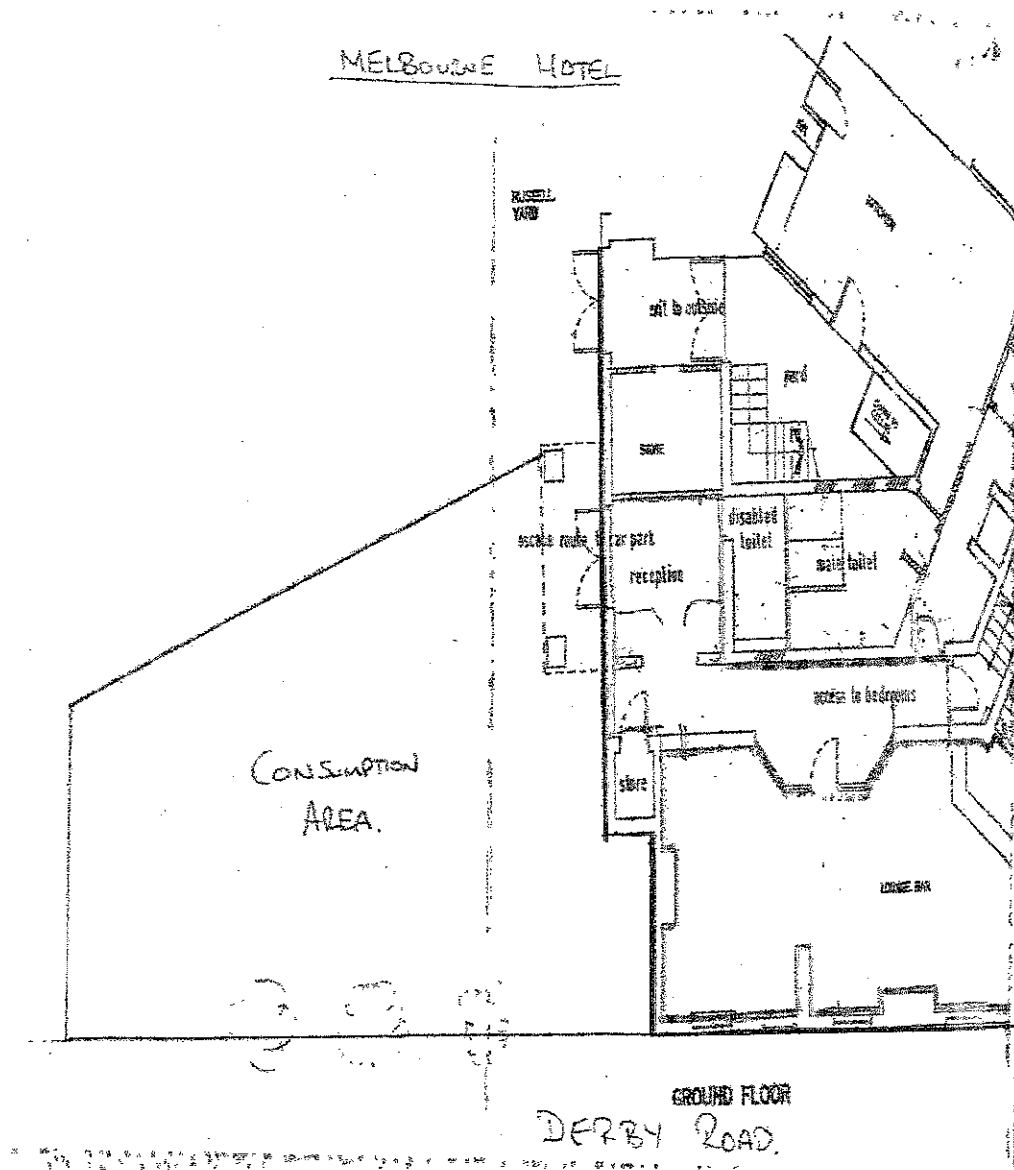
**Protection of Children from Harm**

1. Ensure minors are accompanied by an adult and supervised at all times
2. Full training shall be provided to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods.
3. Refresher training shall be provided at regular intervals – at least every 12 months.
4. Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or another authorised person acting on behalf of a responsible authority as detailed within Section 13 Of the Licensing Act 2003.
5. All records must be written and shall be retained on the premise for a minimum of 12 months.
6. A challenge 25 Proof of age scheme shall be operated at all times.
7. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.
8. The only acceptable forms of identification shall be:
  - PASS – accreditation proof of age card.
  - Photo Driving Licence.
  - Current British/UK Passport.
9. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, along with the age restrictions on products shall be displayed at:
  - All entry points to the premise.
  - Points of sale
10. A system of recording sales refused under the proof of age scheme shall be operated at all times.
11. The refusal book/log shall be kept on the premises for production upon request of a Police Officer or an authorised person as detailed within Section 13 Of the Licensing Act 2003.
12. The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months.
13. No adult entertainment or services, activities etc will be undertaken at the premises.
14. Mini bars are kept locked restricting access to non-authorised persons. Keys to the mini bar will only be issued to bona fide residents staying in the hotel who have been checked for I.D.
15. At no time should a key to a mini bar be issued to any person under 18 years of age.

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

None

Annex 4 – Plans 1 (Russell Yard)



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