

The Old Hall
Church St
Netherseal
DE12 8DF

14 August 2013

Debra Townsend
Civic Offices
Civic Way
Swadlincote
Derbyshire DE11 0AH

Ref: DT/CL

Dear Madam

We are writing in response to the report to the Licensing and Appeals Sub-Committee regarding the hearing for the application of a premises licence at 50 Derby Rd, Melbourne, Derbyshire.

Of the plans to promote the four main licensing objectives, we believe two have been achieved and are not contentious: Public Safety and Protection of Children from Harm. On reading the representations we intend to focus on the two remaining objectives: Prevention of Public Nuisance where we have worked with John Mills SDDC Environmental Health Officer; and Prevention of Crime and Disorder where we have worked to the satisfaction of PC Morley, Licensing Enforcement Officer at the Derbyshire Constabulary.

The original Melbourne Liberal Club had a licence to play live and recorded music, hold indoor sporting events and serve alcohol until 11pm Monday – Thursday and until Midnight on Friday and Saturday nights on the site at 50 Derby Rd since the 1890's.

The ground floor bar was previously a predominantly men only bar. The first floor was a Public Hall and Bar holding a variety of concerts with live music, wedding events and anniversary celebrations selling alcohol until midnight. There was no sound limiting device installed, windows were left open during events, the 'Battle of the Bands' was held there. There was an extensive pub garden with at least eight six-seater benches and a children's play area with various swings and a climbing frame. There were very limited restrictions on the licence. John Mills advised us that "in 8 years SDDC received only 4 complaints in regards to noise from the former Liberal Club, at least two of which were from amplified entertainment taking place with windows open on warm nights. No evidence to substantiate the complaints was ever obtained". This will not be the case at Amalfi White as we have agreed to install a sound limiter and keep all windows and doors closed during events with live and amplified music as a condition of our premises licence.

We have agreed to all of the recommended licence conditions from John Mills to

ensure we promote the licensing objectives in regard to prevention of public nuisance.

It is our intention, as PC Morley states in his representation to 'alter the purpose and dynamic of the premises'. Amalfi White is a family friendly, Italian Restaurant and Prosecco Bar with a Ballroom on the first floor that is being reinstated back to its original glory, with a barrel vaulted ceiling together with a private dining room to the rear. The garden will be landscaped as an English rose garden. These plans have been welcomed by our Conservation Officer, Philip Heath and over 100 local residents who stop us in the street, email us and actively encourage our project on our Facebook page - including residents on Derby Rd.

To ensure we promote all of the licensing objectives including prevention of crime and disorder we have actively sought advice and willingly agreed to all 22 of PC Morley's mandatory conditions to be placed on our licence.

A combination of these conditions together with John Mills' conditions address all of the concerns noted in the other representations.

Regarding Cllr Hewlett's representation we have the following comments:

Councillor Hewlett notes that if the application is approved then the consumption of alcoholic drinks would extend to the outside areas until 11pm Monday – Thursday and until Midnight on Fridays and Saturdays. We have agreed to close the front at 8pm and the garden at 10pm. The side alleyway is behind a 6-foot security gate with waste bins down the length and not used by members of the public.

The consumption of alcohol is not a licensable activity which explains why the previous liberal club had a license until midnight on Friday and Saturday nights with no restrictions on alcohol consumption or any early closing times in the pub garden at the rear. Councillor Hewlett believes the garden was never used for drinking which we would contest. See the photograph below which was on the sales particulars of the building in 2011. We reiterate: there were only 4 complaints in 8 years. At least two of these were from amplified music with no sound limiter which will be addressed at Amalfi White.



The terrace at the rear of the building is now an enclosed conservatory.

Concerning the views on secondary glazing, air conditioning, noise limiter calibration and decibel emission we sought expert advice from John Mills, he gave us his recommended licence conditions and we have willingly agreed to them all including setting the level of the sound limiter.

Concerning the representation from S Wilkins of South St, Melbourne we would reassure them that we have spent considerable time with PC Morley to put in an effective plan to promote the licensing objectives in regards to the prevention of public nuisance. The issue of parking is not relevant to this licence application. Lastly we agree with the restrictions on noise and will be installing a sound limiter.

W.N.K Rowley of 63 Derby Rd, Melbourne also has concerns over the noise of children playing in the street as they believe they were not permitted in the rear of the Liberal Club premises. At Amalfi White children will be encouraged to play in the garden and dine with their parents. A closing hour of beyond 11pm, the supply of alcohol and provision of late night refreshment may be offensive to W.N.K Rowley but it is not in conflict with the promotion of the licensing objectives. We have previously noted we have agreed to install a sound limiter to control noise from live and amplified music.

J Baron of 36 Derby Rd requests the use of a sound limiter, closed windows and CCTV cameras. All of which have been agreed to.

S Fletcher of 40 Derby Rd requests windows and doors to be kept shut during events using live and amplified music which we have agreed to do. The sound limiter installed will be set by the SDDC Environmental Health team in line with John Mills' licence conditions.

We have worked very hard over the past two years to try and establish a use for this building that is to the satisfaction of everyone. There are always compromises in getting the balance between the objectives and realities of running a small start-up business especially where the previous tenant has gone into liquidation with the demands and requests of highways officers, planners, heritage officers, police, councillors, environmental health officers, building control and local residents. Inevitably local residents on Derby Rd who purchased their homes next to the Melbourne Liberal Club and Public Hall would prefer the site to be permanently closed and converted into residential property (certainly the most lucrative return on investment). Others would rather see the building demolished and the garden turned into a carpark to solve the parking issues on Derby Rd.

In order to create a sustainable venue where all are welcome and the benefits of the facilities are shared by all Melbourne residents, we need to maximise the building's function and trading hours. We believe the plan that we have put forward is the best way of preserving this historic building in line with its original intent.

Yours sincerely,

Adam and Elizabeth Devey Smith