

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item

Hearing Date: 5th November 2013

Contact Officer: Ruth Boam – 01283 595716

DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE

Applicants Name	Madecorn Leisure LLP
Premises Name	The Board Walk
Address	Mercia Marina, Findern Lane, Willington, Derbys, DE65 6DW

1. PURPOSE

To determine an application for a premise licence received by this Authority on the 24th September 2013 from Madecorn Leisure LLP. (**application attached at Appendix 1**).

2. BACKGROUND

- 2.1 The applicant is seeking a new premises licence to permit various licensable activities. The full details are indicated below in paragraph 3.

3. APPLICATION DETAILS

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

Activity	Days	Times
Exhibition of Films	Monday to Sunday	08:00 to 00:00
Indoor Sporting Events	Monday to Sunday	08:00 to 00:00
Live Music	Monday to Sunday	08:00 to 00:00
Recorded Music	Monday to Sunday	08:00 to 00:00
Performance of Dance	Monday to Sunday	08:00 to 00:00
Sale by Retail of Alcohol for consumption on and off the premises	Monday to Sunday	08:00 to 00:00
Late Night Refreshment	Monday to Sunday	23:00 to 00:00
Live Music, Recorded Music, Sale by Retail of Alcohol	From 08:00 on New Year's Eve through until the close of normal hours on New Year's Day	
Late Night Refreshment	New Year's Eve	23:00 to 05:00
Hours premises to remain open to members of the public	Monday to Sunday	08:00 to 00:30

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at page 20 of the report.

4. CONSULTATION RESPONSES

Derbyshire Constabulary - Representation received during the 28 day consultation period. Full details can be found in **Appendix 2**.

5. AGREEMENT BETWEEN PARTIES

- 5.1 The applicant has agreed to have the conditions requested by Derbyshire Police added to their licence. (**Appendix 3**)
- 5.3 All parties have agreed to dispense with the need to hold a hearing.

6. DETERMINATION

- 6.1 The Licensing Act's scheme of delegation does not permit Officers to determine an application that has received a representation, even when all parties agree to dispense with the need to hold a hearing. The power to grant licences in these circumstances remains with the Licensing and Appeals Sub-Committee.
- 6.2 As all parties have agreed to dispense with a hearing, there is no requirement to hear evidence, and Members are asked to grant the licence subject to such conditions contained in the operating schedule, appendix 3 to this report, and any mandatory conditions required under the Licensing Act 2003.

7. RIGHT OF APPEAL

- 7.1 The applicant or persons making representation have a right of appeal against the decision of the Licensing Authority.

APPENDICES

- 1. Application for a premises licence to be granted under the Licensing Act 2003 – pages 3 to 26.
- 2. Derbyshire Constabulary representation regarding application – pages 27 to 32.
- 3. Agreement to withdraw s176 part of representation and add conditions – pages 33 to 34.

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

AX/KAH/Mercia Marina

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Madecorn Leisure LLP

* Family name

N/A

* E-mail

nikki.rennie@flintbishop.co.uk

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

* Registration number

OC315344

* Business name

Madecorn Leisure LLP

If the applicant's business is registered, use its registered name.

* VAT number

GB

n/a

Put "none" if the applicant is not registered for VAT.

* Legal status

Partnership

South Derbyshire
District Council

20 SEP 2013

Corporate Services

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

* Is your business registered in the UK with Companies House? ☒ Yes ☐ No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☐ A limited company
- ☒ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Liability Partnership

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

[Add another applicant](#)

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

Restaurant and Bar within a proposed new development of boardwalk shops and offices at the existing Mercia Marina site as shown on the attached plans. It should be noted that a Premises Licence was obtained previously for a far larger licensed premises and it should be noted that those plans are not currently being proceeded with.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Continued from previous page...

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PROVISION OF PLAYS

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

Continued from previous page...

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.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Application is made for licensable activities to be permitted from the commencement of licensable hours on New Years Eve to the termination of licensable hours on New Years Day.

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 08:00

End 00:00

Start

End

TUESDAY

Start 08:00

End 00:00

Start

End

WEDNESDAY

Start 08:00

End 00:00

Start

End

THURSDAY

Start 08:00

End 00:00

Start

End

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.

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

State any seasonal variations for indoor sporting events

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Application is made for licensable activities to be permitted from the commencement of licensable hours on New Years Eve to the termination of licensable hours on New Years Day.

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 08:00

End 00:00

Start

End

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.

TUESDAY

Start 08:00

End 00:00

Start

End

WEDNESDAY

Start 08:00

End 00:00

Start

End

THURSDAY

Start 08:00

End 00:00

Start

End

FRIDAY

Start 08:00

End 00:00

Start

End

SATURDAY

Start 08:00

End 00:00

Start

End

SUNDAY

Start 08:00

End 00:00

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

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.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Application is made for licensable activities to be permitted from the commencement of licensable hours on New Years Eve to the termination of licensable hours on New Years Day.

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 08:00

End 00:00

Start

End

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.

TUESDAY

Start 08:00

End 00:00

Start

End

WEDNESDAY

Start 08:00

End 00:00

Start

End

THURSDAY

Start 08:00

End 00:00

Start

End

FRIDAY

Start 08:00

End 00:00

Start

End

SATURDAY

Start 08:00

End 00:00

Start

End

SUNDAY

Start 08:00

End 00:00

Start

End

Continued from previous page...

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

--

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Application is made for licensable activities to be permitted from the commencement of licensable hours on New Years Eve to the termination of licensable hours on New Years Day.

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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.

Continued from previous page...

THURSDAY

Start	08:00	End	00:00
Start		End	

FRIDAY

Start	08:00	End	00:00
Start		End	

SATURDAY

Start	08:00	End	00:00
Start		End	

SUNDAY

Start	08:00	End	00:00
Start		End	

Will the performance of dance take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Application is made for licensable activities to be permitted from the commencement of licensable hours on New Years Eve to the termination of licensable hours on New Years Day.

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Continued from previous page...

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 23:00

End 00:00

Start

End

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.

TUESDAY

Start 23:00

End 00:00

Start

End

WEDNESDAY

Start 23:00

End 00:00

Start

End

THURSDAY

Start 23:00

End 00:00

Start

End

FRIDAY

Start 23:00

End 00:00

Start

End

SATURDAY

Start 23:00

End 00:00

Start

End

SUNDAY

Start 23:00

End 00:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

Continued from previous page...

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.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Application is made for licensable activities to be permitted from the commencement of licensable hours on New Years Eve to the termination of licensable hours on New Years Day.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start 08:00

End 00:00

Start

End

SATURDAY

Start 08:00

End 00:00

Start

End

SUNDAY

Start 08:00

End 00:00

Start

End

Will the sale of alcohol be for consumption:

- ☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Application is made for licensable activities to be permitted from the commencement of licensable hours on New Years Eve to the termination of licensable hours on New Years Day.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Andrew

Family name

Cochrane

Continued from previous page...

Enter the contact's address

Building number or name	Yew Tree House
Street	Leafgreen Lane
District	Littleover
City or town	Derby
County or administrative area	
Postcode	DE23 2TZ
Country	United Kingdom
Personal Licence number (if known)	PA10551522
Issuing licensing authority (if known)	Derby City Council

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

Continued from previous page...

TUESDAY

Start 08:00

End 00:30

Start

End

WEDNESDAY

Start 08:00

End 00:30

Start

End

THURSDAY

Start 08:00

End 00:30

Start

End

FRIDAY

Start 08:00

End 00:30

Start

End

SATURDAY

Start 08:00

End 00:30

Start

End

SUNDAY

Start 08:00

End 00:30

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Application is made for the premises to remain open from the commencement of licensable hours on New Years Eve to the termination of licensable hours on New Years Day.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

This application may be amended during the application period to reflect any agreements that may be reached with the responsible authorities and interested parties. It is proposed that the premises will operate as a restaurant and bar at the centre of Mercia Marina.

b) The prevention of crime and disorder

CCTV will be installed at the premises. Recordings will be retained for 28 days and made available to the police upon request. Staff will be trained in the operation of the system.

c) Public safety

d) The prevention of public nuisance

Noise shall not emanate from the premises so as to cause a nuisance within the vicinity. Notices will be displayed at the exits from the premises asking customers to respect the needs of local residents and leave the area quietly.

e) The protection of children from harm

The premises will operate a Challenge 21 Scheme.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment

Continued from previous page...

where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000-14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

* I/we understand 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.

* The 28 days target processing period relates only to the initial application. Should a Responsible Authority or Interested Party submit a representation then this period will be extended

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

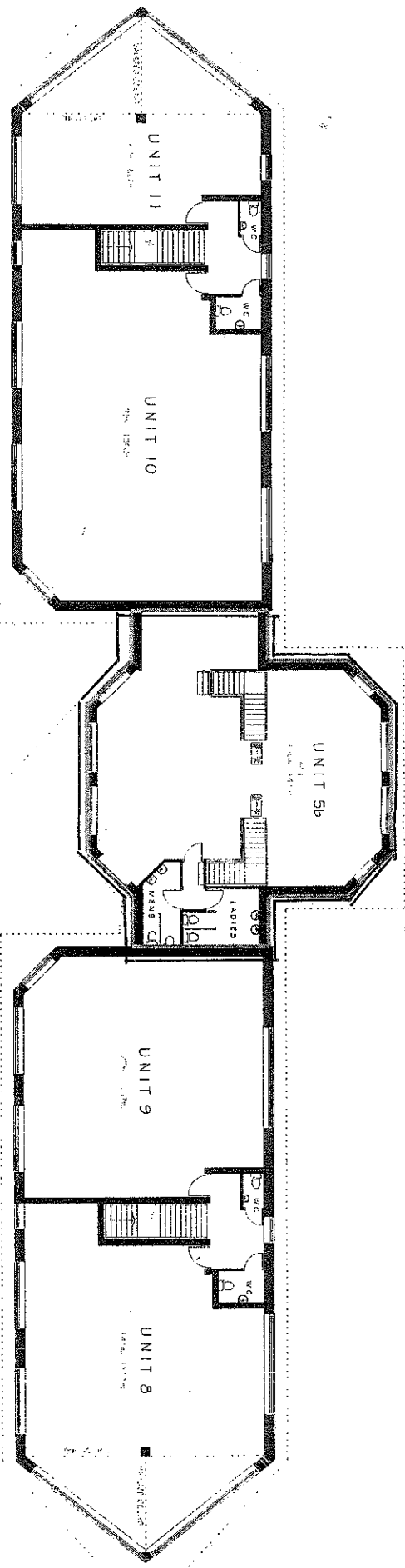
Continued from previous page...

Once you're finished you need to do the following:

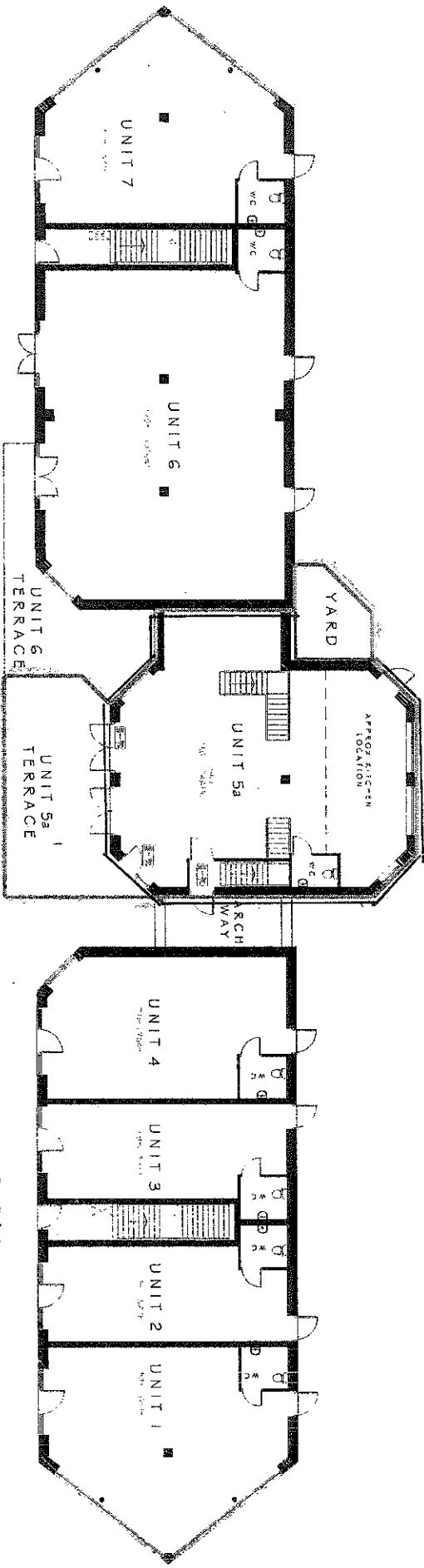
1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-derbyshire/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

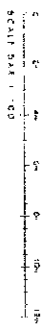


BOARDWALK FIRST FLOOR PLAN



BOARDWALK GROUND FLOOR PLAN

— = Livable Activities
 — = Consumption of Alcohol.



73 Day Street, Boston
 02102-2502
 Tel: 617-552-1234
 Fax: 617-552-1235
 E-mail: info@73daystreet.com

Project: PROPOSED 73 DAY STREET DEVELOPMENT AT
 Address: 73 DAY STREET, BOSTON, MA 02102
 Client: WATKINS DEVELOPMENT
 Date: 11/1/03
 Scale: 1/8" = 1'-0"
 Drawn by: JFG
 Date: 11/1/03
 Drawn by: JFG
 Date: 11/1/03

73 DAY STREET, BOSTON, MA 02102
 11/1/03
 11/1/03
 11/1/03

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Tel: 101
Text Relay: 18001 101
www.derbyshire.police.uk

Contact: PC 2766
MORLEY
Direct Tel: 0300 122 5409
Ext: 07711 / 036868
Fax:
Our ref: PID / 7733
Your ref: The Board Walk

The Licensing Manager
South Derbyshire Council,
Civic Offices,
Civic Way,
Swadlincote,
Derbyshire,
DE11 0AH

Monday, 07 October
2013

BY E-MAIL & POST

Dear Sirs,

LICENSING ACT 2003 APPLICATION:

Application for Premises Licence –

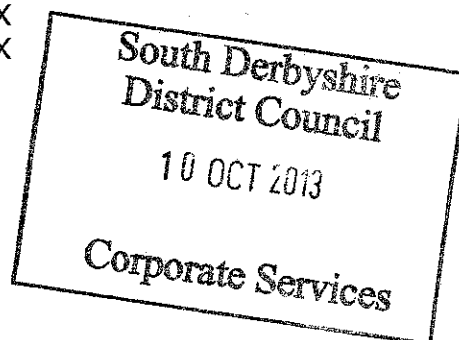
The Board Walk, Mercia Marina, Findern Lane, Willington, Derby, DE65 6DW

With reference to the above application, please take this letter as formal notification that it is the intention of the Police to make representation against this application on the grounds that in its current form it undermines the Licensing objectives as indicated below:

- | | | |
|----|--------------------------------------|---|
| 1. | The Prevention of Crime & Disorder | X |
| 2. | Public Safety | X |
| 3. | The prevention of Public Nuisance | X |
| 4. | The protection of children from harm | X |

Further explanation is given at appendix A attached.

Yours faithfully,



PC 2766 MORLEY
'D' Division Licensing Department
St. Mary's Wharf Police Station
DERBY
01332 613036 (760 3036)
Richard.morley.2766@derbyshire.pnn.police.uk



PLEASE NOTE:

THE INFORMATION CONTAINED IN APPENDIX A IS FOR THE ATTENTION OF THE LICENSING AUTHORITY / POLICE AND APPLICANT ONLY AT THIS STAGE.

DISCLOSURE TO OTHER PARTIES PRIOR TO HEARING MAY PREJUDICE ANY ALTERNATIVE DISPUTE RESOLUTION PROCESS AND ANY SUBSEQUENT COMMITTEE HEARING / COURT

APPENDIX 'A'

RE: The Board Walk, Mercia Marina

The applicant is applying for a Premises Licence for both on and off sales with the opening hours of the premise being 0800hrs to 0030hrs Monday to Sunday. The sales of alcohol would aim to be from opening to midnight throughout.

The purpose of the premises is to be a restaurant bar offering light snacks and alcoholic refreshments during the day and to offer more substantial meals of an evening. Prior to this application being received another larger application was received and granted for the same location. The decision has been made to re-size the development and therefore the application based on economics, but still with a view that the sale of alcohol would increase footfall, sales and revenue at the premise.

The premise is currently unused land within a busy marina development which has been afforded planning permission for the development. The premises are situated on a main road that runs through a fairly rural location but does have a scattering of residential premises within its locality.

Following discussions between the Police Licensing Enforcement Officers the owners have stated that the premise would be frequented by the local community, those visiting the local area and those who have moored craft within the marina.

The behaviour of certain individuals when under the influence of alcohol is widely recognised and documented as being one of the main factors encouraging their anti-social behaviour and violence through the level of intoxication.

The premise would allow and through its offering, would encourage more persons to visit the location on and during periods of celebration and Bank Holidays this increase of footfall to a rural location coupled with the close proximity to water gives rise to the concern of intoxicated customers with children.

This would be coupled with an increase in the amount of pedestrian traffic and associated noise and Anti social behaviour. This in itself could be perceived as a 'Public Nuisance' and could give rise to the decline in the image of a popular local beauty spot.

By applying for this licence I believe that it could lead to an increase in; Drink drive offences, persons loitering and congregating and an increase in alcohol consumption within this rural area with the potential for customers being tempted to walk into Willington on a dimly lit road. This offering albeit seen to provide another location for members of the community to enjoy the locality could give cause for concern with regards to the support of the four Licensing Objectives should it be allowed to operate without the suitable conditions being applied to the premises licence;

Public nuisance

Public safety

Protection of children from harm

Crime and Disorder

It is my opinion that the close proximity of water to the premises, coupled with the offering of alcohol could lead to the likelihood of an increase in the potential for Anti-social Behaviour and other crime that could be attributed to alcohol consumption, therefore undermining all of the licensing objectives.

Having discussed my concerns with both the applicant and the solicitors it has been agreed that a schedule of conditions that are both proportionate and suitable to the offering and location should be considered. Should the attached conditions be applied to the premises licence the Chief Officer of Police would have no objections to the licence being granted?

Premises Licence Conditions for;

Mercia Marina.

Findern Lane, Willington.

- 1) 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.
- 2) Refresher training shall be provided at regular intervals – at least every 6 months.
- 3) Records (electronic or otherwise) detailing the training provided shall be kept on the premises and be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
- 4) A challenge '25' Proof of age scheme shall be operated at all times.
- 5) 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.
- 6) The only acceptable forms of identification shall be:
 - Photo Driving Licence.
 - Current Passport.
- 7) Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, shall be displayed at:
 - Points of sale.
 - Entrance / reception
- 8) A system of recording sales refused under the proof of age scheme shall be operated at all times.
- 9) The refusal book / log shall be kept on the premises and be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
- 10) The records (electronic or otherwise) relating to the refusal book / log shall be retained on the premises for a minimum of 12 months.
- 11) The DPS shall ensure that a written incident log is maintained within the premises and details of all known incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 1 year and be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
- 12) Risk assessments and operating policies shall be kept up to date and followed at all times. They shall be made available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
- 13) No children under the age of 16 years shall be allowed access to the licensed area of the premises unless accompanied by a responsible adult over the age of 18 years old.

14) No person under the age of 18 years old will be allowed on the premise after 22:00 when the premise are being exclusively or primarily used for the supply of alcohol for the consumption on the premise, the only exceptions being family orientated events, pre arranged private functions and staff for the purpose of work.

15) Signage advising customers of the dangers and proximity of water in relation to the external licensed area shall be positioned on sign posts in the vicinity of the licensed premises and at the entry to pontoons.

16) A CCTV system shall be installed 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).

17) The CCTV recording system must be operating at all times when the premises are open for licensable activities and shall display the correct time and date.

18) All CCTV recordings must be retained for a minimum of 21 days. These images must be available for viewing at a reasonable time upon request of a Police Officer or any other authorised person as detailed within Section 13 of the Licensing Act 2003.

19) The 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.

20) The system must be able to export recorded images to a removable means such as a CD / DVD and have its own software to enable playback / review on site.

21) Installed CCTV cameras / monitors are to be positioned so as to ensure all areas to which the public have access are covered.

22) The CCTV recording unit is to be kept secure, to be opened only by the Designated Premises Supervisor or authorised, designated member/s of staff.

23) All digital recordings to be made in real time, time lapse not to be used; the recordings will be of evidential quality. (For the avoidance of doubt 'evidential quality' to be able to show the colour of clothing and/or facial features).

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Broome Stewart

From: Karen Cochrane <karen.cochrane@flintbishop.co.uk>
Sent: 08 October 2013 12:20
To: Broome Stewart
Cc: 'Morley, Richard, 2766'
Subject: RE: The Board Walk, Mercia Marina

Dear Stewart,

Thank you for your email.

I can confirm that my client is agreeable to the proposed conditions detailed in the police representation being added to the licence for the Board Walk, albeit that at condition 6 I believe the police had requested the addition of a third bullet point to also include 'Government approved 'PASS' card with hologram'

Accordingly, I confirm that should no further representations be received, that I am happy to dispense with the need to hold a hearing.

Kind regards,

Karen

Karen Cochrane
Solicitor

DDI: 01332 226 148

karen.Cochrane@flintbishop.co.uk
www.flintbishop.co.uk

Flint Bishop LLP

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From: Broome Stewart [<mailto:Stewart.Broome@south-derbys.gov.uk>]
Sent: 07 October 2013 16:59
To: Karen Cochrane
Cc: Boam Ruth

Subject: The Board Walk, Mercia Marina
Importance: High

Good afternoon Karen

I have received a representation from PC Morley of Derbyshire Constabulary (attached) regarding your application. In this representation PC Morley has indicated conditions which he believes would remove the Police's concerns regarding your application.

Can you please reply to this email stating whether you are happy to have the suggested conditions placed upon your licence, and secondly that you are happy to dispense with the need to hold a hearing.

Kind regards,

Stewart

Stewart Broome
Senior Licensing Officer
South Derbyshire District Council
stewart.broome@south-derbys.gov.uk
Direct Line: 01283 595935
Fax: 01283 595853
www.south-derbys.gov.uk

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