



**F B McArdle**  
**Chief Executive**  
South Derbyshire District Council,  
Civic Offices, Civic Way,  
Swadlincote, Derbyshire DE11 0AH.

[www.southderbyshire.gov.uk](http://www.southderbyshire.gov.uk)

**@SDDC on Twitter**  
**@southderbyshiredc on Facebook**

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[Democratic.services@southderbyshire.gov.uk](mailto:Democratic.services@southderbyshire.gov.uk)

Our Ref  
Your Ref

Date: 14 May 2021

Dear Councillor,

**Licensing and Appeals Sub-Committee**

Please find enclosed the agenda and supporting information for the Licensing and Appeals Sub-Committee meeting.

A Meeting of the **Licensing and Appeals Sub-Committee** will be held at **Council Chamber**, on **Thursday, 27 May 2021 at 10:00**.

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

Yours faithfully,

Chief Executive

To:- **Labour Group**  
Councillors Gee, Rhind and Southerd

**Conservative Group**  
Councillor Bridgen

**Independent Group**  
Councillors Angliss and MacPherson



## **AGENDA**

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

- 1** Apologies.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 – AMALFI WHITE BAR & RESTAURANT **3 - 35**

### **Exclusion of the Public and Press:**

- 4** The Chairman may therefore move:-  
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

## **REPORT TO LICENSING & APPEALS SUB-COMMITTEE**

**Agenda Item:** 3

**Hearing Date:** 27<sup>th</sup> May 2021

Contact Officer: Faye Norman

### **HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003**

<b>Applicant's Name</b>	Elizabeth & Adam Devey Smith
<b>Premises Name</b>	Amalfi White Bar and Restaurant
<b>Address</b>	50 Derby Road, Melbourne, Derbyshire, DE73 8FE

#### **1. PURPOSE**

- 1.1 To determine an application to vary a premises licence received by this Authority on the 31<sup>st</sup> March 2021 from Elizabeth and Adam Devey Smith. The application is attached at **(Appendix 1)**.

#### **2. BACKGROUND**

- 2.1 The applicant is seeking a full variation to a premises licence to amend condition 25 of Annex 2 of the licence which currently restricts the use of rear beer garden for the consumption of alcohol until 22.00hrs. The applicant seeks to amend this condition to extend the time to 23.00hrs.

Condition 25 of Annex 2 of the premises licence also currently restricts the use of the area to the front of the premises facing Derby Road, and the area between the premises and 48 Derby Road until 20.00hrs. The applicant seeks to further amend this condition to extend the time to 23.00hrs.

All of the external areas mentioned above can be seen in the cross hatched area of the attached plan which is attached at **(Appendix 2)**.

#### **3. APPLICATION DETAILS**

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

Activity	Days	Times
Consumption of alcohol in the areas mentioned above in Paragraph 2.1 – Outdoors	Monday - Sunday	08.00hrs – 23.00hrs

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

#### **4. CONSULTATION RESPONSES**

##### **4.1 2 Representations were received from the Responsible Authorities.**

Derbyshire Constabulary	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 3)</b> .
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SDDC Licensing Authority	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 4)</b> .
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##### **4.2 4 representations were received from other persons.**

Emma Robison	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 5)</b> .
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Sally James	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 6)</b> .
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Greg & Debbie Smith	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 7)</b> .
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Tom Hames	Representation received during the 28 day consultation period. Full details can be found at <b>(Appendix 8)</b> .
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#### **5. OTHER RELEVANT CONSIDERATIONS**

5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.

5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.

5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.

5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.

5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

## **6. DETERMINATION**

- 6.1 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
1. Grant the licence in accordance with the application.
  2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
  3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
  4. Reject the whole of the application.
- 6.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 6.3 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 6.4 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

## **7. RIGHT OF APPEAL**

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

## **8. APPENDICES**

1. Application for a premises licence to be varied under the Licensing Act 2003
2. A plan identifying the external areas as specified in Paragraph 2.1
3. Representation from Derbyshire Constabulary
4. Representation from South Derbyshire District Council Licensing Authority
5. Representation from Emma Robison
6. Representation from Sally James
7. Representation from Greg and Debbie Smith
8. Representation from Tom Hames



**South Derbyshire**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)  
 Telephone: 01283 221000

\* required information

### Section 1 of 18

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

Your reference  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

\* Family name

\* E-mail

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

Is the applicant's business registered outside the UK? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Business name

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

VAT number

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

Continued from previous page...

Legal status

Partnership

Applicant's position in the business

Partner

Home country

United Kingdom

The country where the applicant's headquarters are.

**Applicant Business Address**

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Building number or name

Amalfi White Bar & Restaurant

Street

50 Derby Road

District

City or town

Melbourne

County or administrative area

Derbyshire

Postcode

DE73 8FE

Country

United Kingdom

**Agent Details**

\* First name

Tim

\* Family name

Shield

\* E-mail

tshield@john-gaunt.co.uk

Main telephone number

0114 266 8664

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

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

☐ Yes

☒ No

Business name

John Gaunt & Partner

If your business is registered, use its registered name.

VAT number

GB

651652147

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

Legal status

Partnership

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

**Premises Contact Details**

Telephone number



Continued from previous page...

Non-domestic rateable  
value of premises (£)

34,000

### Section 3 of 18

#### VARIATION

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

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐ Yes

☒ No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To amend conditions of the licence restricting the use of external areas to permit the consumption of alcohol in specified areas until 11pm daily.

### Section 4 of 18

#### PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

☐ Yes

☒ No

### Section 5 of 18

#### PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to  
vary is successful?

☐ Yes

☒ No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

Page 9 of 35

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 7 of 18

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 8 of 18

#### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 9 of 18

#### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 10 of 18

#### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 11 of 18

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

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 12 of 18

#### PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

### Section 13 of 18

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

### Section 14 of 18

#### 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.

Provide 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.

### Section 15 of 18

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

##### MONDAY

Start 08:00

End 01:00

Start

End

Provide 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 01:00

Start

End

##### WEDNESDAY

Start 08:00

End 01:00

Start

End

##### THURSDAY

Start 08:00

End 01:00

Start

End

##### FRIDAY

Start 08:00

End 01:30

Start

End

Continued from previous page...

**SATURDAY**

Start 08:00

End 01:30

Start

End

**SUNDAY**

Start 08:00

End 01:00

Start

End

State any seasonal variations.

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

None

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

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

As existing - New Year's Eve - 08:00 to 03:00

On the twenty four pre-booked events, the premises will remain open for 30 minutes after licensable activities ceased. The White Ballroom and White Bar shall be open until 30 minutes past the terminal hour six times per year for pre-booked events only. The Licensing Authority and the Police shall be notified by email 14 days in advance of these events taking place.

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

If successful, condition 25 of Annex 2 will be removed and an alternative condition is proposed below.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

**Section 16 of 18**

**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)

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

*Continued from previous page...*

No additional steps arising from this application have been identified for this section.

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

No additional steps arising from this application have been identified for this section.

**c) Public safety**

No additional steps arising from this application have been identified for this section.

**d) The prevention of public nuisance**

The rear beer garden (cross-hatched on the attached plans) shall be closed at 11pm, except for smoking, and no drinks or food shall be consumed outside after this time. Notices shall be displayed to that effect in that area. The area to the front of the premises facing Derby Road, and the area between the premises and 48 Derby Road (striped on the attached plans) shall be closed at 11pm, and no drinks or food shall be consumed outside after this time. This area shall not be opened until 8am the following day.

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

No additional steps arising from this application have been identified for this section.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### 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.

Variation 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](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

If you own a large premise 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 (£)

315.00

### DECLARATION

I/we understand it is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

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

Continued from previous page...

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](#)

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-derbyshire/change-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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

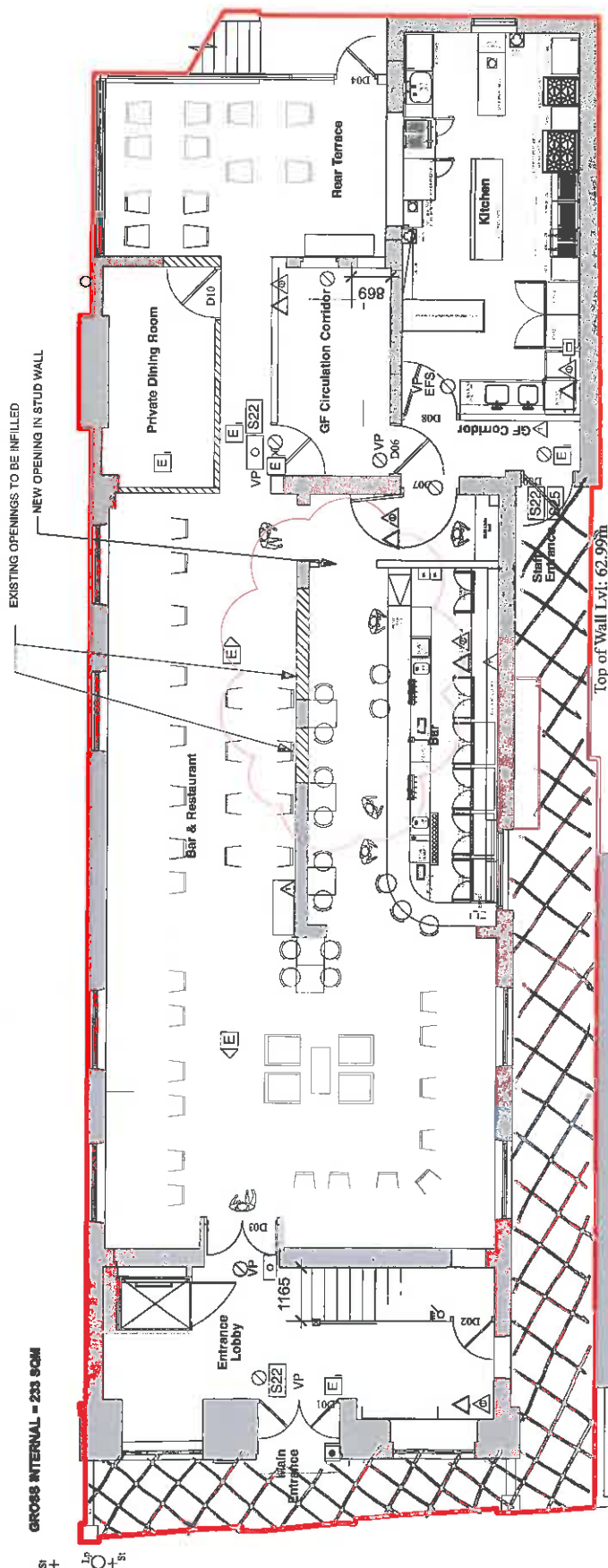
Is Digitally signed ☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)





GROSS INTERNAL = 233 SQM



1 Ground Floor Plan  
1:100@A3

## Key

## Licensing Area



Water fire extinguisher main BL



Carbon Dioxide Gas fire extinguisher main SKG



Foam fire extinguisher



Fire blanket



Vision Panel



Free swing door with self closing device integral with fire alarm



30 minute fire resisting door



Hold open



Fire door - keep locked notice

[S22]

Fire exit notice

[S25]

Push bar to open notice

PB

Fire door - keep shut notice

CP

Call Point

[E]

Double sided suspended direction fire exit sign

[E]

Emergency lighting



## 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 3 SURFACE SPREAD OF FLAME RATING TO LINING 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 M&E FITTINGS REFER TO M&E CONSULTING ENGINEER DRAWINGS AND M&E SUBCONTRACTOR DRAWINGS.

## DISCLAIMER

This drawing is the property of The One Off Ltd. Copyright is reserved by them and the drawing is issued on the condition that it is not copied, reproduced, or used in any way without the written consent of The One Off Ltd. Do not scale off drawing. All dimensions to be verified prior to manufacture and construction by contractor. Any discrepancies must be notified to TOO and a request must be kept. TOO will not be responsible for any alterations made to this drawing.

## Revision: Detail:

A	Changes to layout
B	WALLS AMENDED IN BAR AREA
C	Pizza Oven replaced with Private Dining Room

## Date:

28/05/13
28/05/16
21/01/21

Client: **Elizabeth Dewey Smith**  
Job: **Anaith White**  
Dwg Type: **General Arrangement**  
Client Approval:

Job N°: **442**  
Issue Code: **200**  
Dwg Series: **1:100@A3**  
Scale: **C**  
Revision:

Drawn By: **LG**  
Checked By: **NV**  
Date: **12/06/12**

Dwg Title: **Ground Floor Licensing Plan**  
Dwg N°: **220**



Issue Codes: I = Information; T = Tender; CA = Client approved



Architectural floor plan of the Basement Level (1:100). The plan shows a central corridor connecting various rooms. On the left side, there is a Store, an Office, and Female Toilets. On the right side, there are Male Toilets, a Baby Change area, and an External store. The plan also includes several bedrooms (BD01-BD09) and a Garden. A Cellar and a Ramp are located at the bottom of the plan. The plan is oriented with North at the top.









Rooms and areas labeled include:

- Store
- Office
- Female Toilets
- Male Toilets
- Baby Change
- External store
- BD01, BD02, BD03, BD04, BD05, BD06, BD07, BD08, BD09
- VP, PB, SI, SI4, SI5, SI6, SI7, SI8, SI9, SI10, SI11, SI12, SI13, SI14, SI15, SI16, SI17, SI18, SI19, SI20, SI21, SI22, SI23, SI24, SI25, SI26, SI27, SI28, SI29, SI30, SI31, SI32, SI33, SI34, SI35, SI36, SI37, SI38, SI39, SI40, SI41, SI42, SI43, SI44, SI45, SI46, SI47, SI48, SI49, SI50, SI51, SI52, SI53, SI54, SI55, SI56, SI57, SI58, SI59, SI60, SI61, SI62, SI63, SI64, SI65, SI66, SI67, SI68, SI69, SI70, SI71, SI72, SI73, SI74, SI75, SI76, SI77, SI78, SI79, SI80, SI81, SI82, SI83, SI84, SI85, SI86, SI87, SI88, SI89, SI90, SI91, SI92, SI93, SI94, SI95, SI96, SI97, SI98, SI99, SI100
- IC
- Cellar
- Ramp
- Garden

Scale: 1:100

Page 2

REAR GARDEN

	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

S22 S25 PB CP E E O S14

- 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:**

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MANAGE FIRE ALARM SYSTEM AND  
FOLLOWING REGULATIONS.

EMERGENCY LIGHTING TO BE INSTALLED IN ALL CLASS ROOMS. ALL CLASS ROOMS TO HAVE CLASS SPREAD OUTS AVAILABLE FROM ELECTRICAL PANELS. ALL CLASS ROOMS TO HAVE FIRE WALL TO BE FIRE STOPPED. ALL CLASS ROOMS TO HAVE LINE BOARD TO GROUND FLOOR. ALL CLASS ROOMS TO HAVE G CONTROL TO ADVISE IF DOORS ARE OPEN. ALL CLASS ROOMS TO HAVE M&E CONSULTING ENGINEER DESIGN.

LED IN ACCORDANCE WITH LATEST  
FLAME RATING TO LINING MATERIAL  
CONTRACTOR.

NEED VISION PANELS,  
WINGS AND M&E

**DISCLAIMERS:**

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Revision:	Details:
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**Order:**

**Client:** Elizabeth Devay Smith

Job:	Amalfi White	Job N°:	4442	Issue Code:	
Dwg Type:	General Arrangement	Dwg. Series:	200	Drawn By:	
Client Approval:		Scale:	1:100@A3	Checked By:	
		Revisiting:		Date:	1

Day Title: Basement Licensing Plan

222

Licensing Plan  
NATIONAL FIRE PROTECTION ASSOCIATION



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

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

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

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

<b>Your Name</b>	Gareth Fowler
<b>Job Title</b>	Police Licensing Enforcement Officer
<b>Postal and email address</b>	South Derbyshire Licensing Unit, South Divisional Headquarters, Prime Park Way, Derby DE1 3AB
<b>Contact telephone number</b>	07712 417717/0300 122 4492

<b>Name of the premises you are making a representation about</b>	Amalfi White Bar and Restaurant
<b>Address of the premises you are making a representation about</b>	50 Derby Road, Melbourne, Derbyshire, DE7 8FE

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	No	
<b>Public safety</b>	Yes	
<b>To prevent public nuisance</b>	Yes	<p>The applicants are Elizabeth and Adam Devey-Smith. the current premises licence holder</p> <p>It is the belief of the Chief Officer of Police that allowing the extension of the hours for consumption of alcohol in the rear garden of the premises and for the same at the front of the premises would have an adverse impact on two of the licensing objectives, these being the Prevention of Public Nuisance and Public Safety</p> <p>Condition 25 on the current licence was specifically added to help prevent and control noise and antisocial behaviour affecting the neighbours who adjoin the beer garden at the rear of the premises. This was added following many reports from neighbours complaining about noise and antisocial behaviour.</p> <p>This condition was upheld by the Sub Licensing Committee who sat in hearing, when the request was put forwards previously.</p> <p>"The rear beer garden (cross-hatched on the attached plans) shall be closed at 10pm, except for smoking, and no drinks</p>

		<p>or food shall be consumed outside after this time. Notices shall be displayed to that effect in that area. The area to the front of the premises facing Derby Road, and the area between the premises and 48 Derby Road (stripped on the attached plans) shall be closed at 8pm, and no drinks shall be consumed in this area after this time. This area shall not be opened until 8am the following day."</p> <p>In respect to the front of the property being used for the consumption of alcohol until 2300hrs, I would suggest that the space is too small and there are no barriers between the consumption area and the highway, therefore making it a risk for drinkers who potentially by this time will have consumed more alcohol than they would at the previous cut off time of 2000hrs. I believe extending the time to 2300hrs would breach the public safety objective.</p> <p>Please take this as formal notification of a representation from the Chief Officer of Police for Derbyshire Constabulary, made under Section 18(3) of the Licensing Act 2003.</p>
To protect children from harm	No	

<p><b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing and Appeals Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b></p>	
--	--

Signed:



Date: 22/04/21

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to [licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk). This form must be returned within the Statutory Period. For more details please check with the Licensing Office on 01283 595 716/724/890

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

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

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

<b>Your Name</b>	Mark Lomas
<b>Job Title</b>	Licensing Officer – Enforcement (Submitted on behalf of the Senior Licensing Officer).
<b>Postal and email address</b>	Licensing Department, South Derbyshire District Council, Civic Way, Swadlincote, Derbyshire, DE11 0AH mark.lomas@southderbyshire.gov.uk
<b>Contact telephone number</b>	01283-221000

<b>Name of the premises you are making a representation about</b>	Amalfi White Bar and Restaurant
<b>Address of the premises you are making a representation about</b>	50 Derby Road, Melbourne, Derbyshire, DE73 8FE

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	Yes	<p>The Amalfi White Bar and Restaurant is an on-licensed premises situated within the heart of Melbourne and is bordered by residential dwellings. It has a very small frontage area which has no clearly defined boundary between the frontage and the pavement of Derby Road other than the change in surface ie. No bordering wall. The large rear garden area of the premises can only be accessed from the premises itself.</p> <p>The request by the applicants to remove the current condition, number 25, to enable the premises to utilise the rear garden area and the front area of the premises for the consumption of alcohol until 2300hrs gives cause for concern that the four licensing objectives would be undermined.</p> <p>As stated, the area to the front is a small area with no clear defined barrier between the premises frontage and the highway. Derby Road is a busy highway for both vehicular and pedestrian traffic. Humans by nature are a social interacting species and coupled with the consumption of alcohol their inhibitions are further reduced.</p> <p>Therefore, the probability of members of the public and local residents going about their daily business and patrons of the premises socialising in such a small space and coming into contact is highly probable.</p> <p>An increase in the hours from 8pm to 11pm to enable further consumption of alcohol whilst utilising this small compact area has a high probability factor for confrontation between parties and an increase in noise from those socialising within this area and therefore, I submit it would have an adverse impact on and undermine all four of the licensing objectives.</p> <p>As stated, the rear garden area of the premises is a large extensive area that is bordered by residential dwellings.</p>



		<p>The premises is a popular destination venue for members of the public to visit and socialise. However, the close proximity of the residential dwellings and the patrons behaviour utilising the rear garden area has led to previous complaints and allegations received by this Authority with regards to noise, anti-social behaviour and breaches of the condition of the use of the rear garden area beyond its 10pm cut off for the consumption of alcohol.</p> <p>This has culminated in meetings with the current owners and management at the time of the reports and associated investigations with a view to addressing these issues and concerns whilst ensuring compliance with the imposed condition.</p> <p>I believe the owners/management have not introduced and demonstrated robust control measures to ensure compliance with this current condition.</p> <p>By increasing the opportunity of the use of this rear garden area for a further hour until 11pm including the consumption of alcohol by patrons would I believe bring with it extra demands upon the staff in managing and complying with the condition therefore undermining and having an adverse impact on the prevention of crime and disorder and the public safety licensing objectives.</p> <p>Therefore, to extend the current condition to enable patrons to utilise this garden area for an extra hour including the consumption of alcohol and food I believe would also have an adverse impact for the neighbouring dwellings residents with regards to the prevention of public nuisance and the protection of children from harm (Disturbance of sleep, etc).</p> <p>The current condition, that is being applied to be removed, was the subject of a previous application submitted to the licensing and appeals sub-committee by the current premises licence holders. The committee on that occasion resolved that the condition should remain without amendment.</p> <p>Please take this as formal notification of a representation from South Derbyshire District Council Licensing Authority.</p>
<b>Public safety</b>	Yes	Please refer above.
<b>To prevent public nuisance</b>	Yes	Please refer above.
<b>To protect children from harm</b>	Yes	Please refer above.

**Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing and Appeals Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.**

Signed: Mark Lomas

Date: 27<sup>th</sup> April 2021.

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to [licensing@southderbyshire.gov.uk](mailto:licensing@southderbyshire.gov.uk). This form must be returned within the Statutory Period. For more details please check with the Licensing Office on 01283 595 716/724/890



**Corrinne Bird**

**From:** Emma Robison  
**Sent:** 15 April 2021 15:26  
**To:** [licensing@southdebyshire.gov.uk](mailto:licensing@southdebyshire.gov.uk)  
**Cc:** Licensing  
**Subject:** Amalfi White - Licensing Hours

Hi

Reference the extension the Amalfi Hours

Reference TAS/AmA11/2

I am writing to register my objection to the application for extension of hours in the outside garden from 10pm to 11pm.

The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

Residents in this area already suffer noise nuisance and anti-social behaviour at all hours of the day and night from the premises and to extend any later than 10pm, has a detrimental effect on the young families and the older generation living around Amalfi White. There is generally no consideration from the owners of Amalfi White for the residents of Melbourne and I feel this extension to the outside will not be monitored and will create a situation where people can think they can drink outside and continue to attract crowds and noise.

I would also like to register my concerns that the late hours opening was only supposed to be for special occasions, however, it seems to be 1pm every now. Can you please confirm this is the case?

Regards



t: 0345 5050 888

m: 0786 667 2791

e: [emma@bfs.ltd.uk](mailto:emma@bfs.ltd.uk)

www.bfs.ltd.uk

BUSINESS FINANCE SOLUTIONS LIMITED

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## Corrinne Bird

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**From:** Sally James  
**Sent:** 22 April 2021 15:14  
**To:** Licensing  
**Subject:** Licensing - Amalfie White, Melbourne

It has come to my attention that Amalfie White 50 Derby Road, Melbourne, Derby has requested to extend their garden opening hours from 2200 to 2300 nightly.

Could I please register my objection to this increase in hours.

I have one of the many private gardens that borders on Amalfie White's outside area. If it was just customers enjoying a meal and a drink in the garden late on a summers evening but unfortunately it isn't. The noise and disruption from customers as alcohol consumption increases and they gather outside in large groups well past the 2200 cut off time with very loud sometimes very offensive language, yelling at each other etc. I think it would be best if Amalfie White would show some regard to their neighbours by keeping to the garden closing time at present before they are able to extend it. Who supervises these customers outside ? Could they not ask them to keep their voices down as we can't enjoy our gardens as we should be able to.

I know its difficult at present with the Covid restrictions but if anybody from your office would like to come and sit in my garden on a weekend night and listen for themselves you are more than welcome.

Sally James



To: [licensing@southdebyshire.gov.uk](mailto:licensing@southdebyshire.gov.uk)

We are writing to put our objections to the proposed extension of opening hours to the outside areas of the Amalfi White Bar & Restaurant.

The rear patio and garden borders 6 neighbours directly and several more within a few metres, all of whom are impacted by noise whenever the rear area is in use. Most of these neighbours will be unaware of the application as it is not publicised.

Our house is adjacent to the patio area and so is less than a couple of metres from where scores of guests congregate, currently for up to 10 hours a day. Our garden is also adjacent to the Amalfi garden. Our peaceful amenity is regularly disturbed, particularly on Fridays, Saturdays & Sundays. This is made significantly worse when Amalfi flout their current Licence conditions and allow people to stay outside drinking after 10pm. We have had to make formal complaints to SDDC Licensing, which we hope will be taken into consideration in determining the application. We work shifts, as well as on-call for the NHS, and on many evenings we are trying to sleep when there are rowdy guests in Amalfi's garden. Extending the opening hours will make this significantly worse for us.

We have children, as will some of the other neighbours, who are affected by the noise and also by nuisance light from lights being left on at Amalfi continuously and overnight on regular occasions – this despite numerous requests to ensure all lights are switched off. This is now made worse by new garden lights that stay on until midnight and encroach into bedrooms at the other end of our house.

Amalfi's indoor opening hours were extended only a couple of years ago and allow opening until 1am/1.30am, with options to open even later on nominated occasions. This gives substantial opportunity to provide their service and be a successful business, whilst already impacting on many neighbours in close proximity.

We therefore request that this application is rejected.

Greg & Debbie Smith and family.





**Corrinne Bird**

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**From:** Tom Hames  
**Sent:** 22 April 2021 13:14  
**To:** Licensing  
**Subject:** Amalfi White - Licensing Hours

To whom it may concern,

I am emailing you after being informed of the proposed extension of licensing hours for Amalfi White, Derby Road, Melbourne.

I am currently a resident of [redacted]. This is a property which is adjacent to Amalfi White, and one which shares a courtyard that backs onto the rear of the property.

I am aware that there was an application to extend access of the rear garden to customers of Amalfi White beyond 22:00 hours.

Whilst I have only recently moved into the property at [redacted] I would like to voice my concern around this proposal. I have a young daughter and have already experienced, since only recently being allowed to reopen due to covid restrictions, disturbances from Amalfi White customers beyond the set 22:00 hours limit. Customers remained in the rear garden until 22:30 and caused a lot of noise disturbance.

I am therefore concerned that any extension of the hours could lead to noise disturbances close to midnight at weekends which simply is not acceptable.

I hope you can consider this point in regards to proposed extension.

Kind regards,

Tom Hames

