

Please ask for Democratic Services

Phone (01283) 595722/ 595848

Typetalk 18001

DX 23912 Swadlincote

Democraticservices@southderbyshire.gov.uk

Our Ref

Your Ref

Date: 18 November 2020

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 a **Virtual Committee**, held via Microsoft Teams on **Tuesday, 01 December 2020 at 10:00**.

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

Yours faithfully,



Chief Executive

To:- **Conservative Group**
Councillor Patten (Chairman) and Councillor Muller

Labour Group
Councillor Richards

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 GRANTED UNDER THE LICENSING ACT 2003 – RUSSELLS YARD LTD **3 - 37**

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: 1st December 2020

Contact Officer: Faye Norman

HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

| | |
|-------------------------|---|
| Applicant's Name | Russell's Yard Ltd |
| Premises Name | Russell's Yard Ltd |
| Address | 71 Derby Road, Melbourne, Derbyshire, DE73 8FE |

1. PURPOSE

- 1.1 To determine an application to grant a premises licence received by this Authority on the 9th October 2020 from Russell's Yard Ltd. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a premises licence for recorded music, late night refreshment and the sale by retail of alcohol for the times stated in paragraph 3.

3. APPLICATION DETAILS

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

| Activity | Days | Times |
|---|--|---|
| Recorded music – Indoors | Sunday – Thursday Friday & Saturday New Year's Eve | 11.00hrs – 23.00hrs 11.00hrs – 00.30hrs 11.00hrs – 01.30hrs |
| Late night refreshment - Indoors | Sunday – Thursday Friday & Saturday New Year's Eve | 23.00hrs – 23.30hrs 23.00hrs – 00.30hrs 23.00hrs – 01.30hrs |
| Sale by retail of alcohol for consumption on and off the premises | Sunday – Thursday Friday & Saturday New Year's Eve | 11.00hrs – 23.00hrs 11.00hrs – 00.30hrs 11.00hrs – 01.30hrs |
| Opening hours | Sunday – Thursday Friday & Saturday New Year's Eve | 11.00hrs – 23.30hrs 11.00hrs – 00.30hrs 11.00hrs – 01.30hrs |

- 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 No representations were received from the Responsible Authorities.
- 4.2 1 representation was received from other persons.

| | |
|-------------|---|
| Matthew Lee | Representation received during the 28 day consultation period. Full details can be found at (Appendix 2) . |
|-------------|---|

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 form
2. Representation received – Matthew Lee

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

We ~~are~~ ^{are} ~~the~~ ^{the} ~~RUSSELLS~~ ^{RUSSELLS} ~~YARD LTD.~~ ^{YARD LTD.}
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 - Premises details

| | |
|--|-----------|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| 71 DERBY ROAD | |
| Post town | MELBOURNE |
| Postcode | DE73 8FE |
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £ 7200.00 |

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|--|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | <input checked="" type="checkbox"/> please complete section (B) |
| i as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|--|------------------------------|--|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth | | I am 18 years old or over <input type="checkbox"/> Please tick yes | | | |
| Nationality | | | | | |
| Current residential address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |
| Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | |
|---|------------------------------|-------------------------------|--|--------------------------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) |
| Surname | | | First names | |
| Date of birth | | | I am 18 years old or over <input type="checkbox"/> Please tick yes | |
| Nationality | | | | |
| Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information) | | | | |
| Current residential address if different from premises address | | | | |
| Post town | | Postcode | | |
| Daytime contact telephone number | | | | |
| E-mail address (optional) | | | | |

(B) OTHER APPLICANTS

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

| | |
|---|--|
| Name | RUSSELLS YARD LTD |
| Address | 71 DERBY ROAD, MELBOURNE DERBYSHIRE, DE13 8FE |
| Registered number (where applicable) | COMPANY NUMBER 12698680 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) | LIMITED COMPANY |

Telephone number (if any)

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

| DD | MM | YYYY |
|----|----|--------|
| 0 | 1 | 112020 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| DD | MM | YYYY |
|----|----|------|
| | | |

Please give a general description of the premises (please read guidance note 1)

A 3 STOREY DETACHED BUILDING, SET BACK FROM THE STREET SCENE COMPRISING GROUND FLOOR 1ST AND 2ND FLOOR. THERE IS ACCESS TO A WELL LAID OUT SEATING AREA AT THE FRONT AND REAR TERRACE. THE GROUND FLOOR WILL MAINLY BE USED AS A BAR SERVING ALCOHOL IN THE LOUNGE BAR AND FRONT AND REAR TERRACE BEER GARDEN. THE FIRST FLOOR WILL BE DEDICATED TO FINE DINING RESTAURANT WITH A BAR SERVING ALCOHOL. BAR MEALS WILL BE PROVIDED IN THE LOUNGE BAR.

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

| |
|--|
| |
|--|

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

| | | | | | | |
|---|-------|--------|--|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 7) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | | |
| Mon | | | | | | |
| | | | | | | |
| Tue | | | | | | |
| | | | State any seasonal variations for performing plays (please read guidance note 5) | | | |
| Wed | | | | | | |
| | | | | | | |
| Thur | | | | | | |
| | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6) | | | |
| Fri | | | | | | |
| | | | | | | |
| Sat | | | | | | |
| | | | | | | |
| Sun | | | | | | |

B

| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| | | | | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |
| | | | | | |

C

| | | | |
|--|-------|--------|--|
| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| Wed | | | |
| Thur | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6) |
| Sat | | | |
| Sun | | | |
| | | | |

D

| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both <u>please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|---|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | | Both | <input type="checkbox"/> |
| Tue | | | | Please give further details here (please read guidance note 4) | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sun | | | | | |

E

| | | | | |
|--|-------|--------|---|--------------------------|
| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3) | |
| Day | Start | Finish | Indoors | <input type="checkbox"/> |
| | | | Outdoors | <input type="checkbox"/> |
| | | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | State any seasonal variations for the performance of live music (please read guidance note 5) | |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

F

| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | 1100 | 2300 | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | 1100 | 2300 | | | |
| Wed | 1100 | 2300 | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| Thur | 1100 | 2300 | | | |
| Fri | 1100 | 0030 | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | 1100 | 0130 | | | |
| Sun | 1100 | 2300 | | | |

MUSIC PLAYED WILL ONLY BE BACKGROUND MUSIC ON PREMISES

NO SEASONAL VARIATIONS

NEWS EVE NON STANDARD TIMINGS 1100 TO 0130 HRS

G

| | | | | | |
|---|-------|--------|---|--|-----------------------------------|
| Performances of dance Standard days and timings (please read guidance note 7) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | | Indoors <input type="checkbox"/> |
| | | | | | Outdoors <input type="checkbox"/> |
| | | | | | Both <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

H

| | | | | |
|--|-------|--------|---|-----------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing | |
| Day | Start | Finish | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors <input type="checkbox"/> |
| Mon | | | | Outdoors <input type="checkbox"/> |
| | | | | Both <input type="checkbox"/> |
| Tue | | | Please give further details here (please read guidance note 4) | |
| | | | | |
| Wed | | | | |
| Thur | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) | |
| | | | | |
| Fri | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6) | |
| | | | | |
| Sun | | | | |

| | | | | | |
|--|--------------|---------------|---|----------|-------------------------------------|
| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | 2300 | 2330 | REFRESHMENT WILL ONLY BE SERVED IN THE RESTAURANT | | |
| Tue | 2300 | 2330 | | | |
| Wed | 2300 | 2330 | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | | |
| Thur | 2300 | 2330 | NO SEASONAL VARIATIONS | | |
| Fri | 2300 | 0030 | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) NEW YEARS EVE NON STANDARD TIMINGS 2300 TO 0130 HRS | | |
| Sat | 2300 | 0030 | | | |
| Sun | 2300 | 2330 | | | |

J

| | | | | |
|---|-------|--------|---|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | |
| | | | On the premises | <input type="checkbox"/> |
| | | | Off the premises | <input type="checkbox"/> |
| | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | BAR LOUNGE, FRONT AND REAR TERRACE FINE DINNING RESTAURANT | |
| Mon | 1100 | 2300 | State any seasonal variations for the supply of alcohol (please read guidance note 5) NO SEASONAL VARIATIONS | |
| Tue | 1100 | 2300 | | |
| Wed | 1100 | 2300 | | |
| Thur | 1100 | 2300 | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) NEW YEARS EVE NON STANDARD TIMINGS 1100 TO 0130 HRS | |
| Fri | 1100 | 0030 | | |
| Sat | 1100 | 0030 | | |
| Sun | 1100 | 2300 | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|--|--|
| Name MR GULAM KIBRIA CHAUDHURY | |
| Date of birth | |
| Address | |
| Postcode | |
| Personal licence number (if known) | |
| Issuing licensing authority (if known) | |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

ABSOLUTELY NO ADULT ENTERTAINMENT OR SERVICES AND ACTIVITIES

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
|--|-------|--------|---|
| Day | Start | Finish | NO SEASONAL VARIATIONS |
| Mon | 1100 | 2330 | |
| Tue | 1100 | 2330 | |
| Wed | 1100 | 2330 | |
| Thur | 1100 | 2330 | |
| Fri | 1100 | 0030 | |
| Sat | 1100 | 0030 | |
| Sun | 1100 | 2330 | |

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

NEW YEARS NON STANDARD TIMINGS 1100 TO 0130 HRS

M

a) General – All Four Licensing Objectives (b, c, d, e)

The Licensee shall ensure that at all times when the premises are used for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

b) The Prevention of Crime and Disorder

Please refer to Notification to Local Authority of Agreement Regarding Representation
Proposed Annex 2 Conditions

c) Public Safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting. All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

d) The Prevention of Public Nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The Protection of Children from Harm The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for UNDERAGE SALES PREVENTION regularly. A register of refused sales shall be kept and maintained on the premises

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

| | |
|--------------------|---|
| Declaration | <ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or |
|--------------------|---|

| | |
|-----------|--|
| | her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15) |
| Signature | |
| Date | 30-09-2020 |
| Capacity | |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

| | | | |
|---|-----------|----------|----------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) | | | |
| IBRAHIM YASIN 71 DERBY ROAD | | | |
| Post town | MELBOURNE | Postcode | DE73 8FE |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |

Proposed Annex 2 Conditions

Proposed Annex 2 conditions

Russells Yard

- 1) Full training shall be provided to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods.**
 - a. Refresher training shall be provided at regular intervals – at least every 6 months.**
 - b. Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or other authorised person.**
 - c. All records must be written and shall be retained on the premise for a minimum of 12 months.**
- 2) A challenge 25 Proof of age scheme shall be operated at all times.**
 - a. 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.**
 - b. The only acceptable forms of identification shall be:**
 - PASS – accreditation proof of age card.**
 - Photo Driving Licence.**
 - Current Passport.**
 - c. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, shall be displayed within the premises.**
 - d. A system of recording sales refused under the proof of age scheme shall be operated at all times.**
 - e. The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.**
 - f. The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months.**
- 3) The DPS shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.**
- 4) The DPS shall ensure that a written Refusals log is maintained within the premises and details of all challenges and refusals are recorded within the log.**

This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.

5) The Premises Licence Holder shall devise and adhere to a drugs policy when the premises are open for licensable activities.

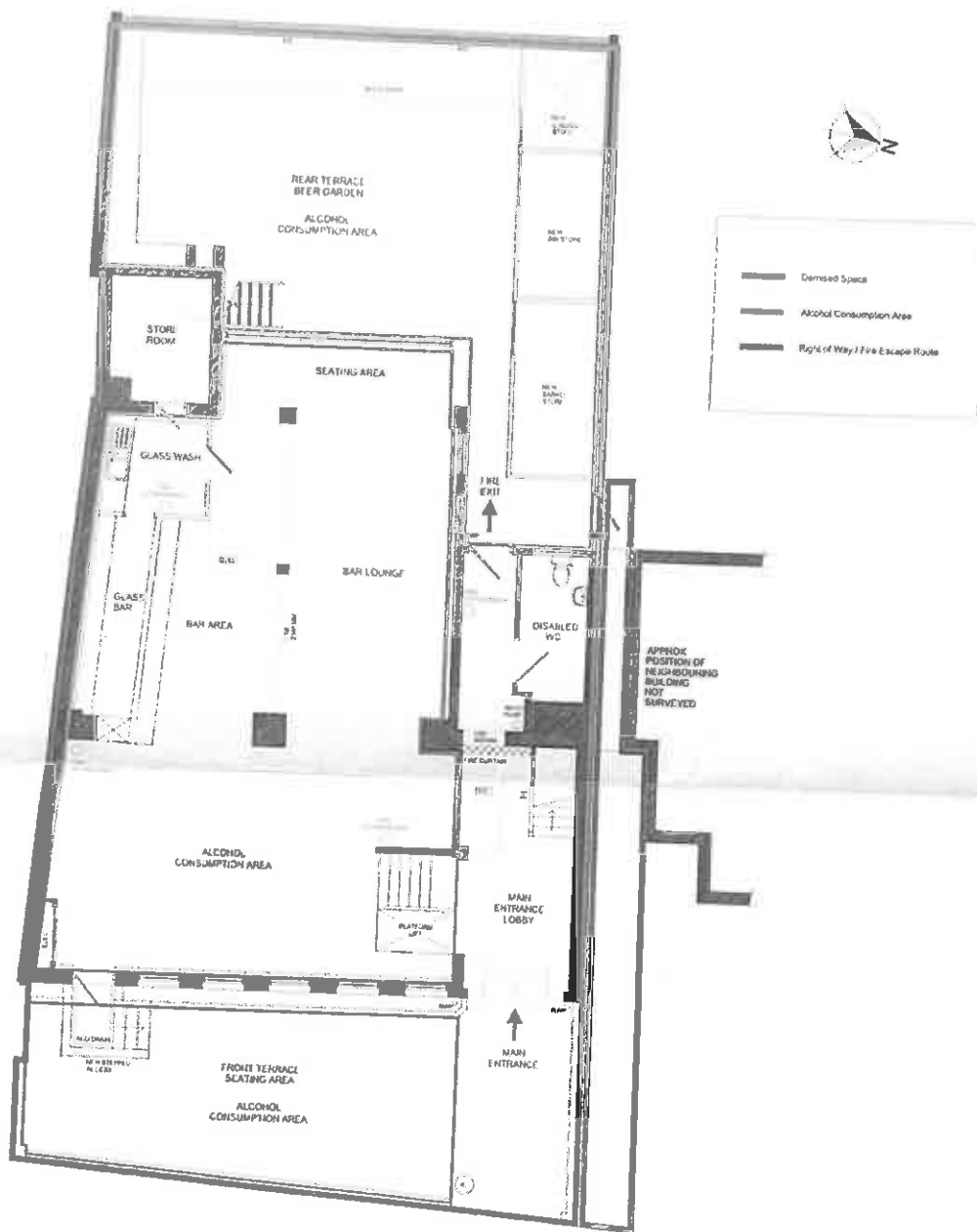
- a. Training in this policy shall be given to all staff working at the Premises and records shall be kept for a period not less than 12 months.**

6) The Premises Licence Holder or nominated person shall ensure that clear, prominent and legible notices are displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises, quietly and in an orderly manner respecting the needs of local residents.

7) A CCTV system shall be installed at all times and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).

- a. The CCTV recording system must be operating at all times when the premises are open for licensable activities.**
- b. All CCTV recordings must be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.**
- c. The Premises License Holder, Designated Premises Supervisor or person in charge of the premises must be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).**
- d. The CCTV recording unit is to be kept secure, to be opened only by the Premises Licence holder, Designated Premises Supervisor, or authorised, designated member of staff.**
- e. Installed CCTV cameras are to be positioned so as to ensure that all parts of the premises to which the public has access are sufficiently covered (save for any toilet areas).**

- 12) Any music played at the premises will be background music only.**
- a. Checks will be made each night to ensure that any music played within the premises can not be heard outside the building.**
 - b. The logs for these checks will be kept for a minimum of 12 months.**
 - c. There will be no use of voice amplification within the premises.**



1) GROUND FLOOR PLAN
 Scale: 1:50 @ A1

| Ground Floor Boundary Plan | | | |
|----------------------------|----------------------------|--------------|---------------|
| Room No. | Room Name | Area (sq. m) | Area (sq. ft) |
| 1.01 | REAR TERRACE BEER GARDEN | 10.00 | 107.64 |
| 1.02 | ALCOHOL CONSUMPTION AREA | 10.00 | 107.64 |
| 1.03 | STORAGE ROOM | 10.00 | 107.64 |
| 1.04 | SEATING AREA | 10.00 | 107.64 |
| 1.05 | GLASS WASH | 10.00 | 107.64 |
| 1.06 | GLASS BAR | 10.00 | 107.64 |
| 1.07 | BAR AREA | 10.00 | 107.64 |
| 1.08 | BAR LOUNGE | 10.00 | 107.64 |
| 1.09 | DISABLED WC | 10.00 | 107.64 |
| 1.10 | MAIN ENTRANCE LOBBY | 10.00 | 107.64 |
| 1.11 | MAIN ENTRANCE | 10.00 | 107.64 |
| 1.12 | FRONT TERRACE SEATING AREA | 10.00 | 107.64 |
| 1.13 | ALCOHOL CONSUMPTION AREA | 10.00 | 107.64 |

GENERAL NOTES

1. The plan is based on the information provided by the client and the surveyor's measurements. It is not intended to be a legal document and should not be used for legal purposes.

2. The plan is not a scale drawing and should not be used for scale purposes.

3. The plan is not a site plan and should not be used for site planning purposes.

4. The plan is not a floor plan and should not be used for floor planning purposes.

5. The plan is not a section plan and should not be used for section planning purposes.

6. The plan is not a detail plan and should not be used for detail planning purposes.

7. The plan is not a plan of a building and should not be used for building planning purposes.

8. The plan is not a plan of a site and should not be used for site planning purposes.

9. The plan is not a plan of a road and should not be used for road planning purposes.

10. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

11. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

12. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

13. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

14. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

15. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

16. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

17. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

18. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

19. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

20. The plan is not a plan of a boundary and should not be used for boundary planning purposes.

[illegible]



SOUTH DERBYSHIRE DISTRICT COUNCIL

Licensing Act 2003

Representation by an 'Other Person' as defined by the Act

Note: Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

You may request that the Licensing Authority withholds some or all of your details, however, the withholding of details will only be considered in exceptional circumstances where the Licensing Authority believes there to be a genuine and well-founded fear of intimidation. Any person who wishes the Licensing Authority to consider withholding their details is advised to contact the Licensing Department prior to submitting this form.

Your personal details will be redacted in the Licensing and Appeals Sub-Committee report.

An 'other person' can make representations against a relevant licence application. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

Please indicate in which capacity you are making this representation by ticking a box below:

- An individual person
- A body representing a person e.g. Solicitor
- A person involved in a business
- A body representing a business

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

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

1. The Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. The Protection of Children from Harm

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority. This period is reduced to 10 working days for minor variations applications.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Licensing Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

| | |
|-----------|-------------|
| Name: | Matthew Lee |
| Address: | |
| Postcode: | |
| Tel: | |
| E-mail: | |

Please confirm the name and address of person, represented person or business affected, if different from the address given above i.e. this could be a shop premises in the vicinity but you do not live at the shop premises.

| | |
|-----------|--|
| Name: | |
| Address: | |
| Postcode: | |

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

| | |
|----------------------|---|
| Name of Applicant: | Russells Yard Ltd |
| Address of Premises | 71 Derby Road, Melbourne, Derby DE73 8FE |
| Application Details: | Sale by retail of alcohol – on & off premises |

Please give details of your representation and evidence supporting your representation in the box below. Indicate which of the licensing objectives your representation refers to by ticking the relevant box/es:

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

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

Details of representation (please use additional sheets where necessary)

The establishment is surrounded by houses, in the middle of a residential area. Therefore I wish to oppose the following elements of the application on the grounds of public nuisance

- No 'off the premises' alcohol purchases should be accepted at any time because of the traffic / parking congestion and general activity this would create, especially at night time.
- It would be completely unreasonable for consumption of alcohol to continue past 11pm on Fridays & Saturdays. If the proposed time of 12.30am is accepted it is inevitable that people will leave the premises later than that, making noise - slamming of car doors and worse. In the absence of any parking provision it can be expected that patrons would park up to half a mile away from the premises on a busy day, creating noise and disruption in a wide area.
- Disruption and noise after 1.30am on New Year's Eve in a residential area is unacceptable. Sale of alcohol should be restricted to 12.15am or earlier to minimise excessive disruption.

It will be a public nuisance to neighbours if any consumption of alcohol can take place on the external staircase. It was said at the planning application that this could be taken into account at the time of the alcohol licence application. If possible no use of the external staircase by patrons should ever be allowed except in the case of emergency.

No provision appears to have been made for access and exit from the premises for people with disabilities. This constitutes a risk to public safety in the event of a need to evacuate the building, which would be exacerbated by the sale of alcohol for such long hours of opening.

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

Sale of alcohol to cease at 10.30 pm on every day of opening would reduce the risk of public nuisance.

No off the premises sales should be permitted.

Once the Licensing Section has received this form you will receive a written acknowledgement. Your representation will be forwarded to the applicant and/or their representative who may contact you in order to discuss your representations.

This form must be received by the Licensing Authority within the statutory representation period.

Signed:

PRINT NAME: Matthew Lee

Date: 2 November 2020

Please return this form to the following address:

South Derbyshire District Council
Licensing Section
Civic Offices Civic
Way
SWADLINCOTE
DE11 0AH

Or by email licensing@south-derbys.gov.uk