

4th September 2017

Dear Councillor,

Licensing and Appeals Sub-Committee

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

The **Licensing and Appeals Sub-Committee** will meet on **Tuesday, 12 September 2017**, in the **Council Chamber** at the Civic Offices, Civic Way, Swadlincote. The meeting will commence at **10:00**.

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

Yours faithfully,



F.B. McArdle
Chief Executive

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

Labour Group
Councillor Taylor

AGENDA

Open to Public and Press

- 1** Apologies.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** DETERMINATION OF AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE **3 - 22**

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.
- 5** REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: 12th September 2017

Contact Officer: Faye Tucker – 01283 595724

DETERMINATION OF AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE

Applicant's Name	Jubilee Fireworks Ltd
Premises Name	Festival of Fireworks
Address	Catton Hall Catton Walton on Trent Derbyshire DE12 8LN

1. PURPOSE

- 1.1 To determine an application for the variation of a premises licence received by the Licensing Authority on the 19th July 2017. A copy of the application is attached at **Appendix 1**.

2. BACKGROUND

- 2.1 The applicant is seeking to vary an existing premises licence to permit the sale by retail of alcohol for consumption on the premises.

3. APPLICATION DETAILS

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

Activity	Days	Times
Sale by retail of alcohol on the premises	Saturday (A single Saturday each year closest to 1 st September)	12:00 – 22:30
Opening hours of the premises	Saturday (A single Saturday each year closest to 1 st September)	12:00 – 23:00

- 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

Derbyshire County Council Trading Standards

Representation received during the 28 day consultation period. Full details can be found at **Appendix 2**.

5. AGREEMENT BETWEEN PARTIES

- 5.1 The applicant has agreed to have the conditions requested by Derbyshire County Council Trading Standards as shown at **Appendix 3** added to their licence.
- 5.2 Derbyshire County Council Trading Standards have subsequently withdrawn their representation as shown at **Appendix 4**.
- 5.3 All parties have agreed to dispense with the need to hold a hearing.

6. DETERMINATION

- 6.1 The power to grant licences in these circumstances remains with the Licensing and Appeals Sub-Committee.
- 6.2 As all parties have agreed to dispense with a hearing, there is no requirement to hear evidence, and Members are asked to grant the licence subject to such conditions contained in the operating schedule, together with proposed conditions from Derbyshire County Council Trading Standards and any mandatory conditions required under the Licensing Act 2003.

7. RIGHT OF APPEAL

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

APPENDICES

- 1. Application for a premises licence to be varied under the Licensing Act 2003
- 2. Representation from Derbyshire County Council Trading Standards
- 3. Agreed conditions to be added to the Operating Schedule
- 4. Withdrawal of representations from Derbyshire County Council Trading Standards



South Derbyshire
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@south-derbys.gov.uk
 Telephone: 01283 221000

* required information

Section 1 of 17

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 you would prefer not to be contacted by telephone

Are you:

- 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

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

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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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 (£)

12,000

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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

4000

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.

We currently have a premises licence for public entertainment, including fireworks displays set to pre-recorded music. We wish to extend the catering facilities to include the sale of alcohol to members of the public, via an externally contracted supplier (bus bar or similar). The event is a 'picnic concert' which takes place in a hall field. The purchase and consumption of alcohol would take place entirely within the allocated grounds for the event.

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PROVISION OF PLAYS

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

Yes

No

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PROVISION OF FILMS

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

Yes

No

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PROVISION OF INDOOR SPORTING EVENTS

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

Continued from previous page...

Yes

No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

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

Yes

No

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PROVISION OF LIVE MUSIC

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

Yes

No

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PROVISION OF RECORDED MUSIC

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

Yes

No

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PROVISION OF PERFORMANCES OF DANCE

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

Yes

No

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

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

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PROVISION OF LATE NIGHT REFRESHMENT

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

Yes

No

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SUPPLY OF ALCOHOL

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

Yes

No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

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

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

This is a 'one off' annual event - scheduled to take place on Saturday 2nd September 2017, and on a single Saturday each year closest to 1st September.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol 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.

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ADULT ENTERTAINMENT

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

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

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

One day event - 'Festival of Fireworks' 2nd September 2017

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.

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

- 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.

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LICENSING OBJECTIVES

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

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

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

Continued from previous page...

We have considerable experience in managing events of this type and all objectives form part of our overall risk assessment and event planning.

b) The prevention of crime and disorder

This event is an all ticket 'high end' production, with a history dating back 19 years. Unlikely to attract individuals who are intent on behaving in a disorderly manner, or desire to commit crime. We have never encountered any crime or public disorder in the past. The event is well stewarded by a professional security company who are experienced in dealing with potential problems in this respect.

c) Public safety

The event is thoroughly risk assessed and managed by an experienced events team. The fireworks are located at a minimum safety distance of 100 metres from the audience. Crowd control and movement is clearly defined and managed.

d) The prevention of public nuisance

The location is well away from areas where locals would be inconvenienced. The fireworks displays, in total, have a duration of 40 minutes (4 x 10 minute presentations - the final display will be completed by 22.00 hrs).

e) The protection of children from harm

This is a 'family' event and children stay within family groups. Members of the public (including children) have no unsupervised access to danger areas (eg fireworks locations). There is a reporting procedure for 'lost children'

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PAYMENT DETAILS

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

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

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

Continued from previous page...

Capacity 50000-59999 £32,000.00
Capacity 60000-69999 £40,000.00
Capacity 70000-79999 £48,000.00
Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

¹
* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name

Christopher Pearce

* Capacity

Managing Director

* Date

04 / 07 / 2017
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, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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South Derbyshire District Council

Part B

Premise Licence Summary under Licensing Act 2003

Premise Licence Number SDDC/014684

Part 1 – Premise Details

Postal Address of premises, or if none Ordnance Survey map reference of description **Festival Of Fireworks, Catton Hall, Catton, Weston On Trent, Derbyshire, DE12 8LN**

Telephone Number **01384 402255**

Where the licence is time limited the dates
3rd September 2011

1 day each year in September. 1 month notice to be given, in writing, before the event.

Licensable Activities authorised by the licence

The provision of regulated entertainment for recorded music

The times the licence authorises the carrying out of licensable activities

**The provision of regulated entertainment for recorded music – indoors
Saturday 17.00hrs – 22.30hrs**

The opening hours of the premises

Saturday – 17.00hrs – 22.30hrs

Where the licence authorises supplies of alcohol whether there are on and or off supplies

Not Applicable

Name, (registered) address of holder of premise licence

Jubilee Fireworks LTD Unit 29 Dawley Trading Estate Stallings Lane Kingswinford DY6 7AP

Registered number of holder, for example company number, charity number (where applicable)

29112661

Name of designated premise supervisor where the premises licence authorises the supply of alcohol

Not Applicable

State whether access to the premises by children is restricted or prohibited

Prohibited

SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Trading Standards

Name	Clair Dathan
Job Title	Trading Standards Officer
Postal and email address	Derbyshire County Council Trading Standards Chatsworth Hall Chesterfield Road Matlock Derbyshire DE4 3FW
Contact telephone number	01629 539848

Name of the premises you are making a representation about	Festival of Fireworks
Address of the premises you are making a representation about	Catton Hall Catton Swadlincote Derbyshire DE12 8LN

Which of the four licensing objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	No	
To protect children from harm	Yes	The applicant is seeking to supply alcohol at a firework event. Advice was sought from me about underage sales prior to submitting the application. However, no steps to prevent the sale of alcohol to under 18s have been included in the application. This is possible under an assumption that because a contractor is being used to run the bars, the licence holder is not responsible.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	<p>A contractor will be used to operate the alcohol sales.</p> <p>1. The Designated Premises Supervisor (or deputy authorised in writing) will ensure that staff have been trained, on commencement of employment, on the law 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. Refresher training should be provided at regular intervals (at least 6-monthly).</p>
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Records detailing the training provided will be provided by the contractor to the DPS be kept on the premises of Jubilee Fireworks Ltd. for production, on request, to an officer of a Responsible Authority. Records shall be retained for a minimum of 2 years.

2. The age verification policy applying to the premises is 'Challenge 25'; that means anyone attempting to purchase alcohol that appears under the age of 25 years will be asked to prove their age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.

Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed at:

- all entry points to the premises,
- adjacent to the products, where displayed, and
- all points of sale.

3. A system of recording sales refused under the age verification policy will be operated at all times.

The Designated Premises Supervisor (or deputy, authorised in writing) will

- examine the record
- indicate any action required following that examination
- sign off/endorse the record to indicate the above points have been carried out

The refusal record will be kept at the premises of Jubilee Fireworks Ltd. for production, on request, to an officer of a Responsible Authority. Records shall be retained for a minimum of 2 years.

B. Dutton

Signed:

Date: 25.7.17

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 This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724

Licensing Act 2003
Premises Licence Application – Festival of Fireworks,
Catton Hall
Notification to Local Authority of agreement regarding
Representations

To: Licensing Authority Office

Date: 25.07.17

Dear Sir/Madam

I write in my capacity as the applicant in relation to the above matter. Discussions have taken place with # in relation to the promotion of the licensing objectives.

I would like to add the following conditions to my application:

A contractor will be used to operate the alcohol sales.

1. The Designated Premises Supervisor (or deputy authorised in writing) will ensure that staff have been trained, on commencement of employment, on the law 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. Refresher training should be provided at regular intervals (at least 6-monthly).

Records detailing the training provided will be provided by the contractor to the DPS be kept on the premises of Jubilee Fireworks Ltd. for production, on request, to an officer of a Responsible Authority. Records shall be retained for a minimum of 2 years.

2. The age verification policy applying to the premises is 'Challenge 25'; that means anyone attempting to purchase alcohol that appears under the age of 25 years will be asked to prove their age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.

Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed at:

- all entry points to the premises,
- adjacent to the products, where displayed, and
- all points of sale.

3. A system of recording sales refused under the age verification policy will be operated at all times.

The Designated Premises Supervisor (or deputy, authorised in writing) will

- examine the record
- indicate any action required following that examination
- sign off/endorse the record to indicate the above points have been carried out

The refusal record will be kept at the premises of Jubilee Fireworks Ltd. for production, on request, to an officer of a Responsible Authority. Records shall be retained for a minimum of 2 years.

Please accept this notice as formal request to amend my application/operating schedule in accordance with the above and note that I agree to these conditions being attached to the premises licence. Furthermore, I confirm that I do not consider a hearing to be necessary.

Signed *C Pearce* (Digital Signature)

Name in block: Christopher Pearce (Managing Director)

Date: 25.07.17

**Licensing Act 2003
Premises Licence Application – #
Notification to Local Authority of agreement regarding
Representations**

To: Licensing Authority Office

Date: 26.7.17

Dear Sir/Madam

I write in my capacity as the Trading Standards Officer for Derbyshire County Council Discussions have taken place with the application in relation to the promotion of the licensing objectives.

I understand that the applicant has formally amended their application to include the following conditions:

A contractor will be used to operate the alcohol sales.

1. The Designated Premises Supervisor (or deputy authorised in writing) will ensure that staff have been trained, on commencement of employment, on the law 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. Refresher training should be provided at regular intervals (at least 6-monthly).

Records detailing the training provided will be provided by the contractor to the DPS be kept on the premises of Jubilee Fireworks Ltd. for production, on request, to an officer of a Responsible Authority. Records shall be retained for a minimum of 2 years.

2. The age verification policy applying to the premises is 'Challenge 25'; that means anyone attempting to purchase alcohol that appears under the age of 25 years will be asked to prove their age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.

Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed at:

- all entry points to the premises,
- adjacent to the products, where displayed, and
- all points of sale.

3. A system of recording sales refused under the age verification policy will be operated at all times.

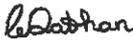
The Designated Premises Supervisor (or deputy, authorised in writing) will

- examine the record

- indicate any action required following that examination
- sign off/endorse the record to indicate the above points have been carried out

The refusal record will be kept at the premises of Jubilee Fireworks Ltd. for production, on request, to an officer of a Responsible Authority. Records shall be retained for a minimum of 2 years.

On this basis, please accept this notice as formal notification to withdraw my representation to the above premises licence application. Furthermore, I confirm that I do not consider a hearing to be necessary.

Signed... Name in block ...CLAIR DATHAN...

Date.....26.7.17.....