

**Please ask for Democratic Services**  
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Typetalk 18001  
DX 23912 Swadlincote  
democraticservices@south-derbys.gov.uk

Our Ref: DS  
Your Ref:

5<sup>th</sup> April 2017

Dear Councillor,

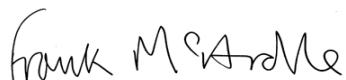
**Licensing and Appeals Sub-Committee**

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 **Thursday, 13 April 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 Southerd

## **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 THE VARIATION OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 **3 - 63**

#### **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: 13<sup>th</sup> April 2017

Contact Officer: Mark Lomas – 01283 595890

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

<b>Applicants Name</b>	Jupiter Hotels Limited
<b>Premises Name</b>	Mercure Burton on Trent Newton Park Hotel
<b>Address</b>	Newton Solney Burton on Trent DE15 0TD

#### 1. PURPOSE

- 1.1 To determine an application to vary a premises licence received by the Licensing Authority on the 6<sup>th</sup> March 2017 from Jupiter Hotels Limited. The Application is attached at **(Appendix 1)**.

#### 2. BACKGROUND

- 2.1 The applicant is seeking a full variation to a premises licence to extend the hours for the sale by retail of alcohol and provision of regulated entertainment on Sunday to Thursday from 08:00hrs until 00:00hrs and Friday and Saturday from 08:00hrs until 00:30hrs. The applicant is also seeking to extend the hours for the provision of late night refreshment on Sunday to Thursday from 23:00hrs until 00:00hrs and Friday and Saturday from 23:00 until 00:30hrs.

Finally, the applicant has requested the removal of the current conditions referred to in Annex 2 of the premises licence and replace them with a new set of conditions as per the application.

### 3. APPLICATION DETAILS

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

Activity	Days	Times
Sale by retail of alcohol	Sunday – Thursday Friday & Saturday Non-standard timings	08:00hrs – 00:00hrs 08:00hrs – 00:30hrs From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day. Until 01.00hrs the following morning for those patrons taking a table meal. 24 hours for residents and their bona fide guests.
Provision of regulated entertainment	Sunday – Thursday Friday & Saturday Non-standard timings	08:00hrs – 00:00hrs 08:00hrs – 00.30hrs From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day
Provision of late night refreshment	Sunday – Thursday Friday & Saturday	23:00hrs – 00:00hrs 23:00hrs – 00:30hrs
Opening hours of the premises	Monday - Sunday	00.00hrs – 24.00hrs

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.

3.3 A plan is attached at (**Appendix 2**) identifying the location of the premises.

### 4. CONSULTATION RESPONSES

#### 4.1 Interested Parties

John Patch Representation received during the 28 day consultation period. Full details can be found at (**Appendix 3**).

Susan Ellis Representation received during the 28 day consultation period. Full details can be found at (**Appendix 4**).

Richard Steele Representation received during the 28 day consultation period. Full details can be found at (**Appendix 5**).

Claire Babraff	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 6</b> ).
David & Diane Tidy	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 7</b> ).
Mr F J Hill	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 8</b> ).
Kerry Haines	Representation received during the 28 day consultation period. Full details can be found at ( <b>Appendix 9</b> ).

## **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 appropriate 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 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 the variation of a premises licence to be granted under the Licensing Act 2003
- 2. A plan identifying the location of the premises
- 3. Representation from John Patch
- 4. Representation from Susan Ellis
- 5. Representation from Richard Steele
- 6. Representation from Claire Babraff
- 7. Representation from David & Diane Tidy
- 8. Representation from Mr F J Hill
- 9. Representation from Kerry Haines

South Derbyshire District Council

Application to vary a premises licence 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 Jupiter Hotels Limited being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> LAPRE/0111
--

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Mercure Burton on Trent Newton Park Hotel Newton Solney			
<b>Post town</b>	Burton on Trent	<b>Post code</b>	DE15 0TD

<b>Telephone number at premises (if any)</b>	01283 707 502
<b>Non-domestic rateable value of premises</b>	£105,000.00

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>	54 Portland Place		
<b>Post Town</b>	London	<b>Postcode</b>	W1B 1DY

**Part 3 - Variation**

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

If not, from what date do you want the variation to take effect?

Day	Month	Year

**Please describe briefly the nature of the proposed variation (Please see guidance note)**

To extend the sale of alcohol (to non-residents and those not dining) and provision of regulated entertainment Sunday to Thursday 0800 until Midnight, Friday and Saturday 0800 until 0030 the following morning; late night refreshment Sunday to Thursday 2300 to Midnight; Friday and Saturday 2300 to 0030 the following morning; opening hours to remain as 24 hours Monday to Sunday. To remove the current conditions on the licence and replace with up to date appropriate conditions.

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

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

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

Please tick yes

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

##### Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M



**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			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 (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	Outdoors
Mon	08:00	00:00	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tue	08:00	00:00	<input type="checkbox"/>	<input type="checkbox"/>
Wed	08:00	00:00	<input type="checkbox"/>	<input type="checkbox"/>
Thur	08:00	00:00		
Fri	08:00	00:30		
Sat	08:00	00:30		
Sun	08:00	00:00		

Please give further details here (please read guidance note 3)

As existing

State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)

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 5)

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	08:00	00:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	08:00	00:00	As existing		
Wed	08:00	00:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	08:00	00:00			
Fri	08:00	00:30	<b>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</b> (please read guidance note 5)		
Sat	08:00	00:30			
Sun	08:00	00:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	08:00	00:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	08:00	00:00	As existing		
Wed	08:00	00:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	08:00	00:00			
Fri	08:00	00:30	<b>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</b> (please read guidance note 5)		
Sat	08:00	00:30			
Sun	08:00	00:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)	
Mon	08:00	00:00	As existing	
Tue	08:00	00:00		
Wed	08:00	00:00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)	
Thur	08:00	00:00	<b>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</b> (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
Fri	08:00	00:30		
Sat	08:00	00:30		
Sun	08:00	00:00		

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)	
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)	
Thur				
Fri				
Sat			<b>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</b> (please read guidance note 5)	
Sun				

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	Please give further details here (please read guidance note 3)  As existing	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	00:30	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 5)  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	23:00	00:30			
Sun	23:00	00:00			

**J**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	08:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	08:00	00:00			
Wed	08:00	00:00			
Thur	08:00	00:00	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 5)  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Until 0100 the following morning for those patrons taking a table meal.  24 hours to residents and their bona fide guests.		
Fri	08:00	00:30			
Sat	08:00	00:30			
Sun	08:00	00:00			

**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 8)

NONE

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	24 hours		
Tue	24 hours		
Wed	24 hours		
Thur	24 hours		
Fri	24 hours		
Sat	24 hours		
Sun	24 hours		

**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 5)**

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking  
Remove Annex 2 in its entirety, to be replaced with the conditions agreed with South Derbyshire Constabulary below.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

See below.

b) The prevention of crime and disorder

1. Full training shall be provided to all staff who are involved in the sale of alcohol on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods.
2. Refresher training to the above shall be provided at regular intervals – at least every 6



months and records detailing the training provided shall be kept on the premises and be made immediately available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003. All records must be written and shall be retained on the premise for a minimum of 12 months.

3. A challenge '21' Proof of age scheme shall be operated at all times. Anyone attempting to purchase alcohol (or any other age restricted product) that appears to be under the age of 21 years shall be asked to produce one of the following proof of age. No other form of identification is acceptable.
  - Photo Driving Licence.
  - Current British/UK Passport.
  - Government approved PASS agency card
  - Military Identification card
4. Clear, prominent and unobstructed signage informing customers of the proof of age scheme that is in operation shall be displayed at points of sale.
5. A system of recording the sales that are refused under the proof of age scheme shall be operated at all times and the refusal book/log shall be kept on the premises and be made immediately available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003. The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months.
6. The DPS shall ensure that a written incident log is maintained within the premises and details of all known incidents are recorded within the log. This log shall be kept on the premises for a period of no less than 1 year and be made immediately available upon a request by a Police Officer or an authorised officer as detailed within Section 13 of the Licensing Act 2003.
7. Regular external noise checks will be carried out by the DPS or other suitably trained designated person to ensure noise does not give rise to public nuisance.
8. The DPS / Premise Licence Holder shall ensure that clear, prominent and legible notices must be 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.
9. All windows and doors, apart from use for access and egress and normal ventilation will be kept closed after 2100hrs

**c) Public safety**

See box b) above.

**d) The prevention of public nuisance**

See box b) above.

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

See box b) above.

Please tick yes

- I have made or enclosed payment of the fee or



- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy




- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**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**

**Part 5 – Signatures (please read guidance note 10)**

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	22 February 2017
Capacity	Poppleston Allen - Solicitors for & on behalf of the applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

Angela Gardner  
 Poppleston Allen Solicitors  
 37 Stoney Street  
 The Lace Market

Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) a.gardner@popall.co.uk			

**Notes for Guidance**

**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.**

1. 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



# Premises Licence Part A

Premises Licence Number **LAPRE/0111**

## Part 1 – Premises Details

Postal Address of premises, or if none Ordnance Survey map reference or description  
**Mercure Burton On Trent Newton Park Hotel**  
 Newton Road  
 Newton Solney  
 Burton On Trent, Derbyshire  
 DE15 0TD

Telephone Number **01283 703568**

## Where the Licence is time limited the dates

### Licensable Activities authorised by the licence

<b>Boxing &amp; wrestling – Indoors</b>	<b>Live music – Indoors</b>
<b>Recorded music – Indoors</b>	<b>Performance of dance – Indoors</b>
<b>Late night refreshment – Indoors</b>	<b>Sale by retail of alcohol for consumption on and off the premises</b>

### The times the licence authorises the carrying out of licensable activities

**Boxing and wrestling, live music, recorded music and performance of dance – William Morris Suit only**

<b>Monday – Saturday</b>	<b>10.00hrs – 23.00hrs</b>
<b>Sunday &amp; Good Friday</b>	<b>12.00hrs – 22.30hrs</b>
<b>Christmas Day</b>	<b>12.00hrs – 15.00hrs &amp; 19.00hrs – 22.30hrs</b>

### Sale by retail of alcohol

<b>Monday – Saturday</b>	<b>10.00hrs – 00.00hrs</b>
<b>Sunday &amp; Good Friday</b>	<b>12.00hrs – 22.30hrs</b>
<b>Christmas Day</b>	<b>12.00hrs – 15.00hrs &amp; 19.00hrs – 22.30hrs</b>

### Late night refreshment

<b>Monday – Saturday</b>	<b>23.00hrs – 23.30hrs</b>
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From the end of permitted hours New Year's Eve to the start of permitted hours on the following day.

An additional hour for the sale of alcohol provided substantial refreshment is taken.

### The opening hours of the premises

The time periods indicated for carrying out licensing activities plus the following period:

- During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals.

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

**Sale by retail of alcohol for consumption on and off the premises**

Date Issued: 03/04/2006

Date Last Amended: 11/05/2016





**Part 2**

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence  
**Jupiter Hotels Limited**  
**7 Welbeck Street**  
**London**  
**W1G 9YE**

Registered number of holder, for example company number, charity number (where applicable)  
**07550805**

Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol  
**Ms Wilma Gallagher**  
**8 Fox Close**  
**Branston**  
**Burton on Trent**  
**Staffordshire**  
**DE14 3DU**

Personal licence number and Issuing Authority of personal licence held by designated premises supervisor where the premises authorises for the supply of alcohol

Reference: **547**

Issued by: **South Oxford District Council**



## **Annex 1 – Mandatory Conditions**

1. **No supply of alcohol may be made under the premises licence:**
  - (a) **At a time when there is no designated premises supervisor in respect of the premises licence or**
  - (b) **At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
2. **Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
3. (1) **The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
  - (2) **In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—**
    - (a) **Games or other activities which require or encourage, or are designed to require or encourage, individuals to—**
      - (i) **Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
      - (ii) **Drink as much alcohol as possible (whether within a time limit or otherwise);**
    - (b) **Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**
    - (c) **Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;**
    - (d) **Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;**
    - (e) **Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) A holographic mark, or
    - (b) An ultraviolet feature.
6. The responsible person must ensure that—
  - (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) Beer or cider: ½ pint;
    - (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) Still wine in a glass: 125 ml;
  - (b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
8. For the purposes of the condition set out in paragraph 1—
  - (a) "Duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
  - (b) "Permitted price" is the price found by applying the formula—
 
$$P = D + (D \times V)$$

Where—

- (i) P is the permitted price,
- (i) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "Relevant person" means, in relation to premises in respect of which there is in force a premises licence—

- (i) The holder of the premises licence,
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "Relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "Value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

9. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with operating schedule**

1. The above permitted hours do not prohibit:
- a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
  - b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;



- d) consumption of the alcohol on the premises or the taking or sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there;

or

- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. The licence is subject to South Derbyshire District Council's Standard Conditions for Places of Public Entertainment, which is attached for your guidance.

3. The maximum permitted number of persons allowed when regulated entertainment is taking place is as follows:

#### **William Morris Suite - 160**

The occupancy to include ALL persons employed within the premises and ALL persons resorting to the premises.

4. Alcohol may be sold or supplied for one hour following the end of permitted hours and on Christmas Day, between 3 p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the permitted hours shall continue to apply.

#### *Source Section 68 Licensing Act 1964*

5. Where a special hours certificate is in force on all or certain days, replace the permitted hours condition for those days with then following:

i. Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock in the morning following or, if an earlier hour is specified in the special hours certificate, that hour, except that –

a) the permitted hours shall end at midnight . . . on any day on which music and dancing is not (or, in the case of casino premises gaming facilities are not) provided after midnight; and

b) on any day that music and dancing end (or, in the case of casino premises, gaming ends) between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end or, as the case may be, when the gaming ends;



ii. In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect-

a) with the substitution of references to three o'clock in the morning for references to two o'clock in the morning or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.

iii. Except on Sundays immediately before bank holidays, the permitted hours on Sundays shall extend until thirty minutes past midnight in the morning following or, if an earlier hour is specified in the special hours certificate, that hour, except that-

a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight;

b) where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.

iv. On Sundays immediately before bank holidays, the permitted hours shall extend until 2 a.m. in the morning following, except that-

a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight;

b) where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and 2 a.m., the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.

For casino premises:

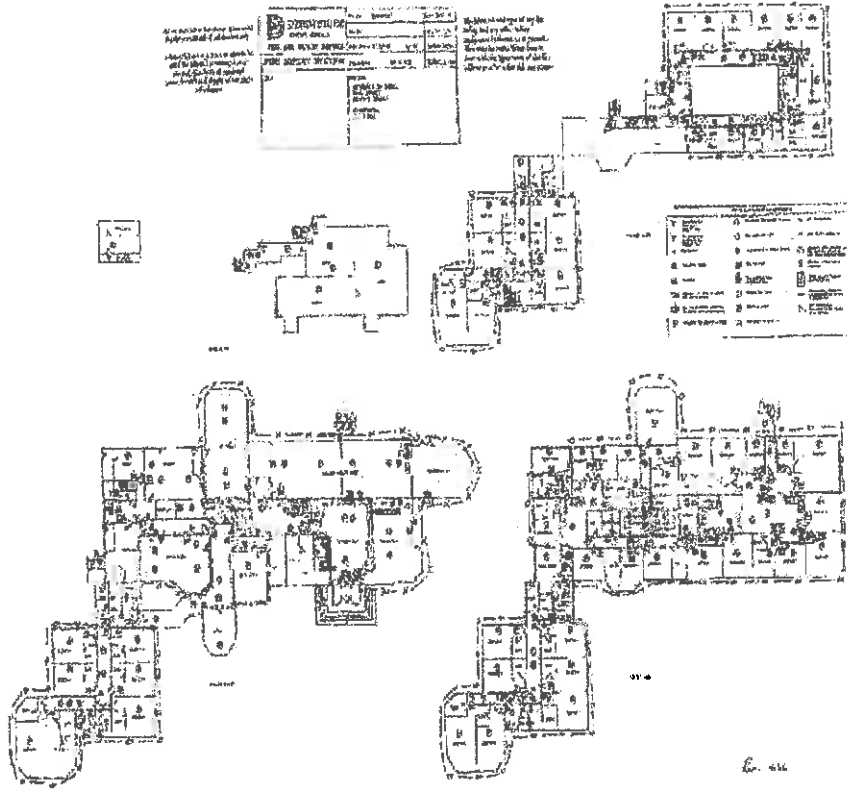
v. The sale of alcohol must be ancillary to the use of the premises for gaming facilities and substantial refreshment.

For other premises

vi. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

### **Annex 3 – Conditions attached after Hearing**

# Annex 4 - Plans





# South Derbyshire District Council

## Premises Licence Summary

### Part B

Premises Licence Number **LAPRE/0111**

**Premises Details**

Postal Address of premises, or if none Ordnance Survey map reference of description  
**Mercure Burton On Trent Newton Park Hotel**  
 Newton Road  
 Newton Solney  
 Burton On Trent, Derbyshire  
 DE15 0TD

Telephone Number **01283 703568**

Where the Licence is time limited the dates

**Licensable Activities authorised by the licence**

<b>Boxing &amp; wrestling – Indoors</b> <b>Recorded music – Indoors</b> <b>Late night refreshment – Indoors</b>	<b>Live music – Indoors</b> <b>Performance of dance – Indoors</b> <b>Sale by retail of alcohol for consumption on and off the premises</b>
---	--

The times the licence authorises the carrying out of licensable activities

**Boxing and wrestling, live music, recorded music and performance of dance – William Morris Suit only**

<b>Monday – Saturday</b>	<b>10.00hrs – 23.00hrs</b>
<b>Sunday &amp; Good Friday</b>	<b>12.00hrs – 22.30hrs</b>
<b>Christmas Day</b>	<b>12.00hrs – 15.00hrs &amp; 19.00hrs – 22.30hrs</b>

**Sale by retail of alcohol**

<b>Monday – Saturday</b>	<b>10.00hrs – 00.00hrs</b>
<b>Sunday &amp; Good Friday</b>	<b>12.00hrs – 22.30hrs</b>
<b>Christmas Day</b>	<b>12.00hrs – 15.00hrs &amp; 19.00hrs – 22.30hrs</b>

**Late night refreshment**

<b>Monday – Saturday</b>	<b>23.00hrs – 23.30hrs</b>
--------------------------	----------------------------

From the end of permitted hours New Year's Eve to the start of permitted hours on the following day. An additional hour for the sale of alcohol provided substantial refreshment is taken.

The opening hours of the premises

The time periods indicated for carrying out licensing activities plus the following period:

- a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals.

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

**Sale by retail of alcohol for consumption on and off the premises**

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

**Jupiter Hotels Limited**  
 7 Welbeck Street  
 London, W1G 0YE

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

**07560805**

Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

**Ms Wilma Gallagher**

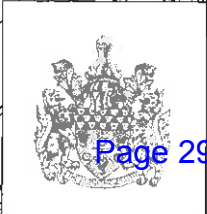
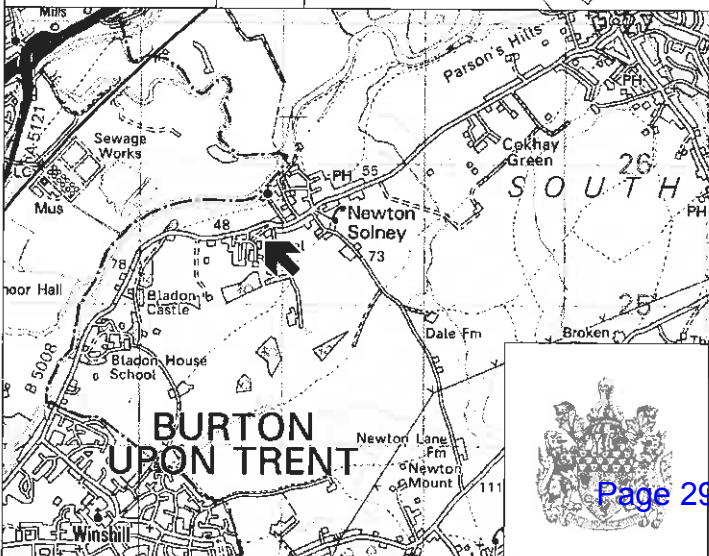
State whether access to the premises by children is restricted or prohibited

Signed: *Frank McArdle* **Frank McArdle, Chief Executive**

Date: **11 May 2016**

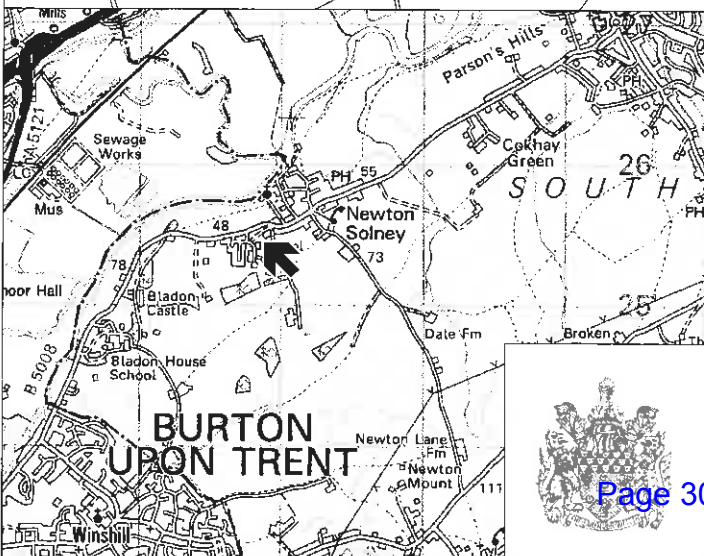


Mecure Burton on Trent Newton Park Hotel, Newton Road, Newton Solney, Burton on Trent DE15 0SS



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Mecure Burton on Trent Newton Park Hotel, Newton Road, Newton Solney,  
Burton on Trent DE15 0SS



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Newton Park Residents Association Limited



Licensing Authority  
South Derbyshire District Council  
Civic offices, Civic Way,  
Swadlincote  
DE11 0AH

South Derbyshire  
District Council

21 MAR 2017

Customer Services

21<sup>st</sup> March 2017

Dear Sirs

Re: Notice of application to vary a Premises Licence under Section 34 of the Licensing Act 2003

Application by Juniper Hotels Limited in respect of Premises known as Mercure Burton on Trent Newton Park Hotel, Newton Solney, Burton on Trent for a variation of a Premises Licence.

The Newton Park Residents Association (NPRAL) represents the 29 properties which comprise the Newton Park estate (the estate).

The estate is situated immediately adjacent to the aforementioned Newton Park Hotel.

The residents met yesterday evening and one of the agenda items was the abovementioned proposals.

The residents of NPRAL are unanimously and vehemently opposed to any alterations to the current licence on the following grounds.....

1. The noise that emanates from the hotel through the structure and through open doors and windows is a significant nuisance and is disruptive to the normal lives of the residents. Many of the residents are either of mature years or are young and late night

drinking and partying is not conducive to obtaining a good nights' sleep.

2. For many years undertakings have been given by successive hotel managers and owners that investment will be made in double glazing and air-conditioning for the public parts of the hotel thereby restricting the need to open doors and windows particularly in the summer months. To date these have been false promises and nothing has been done in this regard.
3. In addition the car park is not well maintained, its surface is breaking up and is gravelly and the passage of vehicles is also noisy and disruptive.
4. Because the boundary between the hotel and the estate is mainly bushes and foliage (and not a fence or wall) inebriated customers have, on previous occasions, entered the estate and have caused damage and nuisance on the estate. The extensions proposed will only serve to increase this potential for nuisance, damage or worse.

Newton Park residents have been supportive of the hotel and supportive of the current licensing conditions and have had, hitherto, a good working relationship with the hotel. This application must not be allowed on community relationship grounds.

Yours faithfully

On behalf of Newton Park Residents Association Limited

John Patch

Park Manager



**Notice of application to vary a Premises Licence under  
Section 34 of the Licensing Act 2003**

Notice is hereby given that Jupiter Hotels Limited in respect of Premises known as Mercure Burton on Trent Newton Park Hotel, Newton Solney, Burton on Trent, DE15 0TD applied to South Derbyshire District Council for a Variation of a Premises Licence.

The proposed variation is: to extend the sale of alcohol (to non-residents and those not dining) and provision of regulated entertainment Sunday to Thursday 0800 until Midnight, Friday and Saturday 0800 until 0030 the following morning; late night refreshment Sunday to Thursday 2300 to Midnight; Friday and Saturday 2300 to 0030 the following morning; opening hours to remain as 24 hours Monday to Sunday. To remove the current conditions on the licence and replace with up to date appropriate conditions.

Any representations regarding the above-mentioned application must be received in writing by Licensing Authority, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, DE11 0AH no later than 22<sup>nd</sup> March 2017 stating the grounds for representation.

The register of South Derbyshire District Council and the record of the application may be inspected at the address of the council, given above, during normal business hours or on the council's website - [www.south-derbys.gov.uk](http://www.south-derbys.gov.uk)

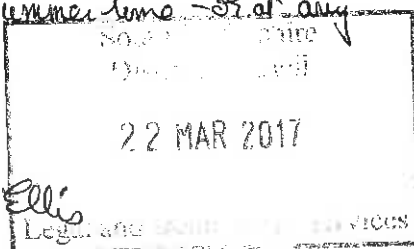
It is an offence knowingly or recklessly to make a false statement in connection with an application. A person is liable to an unlimited fine on conviction should such a false statement be made.

21/3/17

Dear Sirs Newton Park HotelRe: Variation of a provisional license  
under Section 34 of Licensing Act

I write to object to the proposed variation under Section 34 of the Licensing Act on the grounds that an extra half hour after midnight of loud music from the Newton Park Hotel is making sleep difficult for those who live close by - and may well exceed the official time. I believe this extra half hour will affect the residents of nearby houses, including mine quite severely in the summer time - or at any time during the year.

Yours truly  
Susan





## 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.

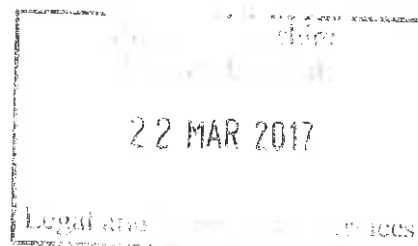
Please indicate in which capacity you are making this representation by ticking a box below:

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


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**



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

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



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:	RICHARD STEELE
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:	<del>AS ABOVE</del>
Address:	
Postcode:	

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

Name of Applicant:	NEWTON PARK HOTEL
Address of Premises	NEWTON SOUHEY DEIS OSS
Application Details:	EXTENSION OF LICENSING HOURS

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:

Details of representation (please use additional sheets where necessary)

- WE LIVE IN THE VICINITY OF THE HOTEL IN A PRIVATE RESIDENTIAL ESTATE
- WE HAVE LIVED HERE FOR THIRTY YEARS (SINCE 1987) AND IN THAT TIME HAVE TELEPHONED AND VISITED THE HOTEL DOZENS OF TIMES TO COMPLAIN ABOUT LATE NIGHT MUSIC / <sup>AND PEOPLE</sup> NOISE USUALLY ASSOCIATED WITH WEDDINGS AND SOME TIMES AFTER MIDNIGHT
- THERE IS ALREADY A PUBLIC NUISANCE FROM NOISE AT THE HOTEL, EXTENDING THE LICENSING HOURS WILL EXACERBATE THAT NUISANCE
- ON MANY OCCASSIONS DRUNKEN GUESTS FROM THE HOTEL HAVE BEEN FOUND WANDERING AROUND OUR PRIVATE ESTATE
- THERE IS A LARGE LAKE ON OUR PRIVATE ESTATE, A CLEAR DANGER WHEN DRUNKEN TRESPASSERS CAN ACCESS IT.

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

THE HOTEL IS BASED ON A VICTORIAN BUILD WITH SINGLE GLAZING AND LITTLE OR NO AIR CONDITIONING, NOISE IS WORST IN THE SUMMER WHEN HOTEL GUESTS ARE IN THE GARDEN AND/OR WINDOWS AND DOORS ARE OPEN FOR VENTILATION

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: RICHARD STEELE

Date: 21/3/17

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](mailto:licensing@south-derbys.gov.uk)





## 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.

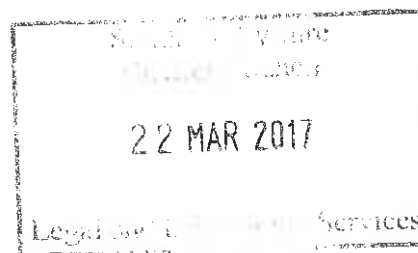
Please indicate in which capacity you are making this representation by ticking a box below:

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


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:	Claire Babraff
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:	As above
Address:	
Postcode:	

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

Name of Applicant:	Newton Park Hotel
Address of Premises	Newton Solney Burton on Trent DE15 0SS
Application Details:	Notice of application to vary a premises license

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:

Licensing Section,  
Civic Offices, Civic Way, Swadincote Derbyshire DE11 0AH  
01283 221000

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

Licensing Section,  
Civic Offices, Civic Way, Swadincote Derbyshire DE11 0AH  
01283 221000

Details of representation (please use additional sheets where necessary)

As a resident of Newton Park estate, we live in the vicinity of Newton Park Hotel.  
We are making a representation to the proposed extension of the hotel's license, on the grounds of the prevention of public nuisance.

Our primary concern with the proposed license extension is the increased noise disturbance from recorded or live music played at the hotel's functions (such as weddings).  
As residential neighbours to the hotel, we already experience an unreasonable level of disturbance from music played during hotel functions, even with our windows and doors closed, often past midnight.

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

We would ask that the licensing authority considers making the following conditions:

1. The hotel ensures any noise from live or recorded music cannot be heard past the hotel boundary. The hotel needs to perform sound checks pre and during any functions, to ensure the noise is at an acceptable level (so it provides entertainment within the hotel but not outside it).
2. The hotel ensures that functions where recorded or live music is played are NOT held in the hotel's conservatory (we believe it is known as the William Morris suite), as this has the weakest sound proofing. N.B. The residents of Newton Park were lead to believe by the hotel manager in August 2016 that all functions were being moved away from the conservatory and into one of the function rooms within the body of the hotel.
3. The external doors and windows of the hotel's function rooms are kept closed at ALL times, and the hotel invests in air conditioning units if necessary. It is not acceptable to allow the hotel to keep windows and doors ajar (as the proposed new conditions state), as this significantly increases the noise disturbance to its neighbours.
4. The hotel refrains from playing recorded or live music outside in the hotel grounds.
5. All hotel staff are made aware of the conditions, particularly when the manager has left the premises and a function is still underway.

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: CLAIRE BABRAFF

Date: 21/03/17

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](mailto:licensing@south-derbys.gov.uk)

Licensing Section,  
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH  
01283 221000



## 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.

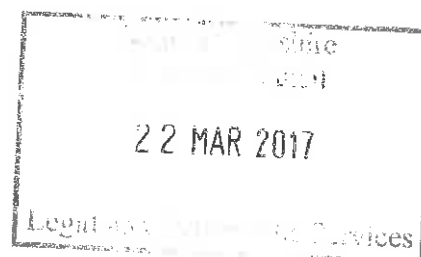
Please indicate in which capacity you are making this representation by ticking a box below:

- 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 workings 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:	DAVID & DIANE TIDY
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:	AS ABOVE
Address:	
Postcode:	

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

Name of Applicant:	NEWTON PARK HOTEL
Address of Premises:	NEWTON SOLNEY BURTON ON TRENT DE15 0SS
Application Details:	PREVENTION OF PUBLIC NUISANCE

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**

Details of representation (please use additional sheets where necessary)

The Newton Park Hotel has an ever increasing number of wedding celebrations. These are held on Thursdays, Fridays, Saturday and Sundays.

The Disco Dancing is held in the single glazed conservatory on the nearest side of the Hotel to our house. No. 1 see attached map. On warm nights the windows to the conservatory are opened because there is no air conditioning. Guests go outside to drink on warm nights. The noise levels are excessive and unreasonable.

To increase the entertainment Sunday to Thursday 08.00 to midnight in the working week is unreasonable and we oppose this.

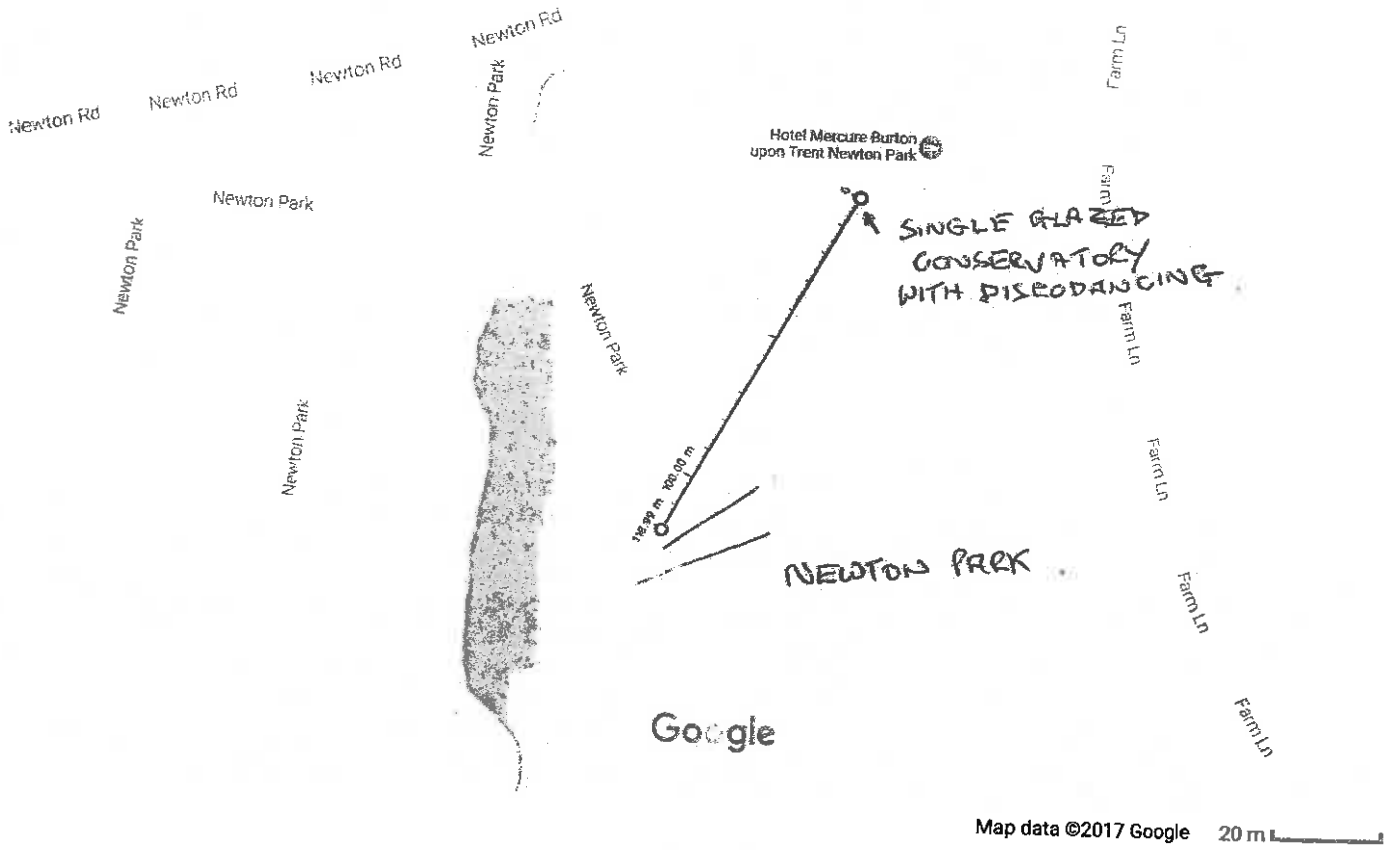
~~Friday~~ To increase Friday and Saturday entertainment from 0800 until 0030 the following morning (Sunday) is unreasonable and we oppose this.

To increase the late night refreshment Sunday to Thursday to midnight from 23.00 is unreasonable. We oppose this.

To increase the late night refreshment to 0030 on Saturdays and Sundays is unreasonable. We oppose this.

The overall problem with the above proposals is noise levels. The levels now are totally unacceptable.

Google Maps



Measure distance  
 Total distance: 118.99 m (390.40 ft)



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

Reduce the noise levels by -

1. Erect an external acoustic screen between the conservatory and the houses on Norton Park.  
I attach a list of websites of companies that provide this. (see attached sheet).
2. Air Condition the conservatory and stop the windows being opened.
3. Double glaze the conservatory windows.
4. Better supervision of the guests when they have gone outside.



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: ..... DAVID TIDY .....

Date: ..... 18/03/17 .....

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](mailto:licensing@south-derbys.gov.uk)



**Web sites showing external acoustic panels**

**If you want me to email the links to you contact me**

**I have only spent a little time looking on Google.**

**There must be a way forward on this problem**

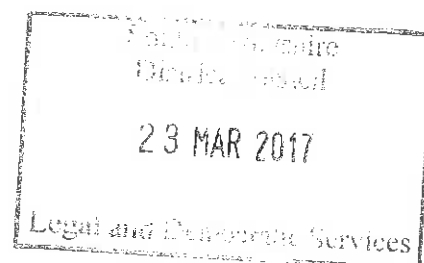
**<http://modularwall.co.uk/modular-commercial-walls/acoustic-barriers/?gclid=COT4-7ng5dICFQzhGwodmCAJ9w>**

**<http://www.grammbarriers.com/our-products/acoustic-barriers/?gclid=CNn7v-bg5dICFU677QodRL4BAw>**

**<http://www.acoustiblok.co.uk/products/acoustifence>**

**<http://www.customaudiodesigns.co.uk/acoustic-barriers.htm>**





## SOUTH DERBYSHIRE DISTRICT COUNCIL

### Licensing Act 2003

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

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- 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"/>

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2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

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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:	MR: F. J. MILL
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:	NEWTON PARK HOTEL
Address of Premises	NEWTON SOLNEY, BURTON-ON-TRENT DE15 0SS
Application Details:	EXTENSION OF LICENSING HOURS

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**

Details of representation (please use additional sheets where necessary)

The extension of licensing hours at the Newton Park Hotel will cause a significant nuisance to residents throughout the village generating noise beyond reasonable hours

At present noise generated by existing functions is audible at my property and any extension of hours is unacceptable in a quiet rural community.

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

The authority should make it a condition of the hotel's license to ensure that live and recorded music cannot be heard beyond the boundary of the hotel.



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: F.J. Hill

Date: 21 March 2017

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](mailto:licensing@south-derbys.gov.uk)

**Tucker Faye**

---

**From:** Kerry Haines  
**Sent:** 22 March 2017 14:45  
**To:** Licensing Mailbox  
**Subject:** Objection to license extension application

**Categories:** Faye

Dear Sir/Madam

I would like to object to the recent application from Newton Park Hotel, Newton Solney to extend its licensing hours. I hope I am not too late but was unaware of their application until last night.

**Noise Disruption**

My family and I live at Main Street in Newton Solney which is directly opposite the entrance to the hotel. From our house we can hear music and also loud conversation during functions particularly when people are congregated outside on the carpark. A later license would further increase the impact of this noise on us and our family.

**Anti-Social Behaviour**

I am concerned that an extension to the licensing hours would increase the amount of anti-social behaviour around the hotel area and in the village. Guests attending hotel functions end up waiting for taxis outside at the end of the night – often sitting on the wall at the entrance to the hotel. This leads to even more noise and there have been occasions where late night arguments have taken place between guests.

**Dangerous Road Junction**

The entrance to the hotel is situated shortly after a bend on which numerous accidents have taken place. Again, an extension to the licensing hours would only exacerbate this potential danger.

Thanks for your attention in the matter. Let me know if you need any further information.

Best regards

Kerry Haines