

## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item

**5.**

Hearing Date: 21st May 2013

Contact Officer: Ruth Boam – 01283 595716

### DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE

<b>Applicants Name</b>	Welcome Break Services Limited
<b>Premises Name</b>	Welcome Break (Westbound)
<b>Address</b>	Motorway Service Area & Days Inn Lodge, A50 Westbound, Shardlow, DE72 2WA

#### 1. PURPOSE

To determine an application for a premise licence received by this Authority on the 17<sup>th</sup> April 2013 from Bond Pearce LLP on behalf of Welcome Break Services Limited. (**application attached at Appendix 1**).

#### 2. BACKGROUND

- 2.1 The applicant is seeking a new premises licence to permit the Sale by Retail of Alcohol, Recorded Music and Late Night Refreshment. The full details are indicated below in paragraph 3.

#### 3. APPLICATION DETAILS

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

Activity	Days	Times
Sale by Retail of Alcohol for consumption on and off the premises	Monday to Sunday	10:00hrs to 23:00hrs
Recorded Music - Indoors	Monday to Sunday	00:00hrs to 23:59hrs
Late Night Refreshment - Indoors	Monday to Sunday	23:00hrs to 05:00hrs
Hours premises to remain open to members of the public	Monday to Sunday	00:00hrs to 23:59hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at page 16 and 17 of the application form.

#### 4. CONSULTATION RESPONSES

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

Trading Standards - Representation received during the 28 day consultation period. Full details can be found in **Appendix 3**.

No other representations have been received.

## **5. AGREEMENT BETWEEN PARTIES**

- 5.1 The applicant has agreed to have the conditions requested by Derbyshire Police and Trading Standards (**Appendix 4**) added to their licence.
- 5.2 The applicant has requested the plans attached at **Appendix 5** replace the plans originally supplied with the application.
- 5.3 All parties have agreed to dispense with the need to hold a hearing.

## **6. DETERMINATION**

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

## **7. RIGHT OF APPEAL**

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

## **APPENDICES**

- 1. Application for a premises licence to be granted under the Licensing Act 2003
- 2. Derbyshire Constabulary representation regarding application.
- 3. Trading Standards representation regarding application.
- 4. Agreed conditions to be added to the operating schedule.
- 5. Revised plans



16 April 2013  
Guaranteed Next Day Delivery

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Bristol BS1 6DZ

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Licensing Department  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swandlincote  
Derbyshire  
DE11 0AH

naomi.jenkins@bondpearce.com  
Direct: +44 (0)845 415 6776

Our ref:  
NAO1/301191.89  
Your ref: -

Dear Sir or Madam

**Welcome Break (Westbound), Motorway Service Area and Days Inn Lodge, A50 Westbound, Shardlow, Derbyshire, DE72 2WA  
Application for New Premises Licence**

We have been instructed by Welcome Break Services Limited to make application for a new Premises Licence for the above premises.

We hope it is helpful to give a little background to this application. These premises are not excluded under s176 Licensing Act 2003 as they are not part of a site acquired by a special road authority. Despite not being excluded premises, until now an application has not been made for a licence as arrangements with the Highways Agency have precluded this.

However, the Highways Agency has now changed its stance and there is no objection by the Highways Agency to these applications being made. This was confirmed by Julie Prince, the Senior Policy Advisor at the Highways Agency, in an email dated 13 December 2011 to all motorway service area operators; she said that the Highways Agency will not object to applications for non-excluded sites. As set out above, this site is a non-excluded site.

The sale of alcohol for consumption on the premises is limited to the hotel. Off sales from the Forecourt Shop is open to the general public.

As you will be aware this site has a Premises Licence; this will be surrendered in due course following grant of a satisfactory replacement Premises Licence.

We enclose the following:

1. Completed form of application;
2. Cheque made payable to your Council for £635.00
3. A copy of drawings numbered:  
H7694/01 – Site Plan  
H7694/D'RBV/W/1 Revision D – Ground Floor Plan  
H7694/D'RBV/W/2 Revision A – First Floor Plan
4. Consent form signed by the proposed Premises Supervisor.

We confirm that a copy of this letter and all documents (save for the cheque) are being sent to all responsible authorities today by guaranteed post.

The appropriate notice will be displayed on the premises for 28 days starting on the Thursday 18 April 2013.



We confirm the notice will be published in the Burton Daily Mail on Friday 19 April 2013.

We shall be most grateful if you will kindly acknowledge safe receipt of this application.

Yours faithfully

*Bond Pearce LLP*

**Bond Pearce LLP**

*encls As Listed Above*

CC The Chief Officer of Police, Derbyshire Constabulary, Licensing Section, Derby Divisional HQ, St Mary's Wharf, Prime Park Way, Chester Green, Derby, DE1 3AB

The Chief Fire Officer, Fire and Rescue, Admin Office, South Area Office, Derbyshire Fire & Rescue Service, Ascot Drive, Derby, DE24 8GZ

Planning Service, South Derbyshire District Council, Civic Offices, Civic Way, Swandlincote, Derbyshire, DE11 0AH

Environmental Health Division, South Derbyshire District Council, Civic Offices, Civic Way, Swandlincote, Derbyshire, DE11 0AH

Health and Safety, South Derbyshire District Council, Civic Offices, Civic Way, Swandlincote, Derbyshire, DE11 0AH

Trading Standards, Derbyshire County Council, Cultural Community Services Department, Trading Standards Division, Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire, DE4 3FW

Safeguarding Children, CAYA, County Hall, Matlock, Derbyshire, DE4 3AG

South Derbyshire District Council as Licensing Authority, South Derbyshire District Council, Civic Offices, Civic Way, Swandlincote, Derbyshire, DE11 0AH

Local Health Authority, Derbyshire County PCT, Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire, DE4 3FW



**Consent of individual to being specified as premises supervisor**

I, Vivienne Joanne Dickens

*[full name of prospective premises supervisor]*

Of 32 Edmund Road, Spondon, Derby, DE21 7HH

*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

THE GRANT OF A PREMISES LICENCE

*[type of application]*

By Welcome Break Services Limited

*[name of applicant]*

relating to a premises licence application for

*[number of existing licence, if any]*

Welcome Break (Westbound), Motorway Service Area & Days Inn Lodge, A50 Westbound, Shardlow, Derbyshire, DE72 2WA

*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by Welcome Break Services Limited

*[name of applicant]*

concerning the supply of alcohol at:

Welcome Break (Westbound), Motorway Service Area & Days Inn Lodge, A50 Westbound, Shardlow, Derbyshire, DE72 2WA

*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below

Personal licence number:

PA10551348

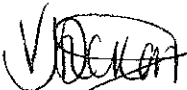
*[insert personal licence number, if any]*

Personal licence issuing authority:

Derby City Council

*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed:



Name (please print): VIVIENNE JOANNE DICKENS

Date:

30/04/13

7.





**Application for a Premises Licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**I/We** Welcome Break Services Limited  
*(Insert name(s) of applicant)*

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

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
Welcome Break (Westbound) Motorway Service Area & Days Inn Lodge A50 Westbound Shardlow			
<b>Post town</b>	Derbyshire	<b>Post code</b>	DE72 2WA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£220,000.00

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an Independent hospital in Wales  please complete section (B)

- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an Independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>I am 18 years old or over</b>					<input type="checkbox"/> Please tick yes
<b>Current postal address if different from premises address</b>					
<b>Post Town</b>				<b>Postcode</b>	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
<b>Current postal address if different from premises address</b>					
<b>Post Town</b>				<b>Postcode</b>	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year	
1	6	0	5	2	0
1	3				

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

Day		Month		Year	
1	1	1	1	1	1
1	1				

Please give a general description of the premises (please read guidance note1)

Motorway Service Area including hotel, shops, food facilities and filling station building. It is only the Forecourt Shop that is to be licensed for Off Sales. The Days Inn is the only area to be licensed for the sale of alcohol for consumption on the premises. The whole site is to be licensed for late night refreshment.

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

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

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

**Provision of regulated entertainment**

**Please tick yes**

- 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)

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

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

**In all cases complete boxes K, L and M**

**A**

<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"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri					
Sat			<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)		
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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri					
Sat			<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)		
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			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed			
Thur			<b>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</b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

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



**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 type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)			
Wed						
Thur			<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)			
Fri						
Sat						
Sun						

17.

**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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)  Recorded music at the management's discretion		
Mon	0000	2359			
Tue	0000	2359	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed	0000	2359			
Thur	0000	2359	<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)		
Fri	0000	2359			
Sat	0000	2359			
Sun	0000	2359	Background music (not a licensable activity) will be available without restriction as to hours		

**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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<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)		
Sat					
Sun					

**H**

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

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> <b>(Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	1000	2300			
Tue	1000	2300			
Wed	1000	2300			
Thur	1000	2300			
Fri	1000	2300			
Sat	1000	2300			
Sun	1000	2300			
			<b>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</b> (please read guidance note 5)		
			The hours to apply in the hotel for the sale of alcohol to hotel residents and the guests of hotel residents is without restriction as to hours. i.e., 24/7.		

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

<b>Name</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal Licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

**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**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b>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</b> (please read guidance note 5)
	0000	2359	
Tue			
	0000	2359	
Wed			
	0000	2359	
Thur			
	0000	2359	
Fri			
	0000	2359	
Sat			
	0000	2359	
Sun			
	0000	2359	

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

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

The motorway service area provides refreshment and other facilities for road users and has been open for a number of years. The company maintains a comprehensive compliance manual at all site and the company procedures deal with all aspects of the four licensing objectives.

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

The site is subject to supervision by security staff.  
Management and staff participate in training in the supervision of the premises.

**c) Public safety**

Compliance with fire safety procedures.  
Compliance with Environmental Health requirements.  
Measures in place for access and safe evacuation for disabled in case of fire or other emergency.  
Staff training to ensure company procedures implemented.

**d) The prevention of public nuisance**

The service area is not located near residential property.  
Site is subject to supervision by security staff.

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

Unaccompanied children have no access to the site.

There are no cigarette machines on site and cigarettes may only be purchased from the shops where staff training in relation to all age restricted products.

**Please tick yes**

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**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**



**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	[Signature]
Date	16 April 2013
Capacity	Solicitors for and on behalf of Applicant

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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 postal address for correspondence associated with this application** (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

## Notes for Guidance

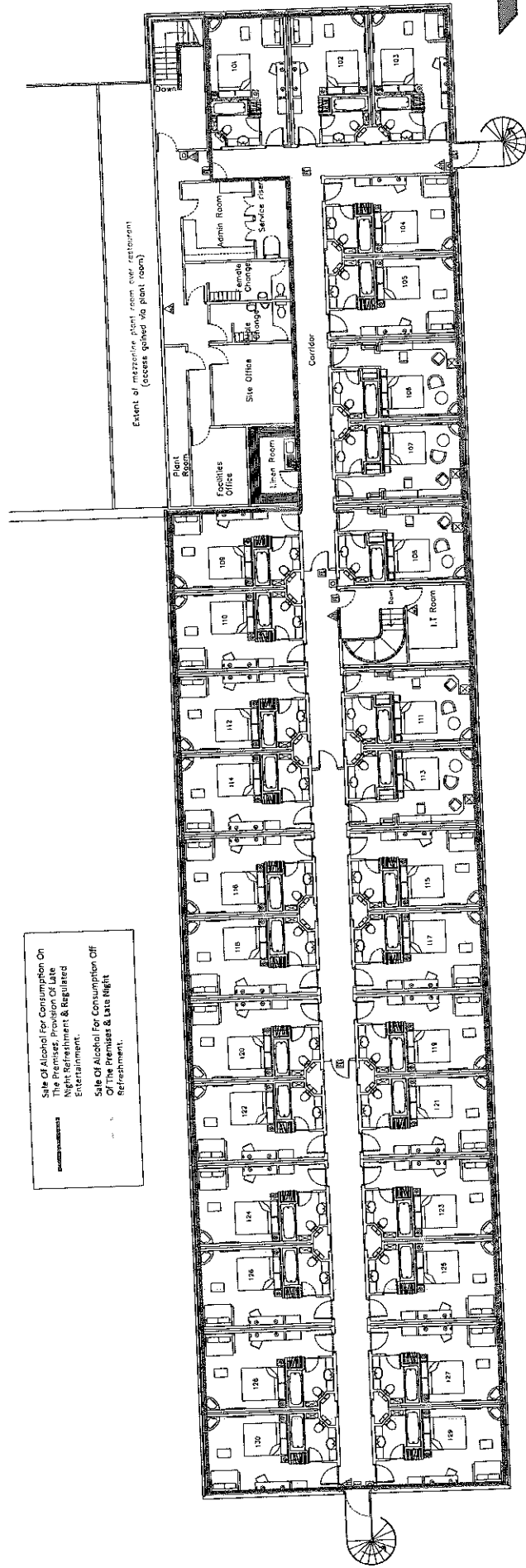
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you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



**SURVEY LEGEND**

H7894 - WELCOME BREAK  
2003 LICENSING ACT

	WELCOME BREAK
	RESTROOM
	AREA OF CONCERN
	WALL
	DOOR
	ELEVATOR
	FLOOR
	PLANT ROOM



Sale of Alcohol for Consumption On  
The Premises, for the purpose of  
Late Refreshment & Regulated  
Entertainment.

Sale of Alcohol for Consumption Off  
Of The Premises & Late Night  
Refreshment.

JMA  
2003 LICENSING ACT  
WELCOME BREAK  
2003 LICENSING ACT  
DERBY WEST

WELCOME BREAK

LICENSING ACT 2003  
DERBY WEST

FIRST FLOOR PLAN  
GENERAL ARRANGEMENT

26/04/2012  
Comment  
1:10 PM  
RT  
H7894/DERBY/W/2011/03/A

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

Contact: PC 2766  
MORLEY  
Direct Tel: 0300 122 5409  
Ext: 760 3036  
Fax:  
Our ref:  
Your ref: Welcome Break

Friday, 10 May 2013

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

BY E-MAIL & POST

Dear Sir / Madam,

**LICENSING ACT 2003 APPLICATION:**

**Application for Premises Licence –**

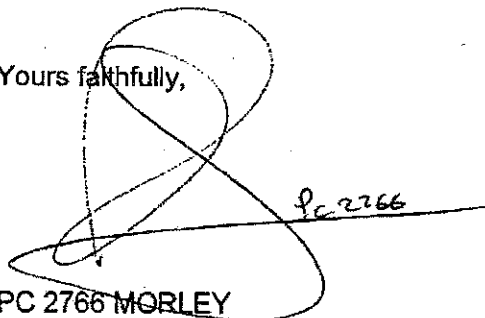
**Welcome Break (Westbound) Service Station,  
Days Inn Lodge, A50, Shardlow, DE7 2WA**

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

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

Further explanation is given at appendix A attached.

Yours faithfully,



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



**PLEASE NOTE:**

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

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

**APPENDIX 'A'****RE: Welcome Break & Days Inn**

The applicant is applying for a NEW Premises Licence that aims to replace the existing premises Licence for an off-licence establishment with the opening hours of the premise being 24hrs. This opening time reflects the necessity for fuel and stop over's within the Days Inn Hotel. The requested alcohol operating hours are 1000hrs – 2300hrs daily and are identical to that the premises offers under the provision of the current Premises Licence.

The purpose of the premises is generally a fuel forecourt with a large shop and restaurant within. The facilities include hot meals and the provision of general confectionary and reading material including maps. It is now proposed under this new application to increase the sale of alcohol from being just 'on the premises' for guests of the Days Inn to now include the petrol forecourt area to allow for 'off sales' of alcohol. This decision would apparently be based on economics with a view that the sale of alcohol would increase footfall, sales and revenue at the premise.

I draw your attention to the consideration of the footfall of the premises forecourt and I have duly noted the legislation that seeks to exclude these types of venues from selling / supplying alcohol under Section 176 of the Licensing Act (Primary Use). I have spoken with the applicants solicitors and it has been provided in letter format that accompanies the original application that in December 2011 the senior Policy Advisor to the Highways Agency has amended its stance on this section of the Licensing Act due to being a site that has not been acquired by a 'special road authority', they are therefore not an excluded premises under Section 176.

These premises will clearly be open at the time people will be going into the City and could be seen to encourage visitors to pre-load with alcohol prior to continuing their night out.

The behaviour of certain individuals when under the influence of alcohol is widely recognised and documented as being one of the main factors encouraging their anti-social behaviour and violence through the level of intoxication. My concern is that Adults and Children residing within the available rooms at Days Inn could be needlessly subjected to this unacceptable behaviour.

By applying for this licence I believe that it would lead to an increase in; litter, persons loitering and congregating and an increase in alcohol consumption within this Hotel and business area thereby giving cause for concern with regards to the support of the four Licensing Objectives;

Public nuisance  
Public safety  
Protection of children from harm  
Crime and Disorder

It is my opinion that within the locality of the premise there is the likelihood of an increase in the potential for Anti-social Behaviour and other crime that could be attributed to alcohol consumption, therefore undermining all of the licensing objectives.

On 17<sup>th</sup> April 2013 I received a new premises Licence application bundle and located on the rear were a set of plans, these plans are noted as;

**H7694 / 01 – Site Plan**

**H7694 / D'RBV / W / 1 Revision D – Ground Floor Plan**

**H7694 / D'RBV / W / 2 Revision A – First Floor Plan**

Both of these plans indicated in a 'red outline' that the proposed licensed area was to be inclusive of ALL of the rooms associated with the Days Inn Hotel. This gave me cause for concern and in my interpretation of this proposal I attended the premises to liaise with the Designated Premises Supervisor.

On attending and after speaking with the Site Director, Andy JAGGER, it became clear that it was not the intention of the premises to operate a 'mini bar' system so I requested that the plans be amended as part of the application.

On 8<sup>th</sup> May 2013 I received a copy of the newly revised plans that now showed the correct and more importantly the acceptable proposed licensed area, these plans have been forwarded to all of the Responsible Authorities and are identified as;

**H7694 / D'RBV / W / 1 Revision E – Ground Floor Plan**

**H7694 / D'RBV / W / 2 Revision B – First Floor Plan**

Given the fact that the offering has generally remained unchanged from the current Premises Licence I have no objections to the application so long as the latter revised plans are submitted to the application under Annex 4 (plans).

I am also aware that Trading standards have made a representation with regards to adopting a suitably robust age verification policy (challenge 25) and for the avoidance of duplication believe that this attachment of conditions should suffice in supporting the Licensing Objectives.





Both,

Please find attached a copy of the positive representation regarding the above representation. The original has today been posted to your offices. For your attention and consideration the positive representation refers to the amendment of the attached plans that were revised and received in our office on 08/05/2013. These plans should be the ones that appear on Annex 4. Given the fact that Trading Standards have submitted representations regarding the Ch 25 policy I shall have no further objections to the Premises Licence being granted so long as the TS conditions are applied to the Premises Licence and also the amended plans are attached.

Regards,

*Rich Morley*

Police Constable 2766  
Licensing Enforcement Officer  
Derbyshire Constabulary  
'D' Division Licensing Team  
Prime Parkway  
Chester Green  
DERBY  
DE1 3AB  
Tel: 0300 122 5409 (Internal 75 02766)  
E-mail: [richard.morley.2766@derbyshire.pnn.police.uk](mailto:richard.morley.2766@derbyshire.pnn.police.uk)  
Ext. E-mail: [derby.licensing@derbyshire.pnn.police.uk](mailto:derby.licensing@derbyshire.pnn.police.uk)  
Int. Group E-mail: [D.Licensing](mailto:D.Licensing)  
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33.

13/05/2013



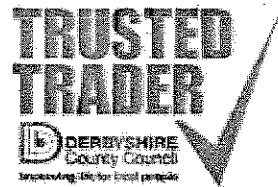
**From:** Dathan,Clair (Cultural & Community Services) [clair.dathan@derbyshire.gov.uk]  
**Sent:** 26 April 2013 10:37  
**To:** Tucker Faye; stuart.broome@south-derbys.gov.uk  
**Subject:** FW: Welcome Break - Your Reference NA01/301191.89

Please find a copy of an e-mail to Bond Pearce LLP objecting to the licence application for Welcome Break, Shardlow.

**Clair Dathan**  
**Principal Trading Standards Officer**

**Derbyshire County Council**  
**Cultural & Community Services Department**  
**Trading Standards Division**  
**Chatsworth Hall**  
**Chesterfield Road**  
**Matlock**  
**DE4 3FW**

**Tel 01629 539848**  
**Internal Extension 39848**  
**Fax 01629 536197**  
**E Mail [clair.dathan@derbyshire.gov.uk](mailto:clair.dathan@derbyshire.gov.uk)**  
**[www.derbyshire.gov.uk/tradingstandards](http://www.derbyshire.gov.uk/tradingstandards)**



---

**From:** Dathan,Clair (Cultural & Community Services)  
**Sent:** 26 April 2013 10:33  
**To:** 'naomi.jenkins@bondpearce.com'  
**Subject:** Welcome Break - Your Reference NA01/301191.89

Dear Sirs

I write further to receiving the application to supply alcohol at Welcome Break (Westbound), A50, Shardlow In my role as an officer of a responsible authority it is my opinion that the granting of this licence as applied for will have a detrimental impact on the licensing objectives, in particular the protection of children from harm, and therefore I wish to formally object to the granting of this licence.

In the application it states that unaccompanied children have no access to the site. I would point out that 17 year olds can drive to the site and they are underage in terms purchasing alcohol. The application mentions information about cigarettes but does not state what steps they will adopt to record training or refusals, to retain these records and produce them to authorised officers, what signage will be displayed, what the age verification policy is, what proof of age will be accepted, what signage will be displayed or how the applicant intends to monitor whether their staff implement their systems.

Referring to the statutory guidance made under section 182 of the Act, Paragraph 10.10 states

“Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule or club operating schedule. Some applicants for licences or certificates supported by legal representatives or trade associations can be expected to express steps necessary to promote the licensing objectives in clear and readily translatable terms. However, some applicants will express the terms of their operating schedules less precisely or concisely. Ensuring that conditions are consistent with the operating schedule will then be more difficult. If conditions are broken this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. It must be clear to the holder of the licence or club, to enforcement officers and to the courts what duty has been placed on the holder or club in terms of compliance”

In order to address any potential ambiguity occasioned by the general nature of the steps indicated in the Operating Schedule we hereby make a representation to suggest the proposed steps are transposed into the following conditions which should be applied to the licence:

1. Full training is provided to staff 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 kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises 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 (or other min.18 restricted product) 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.

At least weekly, the Designated Premises Supervisor (or deputy, authorised in writing) will:

- examine the record and compare it against the normal operating pattern for the premises
- indicate any action required following that examination
- sign off/endorse the record to indicate the above points have been

36.

carried out

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

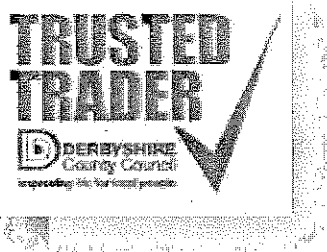
Could you please raise this issues with your clients. I will be happy to discuss these suggestions with you to ensure that the conditions reflect the steps the applicant proposes to take.

If you require any further assistance please contact me on 01629 539848 or by e-mail to [clair.dathan@derbyshire.gov.uk](mailto:clair.dathan@derbyshire.gov.uk)

**Clair Dathan**  
**Principal Trading Standards Officer**

**Derbyshire County Council**  
**Cultural & Community Services Department**  
**Trading Standards Division**  
**Chatsworth Hall**  
**Chesterfield Road**  
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37.

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38.

Clair - thank you for this.

Stewart – on this basis, given that we have agreed a position with both the police and the Trading Standard, we are happy for this to go to a determination hearing on the 21<sup>st</sup> May without there being any need for attendance.

With many thanks for your assistance.

Best wishes,

**Ewen Macgregor**

Partner

for and on behalf of Bond Dickinson LLP

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**From:** Dathan, Clair (Cultural & Community Services) [mailto:clair.dathan@derbyshire.gov.uk]  
**Sent:** 15 May 2013 14:21  
**To:** Macgregor, Ewen; Broome Stewart (Stewart.Broome@south-derbys.gov.uk)  
**Cc:** Jenkins, Naomi  
**Subject:** RE: Welcome Break - Your Reference NA01/301191.89 (Derby Shardlow) [BP-4A.FID25593311]

I understand I did not respond to this e-mail. I have just found a draft of a partial reply so obviously I got distracted and failed to send it. I apologise for this omission.

I accept the original conditions with the changes you have suggested in your e-mail.

Regards.

**Clair Dathan**  
**Principal Trading Standards Officer**

**Derbyshire County Council**  
**Cultural & Community Services Department**  
**Trading Standards Division**  
**Chatsworth Hall**  
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*Bond Dickinson*

www.bonddickinson.com

3 May 2013

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DX 200561 Bristol Temple Meads

naomi.jenkins@bonddickinson.com  
Direct: +44 (0)845 415 6776

Our ref:  
NAO1/301191.89  
Your ref:

Dear Sir or Madam

**Welcome Break (Westbound), Motorway Service Area and Days Inn Lodge, A50 Westbound, Shardlow, Derbyshire, DE7 2WA**  
**Application for New Premises Licence**

We write in relation to the above application for these premises.

Following our email communications with the Police Licensing Officer (Richard Morley), we now attach two revised plans (H7694/D'RBV/W/1 Revision E (ground floor) and H7694/D'RBV/W/2 Revision B (first floor)) removing the sale of alcohol for consumption on the premises from the bedrooms. We confirm that there are no structural changes.

We confirm that a copy of the amended plans have been forwarded to all responsible authorities.

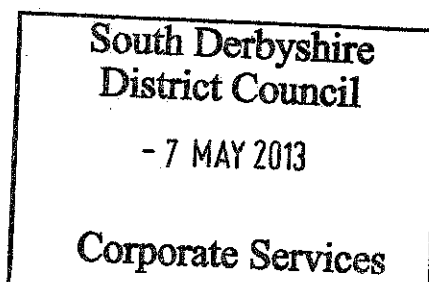
Thank you for your assistance.

Yours faithfully

*Bond Dickinson* **LLP**

**Bond Dickinson LLP**

*encs* 2 x Amended Plans



CC The Chief Officer of Police, Derbyshire Constabulary, Licensing Section, Derby Divisional HQ, St Mary's Wharf, Prime Park Way, Chester Green, Derby, DE1 3AB

The Chief Fire Officer, Fire and Rescue, Admin Office, South Area Office, Derbyshire Fire & Rescue Service, Ascot Drive, Derby, DE24 8GZ

Planning Service, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Environmental Health Division, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Health and Safety, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Trading Standards, Derbyshire County Council, Cultural Community Services Department, Trading Standards Division, Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire, DE4 3FW

Safeguarding Children, CAYA, County Hall, Matlock, Derbyshire, DE4 3AG

South Derbyshire District Council as Licensing Authority, South Derbyshire District Council, Civic Offices, Civic Way, Swandlincote, Derbyshire, DE11 0AH

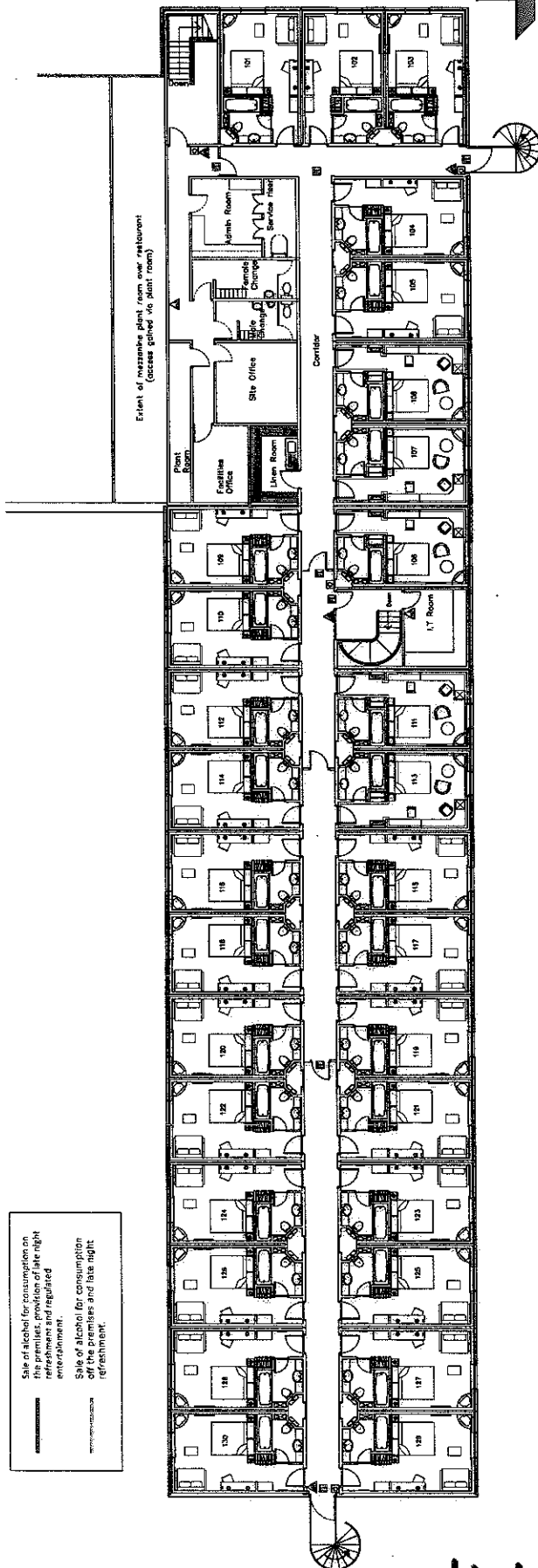
Local Health Authority, Derbyshire County PCT, Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire, DE4 3FW

42.



SURVEY LEGEND	
17294 - WELCOME BREAK 2023 LICENSING ACT	
[Symbol]	WALLS
[Symbol]	DOORS
[Symbol]	WINDOWS
[Symbol]	GLAZING
[Symbol]	CEILING
[Symbol]	FLOORING
[Symbol]	MECHANICAL
[Symbol]	ELECTRICAL
[Symbol]	PLUMBING
[Symbol]	HEATING
[Symbol]	Cooling
[Symbol]	Other
[Symbol]	Structural
[Symbol]	Other
[Symbol]	Other
[Symbol]	Other
[Symbol]	Other
[Symbol]	Other
[Symbol]	Other
[Symbol]	Other
[Symbol]	Other

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Sale of alcohol for consumption on the premises, provision of late night refreshment and regulated entertainment.  
Sale of alcohol for consumption off the premises and late night refreshment.

44.

Client: WELCOME BREAK  
Project: LICENSING ACT 2023  
DERBY WEST

Drawing: FIRST FLOOR PLAN  
GENERAL ARRANGEMENT  
Purpose: Comment  
Scale: 1:100 @ A1  
Date: 26/07/2022  
Drawn: RT  
Dwg. No: 17294/0787/M/2/01/plan: B