

Please ask for Democratic Services

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Democratic.services@southderbyshire.gov.uk

Our Ref

Your Ref

Date: 9th May 2022

Dear Councillor,

Licensing and Appeals Sub-Committee

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

A Meeting of the **Licensing and Appeals Sub-Committee** will be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote on **Tuesday, 17 May 2022** at **10:00**. You are requested to attend.

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

Yours faithfully,



Chief Executive

To:- **Labour Group**
Councillor Gee

Conservative Group
Councillor Haines and Councillor Redfern

AGENDA

Open to Public and Press

- 1** Apologies
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 **3 - 43**

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: Tuesday 17th May 2022

Contact Officer: Mark Lomas

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

Applicant's Name	Roger Lowe
Premises Name	Stable Ales
Address	The Old Stables Unit D Melbourne Hall Church Square Melbourne Derbyshire DE73 8EN

1. PURPOSE

- 1.1 To determine an application for the variation to a premises licence received by this Authority on the 18th March 2022 from Roger Lowe. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking to be granted a variation to the current premises licence, that was granted on the 29th June 2021, for the change of use of part of the interior of the premises. There will be no variation to the current premises licence with regards to licensable activities and the opening hours of the premises **(Appendix 2)**.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:
Amendment to the current layout/plan whereby the off-sales area will become an on and off-sales area with the intention of adding 10-15 stools around the perimeter of the stables to enable patrons to have the option of being able to sit down whilst socialising, consuming beverages and/or food.
- 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 and these steps are also conditions as part of the operating schedule for the current premises licence.

4. CONSULTATION RESPONSES

- 4.1 No representations were received from the Responsible Authorities.
- 4.2 4 representations were received from other persons.

Person 1 Representation received during the 28 day consultation period. Full details can be found at **(Appendix 3)**.

Person 2 Representation received during the 28 day consultation period. Full details can be found at **(Appendix 4)**.

Person 3	Representation received during the 28 day consultation period. Full details can be found at (Appendix 5) .
Person 4	Representation received during the 28 day consultation period. Full details can be found at (Appendix 6) .

A plan is provided outlining the premises and the surrounding roads **(Appendix 7)**.

5. AGREEMENT BETWEEN PARTIES

There has been no agreement reached between the applicant and any persons making representations.

6. OTHER RELEVANT CONSIDERATIONS

- 6.1 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.
- 6.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 6.3 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.
- 6.4 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.
- 6.5 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.

7. DETERMINATION

- 7.1 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
 - 1. Grant the variation application to the premises licence in accordance with the application.
 - 2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
 - 3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
 - 4. Reject the whole of the application.
- 7.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises.
- 7.3 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.
- 7.4 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.

8. RIGHT OF APPEAL

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

9. APPENDICES

1. Copy of premises licence application - **(Appendix 1)**
2. Copy of current Premises Licence - **(Appendix 2)**
3. Copy of representation received – Person 1 **(Appendix 3)**
4. Copy of representation received – Person 2 **(Appendix 4)**
5. Copy of representation received – Person 3 **(Appendix 5)**
6. Copy of representation received – Person 4 **(Appendix 6)**
7. Plan of Premises and surrounding roads – **(Appendix 7)**



South Derbyshire
Application to vary a premises licence
Licensing Act 2003

For help
licensing@southderbyshire
 Telephone: 01283

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* required info

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

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

Your reference

You can put what you want here to help track applications if you make lots of the is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own work for.

Applicant Details

* First name

Roger

* Family name

Lowe

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

Business name

Stable Ales

If your business is registered, use its registered name.

VAT number

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of business is located.

Registered Address

Address registered with Companies House

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

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

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

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

1,475

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VARIATION

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

☒ Yes

☐ No

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

☐ Yes

☒ No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

The current layout/plan includes a retail space for off sales, we are proposing for this area now to be for mixed use, so to add 10-15 stools around the perimeter of the stables for customers to sit to eat and drink on the premises. A plan supporting this change of furniture arrangement is attached.

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PROVISION OF PLAYS

See guidance on regulated entertainment

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

☐ Yes

☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

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

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

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

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

☐ Yes ☒ No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

☐ Yes ☒ No

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

See guidance on regulated entertainment

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

☐ Yes ☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

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

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

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

☐ Yes

☒ No

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ADULT ENTERTAINMENT

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

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 08:00

End 23:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 08:00

End 23:00

Start

End

WEDNESDAY

Start 08:00

End 23:00

Start

End

THURSDAY

Start 08:00

End 23:00

Start

End

FRIDAY

Start 08:00

End 23:00

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

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

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

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

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LICENSING OBJECTIVES

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

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

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

Continued from previous page...

Full training will be given to staff on commencement of employment relating to the sale of alcohol and any system or procedures they are expected follow in the course of dealing with these goods.
Refresher training will be given at regular intervals - not less than 6 months
Records detailing the training provided will be kept on the premises for production upon request from Police or other responsible authority
All records must be written and recorded and shall be retained on the premises for a minimum of 12 months
A challenge 25 system shall be in place at all times
Anyone attempting to purchase alcohol that appears under the age of 25 shall be asked to produce proof, all refusals will be recorded in the refusal log, kept on site.

b) The prevention of crime and disorder

The only acceptable forms of ID when challenged will be:
PASS - Government approved accredited proof of age card
Photo driving license
Current Passport
HM Forces Identification card
Clear prominent and unobstructed signage informing customers of the proof of age scheme in operation shall be displayed at all entry points to the premises and at the point of sale
A system recording sales challenged under the proof of age scheme shall be operated at all times. The refusal book shall be kept on the premises for production upon request by the police or other responsible authority.
The records relating to the refusal log shall be retained on the premises for a minimum of 12 months.
The premises license holder shall ensure that a written incident log is maintained within the premises and details of all relevant incidents are recorded within the log. This log shall be kept on the premises for a period not less than 12 months and shall be produced upon request by the police or other responsible authority.
It will be made clear on the website that in relation to the delivery service a Challenge 25 policy is in operation and that alcohol will not be delivered to anyone that appears under 25 and who does not have acceptable identification
Anyone making a telephone order will be given the same information
Any couriers delivering the alcohol will have the age verification policy in place
Any alcohol packaged for delivery by a courier will be clearly labeled that it contains alcohol
An age verification notice will be displayed upon the home page of the website and again on ordering page

c) Public safety

Any movement of stock shall take place prior to 23:00hrs to keep disturbance to a minimum.
A full risk assessment will be carried out to ensure potential hazards are identified and appropriate measures will be in place such as signage to identify any risks or hazards.
A CCTV system is installed and the recording system is in good working order and is in operation at all times. Records are kept for a minimum of 28 days

d) The prevention of public nuisance

Due to operating times and through the promotion of the facility being used by families we will ensure any nuisance is kept to a minimum. Regular consultation with local community groups and parish councils will ensure any issues are resolved quickly.
No customers shall be allowed to remove any alcoholic or other drinks from the licensed area in an open container, unless to an external area set aside for consumption indicated on the plan
The premises license holder shall comply with the noise management strategy.
A telephone number shall be made available to residents to contact in case of noise disturbance or anti social behavior by persons associated with the premises. A record will be kept by management of calls in the incident log.

e) The protection of children from harm

Children shall be supervised at all times by a responsible adult when they are on the licensed premises.

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NOTES ON REGULATED ENTERTAINMENT

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

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

Continued from previous page...

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

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000-14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

DECLARATION

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

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

Continued from previous page...

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

* Full name

Roger Lowe

* Capacity

Owner

* Date

17 / 03 / 2022
dd mm yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-derbyshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐

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

Premises Licence Part A

Premises Licence Number **LAPRE/0393**

Part 1 – Premises Details

Postal Address of premises, or if none Ordnance Survey map reference or description

**Stable Ales
Stable & Brewhouse
Melbourne Hall Visitor Centre
Church Square
Melbourne
Derby
DE73 8EN**

Telephone Number

Where the Licence is time limited the dates

Licensable Activities authorised by the licence

Live music – indoors & outdoors

Recorded music – indoors & outdoors

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

The times the licence authorises the carrying out of licensable activities

Live & recorded music

Monday – Sunday:

10:00hrs – 21:00hrs

Sale by retail of alcohol

Monday – Sunday:

10:00hrs – 21:00hrs

Electronic Sales

24hrs

The opening hours of the premises

Monday – Sunday:

08:00hrs – 23:00hrs

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: 29th June 2021

Date Last Amended:

Part 2

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

Roger Lowe
Stable Ales
Unit D, Melbourne Hall Visitor Centre
Church Square
Melbourne
Derbyshire
DE73 8EN

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

[REDACTED]

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

Roger Lowe

[REDACTED]

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

Reference:

[REDACTED]

Issued by:

[REDACTED]

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
- (ii) 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. Full training shall be provided to all staff on commencement of employment relating to all age-restricted products sold and any system or procedures they are expected to follow while dealing with these goods.
 - a. Refresher training shall be provided at regular intervals – at least every 6 months.

- b. Records detailing the training provided shall be kept on the premises for production upon request of a Police Officer or other authorised person.
 - c. All records must be written and shall be retained on the premise for a minimum of 12 months.
2. A challenge 25 Proof of age scheme shall be operated at all times.
- a. Anyone attempting to purchase alcohol (or other age restricted product) that appears under the age of 25 years shall be asked to produce a proof of age.
 - b. The only acceptable forms of identification shall be:
 - PASS – accreditation proof of age card.
 - Photo Driving Licence.
 - Current Passport.
 - Her Majesty's Forces ID Card.
 - c. Clear, prominent and unobstructed signage informing customers of the proof of age scheme in operation, shall be displayed within the premises.
 - d. A system of recording sales refused under the proof of age scheme shall be operated at all times.
 - e. The refusal book/log shall be kept on the premises for production upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.
 - f. The records relating to the refusal book/log shall be retained on the premises for a minimum of 12 months.
3. It shall be made clear on the website that in relation to the delivery service, a Challenge 25 policy is in operation and that alcohol shall not be delivered to anyone who appears to be under 25, who does not have an acceptable form of identification.
- a. Anyone making a telephone order shall be given the same information.
 - b. Any couriers delivering the alcohol shall have an appropriate age verification policy place and all alcohol packages shall be clearly labelled that they contain alcohol.
4. The DPS shall ensure that a written incident log is maintained within the premises and details of all incidents are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months and shall be produced upon request of a Police Officer or other authorised person.
5. The DPS shall ensure that a written refusals log is maintained within the premises and details of all challenges and refusals are recorded within the log. This log shall be kept on the premises for a period of not less than 12 months

and shall be produced upon request of a Police Officer or other authorised person.

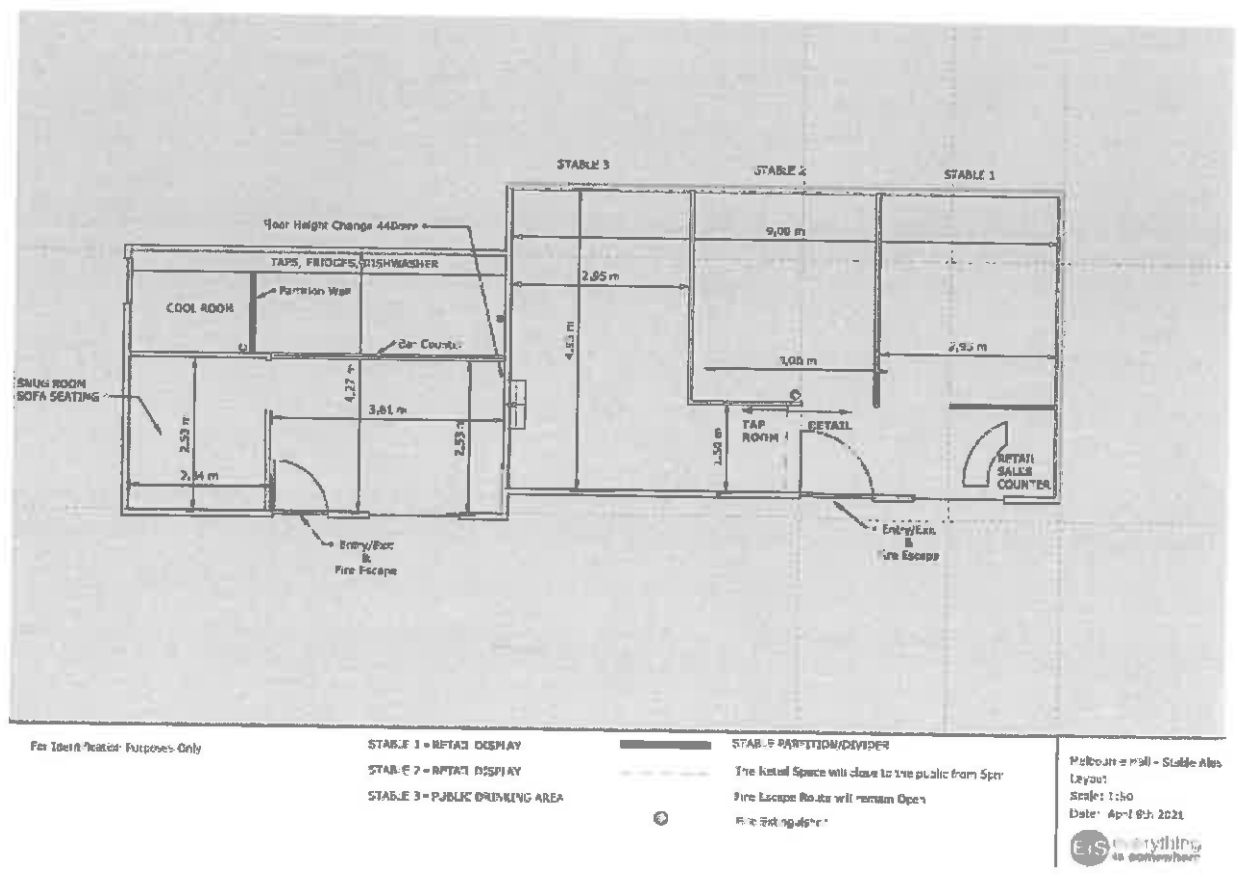
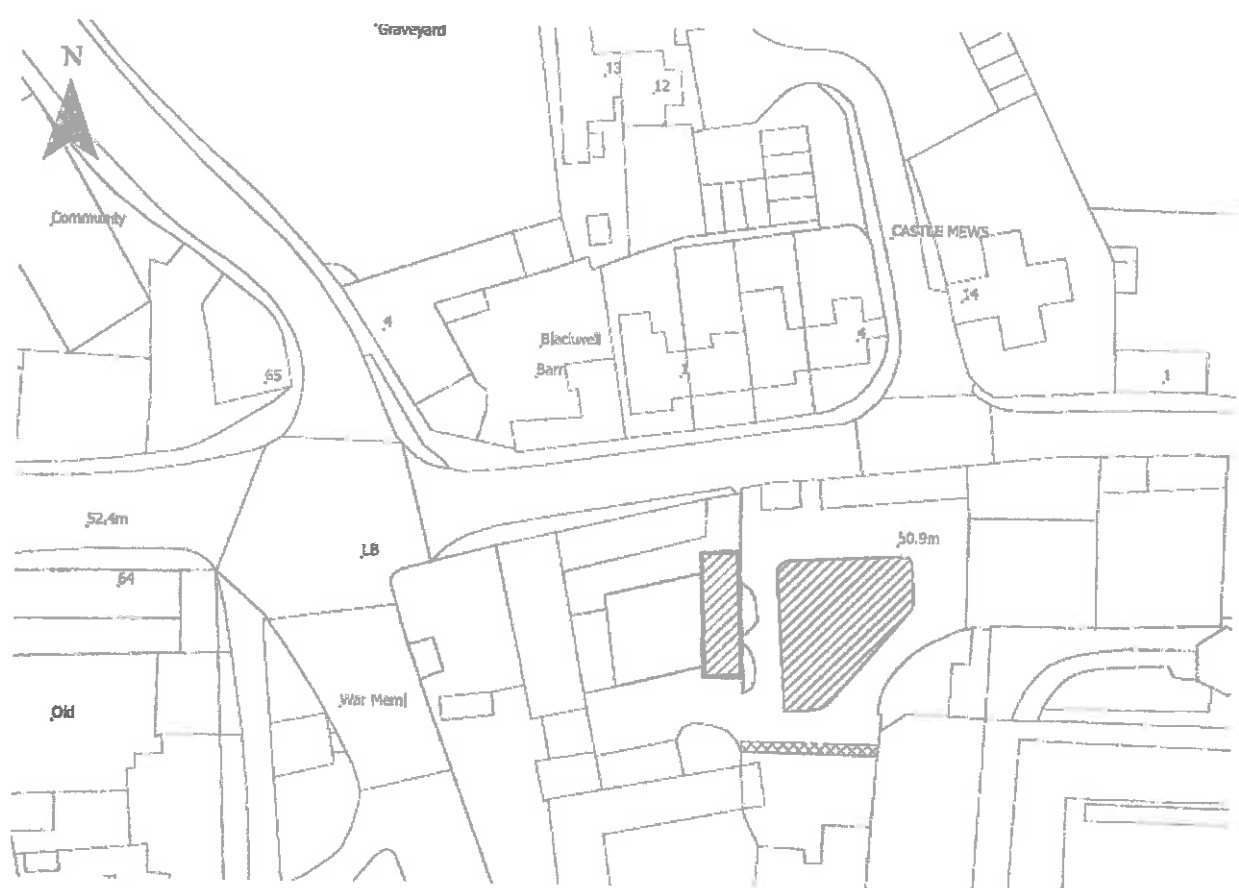
6. The Premises Licence Holder shall devise and adhere to a drugs policy when the premises are open for licensable activities.
 - a. Training in this policy shall be given to all staff working at the Premises and records shall be kept for a period not less than 12 months.
7. The Premises Licence Holder or nominated person shall ensure that clear, prominent, and legible notices are displayed internally at all exits, requesting customers and other users to leave the premises and the area local to the premises, quietly and in an orderly manner respecting the needs of local residents.
8. A CCTV system shall be installed all times and the recording system must be maintained in good working order and any faults repaired as soon as possible. (It is recommended that all maintenance paperwork be kept to show that the retailer has shown all due diligence in maintaining the system).
 - a. The CCTV recording system must be operating at all times when the premises are open for licensable activities.
 - b. All CCTV recordings must be retained for a minimum of 28 days. These images must be available for viewing at any reasonable time upon request of a Police Officer or other authorised person as detailed within Section 13 of the Licensing Act 2003.
 - c. The Premises License Holder, Designated Premises Supervisor or person in charge of the premises must be able to retrieve and copy any recording/images at the time of asking or within 48 hours if so required. (The police will not meet the cost for a recording or materials used for a reproduction of the image in respect of any crime and disorder; all costs are to be met by the owner of the system. If the incident was unrelated to the premises, the retrieval, if a cost incurred, would be met between the agencies requiring the image).
 - d. The CCTV recording unit is to be kept secure, to be opened only by the Premises Licence holder, Designated Premises Supervisor, or authorised, designated member of staff.
 - e. Installed CCTV cameras are to be positioned so as to ensure that all parts of the premises to which the public has access are sufficiently covered (save for any toilet areas).
 - f. All cameras installed will be of a standard that will offer optimum image quality in low light.
 - g. All digital recordings to be made in real time (time lapse not to be used).


9. No customer shall be allowed to remove any alcoholic or other drinks from the licensed area of the premises in an open container (e.g. glasses and open bottles) unless to an external area set aside for consumption indicated on a plan.
10. Customers consuming alcohol outside in the courtyard area must be seated at a table at all times.
11. The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 08.00hrs hours or after 23.00 hours.
12. Children shall be supervised at all times by a responsible adult within the licensed premises.

Annex 3 – Conditions attached after Hearing

1. The Premises Licence Holder shall comply with the Noise Management Strategy.
2. A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for location residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.
3. No deliveries (in relation to licensable activities) to the premises shall take place between 18:00 hours and 08:00 hours.

Annex 4 – Plans





Licensing
South Derbyshire District Council
Civic Way
Swadlincote
DE11 0AH

19th April 2022

Dear Sirs

Stable Ales. The Courtyard, Melbourne Hall, Melbourne

I refer to the license application submitted by Mr Roger Lowe of Stable Ales, The Courtyard, Melbourne Hall, Melbourne to which I wish to object. I would be grateful if you will take my comments into account during your deliberations.

Mr Lowe has operated Stable Ales for some while but consistently displays a contempt for the existing license conditions imposed upon him. Further he is dismissive of noise nuisance which emanates from his premise in Melbourne which is proving detrimental to the local population. The noise nuisance is the subject of a formal complaint to the Leader of the Council copied to the Licensing Committee.

Mr Lowe is asked within his current license conditions to display a notice in a prominent position that contains a telephone number whereby residents who experience disruption may complain. There is no such notice displayed which is a contravention of his current license conditions.

Mr Lowe cannot carry out any activity pertaining to the licensed premise before 08:00hrs. Mr Lowe has bottle collections from the premises at 06:00hrs, a contravention of his current license conditions.

Mr Lowe now seeks to increase the seating element within his premise which is an escalation from his current activity. Mr Lowe has clearly demonstrated his inability to comply with his current license and is not a fit person to operate a premise of this type.

I would request that the committee shows restraint in granting further license which seeks to extend and expand the activities of Stable Ales, as to allow expansion at this time would seem to condone the actions of the applicant and to dismiss the disruption currently being created in this area of Melbourne.

Yours faithfully



South Derbyshire District Council
Licensing Section
Civic Way
Swadlincote
Derbyshire
DE11 0AH

19 April 2022

Dear Sirs

Objection to the Amendment to License Application made on behalf of Stable Ales by Mr R Lowe.

I write to register my objection to the amendment to license application submitted by Mr R Lowe on behalf of Stable Ales, part of the craft unit complex within the grounds of Melbourne Hall. The application to increase the number of patrons inside and out will significantly affect the noise nuisance already suffered by neighbouring properties.

The licensing committee should be wary of the amended application as Mr Lowe does not comply with the conditions of the original license granted in June of 2021, as there is no phone number displayed in a prominent location for members of the public to register their complaints. There have been three occasions in the last week when I would have had recourse to use this number to complain. During the live acts on Wednesday 13th April and Saturday 16th April there was no area of my house where I could avoid the music, and the glass collection at 6am on a Bank Holiday woke all of us who live adjacent to Stable Ales.

I should be obliged if the licensing committee will take my concerns into consideration during their deliberations.

Yours faithfully



SOUTH DERBYSHIRE DISTRICT COUNCIL

Licensing Act 2003

Representation by an "Other Person" as defined by the above 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 Authority to consider withholding their details is advised to contact the Licensing Department prior to submitting this form.

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 the expiry of the 9th working day after the application was given for minor variation 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 Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	[REDACTED]
Address:	[REDACTED]
Postcode:	[REDACTED]
Tel:	[REDACTED]
E-mail:	[REDACTED]

Please confirm name and address of person, represented person or business affected, if different from the address given above: i.e. this could be a shop premise 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:	Roger Lowe
Address of Premises	Stable Ales/The Brewhouse, Melbourne Hall, Church Square, Melbourne
Application Details:	Premises License Variation

Please give details of 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



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

I am concerned that the applicant wishes to increase seating for his business, especially externally. This would suggest he wishes to increase footfall.

To be granted this license variation the applicant should be mandated to follow the existing license conditions - especially conditions related to the Noise Management Strategy v1.1.

As neighbours we are regularly subjected to noise from the live amplified outdoor entertainment. According to the applicants own Noise Management Strategy this was supposed to occur only once per month on an ad-hoc basis. The type of music is supposed to be in keeping with the setting. Please see section 4 of the Noise Management Strategy v1.1 that was agreed as a license restriction by SDDC Licensing.

We are currently subjected to live music at the weekly food court events and again at weekends. I have contacted the applicant on several occasions to complain. However, I am unsure if I am using the correct formal number as no phone number has been posted near the business. This was also a license condition and does not appear to be followed.

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

Simple. Just follow (to the letter) the existing license conditions that were documented and laid down by the SDDC Licensing Committee.

Once the Licensing Section has received this form you will receive a written acknowledgement and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

If referred to a sub committee hearing:

Please tick this box if you do not intend to be present

Please tick this box if you do not intend to be represented

Please tick this box if you would like to remain anonymous

If you wish to withdraw your representation you may do so by confirming this in writing before the end of the last day of the 28 day consultation period.

Signed: [REDACTED]

PRINT NAME: [REDACTED]

Date: 19th April 2022.....

Please return this form to the following address:

South Derbyshire District Council
PO Box 6927
Civic Offices
SWADLINCOTE
DE11 0AH

Or e-mail the completed form to licensing@southderbyshire.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 above 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.

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- 2. Public Safety**
- 3. Prevention of Public Nuisance**
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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 the expiry of the 9th working day after the application was given for minor variation 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 Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	[REDACTED]
Address:	[REDACTED]
Postcode:	[REDACTED]
Tel:	[REDACTED]
E-mail:	[REDACTED]

Please confirm name and address of person, represented person or business affected, if different from the address given above: i.e. this could be a shop premise 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:	Roger Lowe
Address of Premises	Melbourne Hall, Melbourne
Application Details:	Application to vary a premises license

Please give details of 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

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

Details of representation.....

LICENSING OBJECTIVES OVERALL

How is the public to know if the declarations in this variation [and indeed in the original application which this proposes to amend] would be being carried out as required, including those in the proposed management plans?

The starting point for that has to be having access to each management plan so that we'll know what Mr Lowe has agreed to do in regard to any of the four licensing objectives, which are meant to keep the public from harm stemming from the activities of or related to the business.

To that end we ask that if this variance is granted that Mr Lowe be required thence to make available a copy of each management plan for Stable Ales — doing so automatically as each is filed with the licensing department. We can then have a basis for knowing if the portions of that plan that affect us have been carried out. Whether or not these are made available to the wider public, they should be made easily available to those of us who will be affected by them.

Doing this would present no hardship or undue burden for Mr Lowe as it would take virtually no additional time beyond sending it as required to the licensing department — sending it also to an agreed online access point set up for the purpose that doesn't require sign-up to a social media site.

Public safety

'Any movement of stock shall take place prior to 23:00 hours to keep disturbance to a minimum.' A minimum starting hour should also be designated, so that working neighbours aren't awakened early on weekends, and so that any ill or infirm neighbours aren't disturbed during early hours of the weekday either.

These changes are meant to bring additional people to Stable Ales. Thus there is a concern that the means by which they arrive and leave [particularly as they would be leaving after drinking] could exacerbate the existing risks where three limited-sight roads converge at the single approach to Stable Ales. That area is perpetually stressed, and this variance proposes yet more on an ongoing basis, day after week after month all through the year.

As the numbers there continue creeping up, as being proposed in this variance, so do the risks to public safety at that same rate. If this variance were to go forward, the licensing department would be permitting this increased risk.

Prevention of public nuisance

Under the terms of its original license Stable Ales has been obligated to keep a noise-complaint telephone number posted since it first opened — but it hasn't done so. Here

again Mr Lowe promises to do so. But obviously there is no precedent for believing that he will do so unless the licensing department sends someone to the premises to see that it gets done, so we ask that that be done.

That number should be posted where it's readily visible and available not just to people who are within the Stable Ales premises, but to those outside of the Melbourne Hall grounds who feel adversely affected by the noise and wish to report it to the person who should be keeping it under control.

The application further says, 'A record will be kept by management of calls in the incident log.' Will that record be made available to the public? If not, we ask the licensing department to tell us how anyone can know if their nuisance-complaint call actually has been recorded there and is being kept as part of the ongoing records of the business. If this variance goes forward, a stipulation must be made for Mr Lowe to provide a reasonable, readily accessible means for the official documentation he's required to keep for this purpose to be available particularly to anyone who has called to complain, so that they can be assured that this record is indeed being kept.

The protection of children from harm

Again, how is the public to know if what the applicant promises to do in this application actually is being done?

This says, 'Children shall be supervised at all times by a responsible adult when they are on the licensed premises.' Although Stable Ales plans to entice children to the premises [with parents and others who may take them, who will drink]*, this statement seems primarily designed to absolve Stable Ales and its owner of all responsibility for those children rather than setting any standards or expectations for the situation.

*[*Documented in **The prevention of public nuisance** which includes this plan: ... 'through the promotion of the facility being used by families' ...]*

What is the upper age of 'children' for this purpose?

Does Stable Ales propose to provide a 'responsible adult' for supervision of all children there? Or will any entering children be required to report to a designated place along with a 'responsible adult' to a fixed location where a member of staff can confirm that a 'responsible adult' has brought and accepted responsibility for the accompanying child/children?

Further details may be beyond the scope of this application [what action will be taken if children are found to be unsupervised or not appropriately supervised, for example], but certainly the above basics should be set out.

Any time — but especially on busy evenings, or when entertainment is on — it may not always be easy to connect a given child with his/her 'responsible adult', or even to be

certain that every child who's there is with a 'responsible adult'. Yet Stable Ales says here that they will be so supervised at all times. Nothing here assures that that can be done.

If Stable Ales is not to exclude children, then it needs to stipulate more than just a loose evasion clause to cover any untoward situations that may arise in their regard. Not to do so is expressly to expose children to the potential for harm, as they're being invited and brought to a business whose primary business is the sale and consumption of alcohol.

Licensing Section,
Civic Offices, Civic Way, Swadlincote Derbyshire DB11 0AH 01283 221000

Once the Licensing Section has received this form you will receive a written acknowledgement and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

If referred to a sub committee hearing:

Please tick this box if you do not intend to be present

Please tick this box if you do not intend to be represented

Please tick this box if you would like to remain anonymous

If you wish to withdraw your representation you may do so by confirming this in writing before the end of the last day of the 28 day consultation period.

Signed: 

PRINT NAME: 

Date: 20 April 2022

Please return this form to the following address:

South Derbyshire District Council
PO Box 6927
Civic Offices
SWADLINCOTE
DE11 0AH

Or e-mail the completed form to licensing@southderbyshire.gov.uk

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



