



F B McArdle
Chief Executive
South Derbyshire District Council,
Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH.

www.southderbyshire.gov.uk

@SDDC on Twitter
@southderbyshiredc on Facebook

Please ask for Democratic Services
Phone (01283) 595722/ 595848
Typetalk 18001
DX 23912 Swadlincote
Democratic.services@southderbyshire.gov.uk

Our Ref
Your Ref

Date: 19th August 2021

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**, on **Monday, 23 August 2021 at 10:00**.

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

Yours faithfully,

Chief Executive

To:- **Labour Group**
Councillors Gee (Chair) and
Councillor Dunn.

Independent Group
Councillor Angliss.



AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE **3 - 24**

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: Monday 23rd August 2021

Contact Officer: Mark Lomas

HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE

Applicant's Name	Neil HAY
Premises Name	The Colville Arms
Address	Main Street, Lullington, Derbyshire, DE12 8EG

1. PURPOSE

- 1.1 To consider an objection notice made by Environmental Health in response to a Temporary Event Notice (TEN) made by Mr Neil Hay at The Colville Arms, Main Street, Lullington, Derbyshire, DE12 8EG for an event on Saturday 4th September 2021. A copy of the TEN is attached at **Appendix 1**.

2. BACKGROUND

- 2.1 The premises user submitted a TEN that was received by the Licensing Authority on Friday 13th August 2021 regarding the intended use of the premises for the sale by retail of alcohol to the public and regulated entertainment in a marquee at the above premises. The nature of the event for which the notification has been received is a wedding.

3. APPLICATION DETAILS

- 3.1 The TEN notifies the Licensing Authority that the above licensable activities will take place at the following days and times:

Activity	Days	Times
The sale by retail of alcohol	Saturday	1300hrs to 2330hrs
The provision of regulated entertainment	Saturday	1930hrs to 2330hrs

- 3.2 A permitted temporary activity is a licensable activity that is carried on in accordance with a Temporary Event Notice under section 100 and in compliance with the provisions of Part 5 of the Licensing Act 2003.
- 3.3 A TEN is subject to various restrictions and limits. Where the requirements for obtaining a TEN cannot be met, the licensable activity can only be authorised by way of a premises licence.
- 3.4 Officers are satisfied that this TEN has been properly served and the criteria in respect of TEN's have been met.

4. CONSULTATION RESPONSES

- 4.1 In respect of a TEN, if the ^{Page 3 of 24}Chief Officer of Police or Environmental Health is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, he must give a notice to the

Licensing Authority and premises licence user detailing the reasons for the objection.

- 4.2 An objection notice has been received from Environmental Health on Friday 13th August 2021 on the grounds of the prevention of public nuisance. A copy of the objection notice is attached at **Appendix 2**.

5. OTHER RELEVANT CONSIDERATIONS

- 5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.
- 5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

6. DETERMINATION

- 6.1 If having regard to the objection notice, The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
1. Allow the licensable activities to take place as stated in the TEN;
 2. Impose one or more of the existing licence conditions from the premises licence on the TEN (insofar as such conditions are not inconsistent with the event). A copy of the premises licence is attached at **Appendix 3**.
 3. Issue a counter notice under section 105 of the Licensing Act 2003 meaning that the event cannot take place.

7. RIGHT OF APPEAL

- 7.1 Members should note that the premises user or persons making representations have the right of appeal against any decision made by the Sub-Committee. However, no appeal may be brought later than 5 working days before the day on which the TEN begins.

8. APPENDICES

1. Temporary Event Notice submitted by Mr Neil Hay and received by the Licensing Authority on Friday 13th August 2021.
2. Representation submitted by Mr John Mills (Environmental Health Department) on Friday 13th August 2021 following receipt of the TEN.

3. Copy of the Premises Licence for The Colvile Arms, Main Street, Lullington, Derbyshire DE12 8EG



**South Derbyshire
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@southderbyshire.gov.uk
Telephone: 01283 221000

* required information

Section 1 of 9

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

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

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- ☒ Applying as a business or organisation, including as a sole trader
- ☐ Applying as an individual

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

Applicant Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

☐ Yes

☒ No

Your date of birth

/ /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes

☐ No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☒ Yes

☐ No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes

☐ No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither

☒ Premises licence

☐ Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Marquee on the grounds of The Colville Arms Public House

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Public House

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

Wedding

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
[\(see also guidance on completing the form, note 6\)](#)

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☐ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date

04

 /

09

 /

2021

dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

04

 /

09

 /

2021

dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

13.00 - 23.30

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

100

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Disco 19.30 - 23.30

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of Issue

/ /
dd mm yyyy

Any further relevant details

Page 11 of 24

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐ Yes☒ No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐ Yes☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐ Yes☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes☒ No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes

☒ No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

* The information contained in this form is correct to the best of my knowledge and belief

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

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

* Full name

Neil Hay

* Capacity

Landlord

* Date

12 / 08 / 2021
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/temporary-event-notice/south-derbyshire/apply-1> to upload this file and continue with your application.

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

OFFICE USE ONLY

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

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES
TEMPORARY EVENT NOTICE

Responsible Authority (please delete as applicable):
Police / Environmental Protection

Name	John Mills
Job Title	Principal Environmental Health Officer
Postal and email address	Civic Offices, Swadlincote. John.mills@southderbyshire.gov.uk
Contact telephone number	01283 595903

Name of the premises you are making a representation about	Colville Arms
Address of the premises you are making a representation about	Main Street Lullington

Which of the four licensing objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	Previous events of this nature at the premises have caused a statutory nuisance to neighbouring residents. EH served a noise abatement notice, and gave licensee advice as to what was acceptable. This event is likely to breach the abatement notice and therefore also the licensing objective. The applicant has not contacted us in advance of the event, and has been previously advised that subsequent applications would likely be objected to by EH.
To protect children from harm	No	

Please detail any modifications that could be made to the temporary event notice to allow the licensable activities to take place.	<p>Demonstrate, prior to the event and to the satisfaction of the licensing authority, that the music noise level will not exceed 70 dB(A) at the site boundary when average over a 15 minute period.</p> <p>Please note that this decibel limit level is likely to prohibit the provision of a typical disco.</p>
---	--

Signed: 

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to licensing@south-derbys.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724

Premises Licence

Part A

Premises Licence Number LAPRE/0032

Part 1 – Premises Details

Postal Address of premises, or if none ordnance survey map reference of description

**Colville Arms
Main Street
Lullington
Swadlincote, Derbyshire
DE12 8EG**

Telephone Number

Where the Licence is time limited the dates

Licensable Activities authorised by the licence

Live music – Indoors & outdoors

Recorded music – Indoors

Performances of dance – 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
--

Monday – Sunday

12.00hrs – 00.00hrs

From the end of permitted hours New Year's Eve to the start of permitted hours the following day

The opening hours of the premises

From the start time of the licensing activities to 30 minutes beyond the terminal times for licensing activities

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: 22.11.2005

Date Last Amended: 08.12.2017

Part 2

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

Mr Neil Hay & Mrs Rebecca Hay
Colvile Arms
Main Street
Lullington
Swadlincote
Derbyshire
DE12 8EG

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

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

Mr Neil Hay

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

Reference: **LAPER/1097** Issued by: **South Derbyshire District Council**

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

Where—

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

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

- (i) The holder of the premises licence,
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (i) 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. Premises to be inspected at closing time
2. Provision of bottle bins for disposal of empty bottles
3. Maximum capacity of 95 persons in the premises at any one time
4. Crime prevention notices will be displayed as appropriate

5. Beer garden only to be used until 22.00hrs
6. Children will not be permitted on the premises
7. Proof of age scheme will be promoted
8. In the event of events taking place with live music etc. all windows and doors will be kept closed except for access and egress

Annex 3 – Conditions attached after Hearing

Environ Biol Fish (2015) 98:1031–1041 <http://dx.doi.org/10.1007/s10641-015-0300-4> Springer

- 15 Illuminated Exit Sign
- DEL Emergency Light
- WU Water Fire Extinguisher
- F From Fire Extinguisher.

COLVILE ARMS - LULLINGTON.
BUILDING PLAN - GROUND FLOOR.
SCALE 1/100 DATE 2/05.

